

HB0333



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0333

Introduced 1/21/2005, by Rep. Michael J. Madigan - Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

30 ILCS 500/53-10
30 ILCS 605/7.6 new

Amends the State Property Control Act to establish restrictions on and procedures for the State's awarding of naming and sponsorship rights relating to State property. Exempts certain blind vendors. Amends the Illinois Procurement Code to make corresponding changes. Effective immediately.

LRB094 03545 RCE 36929 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning ethics.

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

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.)

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

26 (30 ILCS 605/7.6 new)

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

28 (a) Administrator's authority. Notwithstanding any other
29 provision of this Act or any other law to the contrary, the
30 administrator is authorized to license naming rights and

1 sponsorship rights only as provided in this Section. Naming
2 rights and sponsorship rights regarding any property or asset
3 of the State, whether real, personal, tangible, or intangible,
4 may not be sold, conveyed, leased, licensed, or otherwise
5 granted by the administrator or by any other officer, employee,
6 or agent of the State unless authorized in this Section.

7 (b) Excepted properties. Naming rights and sponsorship
8 rights may not be licensed with respect to any of the
9 following:

10 (1) the State Capitol Building in Springfield,
11 Illinois;

12 (2) the Old State Capitol Building in Springfield,
13 Illinois;

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

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

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

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

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

22 (8) the Abraham Lincoln Presidential Library and
23 Museum in Springfield, Illinois;

24 (9) all present and future Abraham Lincoln sites not
25 otherwise listed;

26 (10) all Illinois homes of all past, present, or future
27 United States Presidents who have resided, currently
28 reside, or in the future will reside in the State of
29 Illinois;

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

32 (12) State real property under the jurisdiction and
33 control of an executive branch constitutional officer
34 other than the Governor, unless that other executive branch
35 constitutional officer consents in writing;

36 (13) State real property under the jurisdiction and

1 control of the legislative branch, unless the Joint
2 Committee on Legislative Support Services consents in
3 writing;

4 (14) State real property under the jurisdiction and
5 control of the judicial branch, unless the Supreme Court
6 consents in writing;

7 (15) State real property that is identified or named
8 for a specific individual by Joint Resolution of the
9 General Assembly or by statute as of the effective date of
10 this Section or later; and

11 (16) any other State real property that on the
12 effective date of this Section or later is designated a
13 National Historic Landmark, listed as a State Historic Site
14 under Section 6 of the Historic Preservation Agency Act, or
15 listed on either the Illinois Register of Historic Places
16 or the National Register of Historic Places.

17 (c) Terms and conditions of licenses. A license of naming
18 rights or sponsorship rights may have a term of no more than 5
19 years, is non-transferable, and is non-renewable (at the end of
20 a term of a license, however, the licensee is eligible to
21 compete for a new license as provided in subsection (d)). The
22 licensee shall have the authority to place signs and placards
23 only on the property or asset specified in the license and only
24 during the term of the license. The signs and placards may
25 contain nothing other than the name of the licensee, the
26 licensee's logo, or both, except that with the written approval
27 of the administrator they may contain other material. The
28 license may, but need not, require the State to refer to the
29 property or asset by the name of the licensee during the term
30 of the license, all within reasonable limitations and other
31 than in statutes, rules, and existing supplies of forms and
32 other documents. If a licensee materially breaches any term of
33 a license and the Executive Ethics Commission recommends that
34 the license be revoked, then the administrator may declare the
35 license revoked. All license fees must be paid prior to the
36 commencement of the term of the license, are non-refundable,

1 and shall be deposited into the General Revenue Fund.

2 (d) Competitive negotiation. A license of naming rights or
3 sponsorship rights may be granted only on the basis of the
4 highest and best competitively negotiated proposal that yields
5 the most advantageous benefit and consideration to the State.
6 The administrator shall give notice that the administrator will
7 accept proposals for the licensing of naming rights or
8 sponsorship rights with respect to a specified property or
9 asset by publication on 3 separate days not less than 15 nor
10 more than 30 days before the day upon which proposals will be
11 accepted. The notice shall be given in a daily newspaper having
12 general circulation in the county in which the property or
13 asset is located. The administrator shall give such other
14 notice as the administrator deems appropriate. Proposals shall
15 not be sealed and shall be part of the public record. The
16 administrator shall conduct open, competitive negotiations
17 with those who have submitted proposals in order to obtain the
18 highest and best competitively negotiated proposal that yields
19 the most advantageous benefit and consideration to the State.
20 If a proposal satisfactory to the administrator is not
21 negotiated, the administrator may give notice as provided in
22 this subsection and accept additional proposals.

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

32 (e) Qualification of proposers and licensees. An
33 individual or entity that wishes to submit a proposal must be
34 prequalified by the administrator. Neither the name, logo,
35 products, services, nor business relationships of the proposer
36 shall be such as to bring disrepute upon the State if

1 associated with any State property or asset. To prequalify, a
2 proposer must satisfy the administrator that the proposer meets
3 all of the ethics requirements applicable to contractors and
4 bidders and to their officers, agents, and employees under
5 Sections 50-5 (bribery), 50-10 (felons), 50-11 (debt
6 delinquency), 50-13 (conflicts of interest), 50-25
7 (inducement), 50-30 (revolving door), 50-35 (disclosure),
8 50-40 (anticompetitive practices), 50-50 (insider
9 information), 50-65 (suspension), and 50-70 (additional
10 provisions) of the Illinois Procurement Code. In addition, no
11 individual or entity may be prequalified, submit or negotiate a
12 proposal, or be granted or hold a license under this Section if
13 that individual or entity is required to be registered under
14 the Lobbyist Registration Act or, as defined by rules adopted
15 by the Executive Ethics Commission, does business or seeks to
16 do business with the State. Each license granted under this
17 Section is deemed to contain a provision that it is a material
18 breach of the license if the licensee becomes ineligible to be
19 prequalified or otherwise becomes disqualified under this
20 subsection.

21 (f) Approval by Executive Ethics Commission. Upon
22 determining the highest and best proposal, the administrator
23 must deliver a written notice setting forth all of the
24 pertinent facts relating to the proposal, the proposer, and the
25 proposed license to the the Executive Ethics Commission. The
26 license shall not be granted unless approved in advance by the
27 Commission. If the administrator proposes to amend an existing
28 license, the administrator must deliver notice of the proposed
29 amendment to the Commission, and the amendment shall not be
30 made unless approved in advance by the Commission.

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

36 (h) Blind vendors. The provisions of this Section are

1 subject to, and do not supersede, any of the provisions of the
2 Blind Persons Operating Vending Facilities Act, any other State
3 or federal law granting preferences to blind persons, or any
4 rules or regulations adopted pursuant to any of those laws.

5 (i) Definitions. In this Section:

6 "Naming rights" means the right to associate the name or
7 identifying mark of any person or entity with the name or
8 identity of any State property or other asset.

9 "Sponsorship rights" means the right to associate the name
10 or identifying mark of any person or entity with any State
11 program or event on the grounds of, in, or with respect to any
12 State property or other asset.

13 (j) This Section shall be construed to ensure that all
14 naming and sponsorship rights are strictly controlled under the
15 terms of this Section.

16 (k) Severability. The provisions of this Section are
17 severable under Section 1.31 of the Statute on Statutes.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.