96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2065

Introduced 2/20/2009, by Sen. Toi W. Hutchinson

SYNOPSIS AS INTRODUCED:

65 ILCS 5/11-74.4-3.5

Amends the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code. Provides that the redevelopment projects in the TIF districts created by ordinance that were adopted on (i) December 13, 1993, (ii) February 12, 2001, and (iii) April 23, 2001 by the Village of Crete must be completed by December 31 of the 35th year (now, the 23rd year) after the year in which the respective ordinances were adopted. Makes revisory changes. Contains a non-acceleration clause. Effective immediately.

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FISCAL NOTE ACT MAY APPLY HOUSING AFFORDABILITY IMPACT NOTE ACT MAY APPLY SB2065

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AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by 5 changing Section 11-74.4-3.5 as follows:

6 (65 ILCS 5/11-74.4-3.5)

(Text of Section before amendment by P.A. 95-1028)

8 Sec. 11-74.4-3.5. Completion dates for redevelopment 9 projects.

(a) Unless otherwise stated in this Section, the estimated 10 11 dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs 12 (including refunding bonds under Section 11-74.4-7) may not be 13 14 later than December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 15 16 11-74.4-8 of this Act, is to be made with respect to ad valorem 17 taxes levied in the 23rd calendar year after the year in which the ordinance approving the redevelopment project area was 18 19 adopted if the ordinance was adopted on or after January 15, 20 1981.

(b) The estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the 33rd calendar year after the year in which the ordinance approving the redevelopment project area was adopted, if the ordinance was adopted on May 20, 1985 by the Village of Wheeling.

8 (c) The estimated dates of completion of the redevelopment 9 project and retirement of obligations issued to finance 10 redevelopment project costs (including refunding bonds under 11 Section 11-74.4-7) may not be later than December 31 of the 12 year in which the payment to the municipal treasurer as 13 provided in subsection (b) of Section 11-74.4-8 of this Act is 14 to be made with respect to ad valorem taxes levied in the 35th 15 calendar year after the year in which the ordinance approving 16 the redevelopment project area was adopted:

17 (1) if the ordinance was adopted before January 15,18 1981;

19 (2) if the ordinance was adopted in December 1983,
20 April 1984, July 1985, or December 1989;

- (3) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport;
- 24 (4) if the ordinance was adopted before January 1, 1987
 25 by a municipality in Mason County;
- 26

(5) if the municipality is subject to the Local

1 2 Government Financial Planning and Supervision Act or the Financially Distressed City Law;

3 4 (6) if the ordinance was adopted in December 1984 by the Village of Rosemont;

5 (7) if the ordinance was adopted on December 31, 1986 6 by a municipality located in Clinton County for which at least \$250,000 of tax increment bonds were authorized on 7 8 June 17, 1997, or if the ordinance was adopted on December 9 31, 1986 by a municipality with a population in 1990 of 10 less than 3,600 that is located in a county with a 11 population in 1990 of less than 34,000 and for which at 12 least \$250,000 of tax increment bonds were authorized on 13 June 17, 1997;

14 (8) if the ordinance was adopted on October 5, 1982 by
15 the City of Kankakee, or if the ordinance was adopted on
16 December 29, 1986 by East St. Louis;

17 (9) if the ordinance was adopted on November 12, 1991
18 by the Village of Sauget;

(10) if the ordinance was adopted on February 11, 1985by the City of Rock Island;

(11) if the ordinance was adopted before December 18,
1986 by the City of Moline;

23 (12) if the ordinance was adopted in September 1988 by
24 Sauk Village;

(13) if the ordinance was adopted in October 1993 by
Sauk Village;

