

HB3634



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB3634

Introduced 2/24/2005, by Rep. Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-15

from Ch. 43, par. 130

Amends the Liquor Control Act of 1934. Makes a technical change in a Section concerning the sale or delivery of alcoholic liquor in public buildings.

LRB094 05598 LJB 35647 b

A BILL FOR

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-15 as follows:

6 (235 ILCS 5/6-15) (from Ch. 43, par. 130)

7 Sec. 6-15. No alcoholic liquors shall be sold or delivered
8 in any building belonging to or under the ~~the~~ control of the
9 State or any political subdivision thereof except as provided
10 in this Act. The corporate authorities of any city, village,
11 incorporated town or township may provide by ordinance,
12 however, that alcoholic liquor may be sold or delivered in any
13 specifically designated building belonging to or under the
14 control of the municipality or township, or in any building
15 located on land under the control of the municipality; provided
16 that such township complies with all applicable local
17 ordinances in any incorporated area of the township. Alcoholic
18 liquor may be delivered to and sold under the authority of a
19 special use permit on any property owned by a conservation
20 district organized under the Conservation District Act,
21 provided that (i) the alcoholic liquor is sold only at an event
22 authorized by the governing board of the conservation district,
23 (ii) the issuance of the special use permit is authorized by
24 the local liquor control commissioner of the territory in which
25 the property is located, and (iii) the special use permit
26 authorizes the sale of alcoholic liquor for one day or less.
27 Alcoholic liquors may be delivered to and sold at any airport
28 belonging to or under the control of a municipality of more
29 than 25,000 inhabitants, or in any building or on any golf
30 course owned by a park district organized under the Park
31 District Code, subject to the approval of the governing board
32 of the district, or in any building or on any golf course owned

1 by a forest preserve district organized under the Downstate
2 Forest Preserve District Act, subject to the approval of the
3 governing board of the district, or on the grounds within 500
4 feet of any building owned by a forest preserve district
5 organized under the Downstate Forest Preserve District Act
6 during times when food is dispensed for consumption within 500
7 feet of the building from which the food is dispensed, subject
8 to the approval of the governing board of the district, or in a
9 building owned by a Local Mass Transit District organized under
10 the Local Mass Transit District Act, subject to the approval of
11 the governing Board of the District, or in Bicentennial Park,
12 or on the premises of the City of Mendota Lake Park located
13 adjacent to Route 51 in Mendota, Illinois, or on the premises
14 of Camden Park in Milan, Illinois, or in the community center
15 owned by the City of Loves Park that is located at 1000 River
16 Park Drive in Loves Park, Illinois, or, in connection with the
17 operation of an established food serving facility during times
18 when food is dispensed for consumption on the premises, and at
19 the following aquarium and museums located in public parks: Art
20 Institute of Chicago, Chicago Academy of Sciences, Chicago
21 Historical Society, Field Museum of Natural History, Museum of
22 Science and Industry, DuSable Museum of African American
23 History, John G. Shedd Aquarium and Adler Planetarium, or at
24 Lakeview Museum of Arts and Sciences in Peoria, or in
25 connection with the operation of the facilities of the Chicago
26 Zoological Society or the Chicago Horticultural Society on land
27 owned by the Forest Preserve District of Cook County, or on any
28 land used for a golf course or for recreational purposes owned
29 by the Forest Preserve District of Cook County, subject to the
30 control of the Forest Preserve District Board of Commissioners
31 and applicable local law, provided that dram shop liability
32 insurance is provided at maximum coverage limits so as to hold
33 the District harmless from all financial loss, damage, and
34 harm, or in any building located on land owned by the Chicago
35 Park District if approved by the Park District Commissioners,
36 or on any land used for a golf course or for recreational

