94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0478

Introduced 2/16/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-15

from Ch. 43, par. 130

Amends the Liquor Control Act of 1934. Allows alcoholic liquor to be delivered to and sold at the Pavilion Facility at the University of Illinois at Chicago during Chicago Storm games up to one and a half hours before the start of the game and not after the finish of the game. Effective immediately.

LRB094 09437 LJB 39685 b

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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 in any building belonging to or under the control of the State 8 or any political subdivision thereof except as provided in this 9 10 Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, 11 12 however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the 13 14 control of the municipality or township, or in any building 15 located on land under the control of the municipality; provided that such township complies with all 16 applicable local 17 ordinances in any incorporated area of the township. Alcoholic liquor may be delivered to and sold under the authority of a 18 19 special use permit on any property owned by a conservation 20 district organized under the Conservation District Act, provided that (i) the alcoholic liquor is sold only at an event 21 22 authorized by the governing board of the conservation district, 23 (ii) the issuance of the special use permit is authorized by the local liquor control commissioner of the territory in which 24 25 the property is located, and (iii) the special use permit authorizes the sale of alcoholic liquor for one day or less. 26 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 District Code, subject to the approval of the governing board 31 32 of the district, or in any building or on any golf course owned

by a forest preserve district organized under the Downstate 1 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 the Local Mass Transit District Act, subject to the approval of 10 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 of Camden Park in Milan, Illinois, or in the community center 14 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 when food is dispensed for consumption on the premises, and at 18 19 the following aquarium and museums located in public parks: Art 20 Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of 21 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 the District harmless from all financial loss, damage, and 33 harm, or in any building located on land owned by the Chicago 34 35 Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational 36

- 3 - LRB094 09437 LJB 39685 b

SB0478

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 conference and convention type activities alcoholic liquors 7 8 shall be limited to the use of the convention or conference 9 participants or participants in cultural, political or educational activities held in such facilities, and provided 10 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 professional football team is playing in that stadium during 18 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 third quarter of the game, or in the Pavilion Facility on the 21 campus of the University of Illinois at Chicago during games in 22 23 which the Chicago Storm professional soccer team is playing in that facility, not more than one and a half hours before the 24 start of the game and not after the finish of the game, or by a 25 catering establishment which has rented facilities from a board 26 27 of trustees of a public community college district, or, if 28 approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to 29 30 others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form 31 32 of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used 33 primarily as a grocery store by a commercial tenant during the 34 35 term of a lease that predates the University's acquisition of the premises; but the University shall have no power or 36

1 authority to renew, transfer, or extend the lease with terms 2 allowing the sale of alcoholic liquor; and the sale of 3 alcoholic liquor shall be subject to all local laws and 4 regulations. After the acquisition by Winnebago County of the 5 property located at 404 Elm Street in Rockford, a commercial 6 tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition 7 8 may continue to do so for so long as the tenant and the County 9 may agree under existing or future leases, subject to all local 10 laws and regulations regarding the sale of alcoholic liquor. 11 Each facility shall provide dram shop liability in maximum 12 insurance coverage limits so as to save harmless the State, 13 municipality, State university, airport, golf course, faculty center, facility in which conference and convention type 14 15 park district, Forest Preserve activities take place, 16 District, public community college district, aquarium, museum, 17 or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf 18 19 courses owned by municipalities in connection with the operation of an established food serving facility during times 20 when food is dispensed for consumption upon the premises. 21 22 Alcoholic liquors may be delivered to and sold at retail in any 23 building owned by a fire protection district organized under 24 the Fire Protection District Act, provided that such delivery 25 and sale is approved by the board of trustees of the district, 26 and provided further that such delivery and sale is limited to 27 fundraising events and to a maximum of 6 events per year.

28 Alcoholic liquor may be delivered to and sold at retail in 29 the Dorchester Senior Business Center owned by the Village of 30 Dolton if the alcoholic liquor is sold or dispensed only in 31 connection with organized functions for which the planned 32 attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram 33 shop liability insurance in maximum limits so as to hold 34 35 harmless the Village of Dolton and the State from all financial 36 loss, damage and harm.