1	(14) if the ordinance was adopted on December 29, 1986
2	by the City of Galva;
3	(15) if the ordinance was adopted in March 1991 by the
4	City of Centreville;
5	(16) if the ordinance was adopted on January 23, 1991
6	by the City of East St. Louis;
7	(17) if the ordinance was adopted on December 22, 1986
8	by the City of Aledo;
9	(18) if the ordinance was adopted on February 5, 1990
10	by the City of Clinton;
11	(19) if the ordinance was adopted on September 6, 1994
12	by the City of Freeport;
13	(20) if the ordinance was adopted on December 22, 1986
14	by the City of Tuscola;
15	(21) if the ordinance was adopted on December 23, 1986
16	by the City of Sparta;
17	(22) if the ordinance was adopted on December 23, 1986
18	by the City of Beardstown;
19	(23) if the ordinance was adopted on April 27, 1981,
20	October 21, 1985, or December 30, 1986 by the City of
21	Belleville;
22	(24) if the ordinance was adopted on December 29, 1986
23	by the City of Collinsville;
24	(25) if the ordinance was adopted on September 14, 1994
25	by the City of Alton;
26	(26) if the ordinance was adopted on November 11, 1996

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1	by the City of Lexington;
2	(27) if the ordinance was adopted on November 5, 1984
3	by the City of LeRoy;
4	(28) if the ordinance was adopted on April 3, 1991 or
5	June 3, 1992 by the City of Markham;
6	(29) if the ordinance was adopted on November 11, 1986
7	by the City of Pekin;
8	(30) if the ordinance was adopted on December 15, 1981
9	by the City of Champaign;
10	(31) if the ordinance was adopted on December 15, 1986
11	by the City of Urbana;
12	(32) if the ordinance was adopted on December 15, 1986
13	by the Village of Heyworth;
14	(33) if the ordinance was adopted on February 24, 1992
15	by the Village of Heyworth;
16	(34) if the ordinance was adopted on March 16, 1995 by
17	the Village of Heyworth;
18	(35) if the ordinance was adopted on December 23, 1986
19	by the Town of Cicero;
20	(36) if the ordinance was adopted on December 30, 1986
21	by the City of Effingham;
22	(37) if the ordinance was adopted on May 9, 1991 by the
23	Village of Tilton;
24	(38) if the ordinance was adopted on October 20, 1986
25	by the City of Elmhurst;
26	(39) if the ordinance was adopted on January 19, 1988

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1	by the City of Waukegan;
2	(40) if the ordinance was adopted on September 21, 1998
3	by the City of Waukegan;
4	(41) if the ordinance was adopted on December 31, 1986
5	by the City of Sullivan;
6	(42) if the ordinance was adopted on December 23, 1991
7	by the City of Sullivan;
8	(43) if the ordinance was adopted on December 31, 1986
9	by the City of Oglesby;
10	(44) if the ordinance was adopted on July 28, 1987 by
11	the City of Marion;
12	(45) if the ordinance was adopted on April 23, 1990 by
13	the City of Marion;
14	(46) if the ordinance was adopted on August 20, 1985 by
15	the Village of Mount Prospect;
16	(47) if the ordinance was adopted on February 2, 1998
17	by the Village of Woodhull;
18	(48) if the ordinance was adopted on April 20, 1993 by
19	the Village of Princeville;
20	(49) if the ordinance was adopted on July 1, 1986 by
21	the City of Granite City;
22	(50) if the ordinance was adopted on February 2, 1989
23	by the Village of Lombard;
24	(51) if the ordinance was adopted on December 29, 1986
25	by the Village of Gardner;
26	(52) if the ordinance was adopted on July 14, 1999 by