1 purposes and owned by the Illinois International Port District
2 if approved by the District's governing board, or at any
3 airport, golf course, faculty center, or facility in which
4 conference and convention type activities take place belonging
5 to or under control of any State university or public community
6 college district, provided that with respect to a facility for
7 conference and convention type activities alcoholic liquors
8 shall be limited to the use of the convention or conference
9 participants or participants in cultural, political or
10 educational activities held in such facilities, and provided
11 further that the faculty or staff of the State university or a
12 public community college district, or members of an
13 organization of students, alumni, faculty or staff of the State
14 university or a public community college district are active
15 participants in the conference or convention, or in Memorial
16 Stadium on the campus of the University of Illinois at
17 Urbana-Champaign during games in which the Chicago Bears
18 professional football team is playing in that stadium during
19 the renovation of Soldier Field, not more than one and a half
20 hours before the start of the game and not after the end of the
21 third quarter of the game, or by a catering establishment which
22 has rented facilities from a board of trustees of a public
23 community college district, or, if approved by the District
24 board, on land owned by the Metropolitan Sanitary District of
25 Greater Chicago and leased to others for a term of at least 20
26 years. Nothing in this Section precludes the sale or delivery
27 of alcoholic liquor in the form of original packaged goods in
28 premises located at 500 S. Racine in Chicago belonging to the
29 University of Illinois and used primarily as a grocery store by
30 a commercial tenant during the term of a lease that predates
31 the University's acquisition of the premises; but the
32 University shall have no power or authority to renew, transfer,
33 or extend the lease with terms allowing the sale of alcoholic
34 liquor; and the sale of alcoholic liquor shall be subject to
35 all local laws and regulations. After the acquisition by
36 Winnebago County of the property located at 404 Elm Street in

1 Rockford, a commercial tenant who sold alcoholic liquor at
2 retail on a portion of the property under a valid license at
3 the time of the acquisition may continue to do so for so long
4 as the tenant and the County may agree under existing or future
5 leases, subject to all local laws and regulations regarding the
6 sale of alcoholic liquor. Each facility shall provide dram shop
7 liability in maximum insurance coverage limits so as to save
8 harmless the State, municipality, State university, airport,
9 golf course, faculty center, facility in which conference and
10 convention type activities take place, park district, Forest
11 Preserve District, public community college district,
12 aquarium, museum, or sanitary district from all financial loss,
13 damage or harm. Alcoholic liquors may be sold at retail in
14 buildings of golf courses owned by municipalities in connection
15 with the operation of an established food serving facility
16 during times when food is dispensed for consumption upon the
17 premises. Alcoholic liquors may be delivered to and sold at
18 retail in any building owned by a fire protection district
19 organized under the Fire Protection District Act, provided that
20 such delivery and sale is approved by the board of trustees of
21 the district, and provided further that such delivery and sale
22 is limited to fundraising events and to a maximum of 6 events
23 per year.

24 Alcoholic liquor may be delivered to and sold at retail in
25 the Dorchester Senior Business Center owned by the Village of
26 Dolton if the alcoholic liquor is sold or dispensed only in
27 connection with organized functions for which the planned
28 attendance is 20 or more persons, and if the person or facility
29 selling or dispensing the alcoholic liquor has provided dram
30 shop liability insurance in maximum limits so as to hold
31 harmless the Village of Dolton and the State from all financial
32 loss, damage and harm.

33 Alcoholic liquors may be delivered to and sold at retail in
34 any building used as an Illinois State Armory provided:

- 35 (i) the Adjutant General's written consent to the
36 issuance of a license to sell alcoholic liquor in such

1 building is filed with the Commission;

2 (ii) the alcoholic liquor is sold or dispensed only in
3 connection with organized functions held on special
4 occasions;

5 (iii) the organized function is one for which the
6 planned attendance is 25 or more persons; and

7 (iv) the facility selling or dispensing the alcoholic
8 liquors has provided dram shop liability insurance in
9 maximum limits so as to save harmless the facility and the
10 State from all financial loss, damage or harm.

11 Alcoholic liquors may be delivered to and sold at retail in
12 the Chicago Civic Center, provided that:

13 (i) the written consent of the Public Building
14 Commission which administers the Chicago Civic Center is
15 filed with the Commission;

16 (ii) the alcoholic liquor is sold or dispensed only in
17 connection with organized functions held on special
18 occasions;

19 (iii) the organized function is one for which the
20 planned attendance is 25 or more persons;

21 (iv) the facility selling or dispensing the alcoholic
22 liquors has provided dram shop liability insurance in
23 maximum limits so as to hold harmless the Civic Center, the
24 City of Chicago and the State from all financial loss,
25 damage or harm; and

26 (v) all applicable local ordinances are complied with.

