



**Filed: 3/2/2005**

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1 AMENDMENT TO HOUSE BILL 476

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 476 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Section 53-10 as follows:

6 (30 ILCS 500/53-10)

7 Sec. 53-10. Concessions and leases of State property.

8 (a) Except for property under the jurisdiction of a public  
9 institution of higher education, concessions, including the  
10 assignment, license, sale, or transfer of interests in or  
11 rights to discoveries, inventions, patents, or copyrightable  
12 works, may be entered into by the State agency with  
13 jurisdiction over the property, whether tangible or  
14 intangible. Licenses of naming rights and sponsorship rights,  
15 as those terms are defined and used in Section 7.6 of the State  
16 Property Control Act, are not concessions and are not subject  
17 to this Code except to the extent provided in that Section 7.6.

18 (b) Except for property under the jurisdiction of a public  
19 institution of higher education, all concessions shall be  
20 reduced to writing and shall be awarded under the provisions of  
21 Article 20, except that the contract shall be awarded to the  
22 highest and best bidder or offeror.

23 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

1 Section 10. The State Property Control Act is amended by  
2 adding Section 7.6 as follows:

3 (30 ILCS 605/7.6 new)

4 Sec. 7.6. Naming and sponsorship rights; licenses.

5 (a) Administrator's authority. Notwithstanding any other  
6 provision of this Act or any other law to the contrary, the  
7 administrator is authorized to license naming rights and  
8 sponsorship rights only as provided in this Section. Naming  
9 rights and sponsorship rights regarding any property or other  
10 asset of the State, whether real, personal, tangible, or  
11 intangible, may not be sold, conveyed, leased, licensed, or  
12 otherwise granted by the administrator or by any other officer,  
13 employee, or agent of the State on or after the effective date  
14 of this amendatory Act of the 94th General Assembly unless  
15 authorized in this Section.

16 (b) Excepted properties. Naming rights and sponsorship  
17 rights may not be licensed with respect to any of the  
18 following:

19 (1) the State Capitol Building in Springfield,  
20 Illinois;

21 (2) the Old State Capitol Building in Springfield,  
22 Illinois;

23 (3) the Vandalia State House in Vandalia, Illinois;

24 (4) the Executive Mansion in Springfield, Illinois;

25 (5) the Executive Mansion, also known as the Hayes  
26 House, in Du Quoin, Illinois;

27 (6) the Abraham Lincoln Home in Springfield, Illinois,  
28 if it becomes State real property not under the  
29 jurisdiction of the federal government;

30 (7) the Lincoln Tomb in Springfield, Illinois;

31 (8) the Abraham Lincoln Presidential Library and  
32 Museum in Springfield, Illinois;

33 (9) all present and future Abraham Lincoln sites not

1 otherwise listed;

2 (10) all Illinois homes of all past, present, or future  
3 United States Presidents who have resided, currently  
4 reside, or in the future will reside in the State of  
5 Illinois;

6 (11) the burial sites of all past, present, or future  
7 United States Presidents;

8 (12) any State property or other asset under the  
9 jurisdiction and control of an executive branch  
10 constitutional officer other than the Governor, unless  
11 that other executive branch constitutional officer  
12 consents in writing;

13 (13) any State property or other asset under the  
14 jurisdiction and control of the legislative branch, unless  
15 the Joint Committee on Legislative Support Services  
16 consents in writing;

17 (14) any State property or other asset under the  
18 jurisdiction and control of the judicial branch, unless the  
19 Supreme Court consents in writing;

20 (15) any State property or other asset under the  
21 jurisdiction and control of a public institution of higher  
22 education, as defined in Section 1 of the Board of Higher  
23 Education Act, unless the applicable institution consents  
24 in writing; that consent may designate a particular fund or  
25 account of the institution into which fees under the  
26 license shall be deposited;

27 (16) any State property or other asset identified or  
28 named for a specific individual by Joint Resolution of the  
29 General Assembly or by statute as of the effective date of  
30 this Section or later; and

31 (17) any other State property or asset that on the  
32 effective date of this Section or later is designated a  
33 National Historic Landmark, listed as a State Historic Site  
34 under Section 6 of the Historic Preservation Agency Act, or

1 listed on either the Illinois Register of Historic Places  
2 or the National Register of Historic Places, unless the  
3 State property is a university sports stadium and the  
4 federal or State agency that made the designation has the  
5 authority to consent and does consent in writing.

6 (c) Terms and conditions of licenses. A license of naming  
7 rights or sponsorship rights may have a term of no more than 5  
8 years, is non-transferable, and is non-renewable (at the end of  
9 a term of a license, however, the licensee is eligible to  
10 compete for a new license as provided in subsection (d)). The  
11 licensee shall have the authority to place signs, placards,  
12 imprints, or other identifying information only on the  
13 properties or other assets specified in the license and only  
14 during the term of the license. The signs, placards, imprints,  
15 or other identifying information may contain nothing other than  
16 the name of the licensee, the licensee's logo, or both, except  
17 that with the written approval of the administrator they may  
18 contain other material. The license may, but need not, require  
19 the State to refer to a property or other asset by the name of  
20 the licensee during the term of the license, all within  
21 reasonable limitations and other than in statutes, rules, and  
22 existing supplies of forms and other documents. If a licensee  
23 materially breaches any term of a license and the Executive  
24 Ethics Commission recommends that the license be revoked, then  
25 the administrator may declare the license revoked. At least 25%  
26 of the total amount of license fees must be paid prior to the  
27 commencement of the term of the license. Any balance shall be  
28 paid on a periodic schedule agreed to by the administrator. All  
29 fees are non-refundable and shall be deposited into the General  
30 Revenue Fund, except that if a fund or account of a public  
31 institution of higher education has been designated in a  
32 consent given by that institution, fees under the applicable  
33 license shall be deposited into the designated fund or account.