- 7 - LRB096 11356 RLJ 21812 b SB2065 the Village of Paw Paw; 1 2 (53) if the ordinance was adopted on November 17, 1986 3 by the Village of Franklin Park; 4 (54) if the ordinance was adopted on November 20, 1989 5 by the Village of South Holland; (55) if the ordinance was adopted on July 14, 1992 by 6 7 the Village of Riverdale; 8 (56) if the ordinance was adopted on December 29, 1986 9 by the City of Galesburg; 10 (57) if the ordinance was adopted on April 1, 1985 by 11 the City of Galesburg; 12 (58) if the ordinance was adopted on May 21, 1990 by 13 the City of West Chicago; (59) if the ordinance was adopted on December 16, 1986 14 15 by the City of Oak Forest; 16 (60) if the ordinance was adopted in 1999 by the City 17 of Villa Grove; (61) if the ordinance was adopted on January 13, 1987 18 19 by the Village of Mt. Zion; 20 (62) if the ordinance was adopted on December 30, 1986 by the Village of Manteno; 21 22 (63) if the ordinance was adopted on April 3, 1989 by 23 the City of Chicago Heights; (64) if the ordinance was adopted on January 6, 1999 by 24 25 the Village of Rosemont; 26 (65) if the ordinance was adopted on December 19, 2000 SB2065

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1	by the Village of Stone Park;
2	(66) if the ordinance was adopted on December 22, 1986
3	by the City of DeKalb; or
4	(67) if the ordinance was adopted on December 2, 1986
5	by the City of Aurora <u>;</u> -
6	(68) (67) if the ordinance was adopted on December 31,
7	1986 by the Village of Milan; or
8	(69) (68) if the ordinance was adopted on September 8,
9	1994 by the City of West Frankfort ;-
10	(70) if the ordinance was adopted on December 23, 1986
11	by the Village of Libertyville;
12	(72) if the ordinance was adopted on December 13, 1993
13	by the Village of Crete;
14	(73) if the ordinance was adopted on February 12, 2001
15	by the Village of Crete; or
16	(74) if the ordinance was adopted on April 23, 2001 by
17	the Village of Crete.
18	(d) For redevelopment project areas for which bonds were
19	issued before July 29, 1991, or for which contracts were
20	entered into before June 1, 1988, in connection with a
21	redevelopment project in the area within the State Sales Tax
22	Boundary, the estimated dates of completion of the
23	redevelopment project and retirement of obligations to finance
24	redevelopment project costs (including refunding bonds under
25	Section 11-74.4-7) may be extended by municipal ordinance to
26	December 31, 2013. The termination procedures of subsection (b)

of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by Public Act 87-1272 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

5 (e) Those dates, for purposes of real property tax 6 increment allocation financing pursuant to Section 11-74.4-8 7 only, shall be not more than 35 years for redevelopment project 8 areas that were adopted on or after December 16, 1986 and for 9 which at least \$8 million worth of municipal bonds were 10 authorized on or after December 19, 1989 but before January 1, 11 1990; provided that the municipality elects to extend the life 12 of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' 13 14 written notice to the taxing bodies, that would otherwise 15 constitute the joint review board for the redevelopment project 16 area, before the adoption of the ordinance.

17 Those dates, for purposes of real property tax (f) increment allocation financing pursuant to Section 11-74.4-8 18 19 only, shall be not more than 35 years for redevelopment project 20 areas that were established on or after December 1, 1981 but 21 before January 1, 1982 and for which at least \$1,500,000 worth 22 of tax increment revenue bonds were authorized on or after 23 September 30, 1990 but before July 1, 1991; provided that the 24 municipality elects to extend the life of the redevelopment 25 project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the 26

1 taxing bodies, that would otherwise constitute the joint review
2 board for the redevelopment project area, before the adoption
3 of the ordinance.

(g) In consolidating the material relating to completion 4 5 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section, it is not the intent of the 95th General Assembly to make any 6 substantive change in the law, except for the extension of the 7 8 completion dates date for the City of Aurora, the Village of 9 Milan, and the City of West Frankfort, and the Village of 10 Libertyville set forth under items item (67), and (68), (69), 11 and (70) of subsection (c) of this Section.

12 (Source: P.A. 95-932, eff. 8-26-08; 95-964, eff. 9-23-08;
13 incorporates P.A. 95-777, eff. 9-22-08; revised 10-14-08.)

14 (Text of Section after amendment by P.A. 95-1028)

Sec. 11-74.4-3.5. Completion dates for redevelopment projects.