27 Alcoholic liquors may be delivered or sold in any building
28 belonging to or under the control of any city, village or
29 incorporated town where more than 75% of the physical
30 properties of the building is used for commercial or
31 recreational purposes, and the building is located upon a pier
32 extending into or over the waters of a navigable lake or stream
33 or on the shore of a navigable lake or stream. Alcoholic liquor
34 may be sold in buildings under the control of the Department of
35 Natural Resources when written consent to the issuance of a
36 license to sell alcoholic liquor in such buildings is filed

1 with the Commission by the Department of Natural Resources.
2 Alcoholic liquor may be served or delivered in buildings and
3 facilities under the control of the Department of Natural
4 Resources upon the written approval of the Director of Natural
5 Resources acting as the controlling government authority. The
6 Director of Natural Resources may specify conditions on that
7 approval, including but not limited to requirements for
8 insurance and hours of operation. Notwithstanding any other
9 provision of this Act, alcoholic liquor sold by a United States
10 Army Corps of Engineers or Department of Natural Resources
11 concessionaire who was operating on June 1, 1991 for
12 on-premises consumption only is not subject to the provisions
13 of Articles IV and IX. Beer and wine may be sold on the
14 premises of the Joliet Park District Stadium owned by the
15 Joliet Park District when written consent to the issuance of a
16 license to sell beer and wine in such premises is filed with
17 the local liquor commissioner by the Joliet Park District. Beer
18 and wine may be sold in buildings on the grounds of State
19 veterans' homes when written consent to the issuance of a
20 license to sell beer and wine in such buildings is filed with
21 the Commission by the Department of Veterans' Affairs, and the
22 facility shall provide dram shop liability in maximum insurance
23 coverage limits so as to save the facility harmless from all
24 financial loss, damage or harm. Such liquors may be delivered
25 to and sold at any property owned or held under lease by a
26 Metropolitan Pier and Exposition Authority or Metropolitan
27 Exposition and Auditorium Authority.

28 Beer and wine may be sold and dispensed at professional
29 sporting events and at professional concerts and other
30 entertainment events conducted on premises owned by the Forest
31 Preserve District of Kane County, subject to the control of the
32 District Commissioners and applicable local law, provided that
33 dram shop liability insurance is provided at maximum coverage
34 limits so as to hold the District harmless from all financial
35 loss, damage and harm.

36 Nothing in this Section shall preclude the sale or delivery

1 of beer and wine at a State or county fair or the sale or
2 delivery of beer or wine at a city fair in any otherwise lawful
3 manner.

4 Alcoholic liquors may be sold at retail in buildings in
5 State parks under the control of the Department of Natural
6 Resources, provided:

7 a. the State park has overnight lodging facilities with
8 some restaurant facilities or, not having overnight
9 lodging facilities, has restaurant facilities which serve
10 complete luncheon and dinner or supper meals,

11 b. consent to the issuance of a license to sell
12 alcoholic liquors in the buildings has been filed with the
13 commission by the Department of Natural Resources, and

14 c. the alcoholic liquors are sold by the State park
15 lodge or restaurant concessionaire only during the hours
16 from 11 o'clock a.m. until 12 o'clock midnight.
17 Notwithstanding any other provision of this Act, alcoholic
18 liquor sold by the State park or restaurant concessionaire
19 is not subject to the provisions of Articles IV and IX.

20 Alcoholic liquors may be sold at retail in buildings on
21 properties under the control of the Historic Sites and
22 Preservation Division of the Historic Preservation Agency or
23 the Abraham Lincoln Presidential Library and Museum provided:

24 a. the property has overnight lodging facilities with
25 some restaurant facilities or, not having overnight
26 lodging facilities, has restaurant facilities which serve
27 complete luncheon and dinner or supper meals,

28 b. consent to the issuance of a license to sell
29 alcoholic liquors in the buildings has been filed with the
30 commission by the Historic Sites and Preservation Division
31 of the Historic Preservation Agency or the Abraham Lincoln
32 Presidential Library and Museum, and

33 c. the alcoholic liquors are sold by the lodge or
34 restaurant concessionaire only during the hours from 11
35 o'clock a.m. until 12 o'clock midnight.

