

1 AN ACT concerning parks and sports facilities.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Chicago Park District Act is amended by
5 changing Section 15d as follows:

6 (70 ILCS 1505/15d)

7 Sec. 15d. Assistance agreements; facilities; private
8 seat licenses; ~~naming rights~~. In addition to the powers and
9 authority now possessed by it, the Chicago Park District
10 shall have the power and authority:

11 (1) to enter into and perform its obligations under
12 one or more "assistance agreements" with respect to any
13 "facility" of which the Chicago Park District is the
14 "governmental owner", as each of those terms is defined
15 in the Illinois Sports Facilities Authority Act, and to
16 enter into and perform its obligations under other
17 contracts related thereto, upon such terms and conditions
18 as may be determined by the Chicago Park District;

19 (2) to enter into and perform its obligations under
20 a lease, license, or agreement with a professional sports
21 team or other sports team with respect to a "facility",
22 as that term is defined in the Illinois Sports Facilities
23 Authority Act, upon such terms and conditions as may be
24 determined by the Chicago Park District;

25 (3) to sell, convey, lease, or grant a permit or
26 license with respect to, or authorize another person on
27 its behalf to sell, convey, lease, or grant a permit or
28 license with respect to: (A) the right to use or the
29 right to purchase tickets to use, or any other interest
30 in, any seat or area within a "facility", as that term is
31 defined in the Illinois Sports Facilities Authority Act,

1 (B) the right to name-~~er~~ place advertising in all or any
2 part of such a facility, or (C) any intangible personal
3 property rights, including intellectual property rights,
4 appurtenant to any such facility; and to enter into and
5 perform its obligations with respect to any contract,
6 understanding, agreement, or arrangement related thereto,
7 upon such terms and conditions as may be determined by
8 the Chicago Park District;

9 (4) to accept the transfer of and assume the
10 obligations under a contract or contracts entered into by
11 the "Authority" or its agent for the design and
12 construction services or design/build services for a
13 "facility", as each such term is defined in the Illinois
14 Sports Facilities Authority Act, and exercise such rights
15 and perform such obligations thereunder without regard to
16 the procedures, regulations and laws which would
17 otherwise have been applicable to the Chicago Park
18 District had the Chicago Park District originally entered
19 into such contract or contracts; and

20 (5) to enter into leases, license agreements,
21 permit agreements or other agreements with respect to
22 parking facilities, concessions, restaurants and other
23 facilities providing goods and services relating to a
24 "facility" of which the Chicago Park District is the
25 "governmental owner", as each such term is defined in the
26 Illinois Sports Facilities Authority Act, upon such terms
27 and conditions as may be determined by the Chicago Park
28 District.

29 (Source: P.A. 91-935, eff. 6-1-01.)

30 Section 10. The Illinois Sports Facilities Authority Act
31 is amended by changing Section 8 as follows:

32 (70 ILCS 3205/8) (from Ch. 85, par. 6008)

1 Sec. 8. Powers. In addition to the powers set forth
2 elsewhere in this Act, the Authority may:

3 (1) Adopt and alter an official seal;

4 (2) Sue and be sued, plead and be impleaded, all in
5 its own name, and agree to binding arbitration of any
6 dispute to which it is a party;

7 (3) Adopt bylaws, rules, and regulations to carry
8 out the provisions of this Section;

9 (4) Maintain an office or offices at such place as
10 the Authority may designate;

11 (5) Employ, either as regular employees or
12 independent contractors, consultants, engineers,
13 architects, accountants, attorneys, financial experts,
14 construction experts and personnel, superintendents,
15 managers and other professional personnel, and such other
16 personnel as may be necessary in the judgment of the
17 Authority, and fix their compensation;

18 (6) Determine the locations of, develop, design,
19 establish, construct, erect, acquire, own, repair,
20 reconstruct, renovate, remodel, add to, extend, improve,
21 equip, operate, regulate and maintain facilities, and
22 provide financial assistance to governmental owners or
23 their tenants, or both, pursuant to an assistance
24 agreement to do the foregoing, in each case to the extent
25 necessary to accomplish the purposes of the Authority;

26 (7) Acquire, hold, lease as lessor or as lessee,
27 use, encumber, transfer, or dispose of real and personal
28 property, including the alteration of or demolition of
29 improvements to real estate;

30 (8) Enter into contracts of any kind;

31 (9) Regulate the use and operation of facilities
32 that are developed under the provisions of this Act;

33 (10) Enter into one or more management agreements
34 which conform to the requirements of this Act and which