(a) Unless otherwise stated in this Section, the estimated 17 18 dates of completion of the redevelopment project and retirement 19 of obligations issued to finance redevelopment project costs (including refunding bonds under Section 11-74.4-7) may not be 20 21 later than December 31 of the year in which the payment to the 22 municipal treasurer, as provided in subsection (b) of Section 23 11-74.4-8 of this Act, is to be made with respect to ad valorem 24 taxes levied in the 23rd calendar year after the year in which 25 the ordinance approving the redevelopment project area was

adopted if the ordinance was adopted on or after January 15,
 1981.

(b) The estimated dates of completion of the redevelopment 3 and retirement of obligations issued to finance 4 project 5 redevelopment project costs (including refunding bonds under 6 Section 11-74.4-7) may not be later than December 31 of the year in which the payment to the municipal treasurer as 7 provided in subsection (b) of Section 11-74.4-8 of this Act is 8 9 to be made with respect to ad valorem taxes levied in the 33rd 10 calendar year after the year in which the ordinance approving 11 the redevelopment project area was adopted, if the ordinance 12 was adopted on May 20, 1985 by the Village of Wheeling.

13 (c) The estimated dates of completion of the redevelopment 14 and retirement of obligations issued to finance project redevelopment project costs (including refunding bonds under 15 16 Section 11-74.4-7) may not be later than December 31 of the 17 year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is 18 to be made with respect to ad valorem taxes levied in the 35th 19 20 calendar year after the year in which the ordinance approving 21 the redevelopment project area was adopted:

(1) if the ordinance was adopted before January 15,1981;

(2) if the ordinance was adopted in December 1983,
April 1984, July 1985, or December 1989;

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(3) if the ordinance was adopted in December 1987 and

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- the redevelopment project is located within one mile of Midway Airport;
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(4) if the ordinance was adopted before January 1, 1987by a municipality in Mason County;

5 (5) if the municipality is subject to the Local 6 Government Financial Planning and Supervision Act or the 7 Financially Distressed City Law;

8 (6) if the ordinance was adopted in December 1984 by
9 the Village of Rosemont;

10 (7) if the ordinance was adopted on December 31, 1986 11 by a municipality located in Clinton County for which at 12 least \$250,000 of tax increment bonds were authorized on 13 June 17, 1997, or if the ordinance was adopted on December 14 31, 1986 by a municipality with a population in 1990 of 15 less than 3,600 that is located in a county with a 16 population in 1990 of less than 34,000 and for which at 17 least \$250,000 of tax increment bonds were authorized on June 17, 1997; 18

(8) if the ordinance was adopted on October 5, 1982 by
the City of Kankakee, or if the ordinance was adopted on
December 29, 1986 by East St. Louis;

(9) if the ordinance was adopted on November 12, 1991
by the Village of Sauget;

(10) if the ordinance was adopted on February 11, 1985by the City of Rock Island;

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(11) if the ordinance was adopted before December 18,

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1986 by the City of Moline; 1 2 (12) if the ordinance was adopted in September 1988 by 3 Sauk Village; (13) if the ordinance was adopted in October 1993 by 4 5 Sauk Village; (14) if the ordinance was adopted on December 29, 1986 6 7 by the City of Galva; 8 (15) if the ordinance was adopted in March 1991 by the 9 City of Centreville; 10 (16) if the ordinance was adopted on January 23, 1991 11 by the City of East St. Louis; 12 (17) if the ordinance was adopted on December 22, 1986 13 by the City of Aledo; (18) if the ordinance was adopted on February 5, 1990 14 15 by the City of Clinton; 16 (19) if the ordinance was adopted on September 6, 1994 17 by the City of Freeport; (20) if the ordinance was adopted on December 22, 1986 18 19 by the City of Tuscola; (21) if the ordinance was adopted on December 23, 1986 20 by the City of Sparta; 21 22 (22) if the ordinance was adopted on December 23, 1986 23 by the City of Beardstown; (23) if the ordinance was adopted on April 27, 1981, 24 25 October 21, 1985, or December 30, 1986 by the City of 26 Belleville;