34 (d) Competitive negotiation. A license of naming rights or

1 sponsorship rights may be granted only on the basis of the  
2 highest and best competitively negotiated proposals that yield  
3 the most advantageous benefits and considerations to the State.  
4 The administrator shall give notice that the administrator will  
5 accept proposals for the licensing of naming rights or  
6 sponsorship rights with respect to specified properties or  
7 other assets by publication in the Illinois Procurement  
8 Bulletin not less than 7 business days before the day upon  
9 which proposals will be accepted. The administrator shall give  
10 such other notice as the administrator deems appropriate.  
11 Proposals shall not be sealed and shall be part of the public  
12 record. The administrator shall conduct open, competitive  
13 negotiations with those who have submitted proposals in order  
14 to obtain the highest and best competitively negotiated  
15 proposals that yield the most advantageous benefits and  
16 considerations to the State. If a proposal satisfactory to the  
17 administrator is not negotiated, the administrator may give  
18 notice as provided in this subsection and accept additional  
19 proposals.

20 Subject to the provisions of this Section, the  
21 administrator shall have all power necessary to grant the  
22 license and enter into any agreements and execute any documents  
23 necessary to exercise the authority granted by this Section.  
24 The administrator shall have authority to order such surveys,  
25 abstracts of title, or commitments for title insurance as may,  
26 in the administrator's reasonable discretion, be deemed  
27 necessary to demonstrate good and marketable title to the  
28 naming rights or sponsorship rights.

29 (e) Qualification of proposers and licensees. An  
30 individual or entity that wishes to submit a proposal must be  
31 prequalified by the administrator. Neither the name, logo,  
32 products, services, nor business relationships of the proposer  
33 shall be such as to bring disrepute upon the State if  
34 associated with any State property or other asset. To

1 prequalify, a proposer must satisfy the administrator that the  
2 proposer meets all of the ethics requirements applicable to  
3 contractors and bidders and to their officers, agents, and  
4 employees under Sections 50-5 (bribery), 50-10 (felons), 50-11  
5 (debt delinquency), 50-13 (conflicts of interest), 50-25  
6 (inducement), 50-30 (revolving door), 50-35 (disclosure),  
7 50-40 (anticompetitive practices), 50-50 (insider  
8 information), 50-65 (suspension), and 50-70 (additional  
9 provisions) of the Illinois Procurement Code. Each license  
10 granted under this Section is deemed to contain a provision  
11 that it is a material breach of the license if the licensee  
12 becomes ineligible to be prequalified or otherwise becomes  
13 disqualified under this subsection.

14 (f) Approval by Executive Ethics Commission. Upon  
15 determining highest and best proposals, the administrator must  
16 deliver a written notice setting forth all of the pertinent  
17 facts relating to proposals, proposers, and proposed licenses  
18 to the Executive Ethics Commission. A license shall not be  
19 granted unless approved in advance by the Commission. If the  
20 administrator proposes to amend an existing license, the  
21 administrator must deliver notice of the proposed amendment to  
22 the Commission, and the amendment shall not be made unless  
23 approved in advance by the Commission. The Commission's review  
24 shall be based solely on ethical and ethics related standards  
25 imposed by the law and on avoiding the appearance of  
26 impropriety. The Commission shall act with reasonable  
27 promptness in approving or disapproving proposals. The  
28 Commission's approval shall not be unreasonably withheld.

29 (g) Rules. The administrator and the Executive Ethics  
30 Commission may each, separately, adopt rules to implement their  
31 several functions under this Section. The rules may not,  
32 however, waive or provide for the waiver of any of the  
33 requirements of this Section.

34 (h) Donations. If one or more natural persons, as such,

1 make a gift, bequest, or devise with a fair market value in  
2 excess of \$5,000,000 of land or that is used to acquire land,  
3 construct a new building, or both, then, at the request of the  
4 State officer or agency with jurisdiction and control of the  
5 land, building, or both and with the approval of the Executive  
6 Ethics Commission as provided in subsection (f), the  
7 administrator may grant a license under this Section that is  
8 (i) for a term in excess of 5 years, renewable, or both, (ii)  
9 with minimal or no consideration, and (iii) without competitive  
10 negotiation under subsection (d).

11 (i) Blind vendors. The provisions of this Section are  
12 subject to, and do not supersede, any of the provisions of the  
13 Blind Persons Operating Vending Facilities Act, any other State  
14 or federal law granting preference to blind persons, or any  
15 rules or regulations adopted pursuant to any of those laws.

16 (j) Definitions. In this Section:

17 "Naming rights" means the right to associate the name or  
18 identifying mark of any person or entity with the name or  
19 identity of any State property or other asset.

20 "Sponsorship rights" means the right to associate the name  
21 or identifying mark of any person or entity with any State  
22 program or event on the grounds of, in, or with respect to any  
23 State property or other asset.

24 (k) This Section shall be construed to ensure that all  
25 naming and sponsorship rights are strictly controlled under the  
26 terms of this Section.

27 (l) Severability. The provisions of this Section are  
28 severable under Section 1.31 of the Statute on Statutes.

29 Section 99. Effective date. This Act takes effect September  
30 1, 2005."