



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2248

Introduced 2/18/2009, by Rep. Lou Lang

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.719 new  
30 ILCS 105/8h  
775 ILCS 5/7-113 new

Amends the State Finance Act. Creates the Department of Human Rights Special Fund. Provides that moneys in the Department of Human Rights Special Fund are not subject to transfer to the General Revenue Fund. Amends the Illinois Human Rights Act to provide that the registration fee for filing an Employer Report Form is \$75, and that the Department of Human Rights Special Fund is not subject to sweeps, administrative charges or charge-backs, or any other fiscal or budgetary maneuver that would in any way transfer any funds from the Fund into any other fund of the State. Effective January 1, 2010.

LRB096 08246 AJO 18353 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 5.719 as follows:

6 (30 ILCS 105/5.719 new)

7 Sec. 5.719. 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) This Section does not apply to the Veterans Service  
17 Organization Reimbursement Fund.

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

20 (i) This Section does not apply to, and no transfer may be  
21 made under this Section from, the Money Follows the Person  
22 Budget Transfer Fund.

23 (j) This Section does not apply to the Department of Human  
24 Rights Special Fund.

25 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,  
26 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;

1 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.  
2 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,  
3 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;  
4 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.  
5 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,  
6 eff. 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08;  
7 95-876, eff. 8-21-08.)

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

10 (775 ILCS 5/7-113 new)

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

1 monitoring program and other Department programs and  
2 activities.

3 Section 99. Effective date. This Act takes effect January  
4 1, 2010.