- 14 - LRB096 11356 RLJ 21812 b SB2065 (24) if the ordinance was adopted on December 29, 1986 1 2 by the City of Collinsville; (25) if the ordinance was adopted on September 14, 1994 3 by the City of Alton; 4 5 (26) if the ordinance was adopted on November 11, 1996 6 by the City of Lexington; 7 (27) if the ordinance was adopted on November 5, 1984 8 by the City of LeRoy; 9 (28) if the ordinance was adopted on April 3, 1991 or 10 June 3, 1992 by the City of Markham; 11 (29) if the ordinance was adopted on November 11, 1986 12 by the City of Pekin; 13 (30) if the ordinance was adopted on December 15, 1981 14 by the City of Champaign; 15 (31) if the ordinance was adopted on December 15, 1986 16 by the City of Urbana; 17 (32) if the ordinance was adopted on December 15, 1986 18 by the Village of Heyworth; 19 (33) if the ordinance was adopted on February 24, 1992 20 by the Village of Heyworth; 21 (34) if the ordinance was adopted on March 16, 1995 by 22 the Village of Heyworth; 23 (35) if the ordinance was adopted on December 23, 1986 24 by the Town of Cicero; 25 (36) if the ordinance was adopted on December 30, 1986 26 by the City of Effingham;

SB2065 - 15 - LRB096 11356 RLJ 21812 b (37) if the ordinance was adopted on May 9, 1991 by the 1 2 Village of Tilton; (38) if the ordinance was adopted on October 20, 1986 3 by the City of Elmhurst; 4 5 (39) if the ordinance was adopted on January 19, 1988 6 by the City of Waukegan; 7 (40) if the ordinance was adopted on September 21, 1998 8 by the City of Waukegan; 9 (41) if the ordinance was adopted on December 31, 1986 10 by the City of Sullivan; 11 (42) if the ordinance was adopted on December 23, 1991 12 by the City of Sullivan; 13 (43) if the ordinance was adopted on December 31, 1986 14 by the City of Oglesby; 15 (44) if the ordinance was adopted on July 28, 1987 by 16 the City of Marion; 17 (45) if the ordinance was adopted on April 23, 1990 by the City of Marion; 18 19 (46) if the ordinance was adopted on August 20, 1985 by 20 the Village of Mount Prospect; 21 (47) if the ordinance was adopted on February 2, 1998 22 by the Village of Woodhull; 23 (48) if the ordinance was adopted on April 20, 1993 by 24 the Village of Princeville; 25 (49) if the ordinance was adopted on July 1, 1986 by 26 the City of Granite City;

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1		(50) if the ordinance was adopted on February 2, 1989
2	by	the Village of Lombard;
3		(51) if the ordinance was adopted on December 29, 1986
4	by	the Village of Gardner;
5		(52) if the ordinance was adopted on July 14, 1999 by
6	the	e Village of Paw Paw;
7		(53) if the ordinance was adopted on November 17, 1986
8	by	the Village of Franklin Park;
9		(54) if the ordinance was adopted on November 20, 1989
10	by	the Village of South Holland;
11		(55) if the ordinance was adopted on July 14, 1992 by
12	the	e Village of Riverdale;
13		(56) if the ordinance was adopted on December 29, 1986
14	by	the City of Galesburg;
15		(57) if the ordinance was adopted on April 1, 1985 by
16	the	e City of Galesburg;
17		(58) if the ordinance was adopted on May 21, 1990 by
18	the	e City of West Chicago;
19		(59) if the ordinance was adopted on December 16, 1986
20	by	the City of Oak Forest;
21		(60) if the ordinance was adopted in 1999 by the City
22	of	Villa Grove;
23		(61) if the ordinance was adopted on January 13, 1987
24	by	the Village of Mt. Zion;
25		(62) if the ordinance was adopted on December 30, 1986
26	by	the Village of Manteno;

