



Rep. Barbara Flynn Currie

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1 AMENDMENT TO HOUSE BILL 476

2 AMENDMENT NO. _____. Amend House Bill 476, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (30 ILCS 500/53-10)

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

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

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

24 (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. The administrator, as
6 defined in this Section, is authorized to license naming rights
7 and sponsorship rights only as provided in this Section. Naming
8 rights and sponsorship rights regarding any property or other
9 asset of the State to which this Section applies, whether real,
10 personal, tangible, or intangible, may not be sold, conveyed,
11 leased, licensed, or otherwise granted by the administrator or
12 by any other officer, employee, or agent of the State except as
13 provided in this Section. Naming and sponsorship rights are
14 subject to all other applicable statutes that are not
15 inconsistent with the provisions of this Section; to the extent
16 of any conflict, however, this Section controls.

17 (b) Certain properties and other assets; no license. Naming
18 rights and sponsorship rights may not be licensed with respect
19 to (i) any of the following or (ii) any property or other asset
20 associated with any of the following:

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

23 (2) the Old State Capitol Building in Springfield,
24 Illinois;

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

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

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

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

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

1 (8) the Abraham Lincoln Presidential Library and
2 Museum in Springfield, Illinois;

3 (9) all present and future Abraham Lincoln sites not
4 otherwise listed;

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

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

11 (12) the Illinois State Museum in Springfield,
12 Illinois;

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

17 (14) any other State property or asset that on the
18 effective date of this Section or later is designated a
19 National Historic Landmark, listed as a State Historic Site
20 under Section 6 of the Historic Preservation Agency Act, or
21 listed on either the Illinois Register of Historic Places
22 or the National Register of Historic Places, unless the
23 State property is a university sports stadium and the
24 federal or State agency that made the designation has the
25 authority to consent and does consent in writing.

26 (c) Terms and conditions of licenses. A license of naming
27 rights or sponsorship rights (i) may have a term of no more
28 than 10 years and shall include a termination option in favor
29 of the State after 5 years, (ii) is non-transferable, and (iii)
30 is non-renewable (at the end of a term of a license, however,
31 the licensee is eligible to compete for a new license as
32 provided in subsection (d)). The licensee shall have the
33 authority to place signs, placards, imprints, or other
34 identifying information only on the properties or other assets

1 specified in the license and only during the term of the
2 license. The signs, placards, imprints, or other identifying
3 information may contain nothing other than the name of the
4 licensee, the licensee's logo, or both, except that with the
5 written approval of the administrator they may contain other
6 authorized material. The license may, but need not, require the
7 State to refer to a property or other asset by the name of the
8 licensee during the term of the license, all within reasonable
9 limitations and other than in statutes, rules, and existing
10 supplies of forms and other documents. Except with respect to
11 property or other assets of a public institution of higher
12 education, no naming or sponsorship right, however, may be
13 characterized or treated as "official" or in a similar fashion.
14 If a licensee materially breaches any term of a license and the
15 Executive Ethics Commission recommends that the license be
16 revoked, then the administrator may declare the license
17 revoked. At least 25% of the total amount of license fees must
18 be paid prior to the commencement of the term of the license.
19 Any balance shall be paid on a periodic schedule agreed to by
20 the administrator. All fees are non-refundable. Fees shall be
21 deposited into the General Revenue Fund, except that, if a fund
22 or account has been designated in a license granted by an
23 administrator designated by the Attorney General, the
24 Secretary of State, the Comptroller, the Treasurer, or a public
25 institution of higher education, then fees under the applicable
26 license shall be deposited into the designated fund or account.

27 (d) Competitive negotiation. A license of naming rights or
28 sponsorship rights may be granted only on the basis of the
29 highest and best competitively negotiated proposal that yields
30 the most advantageous benefits and considerations to the State.
31 The administrator shall give notice that the administrator will
32 accept proposals for the licensing of naming rights or
33 sponsorship rights with respect to any one or more specified
34 properties or other assets by publication in the Illinois

1 Procurement Bulletin not less than 7 business days before the
2 day upon which proposals will be accepted. The administrator
3 shall give such other notice as the administrator deems
4 appropriate. Proposals shall not be sealed and shall be part of
5 the public record. The administrator shall conduct open,
6 competitive negotiations with those who have submitted
7 proposals in order to obtain the highest and best competitively
8 negotiated proposal that yields the most advantageous benefits
9 and considerations to the State. The administrator may give
10 notice of and negotiate multiple licenses for identical naming
11 or sponsorship rights as part of a single notice, negotiation,
12 and licensing process. If a proposal satisfactory to the
13 administrator is not negotiated, the administrator may give
14 notice as provided in this subsection and accept additional
15 proposals.

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

25 (e) Personal gifts. If one or more natural persons, as
26 such, make a gift, bequest, or devise to a State officer or
27 entity to which this Section applies and that does not result
28 in any pecuniary benefit (other than a tax benefit) to the
29 person or persons, then, at the request of the administrator
30 and with the approval of the Executive Ethics Commission in the
31 same manner as provided in subsection (f), the administrator
32 may grant naming rights, sponsorship rights, or both, so long
33 as the rights are of no pecuniary benefit to the person or
34 persons, subject only to the limitations in subsection (c) on

1 identifying information and characterization as "official" or
2 in a similar fashion. The sole purpose of the gift, bequest, or
3 devise must be to assist the recipient in fulfilling the
4 recipient's core mission or purpose.