36 The sale of alcoholic liquors pursuant to this Section does

1 not authorize the establishment and operation of facilities
2 commonly called taverns, saloons, bars, cocktail lounges, and
3 the like except as a part of lodge and restaurant facilities in
4 State parks or golf courses owned by Forest Preserve Districts
5 with a population of less than 3,000,000 or municipalities or
6 park districts.

7 Alcoholic liquors may be sold at retail in the Springfield
8 Administration Building of the Department of Transportation
9 and the Illinois State Armory in Springfield; provided, that
10 the controlling government authority may consent to such sales
11 only if

- 12 a. the request is from a not-for-profit organization;
- 13 b. such sales would not impede normal operations of the
14 departments involved;
- 15 c. the not-for-profit organization provides dram shop
16 liability in maximum insurance coverage limits and agrees
17 to defend, save harmless and indemnify the State of
18 Illinois from all financial loss, damage or harm;
- 19 d. no such sale shall be made during normal working
20 hours of the State of Illinois; and
- 21 e. the consent is in writing.

22 Alcoholic liquors may be sold at retail in buildings in
23 recreational areas of river conservancy districts under the
24 control of, or leased from, the river conservancy districts.
25 Such sales are subject to reasonable local regulations as
26 provided in Article IV; however, no such regulations may
27 prohibit or substantially impair the sale of alcoholic liquors
28 on Sundays or Holidays.

29 Alcoholic liquors may be provided in long term care
30 facilities owned or operated by a county under Division 5-21 or
31 5-22 of the Counties Code, when approved by the facility
32 operator and not in conflict with the regulations of the
33 Illinois Department of Public Health, to residents of the
34 facility who have had their consumption of the alcoholic
35 liquors provided approved in writing by a physician licensed to
36 practice medicine in all its branches.

1 Alcoholic liquors may be delivered to and dispensed in
2 State housing assigned to employees of the Department of
3 Corrections. No person shall furnish or allow to be furnished
4 any alcoholic liquors to any prisoner confined in any jail,
5 reformatory, prison or house of correction except upon a
6 physician's prescription for medicinal purposes.

7 Alcoholic liquors may be sold at retail or dispensed at the
8 Willard Ice Building in Springfield, at the State Library in
9 Springfield, and at Illinois State Museum facilities by (1) an
10 agency of the State, whether legislative, judicial or
11 executive, provided that such agency first obtains written
12 permission to sell or dispense alcoholic liquors from the
13 controlling government authority, or by (2) a not-for-profit
14 organization, provided that such organization:

15 a. Obtains written consent from the controlling
16 government authority;

17 b. Sells or dispenses the alcoholic liquors in a manner
18 that does not impair normal operations of State offices
19 located in the building;

20 c. Sells or dispenses alcoholic liquors only in
21 connection with an official activity in the building;

22 d. Provides, or its catering service provides, dram
23 shop liability insurance in maximum coverage limits and in
24 which the carrier agrees to defend, save harmless and
25 indemnify the State of Illinois from all financial loss,
26 damage or harm arising out of the selling or dispensing of
27 alcoholic liquors.

28 Nothing in this Act shall prevent a not-for-profit
29 organization or agency of the State from employing the services
30 of a catering establishment for the selling or dispensing of
31 alcoholic liquors at authorized functions.

32 The controlling government authority for the Willard Ice
33 Building in Springfield shall be the Director of the Department
34 of Revenue. The controlling government authority for Illinois
35 State Museum facilities shall be the Director of the Illinois
36 State Museum. The controlling government authority for the

1 State Library in Springfield shall be the Secretary of State.

2 Alcoholic liquors may be delivered to and sold at retail or
3 dispensed at any facility, property or building under the
4 jurisdiction of the Historic Sites and Preservation Division of
5 the Historic Preservation Agency or the Abraham Lincoln
6 Presidential Library and Museum where the delivery, sale or
7 dispensing is by (1) an agency of the State, whether
8 legislative, judicial or executive, provided that such agency
9 first obtains written permission to sell or dispense alcoholic
10 liquors from a controlling government authority, or by (2) a
11 not-for-profit organization provided that such organization:

12 a. Obtains written consent from the controlling
13 government authority;

14 b. Sells or dispenses the alcoholic liquors in a manner
15 that does not impair normal workings of State offices or
16 operations located at the facility, property or building;

17 c. Sells or dispenses alcoholic liquors only in
18 connection with an official activity of the not-for-profit
19 organization in the facility, property or building;

20 d. Provides, or its catering service provides, dram
21 shop liability insurance in maximum coverage limits and in
22 which the carrier agrees to defend, save harmless and
23 indemnify the State of Illinois from all financial loss,
24 damage or harm arising out of the selling or dispensing of
25 alcoholic liquors.

26 The controlling government authority for the Historic
27 Sites and Preservation Division of the Historic Preservation
28 Agency shall be the Director of the Historic Sites and
29 Preservation, and the controlling government authority for the
30 Abraham Lincoln Presidential Library and Museum shall be the
31 Director of the Abraham Lincoln Presidential Library and
32 Museum.

33 Alcoholic liquors may be delivered to and sold at retail or
34 dispensed for consumption at the Michael Bilandic Building at
35 160 North LaSalle Street, Chicago IL 60601, after the normal
36 business hours of any day care or child care facility located

1 in the building, by (1) a commercial tenant or subtenant
2 conducting business on the premises under a lease made pursuant
3 to Section 405-315 of the Department of Central Management
4 Services Law (20 ILCS 405/405-315), provided that such tenant
5 or subtenant who accepts delivery of, sells, or dispenses
6 alcoholic liquors shall procure and maintain dram shop
7 liability insurance in maximum coverage limits and in which the
8 carrier agrees to defend, indemnify, and save harmless the
9 State of Illinois from all financial loss, damage, or harm
10 arising out of the delivery, sale, or dispensing of alcoholic
11 liquors, or by (2) an agency of the State, whether legislative,
12 judicial, or executive, provided that such agency first obtains
13 written permission to accept delivery of and sell or dispense
14 alcoholic liquors from the Director of Central Management
15 Services, or by (3) a not-for-profit organization, provided
16 that such organization:

17 a. obtains written consent from the Department of
18 Central Management Services;

19 b. accepts delivery of and sells or dispenses the
20 alcoholic liquors in a manner that does not impair normal
21 operations of State offices located in the building;

22 c. accepts delivery of and sells or dispenses alcoholic
23 liquors only in connection with an official activity in the
24 building; and

25 d. provides, or its catering service provides, dram
26 shop liability insurance in maximum coverage limits and in
27 which the carrier agrees to defend, save harmless, and
28 indemnify the State of Illinois from all financial loss,
29 damage, or harm arising out of the selling or dispensing of
30 alcoholic liquors.

31 Nothing in this Act shall prevent a not-for-profit
32 organization or agency of the State from employing the services
33 of a catering establishment for the selling or dispensing of
34 alcoholic liquors at functions authorized by the Director of
35 Central Management Services.

36 Alcoholic liquors may be sold at retail or dispensed at the

1 James R. Thompson Center in Chicago, subject to the provisions
2 of Section 7.4 of the State Property Control Act, and 222 South
3 College Street in Springfield, Illinois by (1) a commercial
4 tenant or subtenant conducting business on the premises under a
5 lease or sublease made pursuant to Section 405-315 of the
6 Department of Central Management Services Law (20 ILCS
7 405/405-315), provided that such tenant or subtenant who sells
8 or dispenses alcoholic liquors shall procure and maintain dram
9 shop liability insurance in maximum coverage limits and in
10 which the carrier agrees to defend, indemnify and save harmless
11 the State of Illinois from all financial loss, damage or harm
12 arising out of the sale or dispensing of alcoholic liquors, or
13 by (2) an agency of the State, whether legislative, judicial or
14 executive, provided that such agency first obtains written
15 permission to sell or dispense alcoholic liquors from the
16 Director of Central Management Services, or by (3) a
17 not-for-profit organization, provided that such organization:

18 a. Obtains written consent from the Department of
19 Central Management Services;

20 b. Sells or dispenses the alcoholic liquors in a manner
21 that does not impair normal operations of State offices
22 located in the building;

23 c. Sells or dispenses alcoholic liquors only in
24 connection with an official activity in the building;

25 d. Provides, or its catering service provides, dram
26 shop liability insurance in maximum coverage limits and in
27 which the carrier agrees to defend, save harmless and
28 indemnify the State of Illinois from all financial loss,
29 damage or harm arising out of the selling or dispensing of
30 alcoholic liquors.