1 may contain such provisions as the Authority shall
2 determine, including, without limitation, (i) provisions
3 allocating receipts from rents, rates, fees and charges
4 for use of the facility or for services rendered in
5 connection with the facility between the Authority and
6 the tenant of the facility; (ii) provisions providing for
7 or limiting payments to the Authority for use of the
8 facility based on levels of attendance or receipts, or
9 both attendance and receipts, of the tenant from
10 admission charges, parking concessions, advertising,
11 radio and television and other sources; (iii) provisions
12 obligating the Authority to make payments to the tenant
13 with respect to expenses of routine maintenance and
14 operation of any facility and operating expenses of the
15 tenant with respect to use of the facility; (iv)
16 provisions requiring the Authority to pay liquidated
17 damages to the tenant for failure of timely completion of
18 construction of any new facility; (v) provisions
19 permitting the Authority to grant rent-free occupancy of
20 an existing facility pending completion of construction
21 of any new facility and requiring the Authority to pay
22 certain incremental costs of maintenance, repair,
23 replacement and operation of an existing facility in the
24 event of failure of timely completion of construction of
25 any new facility; (vi) provisions requiring the Authority
26 to reimburse the tenant for certain State and local taxes
27 and provisions permitting reductions of payments due the
28 Authority by the tenant or reimbursement of the tenant by
29 the Authority in the event of imposition of certain new
30 State and local taxes, or the increase above specified
31 levels of certain existing State and local taxes, or
32 both; (vii) provisions obligating the Authority to
33 purchase tickets to events conducted by the tenant based
34 upon specified attendance levels; (viii) provisions

1 granting the tenant the right and option to extend the
2 term of the management agreement; (ix) provisions
3 creating an assignment and pledge by the Authority of
4 certain of the Authority's revenues and receipts to be
5 received under Section 19 of this Act for the benefit of
6 the tenant of the facility as further security for
7 performance by the Authority of its obligations under the
8 management agreement; and (x) provisions requiring the
9 establishment of reserves by the Authority or by the
10 tenant, or both, as further security for the performance
11 of their respective obligations under the management
12 agreement;

13 (11) Enter into one or more assistance agreements
14 that conform to the requirements of this Act and that may
15 contain such provisions as the Authority shall determine
16 establishing the rights and obligations of the Authority
17 and the governmental owner or a tenant, or both, with
18 respect to the facility for which the Authority is to
19 provide financial assistance including, without
20 limitation, such provisions as are described in paragraph
21 (10) of this Section;

22 (12) Borrow money from any source for any corporate
23 purpose, including working capital for its operations,
24 reserve funds, or interest, and to mortgage, pledge or
25 otherwise encumber the property or funds of the Authority
26 and to contract with or engage the services of any person
27 in connection with any financing, including financial
28 institutions, issuers of letters of credit, or insurers
29 and enter into reimbursement agreements with this person
30 which may be secured as if money were borrowed from the
31 person;

32 (13) Issue bonds or notes under Section 13 of this
33 Act;

34 (14) Receive and accept from any source, private or

1 public, contributions, gifts, or grants of money or
2 property;

3 (15) Make loans from proceeds or funds otherwise
4 available to the extent necessary or appropriate to
5 accomplish the purposes of the Authority;

6 (16) Provide for the insurance of any property,
7 operations, officers, agents or employees of the
8 Authority against any risk or hazard and to provide for
9 the indemnification of its members, employees,
10 contractors or agents against any and all risks;

11 (17) Provide relocation assistance and compensation
12 for landowners and their lessees displaced by any land
13 acquisition of the Authority, including the acquisition
14 of land and construction of replacement housing thereon
15 as the Authority shall determine;

16 (18) Sell, convey, lease, or grant a permit or
17 license with respect to, or by agreement authorize
18 another person on its behalf to sell, convey, lease, or
19 grant a permit or license with respect to (A) the right
20 to use or the right to purchase tickets to use, or any
21 other interest in, any seat or area within a facility,
22 (B) the right to name-~~er~~ place advertising in all or any
23 part of a facility, or (C) any intangible personal
24 property rights, including intellectual property rights,
25 appurtenant to any facility, the proceeds of which are
26 used for the purpose of carrying out the powers granted
27 by the Act;

28 (19) Adopt such rules as are necessary to carry out
29 those powers conferred and perform those duties required
30 by this Act;

31 (20) Exercise all the corporate powers granted
32 Illinois corporations under the Business Corporation Act
33 of 1983, except to the extent that powers are
34 inconsistent with those of a body politic and corporate

1 of the State; and

2 (21) Do all things necessary or convenient to carry
3 out the powers granted by this Act.

4 The Authority may not construct or enter into a contract
5 to construct more than one new stadium facility and may not
6 enter into assistance agreements providing for the
7 reconstruction, renovation, remodeling, extension, or
8 improvement of all or substantially all of more than one
9 existing facility unless authorized by law.

10 The Authority may adopt such rules pursuant to the
11 Illinois Administrative Procedure Act as are necessary to
12 carry out those powers and duties conferred by this Act. The
13 Authority may initially adopt, by January 1, 1989, such rules
14 as emergency rules in accordance with the provisions of
15 Section 5-45 of the Illinois Administrative Procedure Act.
16 For purposes of the Illinois Administrative Procedure Act,
17 the adoption of the initial rules shall be deemed to be an
18 emergency and necessary for the public interest, safety and
19 welfare.

20 (Source: P.A. 91-935, eff. 6-1-01.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.