



Rep. Lou Lang

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LRB095 14844 AJ0 51286 a

1 AMENDMENT TO HOUSE BILL 5668

2 AMENDMENT NO. _____. Amend House Bill 5668, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The State Finance Act is amended by changing
6 Section 8h and adding Section 5.708 as follows:

7 (30 ILCS 105/5.708 new)

8 Sec. 5.708. The Department of Human Rights Special Fund.

9 (30 ILCS 105/8h)

10 Sec. 8h. Transfers to General Revenue Fund.

11 (a) Except as otherwise provided in this Section and
12 Section 8n of this Act, and notwithstanding any other State law
13 to the contrary, the Governor may, through June 30, 2007, from
14 time to time direct the State Treasurer and Comptroller to
15 transfer a specified sum from any fund held by the State

1 Treasurer to the General Revenue Fund in order to help defray
2 the State's operating costs for the fiscal year. The total
3 transfer under this Section from any fund in any fiscal year
4 shall not exceed the lesser of (i) 8% of the revenues to be
5 deposited into the fund during that fiscal year or (ii) an
6 amount that leaves a remaining fund balance of 25% of the July
7 1 fund balance of that fiscal year. In fiscal year 2005 only,
8 prior to calculating the July 1, 2004 final balances, the
9 Governor may calculate and direct the State Treasurer with the
10 Comptroller to transfer additional amounts determined by
11 applying the formula authorized in Public Act 93-839 to the
12 funds balances on July 1, 2003. No transfer may be made from a
13 fund under this Section that would have the effect of reducing
14 the available balance in the fund to an amount less than the
15 amount remaining unexpended and unreserved from the total
16 appropriation from that fund estimated to be expended for that
17 fiscal year. This Section does not apply to any funds that are
18 restricted by federal law to a specific use, to any funds in
19 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the
20 Hospital Provider Fund, the Medicaid Provider Relief Fund, the
21 Teacher Health Insurance Security Fund, the Reviewing Court
22 Alternative Dispute Resolution Fund, the Voters' Guide Fund,
23 the Foreign Language Interpreter Fund, the Lawyers' Assistance
24 Program Fund, the Supreme Court Federal Projects Fund, the
25 Supreme Court Special State Projects Fund, the Supplemental
26 Low-Income Energy Assistance Fund, the Good Samaritan Energy

1 Trust Fund, the Low-Level Radioactive Waste Facility
2 Development and Operation Fund, the Horse Racing Equity Trust
3 Fund, the Metabolic Screening and Treatment Fund, or the
4 Hospital Basic Services Preservation Fund, or to any funds to
5 which Section 70-50 of the Nurse Practice Act applies. No
6 transfers may be made under this Section from the Pet
7 Population Control Fund. Notwithstanding any other provision
8 of this Section, for fiscal year 2004, the total transfer under
9 this Section from the Road Fund or the State Construction
10 Account Fund shall not exceed the lesser of (i) 5% of the
11 revenues to be deposited into the fund during that fiscal year
12 or (ii) 25% of the beginning balance in the fund. For fiscal
13 year 2005 through fiscal year 2007, no amounts may be
14 transferred under this Section from the Road Fund, the State
15 Construction Account Fund, the Criminal Justice Information
16 Systems Trust Fund, the Wireless Service Emergency Fund, or the
17 Mandatory Arbitration Fund.

18 In determining the available balance in a fund, the
19 Governor may include receipts, transfers into the fund, and
20 other resources anticipated to be available in the fund in that
21 fiscal year.

22 The State Treasurer and Comptroller shall transfer the
23 amounts designated under this Section as soon as may be
24 practicable after receiving the direction to transfer from the
25 Governor.

26 (a-5) Transfers directed to be made under this Section on

1 or before February 28, 2006 that are still pending on May 19,
2 2006 (the effective date of Public Act 94-774) shall be
3 redirected as provided in Section 8n of this Act.