- 5 - LRB094 09437 LJB 39685 b

SB0478

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

3 (i) the Adjutant General's written consent to the
4 issuance of a license to sell alcoholic liquor in such
5 building is filed with the Commission;

6 (ii) the alcoholic liquor is sold or dispensed only in 7 connection with organized functions held on special 8 occasions;

9 (iii) the organized function is one for which the 10 planned attendance is 25 or more persons; and

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

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

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

20 (ii) the alcoholic liquor is sold or dispensed only in 21 connection with organized functions held on special 22 occasions;

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

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

30 (v) all applicable local ordinances are complied with.
31 Alcoholic liquors may be delivered or sold in any building
32 belonging to or under the control of any city, village or
33 incorporated town where more than 75% of the physical
34 properties of the building is used for commercial or
35 recreational purposes, and the building is located upon a pier
36 extending into or over the waters of a navigable lake or stream

or on the shore of a navigable lake or stream. Alcoholic liquor 1 2 may be sold in buildings under the control of the Department of 3 Natural Resources when written consent to the issuance of a 4 license to sell alcoholic liquor in such buildings is filed 5 with the Commission by the Department of Natural Resources. 6 Alcoholic liquor may be served or delivered in buildings and facilities under the control of the Department of Natural 7 8 Resources upon the written approval of the Director of Natural Resources acting as the controlling government authority. The 9 10 Director of Natural Resources may specify conditions on that 11 approval, including but not limited to requirements for 12 insurance and hours of operation. Notwithstanding any other 13 provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources 14 15 operating on June 1, 1991 concessionaire who was for 16 on-premises consumption only is not subject to the provisions 17 of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the 18 19 Joliet Park District when written consent to the issuance of a 20 license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer 21 22 and wine may be sold in buildings on the grounds of State 23 veterans' homes when written consent to the issuance of a 24 license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the 25 26 facility shall provide dram shop liability in maximum insurance 27 coverage limits so as to save the facility harmless from all 28 financial loss, damage or harm. Such liquors may be delivered 29 to and sold at any property owned or held under lease by a 30 Metropolitan Pier and Exposition Authority or Metropolitan 31 Exposition and Auditorium Authority.

32 Beer and wine may be sold and dispensed at professional 33 sporting events and at professional concerts and other 34 entertainment events conducted on premises owned by the Forest 35 Preserve District of Kane County, subject to the control of the 36 District Commissioners and applicable local law, provided that - 7 - LRB094 09437 LJB 39685 b

SB0478

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1 dram shop liability insurance is provided at maximum coverage 2 limits so as to hold the District harmless from all financial 3 loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery
of beer and wine at a State or county fair or the sale or
delivery of beer or wine at a city fair in any otherwise lawful
manner.

8 Alcoholic liquors may be sold at retail in buildings in 9 State parks under the control of the Department of Natural 10 Resources, provided:

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

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

c. the alcoholic liquors are sold by the State park 18 19 lodge or restaurant concessionaire only during the hours 20 from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic 21 liquor sold by the State park or restaurant concessionaire 22 23 is not subject to the provisions of Articles IV and IX.

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

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

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

- 8 - LRB094 09437 LJB 39685 b

SB0478

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

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

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

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a. the request is from a not-for-profit organization;

b. such sales would not impede normal operations of thedepartments involved;

19 c. the not-for-profit organization provides dram shop 20 liability in maximum insurance coverage limits and agrees 21 to defend, save harmless and indemnify the State of 22 Illinois from all financial loss, damage or harm;

d. no such sale shall be made during normal workinghours of the State of Illinois; and

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e. the consent is in writing.

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

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the - 9 - LRB094 09437 LJB 39685 b

SB0478

1 Illinois Department of Public Health, to residents of the 2 facility who have had their consumption of the alcoholic 3 liquors provided approved in writing by a physician licensed to 4 practice medicine in all its branches.

5 Alcoholic liquors may be delivered to and dispensed in 6 State housing assigned to employees of the Department of 7 Corrections. No person shall furnish or allow to be furnished 8 any alcoholic liquors to any prisoner confined in any jail, 9 reformatory, prison or house of correction except upon a 10 physician's prescription for medicinal purposes.

11 Alcoholic liquors may be sold at retail or dispensed at the 12 Willard Ice Building in Springfield, at the State Library in 13 Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial 14 or 15 executive, provided that such agency first obtains written 16 permission to sell or dispense alcoholic liquors from the 17 controlling government authority, or by (2) a not-for-profit organization, provided that such organization: 18

a. Obtains written consent from the controlling
 government authority;

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

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

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

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

36 The controlling government authority for the Willard Ice

Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

6 Alcoholic liquors may be delivered to and sold at retail or 7 dispensed at any facility, property or building under the 8 jurisdiction of the Historic Sites and Preservation Division of 9 the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale or 10 11 dispensing is by (1) an agency of the State, whether 12 legislative, judicial or executive, provided that such agency 13 first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a 14 15 not-for-profit organization provided that such organization:

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a. Obtains written consent from the controlling government authority;

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

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

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

30 The controlling government authority for the Historic 31 Sites and Preservation Division of the Historic Preservation 32 Agency shall be the Director of the Historic Sites and 33 Preservation, and the controlling government authority for the 34 Abraham Lincoln Presidential Library and Museum shall be the 35 Director of the Abraham Lincoln Presidential Library and 36 Museum.

