



Rep. Lou Lang

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LRB097 03567 RPM 58796 a

1 AMENDMENT TO HOUSE BILL 735

2 AMENDMENT NO. _____. Amend House Bill 735 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 4-2 and 6-2 as follows:

6 (235 ILCS 5/4-2) (from Ch. 43, par. 111)

7 Sec. 4-2. The mayor or president of the board of trustees
8 of each city, village or incorporated town or his or her
9 designee, and the president or chairman of the county board or
10 his or her designee, shall be the local liquor control
11 commissioner for their respective cities, villages,
12 incorporated towns and counties, and shall be charged with the
13 administration in their respective jurisdictions of the
14 appropriate provisions of this Act and of such ordinances and
15 resolutions relating to alcoholic liquor as may be enacted as
16 long as that official or his or her designee does not have a

1 direct interest in the manufacture, sale, or distribution of
2 alcoholic liquor; but the authority of the president or
3 chairman of the county board or his or her designee shall
4 extend only to that area in any county which lies outside the
5 corporate limits of the cities, villages and incorporated towns
6 therein and those areas which are owned by the county and are
7 within the corporate limits of the cities, villages and
8 incorporated towns with a population of less than 1,000,000,
9 however, such county shall comply with the operating rules of
10 the municipal ordinances affected when issuing their own
11 licenses. If that official has a direct interest in the
12 manufacture, sale, or distribution of alcoholic liquor, the
13 council or board over which he or she presides must appoint, by
14 majority vote of those elected or appointed, a liquor control
15 commissioner other than that official, and that official shall
16 not nominate or serve any other role in such appointment.

17 However, such mayor, president of the board of trustees or
18 president or chairman of the county board or his or her
19 designee may appoint a person or persons to assist him in the
20 exercise of the powers and the performance of the duties herein
21 provided for such local liquor control commissioner.

22 (Source: P.A. 94-747, eff. 5-8-06.)

23 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

24 Sec. 6-2. Issuance of licenses to certain persons
25 prohibited.

1 (a) Except as otherwise provided in subsection (b) of this
2 Section and in paragraph (1) of subsection (a) of Section 3-12,
3 no license of any kind issued by the State Commission or any
4 local commission shall be issued to:

5 (1) A person who is not a resident of any city, village
6 or county in which the premises covered by the license are
7 located; except in case of railroad or boat licenses.

8 (2) A person who is not of good character and
9 reputation in the community in which he resides.

10 (3) A person who is not a citizen of the United States.

11 (4) A person who has been convicted of a felony under
12 any Federal or State law, unless the Commission determines
13 that such person has been sufficiently rehabilitated to
14 warrant the public trust after considering matters set
15 forth in such person's application and the Commission's
16 investigation. The burden of proof of sufficient
17 rehabilitation shall be on the applicant.

18 (5) A person who has been convicted of keeping a place
19 of prostitution or keeping a place of juvenile
20 prostitution, promoting prostitution that involves keeping
21 a place of prostitution, or promoting juvenile
22 prostitution that involves keeping a place of juvenile
23 prostitution.

24 (6) A person who has been convicted of pandering or
25 other crime or misdemeanor opposed to decency and morality.

26 (7) A person whose license issued under this Act has

1 been revoked for cause.

2 (8) A person who at the time of application for renewal
3 of any license issued hereunder would not be eligible for
4 such license upon a first application.

5 (9) A copartnership, if any general partnership
6 thereof, or any limited partnership thereof, owning more
7 than 5% of the aggregate limited partner interest in such
8 copartnership would not be eligible to receive a license
9 hereunder for any reason other than residence within the
10 political subdivision, unless residency is required by
11 local ordinance.

12 (10) A corporation or limited liability company, if any
13 member, officer, manager or director thereof, or any
14 stockholder or stockholders owning in the aggregate more
15 than 5% of the stock of such corporation, would not be
16 eligible to receive a license hereunder for any reason
17 other than citizenship and residence within the political
18 subdivision.

19 (10a) A corporation or limited liability company
20 unless it is incorporated or organized in Illinois, or
21 unless it is a foreign corporation or foreign limited
22 liability company which is qualified under the Business
23 Corporation Act of 1983 or the Limited Liability Company
24 Act to transact business in Illinois. The Commission shall
25 permit and accept from an applicant for a license under
26 this Act proof prepared from the Secretary of State's

1 website that the corporation or limited liability company
2 is in good standing and is qualified under the Business
3 Corporation Act of 1983 or the Limited Liability Company
4 Act to transact business in Illinois.

