

AN ACT concerning State government.

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

Section 1. Short title. This Act may be cited as the Lieutenant Governor Vacancy Act.

Section 5. Definitions. As used in this Act:

(a) The term "position of Lieutenant Governor" refers to the position in State government created by that name in the Illinois Constitution.

(b) The term "Office of the Lieutenant Governor" refers to the administrative entity of that name which is under the direction of the Lieutenant Governor and assists in carrying out the duties and affairs of the Lieutenant Governor.

Section 10. Purpose. It is the purpose of this Act to provide for the exercise of the powers and duties of the Lieutenant Governor and the administration of the Office of the Lieutenant Governor during periods when the position of Lieutenant Governor is vacant.

Section 15. Powers of the Lieutenant Governor.

(a) Whenever the position of Lieutenant Governor is vacant, the Governor shall assume and exercise the powers and duties of

the Lieutenant Governor that are prescribed by law or have been delegated by the Governor to the Lieutenant Governor. The Governor may delegate the exercise of any such power or duty to an appropriate State officer or agency under the jurisdiction and control of the Governor for so long as the position of Lieutenant Governor remains vacant. For purposes of Section 9b of the State Finance Act, an officer or agency that is delegated activities is considered a successor.

(b) While the position of Lieutenant Governor is vacant, appropriations to the Lieutenant Governor, if any, may be obligated and expended by the Governor for the purposes specified in those appropriations that are for powers or duties that are not delegated. Those obligations and expenditures shall continue to be accounted for as obligations and expenditures of the Lieutenant Governor.

Section 20. Office of the Lieutenant Governor.

(a) While the position of Lieutenant Governor is vacant, the Governor may suspend any or all the activities of the administrative entity known as the Office of the Lieutenant Governor and delegate those activities to one or more appropriate State officers or agencies under the jurisdiction and control of the Governor for so long as the position of Lieutenant Governor remains vacant. For purposes of Section 9b of the State Finance Act, an officer or agency that is delegated activities is considered a successor.

(b) If the Governor does not suspend all of the activities of the Office of the Lieutenant Governor while the position of Lieutenant Governor is vacant, the Office shall continue in existence, under the direction of the Governor, as appropriate to carry out the activities of the Office, and appropriations to the Office of the Lieutenant Governor, if any, may be obligated and expended, with the approval of the Governor, for the purposes specified in those appropriations that are for activities that are not delegated. Those obligations and expenditures shall continue to be accounted for as obligations and expenditures of the Office of the Lieutenant Governor.

Section 25. Contracts; employment.

(a) The assumption or delegation of powers and duties under this Act shall not be deemed to change the terms or conditions of any contract, except that references in any contract to the Lieutenant Governor or the Office of the Lieutenant Governor may be deemed to refer to the Governor or other person or entity exercising the powers and duties of the Lieutenant Governor or the Office of the Lieutenant Governor with respect to that contract pursuant to this Act.

(b) The assumption or delegation of powers and duties under this Act shall not by itself be deemed to change any condition or status of employment; but in exercising such powers and duties the Governor shall have all the powers of the Lieutenant Governor to supervise, direct, and reorganize the Office of the

Lieutenant Governor and its employees.

(c) In the course of exercising any power or duty of the Lieutenant Governor that has been assumed by or delegated to a person under Section 15 or 20 of this Act, the person is not "serving as Lieutenant Governor" for the purposes of the Illinois Pension Code.

Section 30. Resumption of powers. When the position of Lieutenant Governor ceases to be vacant, the powers and duties assumed by the Governor under this Act, including any such powers that have been delegated by the Governor to a State employee, officer, or agency, shall once again be assumed and exercised by the Lieutenant Governor.

Section 35. Repeal. The Lieutenant Governor Vacancy Act (Sections 1 through 35) is repealed on January 10, 2011.

Section 90. The Executive Reorganization Implementation Act is amended by changing Section 5.5 as follows:

(15 ILCS 15/5.5)

Sec. 5.5. Executive order provisions superseded.

(a) Executive Order No. 2003-9, in subdivision II(E), provides in part: "All such personnel shall initially constitute probationary employees under the Personnel Code. The Department of Central Management Services shall establish a

procedure for qualification and retention of personnel in accordance with the Personnel Code.". This language, which violates Section 4 of this Act and contravenes applicable provisions of the Personnel Code, is hereby superseded and of no force or effect. The status and rights of employees under the Personnel Code who are transferred by Executive Order No. 2003-9 shall not be affected by the reorganization under that Order.