Alcoholic liquors may be delivered to and sold at retail or 1 2 dispensed for consumption at the Michael Bilandic Building at 160 North LaSalle Street, Chicago IL 60601, after the normal 3 business hours of any day care or child care facility located 4 5 in the building, by (1) a commercial tenant or subtenant 6 conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management 7 Services Law (20 ILCS 405/405-315), provided that such tenant 8 or subtenant who accepts delivery of, sells, or dispenses 9 10 alcoholic liquors shall procure and maintain dram shop 11 liability insurance in maximum coverage limits and in which the 12 carrier agrees to defend, indemnify, and save harmless the State of Illinois from all financial loss, damage, or harm 13 arising out of the delivery, sale, or dispensing of alcoholic 14 liquors, or by (2) an agency of the State, whether legislative, 15 16 judicial, or executive, provided that such agency first obtains 17 written permission to accept delivery of and sell or dispense alcoholic liquors from the Director of Central Management 18 19 Services, or by (3) a not-for-profit organization, provided 20 that such organization:

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

23 b. accepts delivery of and sells or dispenses the 24 alcoholic liquors in a manner that does not impair normal 25 operations of State offices located in the building;

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

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

35 Nothing in this Act shall prevent a not-for-profit 36 organization or agency of the State from employing the services

- 12 - LRB094 09437 LJB 39685 b

of a catering establishment for the selling or dispensing of
 alcoholic liquors at functions authorized by the Director of
 Central Management Services.

Alcoholic liquors may be sold at retail or dispensed at the 4 5 James R. Thompson Center in Chicago, subject to the provisions 6 of Section 7.4 of the State Property Control Act, and 222 South College Street in Springfield, Illinois by (1) a commercial 7 tenant or subtenant conducting business on the premises under a 8 lease or sublease made pursuant to Section 405-315 of the 9 10 Department of Central Management Services Law (20 ILCS 11 405/405-315), provided that such tenant or subtenant who sells 12 or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in 13 which the carrier agrees to defend, indemnify and save harmless 14 the State of Illinois from all financial loss, damage or harm 15 16 arising out of the sale or dispensing of alcoholic liquors, or 17 by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written 18 19 permission to sell or dispense alcoholic liquors from the 20 Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization: 21

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

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

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

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

35 Nothing in this Act shall prevent a not-for-profit 36 organization or agency of the State from employing the services

of a catering establishment for the selling or dispensing of
 alcoholic liquors at functions authorized by the Director of
 Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

9 Alcoholic liquors may be sold at retail or dispensed at the 10 Rockford State Office Building by (1) an agency of the State, 11 whether legislative, judicial or executive, provided that such 12 agency first obtains written permission to sell or dispense 13 alcoholic liquors from the Department of Central Management 14 Services, or by (2) a not-for-profit organization, provided 15 that such organization:

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

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

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

23 d. Provides, or its catering service provides, dram 24 shop liability insurance in maximum coverage limits and in 25 which the carrier agrees to defend, save harmless and 26 indemnify the State of Illinois from all financial loss, 27 damage or harm arising out of the selling or dispensing of 28 alcoholic liquors.

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

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean - 14 - LRB094 09437 LJB 39685 b

SB0478

1 County Historical Society if the sale or delivery is approved 2 by an ordinance adopted by the county board, and the 3 municipality in which the building is located may not prohibit 4 that sale or delivery, notwithstanding any other provision of 5 this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, 6 situated on land owned by the county, and used by the McLean 7 8 County Historical Society as provided in this paragraph is an 9 exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the 10 11 Illinois Constitution of the power of a home rule municipality 12 to regulate that sale and delivery.

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

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

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

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

34 (Source: P.A. 92-512, eff. 1-1-02; 92-583, eff. 6-26-02; 35 92-600, eff. 7-1-02; 93-19, eff. 6-20-03; 93-103, eff. 1-1-04; 36 93-627, eff. 6-1-04; 93-844, eff. 7-30-04.) SB0478 - 15 - LRB094 09437 LJB 39685 b 1 Section 99. Effective date. This Act takes effect upon

2 becoming law.