



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 724

2 AMENDMENT NO. _____. Amend Senate Bill 724 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; but
16 the authority of the president or chairman of the county board

1 or his or her designee shall extend only to that area in any
2 county which lies outside the corporate limits of the cities,
3 villages and incorporated towns therein and those areas which
4 are owned by the county and are within the corporate limits of
5 the cities, villages and incorporated towns with a population
6 of less than 1,000,000, however, such county shall comply with
7 the operating rules of the municipal ordinances affected when
8 issuing their own licenses.

9 However, such mayor, president of the board of trustees or
10 president or chairman of the county board or his or her
11 designee may appoint a person or persons to assist him in the
12 exercise of the powers and the performance of the duties herein
13 provided for such local liquor control commissioner.

14 Notwithstanding any other provision of this Section to the
15 contrary, the mayor of a city with a population of 55,000
16 ~~50,000~~ or less or the president of a village with a population
17 of 55,000 ~~50,000~~ or less that has an interest in the
18 manufacture, sale, or distribution of alcoholic liquor must
19 direct the council or board over which he or she presides to
20 appoint, by majority vote, a person other than him or her to
21 serve as the local liquor control commissioner. The appointment
22 must be made within 30 days from the day on which the mayor or
23 president takes office, and the mayor or president cannot make
24 nominations or serve any other role in the appointment. To
25 prevent any conflict of interest, the mayor or president with
26 the interest in the manufacture, sale, or distribution of

1 alcoholic liquor shall not participate in any meetings,
2 hearings, or decisions on matters impacting the manufacture,
3 sale, or distribution of alcoholic liquor. Further, the
4 appointee (i) shall be an attorney with an active license to
5 practice law in the State of Illinois, (ii) shall not legally
6 represent liquor license applicants or holders before the
7 jurisdiction over which he or she presides as local liquor
8 control commissioner or before an adjacent jurisdiction, (iii)
9 shall not have an interest in the manufacture, sale, or
10 distribution of alcoholic liquor, and (iv) shall not be
11 appointed to a term to exceed the term of the mayor, president,
12 or members of the council or board.

13 (Source: P.A. 97-1059, eff. 8-24-12.)

14 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

15 Sec. 6-2. Issuance of licenses to certain persons
16 prohibited.

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

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

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

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

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

9 (5) A person who has been convicted of keeping a place
10 of prostitution or keeping a place of juvenile
11 prostitution, promoting prostitution that involves keeping
12 a place of prostitution, or promoting juvenile
13 prostitution that involves keeping a place of juvenile
14 prostitution.

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

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

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

22 (9) A copartnership, if any general partnership
23 thereof, or any limited partnership thereof, owning more
24 than 5% of the aggregate limited partner interest in such
25 copartnership would not be eligible to receive a license
26 hereunder for any reason other than residence within the

1 political subdivision, unless residency is required by
2 local ordinance.

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

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

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

25 (12) A person who has been convicted of a violation of
26 any Federal or State law concerning the manufacture,

1 possession or sale of alcoholic liquor, subsequent to the
2 passage of this Act or has forfeited his bond to appear in
3 court to answer charges for any such violation.

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

8 (14) Any law enforcing public official, including
9 members of local liquor control commissions, any mayor,
10 alderman, or member of the city council or commission, any
11 president of the village board of trustees, any member of a
12 village board of trustees, or any president or member of a
13 county board; and no such official shall have a direct
14 interest in the manufacture, sale, or distribution of
15 alcoholic liquor, except that a license may be granted to
16 such official in relation to premises that are not located
17 within the territory subject to the jurisdiction of that
18 official if the issuance of such license is approved by the
19 State Liquor Control Commission and except that a license
20 may be granted, in a city or village with a population of
21 55,000 ~~50,000~~ or less, to any alderman, member of a city
22 council, or member of a village board of trustees in
23 relation to premises that are located within the territory
24 subject to the jurisdiction of that official if (i) the
25 sale of alcoholic liquor pursuant to the license is
26 incidental to the selling of food, (ii) the issuance of the

1 license is approved by the State Commission, (iii) the
2 issuance of the license is in accordance with all
3 applicable local ordinances in effect where the premises
4 are located, and (iv) the official granted a license does
5 not vote on alcoholic liquor issues pending before the
6 board or council to which the license holder is elected.
7 Notwithstanding any provision of this paragraph (14) to the
8 contrary, an alderman or member of a city council or
9 commission, a member of a village board of trustees other
10 than the president of the village board of trustees, or a
11 member of a county board other than the president of a
12 county board may have a direct interest in the manufacture,
13 sale, or distribution of alcoholic liquor as long as he or
14 she is not a law enforcing public official, a mayor, a
15 village board president, or president of a county board. To
16 prevent any conflict of interest, the elected official with
17 the direct interest in the manufacture, sale, or
18 distribution of alcoholic liquor shall not participate in
19 any meetings, hearings, or decisions on matters impacting
20 the manufacture, sale, or distribution of alcoholic
21 liquor. Furthermore, the mayor of a city with a population
22 of 55,000 ~~50,000~~ or less or the president of a village with
23 a population of 55,000 ~~50,000~~ or less may have an interest
24 in the manufacture, sale, or distribution of alcoholic
25 liquor as long as the council or board over which he or she
26 presides has made a local liquor control commissioner

1 appointment that complies with the requirements of Section
2 4-2 of this Act.

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

5 (16) A person who has been convicted of a gambling
6 offense as proscribed by any of subsections (a) (3) through
7 (a) (11) of Section 28-1 of, or as proscribed by Section
8 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
9 Criminal Code of 2012, or as proscribed by a statute
10 replaced by any of the aforesaid statutory provisions.

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

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

22 (b) A criminal conviction of a corporation is not grounds
23 for the denial, suspension, or revocation of a license applied
24 for or held by the corporation if the criminal conviction was
25 not the result of a violation of any federal or State law
26 concerning the manufacture, possession or sale of alcoholic

1 liquor, the offense that led to the conviction did not result
2 in any financial gain to the corporation and the corporation
3 has terminated its relationship with each director, officer,
4 employee, or controlling shareholder whose actions directly
5 contributed to the conviction of the corporation. The
6 Commission shall determine if all provisions of this subsection
7 (b) have been met before any action on the corporation's
8 license is initiated.

9 (Source: P.A. 96-1551, eff. 7-1-11; 97-1059, eff. 8-24-12;
10 97-1150, eff. 1-25-13.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."