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1	(63) if the ordinance was adopted on April 3, 1989 by
2	the City of Chicago Heights;
3	(64) if the ordinance was adopted on January 6, 1999 by
4	the Village of Rosemont;
5	(65) if the ordinance was adopted on December 19, 2000
6	by the Village of Stone Park;
7	(66) if the ordinance was adopted on December 22, 1986
8	by the City of DeKalb; or
9	(67) if the ordinance was adopted on December 2, 1986
10	by the City of Aurora <u>;</u> -
11	(68) (67) if the ordinance was adopted on December 31,
12	1986 by the Village of Milan; or
13	(69) (68) if the ordinance was adopted on September 8,
14	1994 by the City of West Frankfort <u>;</u> -
15	(70) if the ordinance was adopted on December 23, 1986
16	by the Village of Libertyville;
17	(71) if the ordinance was adopted on December 22, 1986
18	by the Village of Hoffman Estates;
19	(72) if the ordinance was adopted on December 13, 1993
20	by the Village of Crete;
21	(73) if the ordinance was adopted on February 12, 2001
22	by the Village of Crete; or
23	(74) if the ordinance was adopted on April 23, 2001 by
24	the Village of Crete.
25	(d) For redevelopment project areas for which bonds were
26	issued before July 29, 1991, or for which contracts were

entered into before June 1, 1988, in connection with a 1 2 redevelopment project in the area within the State Sales Tax dates 3 Boundary, the estimated of completion of the redevelopment project and retirement of obligations to finance 4 5 redevelopment project costs (including refunding bonds under 6 Section 11-74.4-7) may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) 7 of Section 11-74.4-8 are not required for these redevelopment 8 9 project areas in 2009 but are required in 2013. The extension 10 allowed by Public Act 87-1272 shall not apply to real property 11 tax increment allocation financing under Section 11-74.4-8.

12 Those dates, for purposes of real property tax (e) 13 increment allocation financing pursuant to Section 11-74.4-8 14 only, shall be not more than 35 years for redevelopment project 15 areas that were adopted on or after December 16, 1986 and for 16 which at least \$8 million worth of municipal bonds were 17 authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life 18 of the redevelopment project area to 35 years by the adoption 19 20 of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise 21 22 constitute the joint review board for the redevelopment project 23 area, before the adoption of the ordinance.

(f) Those dates, for purposes of real property tax
increment allocation financing pursuant to Section 11-74.4-8
only, shall be not more than 35 years for redevelopment project

areas that were established on or after December 1, 1981 but 1 2 before January 1, 1982 and for which at least \$1,500,000 worth of tax increment revenue bonds were authorized on or after 3 September 30, 1990 but before July 1, 1991; provided that the 4 5 municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after 6 7 at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review 8 9 board for the redevelopment project area, before the adoption 10 of the ordinance.

11 (g) In consolidating the material relating to completion 12 dates from Sections 11-74.4-3 and 11-74.4-7 into this Section, it is not the intent of the 95th General Assembly to make any 13 14 substantive change in the law, except for the extension of the 15 completion dates date for the City of Aurora, the Village of Milan, and the City of West Frankfort, the Village of 16 17 Libertyville, and the Village of Hoffman Estates set forth under items item (67), and (68), (69), (70), and (71) of 18 19 subsection (c) of this Section.

20 (Source: P.A. 95-932, eff. 8-26-08; 95-964, eff. 9-23-08; 21 incorporates P.A. 95-777, eff. 9-22-08, and 95-1028, eff. 22 1-1-10; revised 1-27-09.)

23 Section 95. No acceleration or delay. Where this Act makes 24 changes in a statute that is represented in this Act by text 25 that is not yet or no longer in effect (for example, a Section

SB2065 - 20 - LRB096 11356 RLJ 21812 b represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

5 Section 99. Effective date. This Act takes effect upon6 becoming law.