31 Nothing in this Act shall prevent a not-for-profit
32 organization or agency of the State from employing the services
33 of a catering establishment for the selling or dispensing of
34 alcoholic liquors at functions authorized by the Director of
35 Central Management Services.

36 Alcoholic liquors may be sold or delivered at any facility

1 owned by the Illinois Sports Facilities Authority provided that
2 dram shop liability insurance has been made available in a
3 form, with such coverage and in such amounts as the Authority
4 reasonably determines is necessary.

5 Alcoholic liquors may be sold at retail or dispensed at the
6 Rockford State Office Building by (1) an agency of the State,
7 whether legislative, judicial or executive, provided that such
8 agency first obtains written permission to sell or dispense
9 alcoholic liquors from the Department of Central Management
10 Services, or by (2) a not-for-profit organization, provided
11 that such organization:

12 a. Obtains written consent from the Department of
13 Central Management Services;

14 b. Sells or dispenses the alcoholic liquors in a manner
15 that does not impair normal operations of State offices
16 located in the building;

17 c. Sells or dispenses alcoholic liquors only in
18 connection with an official activity in the building;

19 d. Provides, or its catering service provides, dram
20 shop liability insurance in maximum coverage limits and in
21 which the carrier agrees to defend, save harmless and
22 indemnify the State of Illinois from all financial loss,
23 damage or harm arising out of the selling or dispensing of
24 alcoholic liquors.

25 Nothing in this Act shall prevent a not-for-profit
26 organization or agency of the State from employing the services
27 of a catering establishment for the selling or dispensing of
28 alcoholic liquors at functions authorized by the Department of
29 Central Management Services.

30 Alcoholic liquors may be sold or delivered in a building
31 that is owned by McLean County, situated on land owned by the
32 county in the City of Bloomington, and used by the McLean
33 County Historical Society if the sale or delivery is approved
34 by an ordinance adopted by the county board, and the
35 municipality in which the building is located may not prohibit
36 that sale or delivery, notwithstanding any other provision of

1 this Section. The regulation of the sale and delivery of
2 alcoholic liquor in a building that is owned by McLean County,
3 situated on land owned by the county, and used by the McLean
4 County Historical Society as provided in this paragraph is an
5 exclusive power and function of the State and is a denial and
6 limitation under Article VII, Section 6, subsection (h) of the
7 Illinois Constitution of the power of a home rule municipality
8 to regulate that sale and delivery.

9 Alcoholic liquors may be sold or delivered in any building
10 situated on land held in trust for any school district
11 organized under Article 34 of the School Code, if the building
12 is not used for school purposes and if the sale or delivery is
13 approved by the board of education.

14 Alcoholic liquors may be sold or delivered in buildings
15 owned by the Community Building Complex Committee of Boone
16 County, Illinois if the person or facility selling or
17 dispensing the alcoholic liquor has provided dram shop
18 liability insurance with coverage and in amounts that the
19 Committee reasonably determines are necessary.

20 Alcoholic liquors may be sold or delivered in the building
21 located at 1200 Centerville Avenue in Belleville, Illinois and
22 occupied by either the Belleville Area Special Education
23 District or the Belleville Area Special Services Cooperative.

24 Alcoholic liquors may be delivered to and sold at the Louis
25 Joliet Renaissance Center, City Center Campus, located at 214
26 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts
27 Department facilities, Main Campus, located at 1215 Houbolt
28 Road, Joliet, owned by or under the control of Joliet Junior
29 College, Illinois Community College District No. 525.

30 (Source: P.A. 92-512, eff. 1-1-02; 92-583, eff. 6-26-02;
31 92-600, eff. 7-1-02; 93-19, eff. 6-20-03; 93-103, eff. 1-1-04;
32 93-627, eff. 6-1-04; 93-844, eff. 7-30-04.)