5 (11) A person whose place of business is conducted by a
6 manager or agent unless the manager or agent possesses the
7 same qualifications required by the licensee.

8 (12) A person who has been convicted of a violation of
9 any Federal or State law concerning the manufacture,
10 possession or sale of alcoholic liquor, subsequent to the
11 passage of this Act or has forfeited his bond to appear in
12 court to answer charges for any such violation.

13 (13) A person who does not beneficially own the
14 premises for which a license is sought, or does not have a
15 lease thereon for the full period for which the license is
16 to be issued.

17 (14) Any law enforcing public official, including
18 members of local liquor control commissions, any mayor,
19 alderman, or member of the city council or commission, any
20 president of the village board of trustees, any member of a
21 village board of trustees, or any president or member of a
22 county board; and no such official shall have a direct
23 interest in the manufacture, sale, or distribution of
24 alcoholic liquor, except that a license may be granted to
25 such official in relation to premises that are not located
26 within the territory subject to the jurisdiction of that

1 official if the issuance of such license is approved by the
2 State Liquor Control Commission and except that a license
3 may be granted, in a city or village with a population of
4 50,000 or less, to any mayor, alderman, member of a city
5 council, or president or member of a village board of
6 trustees in relation to premises that are located within
7 the territory subject to the jurisdiction of that official
8 if (i) the sale of alcoholic liquor pursuant to the license
9 is incidental to the selling of food, (ii) the issuance of
10 the license is approved by the State Commission, (iii) the
11 issuance of the license is in accordance with all
12 applicable local ordinances in effect where the premises
13 are located, and (iv) the official granted a license does
14 not vote on alcoholic liquor issues pending before the
15 board or council to which the license holder is elected or
16 appointed. Notwithstanding any provision of this paragraph
17 (14) to the contrary, (i) an alderman or member of a city
18 council or commission, a member of a village board of
19 trustees other than the president of the village board of
20 trustees, or a member of a county board other than the
21 president of a county board may have a direct interest in
22 the manufacture, sale, or distribution of alcoholic liquor
23 as long as he or she is not a law enforcing public
24 official, a mayor, a village board president, or president
25 of a county board and, furthermore, (ii) the mayor of a
26 city, president of a village board of trustees, or chairman

1 or president of a county board may have a direct interest
2 in the manufacture, sale, or distribution of alcoholic
3 liquor as long as the council or board has appointed a
4 liquor control commissioner pursuant to Section 4-2 of this
5 Act. To prevent any conflict of interest, the elected
6 official with the direct interest in the manufacture, sale,
7 or distribution of alcoholic liquor cannot participate in
8 any meetings, hearings, or decisions on matters impacting
9 the manufacture, sale, or distribution of alcoholic
10 liquor.

11 (15) A person who is not a beneficial owner of the
12 business to be operated by the licensee.

13 (16) A person who has been convicted of a gambling
14 offense as proscribed by any of subsections (a) (3) through
15 (a) (11) of Section 28-1 of, or as proscribed by Section
16 28-1.1 or 28-3 of, the Criminal Code of 1961, or as
17 proscribed by a statute replaced by any of the aforesaid
18 statutory provisions.

19 (17) A person or entity to whom a federal wagering
20 stamp has been issued by the federal government, unless the
21 person or entity is eligible to be issued a license under
22 the Raffles Act or the Illinois Pull Tabs and Jar Games
23 Act.

24 (18) A person who intends to sell alcoholic liquors for
25 use or consumption on his or her licensed retail premises
26 who does not have liquor liability insurance coverage for

1 that premises in an amount that is at least equal to the
2 maximum liability amounts set out in subsection (a) of
3 Section 6-21.

4 (b) A criminal conviction of a corporation is not grounds
5 for the denial, suspension, or revocation of a license applied
6 for or held by the corporation if the criminal conviction was
7 not the result of a violation of any federal or State law
8 concerning the manufacture, possession or sale of alcoholic
9 liquor, the offense that led to the conviction did not result
10 in any financial gain to the corporation and the corporation
11 has terminated its relationship with each director, officer,
12 employee, or controlling shareholder whose actions directly
13 contributed to the conviction of the corporation. The
14 Commission shall determine if all provisions of this subsection
15 (b) have been met before any action on the corporation's
16 license is initiated.

17 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11.)

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