

SUPREME COURT OF ILLINOIS

Crusius v. Illinois Gaming Board

216 Ill. 2d 315 (2005) · No. No. 98351 · Decided September 22, 2005

SUMMARY

The Illinois Supreme Court considered whether section 11.2(a) of the Riverboat Gambling Act violated the Illinois Constitution's special legislation clause by allowing a nonoperational licensee to renew its license and relocate. The court held that the classification, which benefited Emerald Casino, was rationally related to legitimate economic-development and tourism objectives and did not improperly undermine the Illinois Gaming Board's regulatory authority. The court affirmed dismissal of the taxpayer's complaint.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Garman
JURISDICTION	Illinois
DECIDED	September 22, 2005
DOCKET	No. 98351
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal by an Illinois taxpayer from dismissal with prejudice of an action seeking a declaratory judgment that section 11.2(a) of the Riverboat Gambling Act violated the Illinois Constitution's special legislation clause.
STANDARD OF REVIEW	De novo review of the circuit court's determination regarding the constitutionality of section 11.2(a) and its order granting the section 2-615 motions to dismiss.
PRECEDENTIAL VALUE	published and precedential Illinois Supreme Court opinion
PARTIES	Philip N. Crusius, State defendants v. Illinois Gaming Board, Individual members of the Illinois Gaming Board, Illinois State Comptroller, Illinois State Treasurer, Village of Rosemont, Emerald Casino, Inc., Official Committee of Unsecured Creditors of Emerald Casino, Inc.

TOPICS

casino regulation

gambling

rational basis review

statutory interpretation

PRACTICE AREAS

constitutional law

gaming and casino regulation

administrative law

statutory interpretation

QUESTIONS PRESENTED

1. Whether section 11.2(a) of the Riverboat Gambling Act violates the special legislation clause of article IV, section 13, of the Illinois Constitution by benefiting Emerald Casino as the only licensee meeting the statutory classification.

HOLDINGS

1. Section 11.2(a) does not violate the special legislation clause because, although it benefits a select group consisting only of Emerald, its classification is rationally related to legitimate state interests in economic development, tourism, and revenue for education.

KEY QUOTATIONS

“The special legislation clause prohibits the General Assembly from conferring a special benefit or privilege upon one person or group and excluding others that are similarly situated.”

“For a provision in a law to pass the rational basis test, it does not have to promote all of the law's disparate and potentially conflicting objectives.”

“We hold section 11.2(a) does not violate the Illinois Constitution's special legislation clause.”

FACTUAL BACKGROUND

Emerald Casino held an Illinois riverboat gambling license and operated at East Dubuque, but its operations became economically infeasible and ceased in July 1997. In 1999, the General Assembly enacted section 11.2(a), permitting a licensee that was not conducting riverboat gambling on January 1, 1998, to apply for renewal and relocation upon approval by a new municipality or county; Emerald was the only licensee meeting that description. Crusius challenged the provision as unconstitutional special legislation, arguing that it benefited Emerald while undermining the Gaming Board's regulatory authority and public confidence in the gambling industry.

PROCEDURAL HISTORY

Crusius filed a taxpayer action in the Cook County circuit court challenging section 11.2(a) and seeking injunctive relief. The circuit court found that Crusius had standing but dismissed the complaint with prejudice for failure to state a cause of action. The appellate court affirmed, and the Illinois Supreme Court granted Crusius leave to appeal under Supreme Court Rule 315. The Supreme Court affirmed the appellate court and circuit court judgments.

DISPOSITION

affirmed

CASES CITED

- Arangold Corp. v. Zehnder, 204 Ill. 2d 142, 146-47 (2003)
- Village of Lake Villa v. Stokovich, 211 Ill. 2d 106, 122 (2004)
- Arvia v. Madigan, 209 Ill. 2d 520, 536 (2004)
- Neade v. Portes, 193 Ill. 2d 433, 439 (2000)
- Allen v. Woodfield Chevrolet, Inc., 208 Ill. 2d 12, 21-22 (2003)
- Best v. Taylor Machine Works, 179 Ill. 2d 367, 391 (1997)
- In re Estate of Jolliff, 199 Ill. 2d 510, 519-20 (2002)
- Miller v. Rosenberg, 196 Ill. 2d 50, 58-59 (2001)
- King v. First Capital Financial Services Corp., 215 Ill. 2d 1, 26 (2005)
- Schoeberlein v. Purdue University, 129 Ill. 2d 372, 379 (1989)
- Sullivan v. Midlothian Park District, 51 Ill. 2d 274, 277-78 (1972)
- Fitzgerald v. Racing Ass'n of Central Iowa, 539 U.S. 103 (2003)
- People v. Shephard, 152 Ill. 2d 489, 503 (1992)
- Shields v. Judges' Retirement System, 204 Ill. 2d 488, 497 (2003)
- Emerald Casino, Inc. v. Illinois Gaming Board, 346 Ill. App. 3d 18 (2003)
- Lake County Riverboat, L.P. v. Illinois Gaming Board, 332 Ill. App. 3d 127 (2002)