



Rep. Lou Lang

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LRB095 10683 RPM 52094 a

1 AMENDMENT TO SENATE BILL 392

2 AMENDMENT NO. _____. Amend Senate Bill 392, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (235 ILCS 5/4-2) (from Ch. 43, par. 111)

8 Sec. 4-2. The mayor or president of the board of trustees
9 of each city, village or incorporated town or his or her
10 designee, and the president or chairman of the county board or
11 his or her designee, shall be the local liquor control
12 commissioner for their respective cities, villages,
13 incorporated towns and counties, and shall be charged with the
14 administration in their respective jurisdictions of the
15 appropriate provisions of this Act and of such ordinances and
16 resolutions relating to alcoholic liquor as may be enacted as

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

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

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

24 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

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

1 prohibited.

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

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

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

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

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

19 (5) A person who has been convicted of being the keeper
20 or is keeping a house of ill fame.

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

23 (7) A person whose license issued under this Act has
24 been revoked for cause.

25 (8) A person who at the time of application for renewal
26 of any license issued hereunder would not be eligible for

1 such license upon a first application.

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

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

16 (10a) A corporation or limited liability company
17 unless it is incorporated or organized in Illinois, or
18 unless it is a foreign corporation or foreign limited
19 liability company which is qualified under the Business
20 Corporation Act of 1983 or the Limited Liability Company
21 Act to transact business in Illinois. The Commission shall
22 permit and accept from an applicant for a license under
23 this Act proof prepared from the Secretary of State's
24 website that the corporation or limited liability company
25 is in good standing and is qualified under the Business
26 Corporation Act of 1983 or the Limited Liability Company

1 Act to transact business in Illinois.

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

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

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

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

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

1 Section 4-2 of this Act. To prevent any conflict of
2 interest, the elected official with the direct interest in
3 the manufacture, sale, or distribution of alcoholic liquor
4 cannot participate in any meetings, hearings, or decisions
5 on matters impacting the manufacture, sale, or
6 distribution of alcoholic liquor.

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

9 (16) A person who has been convicted of a gambling
10 offense as proscribed by any of subsections (a) (3) through
11 (a) (11) of Section 28-1 of, or as proscribed by Section
12 28-1.1 or 28-3 of, the Criminal Code of 1961, or as
13 proscribed by a statute replaced by any of the aforesaid
14 statutory provisions.

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

20 (18) A person who intends to sell alcoholic liquors for
21 use or consumption on his or her licensed retail premises
22 who does not have liquor liability insurance coverage for
23 that premises in an amount that is at least equal to the
24 maximum liability amounts set out in subsection (a) of
25 Section 6-21.

26 (b) A criminal conviction of a corporation is not grounds

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

13 (Source: P.A. 94-5, eff. 6-3-05; 94-289, eff. 1-1-06; 94-381,
14 eff. 7-29-05; 95-331, eff. 8-21-07.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."