

1 AN ACT concerning human rights.

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

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

6 (30 ILCS 105/5.708 new)

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

8 (30 ILCS 105/8h)

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

10 (a) Except as otherwise provided in this Section and  
11 Section 8n of this Act, and notwithstanding any other State law  
12 to the contrary, the Governor may, through June 30, 2007, from  
13 time to time direct the State Treasurer and Comptroller to  
14 transfer a specified sum from any fund held by the State  
15 Treasurer to the General Revenue Fund in order to help defray  
16 the State's operating costs for the fiscal year. The total  
17 transfer under this Section from any fund in any fiscal year  
18 shall not exceed the lesser of (i) 8% of the revenues to be  
19 deposited into the fund during that fiscal year or (ii) an  
20 amount that leaves a remaining fund balance of 25% of the July  
21 1 fund balance of that fiscal year. In fiscal year 2005 only,  
22 prior to calculating the July 1, 2004 final balances, the

1 Governor may calculate and direct the State Treasurer with the  
2 Comptroller to transfer additional amounts determined by  
3 applying the formula authorized in Public Act 93-839 to the  
4 funds balances on July 1, 2003. No transfer may be made from a  
5 fund under this Section that would have the effect of reducing  
6 the available balance in the fund to an amount less than the  
7 amount remaining unexpended and unreserved from the total  
8 appropriation from that fund estimated to be expended for that  
9 fiscal year. This Section does not apply to any funds that are  
10 restricted by federal law to a specific use, to any funds in  
11 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the  
12 Hospital Provider Fund, the Medicaid Provider Relief Fund, the  
13 Teacher Health Insurance Security Fund, the Reviewing Court  
14 Alternative Dispute Resolution Fund, the Voters' Guide Fund,  
15 the Foreign Language Interpreter Fund, the Lawyers' Assistance  
16 Program Fund, the Supreme Court Federal Projects Fund, the  
17 Supreme Court Special State Projects Fund, the Supplemental  
18 Low-Income Energy Assistance Fund, the Good Samaritan Energy  
19 Trust Fund, the Low-Level Radioactive Waste Facility  
20 Development and Operation Fund, the Horse Racing Equity Trust  
21 Fund, the Metabolic Screening and Treatment Fund, or the  
22 Hospital Basic Services Preservation Fund, or to any funds to  
23 which Section 70-50 of the Nurse Practice Act applies. No  
24 transfers may be made under this Section from the Pet  
25 Population Control Fund. Notwithstanding any other provision  
26 of this Section, for fiscal year 2004, the total transfer under

1 this Section from the Road Fund or the State Construction  
2 Account Fund shall not exceed the lesser of (i) 5% of the  
3 revenues to be deposited into the fund during that fiscal year  
4 or (ii) 25% of the beginning balance in the fund. For fiscal  
5 year 2005 through fiscal year 2007, no amounts may be  
6 transferred under this Section from the Road Fund, the State  
7 Construction Account Fund, the Criminal Justice Information  
8 Systems Trust Fund, the Wireless Service Emergency Fund, or the  
9 Mandatory Arbitration Fund.

10 In determining the available balance in a fund, the  
11 Governor may include receipts, transfers into the fund, and  
12 other resources anticipated to be available in the fund in that  
13 fiscal year.

14 The State Treasurer and Comptroller shall transfer the  
15 amounts designated under this Section as soon as may be  
16 practicable after receiving the direction to transfer from the  
17 Governor.

18 (a-5) Transfers directed to be made under this Section on  
19 or before February 28, 2006 that are still pending on May 19,  
20 2006 (the effective date of Public Act 94-774) shall be  
21 redirected as provided in Section 8n of this Act.

22 (b) This Section does not apply to: (i) the Ticket For The  
23 Cure Fund; (ii) any fund established under the Community Senior  
24 Services and Resources Act; or (iii) on or after January 1,  
25 2006 (the effective date of Public Act 94-511), the Child Labor  
26 and Day and Temporary Labor Enforcement Fund.

1 (c) This Section does not apply to the Demutualization  
2 Trust Fund established under the Uniform Disposition of  
3 Unclaimed Property Act.

4 (d) This Section does not apply to moneys set aside in the  
5 Illinois State Podiatric Disciplinary Fund for podiatric  
6 scholarships and residency programs under the Podiatric  
7 Scholarship and Residency Act.

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

11 (f) Subsection (a) does not apply to, and no transfer may  
12 be made under this Section from, the Illinois Power Agency  
13 Operations Fund, the Illinois Power Agency Facilities Fund, the  
14 Illinois Power Agency Debt Service Fund, and the Illinois Power  
15 Agency Trust Fund.

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

18 (h) ~~(f)~~ This Section does not apply to the Supreme Court  
19 Historic Preservation Fund.

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

22 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,  
23 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;  
24 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.  
25 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,  
26 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;

1 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.  
2 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,  
3 eff. 10-5-07; 95-695, eff. 11-5-07; revised 11-2-07.)

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

6 (775 ILCS 5/7-113 new)

7 Sec. 7-113. Employer report form; registration fee. When a  
8 person files an "Employer Report Form" (PC-1) with the  
9 Department as specified in subsection (J) of Section 2-101 to  
10 establish eligibility to be awarded a contract by a State  
11 agency, the person must pay a \$75 registration fee. A person  
12 must also pay a \$75 registration fee when the person files for  
13 renewal of eligibility. These fees shall be paid into the  
14 Department of Human Rights Special Fund, a special fund that is  
15 created in the State treasury. Notwithstanding any other law to  
16 the contrary, the Fund is not subject to sweeps, administrative  
17 charges or charge-backs, or any other fiscal or budgetary  
18 maneuver that would in any way transfer any funds from the Fund  
19 into any other fund of the State. Moneys in the Fund shall be  
20 used solely to fund the Department's public contract compliance  
21 monitoring program and other Department programs and  
22 activities.

23 Notwithstanding any other rulemaking authority that may  
24 exist, neither the Governor nor any agency or agency head under

1 the jurisdiction of the Governor has any authority to make or  
2 promulgate rules to implement or enforce the provisions of this  
3 amendatory Act of the 95th General Assembly. If, however, the  
4 Governor believes that rules are necessary to implement or  
5 enforce the provisions of this amendatory Act of the 95th  
6 General Assembly, the Governor may suggest rules to the General  
7 Assembly by filing them with the Clerk of the House and  
8 Secretary of the Senate and by requesting that the General  
9 Assembly authorize such rulemaking by law, enact those  
10 suggested rules into law, or take any other appropriate action  
11 in the General Assembly's discretion. Nothing contained in this  
12 amendatory Act of the 95th General Assembly shall be  
13 interpreted to grant rulemaking authority under any other  
14 Illinois statute where such authority is not otherwise  
15 explicitly given. For the purposes of this amendatory Act of  
16 the 95th General Assembly, "rules" is given the meaning  
17 contained in Section 1-70 of the Illinois Administrative  
18 Procedure Act, and "agency" and "agency head" are given the  
19 meanings contained in Sections 1-20 and 1-25 of the Illinois  
20 Administrative Procedure Act to the extent that such  
21 definitions apply to agencies or agency heads under the  
22 jurisdiction of the Governor.

23 Section 99. Effective date. This Act takes effect January  
24 1, 2009.