4 (b) This Section does not apply to: (i) the Ticket For The
5 Cure Fund; (ii) any fund established under the Community Senior
6 Services and Resources Act; or (iii) on or after January 1,
7 2006 (the effective date of Public Act 94-511), the Child Labor
8 and Day and Temporary Labor Enforcement Fund.

9 (c) This Section does not apply to the Demutualization
10 Trust Fund established under the Uniform Disposition of
11 Unclaimed Property Act.

12 (d) This Section does not apply to moneys set aside in the
13 Illinois State Podiatric Disciplinary Fund for podiatric
14 scholarships and residency programs under the Podiatric
15 Scholarship and Residency Act.

16 (e) Subsection (a) does not apply to, and no transfer may
17 be made under this Section from, the Pension Stabilization
18 Fund.

19 (f) Subsection (a) does not apply to, and no transfer may
20 be made under this Section from, the Illinois Power Agency
21 Operations Fund, the Illinois Power Agency Facilities Fund, the
22 Illinois Power Agency Debt Service Fund, and the Illinois Power
23 Agency Trust Fund.

24 (g) ~~(f)~~ This Section does not apply to the Veterans Service
25 Organization Reimbursement Fund.

26 (h) ~~(f)~~ This Section does not apply to the Supreme Court

1 Historic Preservation Fund.

2 (i) This Section does not apply to the Department of Human
3 Rights Special Fund.

4 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,
5 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;
6 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.
7 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,
8 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;
9 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.
10 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,
11 eff. 10-5-07; 95-695, eff. 11-5-07; revised 11-2-07.)

12 Section 10. The Illinois Human Rights Act is amended by
13 adding Section 7-113 as follows:

14 (775 ILCS 5/7-113 new)

15 Sec. 7-113. Employer report form; registration fee. When a
16 person files an "Employer Report Form" (PC-1) with the
17 Department as specified in subsection (J) of Section 2-101 to
18 establish eligibility to be awarded a contract by a State
19 agency, the person must pay a \$75 registration fee. A person
20 must also pay a \$75 registration fee when the person files for
21 renewal of eligibility. These fees shall be paid into the
22 Department of Human Rights Special Fund, a special fund that is
23 created in the State treasury. Notwithstanding any other law to
24 the contrary, the Fund is not subject to sweeps, administrative

1 charges or charge-backs, or any other fiscal or budgetary
2 maneuver that would in any way transfer any funds from the Fund
3 into any other fund of the State. Moneys in the Fund shall be
4 used solely to fund the Department's public contract compliance
5 monitoring program and other Department programs and
6 activities.

7 Notwithstanding any other rulemaking authority that may
8 exist, neither the Governor nor any agency or agency head under
9 the jurisdiction of the Governor has any authority to make or
10 promulgate rules to implement or enforce the provisions of this
11 amendatory Act of the 95th General Assembly. If, however, the
12 Governor believes that rules are necessary to implement or
13 enforce the provisions of this amendatory Act of the 95th
14 General Assembly, the Governor may suggest rules to the General
15 Assembly by filing them with the Clerk of the House and
16 Secretary of the Senate and by requesting that the General
17 Assembly authorize such rulemaking by law, enact those
18 suggested rules into law, or take any other appropriate action
19 in the General Assembly's discretion. Nothing contained in this
20 amendatory Act of the 95th General Assembly shall be
21 interpreted to grant rulemaking authority under any other
22 Illinois statute where such authority is not otherwise
23 explicitly given. For the purposes of this amendatory Act of
24 the 95th General Assembly, "rules" is given the meaning
25 contained in Section 1-70 of the Illinois Administrative
26 Procedure Act, and "agency" and "agency head" are given the

1 meanings contained in Sections 1-20 and 1-25 of the Illinois
2 Administrative Procedure Act to the extent that such
3 definitions apply to agencies or agency heads under the
4 jurisdiction of the Governor.

5 Section 99. Effective date. This Act takes effect January
6 1, 2009.".