5 (f) Approval by Executive Ethics Commission. Upon
6 determining highest and best proposal, the administrator must,
7 within 15 calendar days, deliver a written notice setting forth
8 all of the pertinent facts relating to the proposal, proposer,
9 and proposed license to the Executive Ethics Commission. A
10 license shall not be granted unless approved in advance by the
11 Commission. If the administrator proposes to amend an existing
12 license, the administrator must deliver notice of the proposed
13 amendment to the Commission within 15 calendar days, and the
14 amendment shall not be made unless approved in advance by the
15 Commission. The Commission's review shall be based solely on
16 ethical and ethics related standards imposed by the law and on
17 avoiding the appearance of impropriety. The Commission's
18 approval shall not be unreasonably withheld.

19 Within 40 calendar days after its actual receipt from the
20 administrator of notice of a proposed license or amendment to a
21 license, the Commission shall either approve or disapprove the
22 proposed license or amendment and shall notify the
23 administrator and other parties to the proposed license or
24 amendment of its decision. The Commission may, in its
25 discretion and before the running of the time period in which
26 it must make a decision, grant itself one extension of up to an
27 additional 40 calendar days in which to make a decision by
28 notifying the administrator and other parties to the proposed
29 license or amendment. If the Commission requests additional or
30 supplemental information from the administrator or a party to
31 the proposed license or amendment, the running of the time
32 limit in which the Commission must make its decision is
33 suspended, and the 40-day period begins anew when the
34 information is delivered to the Commission. If the Commission

1 fails to render a decision within the applicable time period,
2 the proposed license or amendment is deemed approved.

3 (g) Rules. Each administrator and the Executive Ethics
4 Commission may, separately, adopt rules to implement their
5 several functions under this Section. The rules may not,
6 however, waive or provide for the waiver of any of the
7 requirements of this Section.

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

13 (i) Small consideration. If the value of the consideration
14 for an individual naming or sponsorship right does not exceed
15 \$10,000, the administrator may grant the right, subject only to
16 the limitations in subsection (c) on identifying information
17 and characterization as "official" or in a similar fashion, but
18 the administrator must deliver a written notice giving the
19 details to the Executive Ethics Commission at least one full
20 business day before the administrator agrees to grant the
21 right. Naming or sponsorship rights shall not be artificially
22 divided in an attempt to qualify under this subsection.

23 (j) Applicability. This Section does not apply to naming
24 rights and sponsorship rights with respect to property or other
25 assets under the jurisdiction and control of the legislative
26 branch or the judicial branch of the State. This Section
27 applies to all naming rights and sponsorship rights granted
28 with respect to the State Fair, as defined in Section 2 of the
29 State Fair Act, on or after January 1, 2006. This Section
30 applies to all other naming rights and sponsorship rights
31 granted on or after the effective date of this amendatory Act
32 of the 94th General Assembly.

33 (k) Retention of records. The administrator must maintain
34 all records relating to (i) each license of naming rights or

1 sponsorship rights for at least 7 years after the expiration of
2 the term of the license and (ii) each proposal for naming
3 rights or sponsorship rights that does not result in a license
4 being granted to the proposer for a least 7 years after the
5 proposal was submitted.

6 (l) Definitions. In this Section:

7 Notwithstanding Section 1.03 of this Act, in this Section
8 "administrator" means (i) an officer or employee designated by
9 the Attorney General with respect to the property and other
10 assets under the jurisdiction and control of the Attorney
11 General; (ii) an officer or employee designated by the
12 Secretary of State with respect to the property and other
13 assets under the jurisdiction and control of the Secretary of
14 State; (iii) an officer or employee designated by the
15 Comptroller with respect to the property and other assets under
16 the jurisdiction and control of the Comptroller; (iv) an
17 officer or employee designated by the Treasurer with respect to
18 the property and other assets under the jurisdiction and
19 control of the Treasurer; (v) an officer or employee designated
20 by the board of trustees of a public institution of higher
21 education, as defined in Section 1 of the Board of Higher
22 Education Act, with respect to the property and other assets
23 under the jurisdiction and control of that public institution
24 of higher education; and (vi) the Director of Central
25 Management Services with respect to all other property and
26 other assets to which this Section applies.

27 "Naming rights" means the right to associate the name or
28 identifying mark of any person or entity with the name or
29 identity of any State property or other asset.

30 "Sponsorship rights" means the right to associate the name
31 or identifying mark of any person or entity with any State
32 program or event on the grounds of, in, or with respect to any
33 State property or other asset.

34 (m) This Section shall be construed to ensure that all

1 naming and sponsorship rights are strictly controlled under the
2 terms of this Section.

3 (n) Severability. The provisions of this Section are
4 severable under Section 1.31 of the Statute on Statutes.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".