(b) Executive Order No. 2003-10, subdivision I(C), provides: "The statutory powers, duties, rights, responsibilities and liabilities regarding internal auditing by agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor derive from, among others, the Fiscal Control and Internal Auditing Act, 30 ILCS 10/1001 et seq., and the Illinois State Auditing Act, 30 ILCS 5/1-1 et seq.". Executive Order No. 2003-10 addresses only internal auditing functions and does not address external auditing functions or the powers of the Auditor General. The reference to the Illinois State Auditing Act is therefore incorrect, and that reference is hereby superseded and of no force or effect.

(c) Executive Order No. 2003-10, subdivision I(D), provides: "Staff legal functions across agencies shall be transferred from individual agencies to the Department of Central Management Services. Legal functions specific to each particular agency may remain at that agency.". This transfer of

legal functions was intended to be and is hereby limited to legal technical advisor functions related to procurement and personnel issues across agencies. All other legal functions at an agency, including those related to issues particular to the agency, and legal functions performed by assistant attorneys general under the direction and control of the Attorney General, shall remain at that agency. To the extent that the language of subdivision I(D) of Executive Order No. 2003-10 may be construed to conflict with this subsection (c), that language in Executive Order No. 2003-10 is hereby superseded.

If any legal personnel (or their associated records or property) have been transferred from an agency to the Department of Central Management Services under the apparent direction of Executive Order No. 2003-10 but contrary to the provisions of this subsection (c), those legal personnel (and their associated records and property) shall be immediately transferred back to the original agency from the Department of Central Management Services.

(d) Executive Order No. 2003-11, in subdivisions II(B) and II(D), provides in part: "All such personnel shall initially constitute probationary employees under the Personnel Code. The Department of Central Management Services shall establish a procedure for qualification and retention of personnel in accordance with the Personnel Code.". This language, which violates Section 4 of this Act and contravenes applicable provisions of the Personnel Code, is hereby superseded and of

no force or effect. The status and rights of employees under the Personnel Code who are transferred by Executive Order No. 2003-11 shall not be affected by the reorganization under that Order.

(e) Executive Order No. 2003-12, in subdivision II(B), provides in part: "All such personnel shall initially constitute probationary employees under the Personnel Code. The Department of Central Management Services shall establish a procedure for qualification and retention of personnel in accordance with the Personnel Code.". This language, which violates Section 4 of this Act and contravenes applicable provisions of the Personnel Code, is hereby superseded and of no force or effect. The status and rights of employees under the Personnel Code who are transferred by Executive Order No. 2003-12 shall not be affected by the reorganization under that Order.

(f) Executive Order No. 09-06, filed April 1, 2009, is hereby superseded and of no force or effect.

(Source: P.A. 93-586, eff. 8-22-03.)

(20 ILCS 405/405-500 rep.)

Section 92. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by repealing Section 405-500.

Section 93. The Department of Commerce and Economic

Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-111 as follows:

(20 ILCS 605/605-111) (was 20 ILCS 605/46.34a)

Sec. 605-111. Transfer relating to the Illinois Main Street Program. To transfer ~~assume~~ from the Department to the Office of the Lieutenant Governor on July 1, 2009 ~~1999~~, all personnel, books, records, papers, documents, property both real and personal, and pending business in any way pertaining to the Illinois Main Street Program. All personnel transferred pursuant to this Section shall receive certified status under the Personnel Code. Executive Order 09-08, filed April 1, 2009, is hereby superseded and has no force or effect.

(Source: P.A. 91-25, eff. 6-9-99; 92-16, eff. 6-28-01.)

Section 95. The Gifts and Grants to Government Act is amended by changing Section 1 as follows:

(30 ILCS 110/1) (from Ch. 127, par. 168-81)

Sec. 1. The Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller and Treasurer may accept monetary gifts or grants from any nongovernmental source, upon such terms and conditions as may be imposed, and may expend, subject to appropriation, such gifts or grants for any purpose necessary or desirable in the exercise of the powers or the performance of the duties of their offices.



~~Until January 11, 1999, while the office of Lieutenant Governor is vacant, the powers and duties of the Lieutenant Governor under this Act shall be carried out as provided in Section 67.35 of the Civil Administrative Code of Illinois (renumbered; now Section 405-500 of the Department of Central Management Services Law, 20 ILCS 405/405-500).~~

(Source: P.A. 90-609, eff. 6-30-98; 91-239, eff. 1-1-00.)

Section 99. Effective date. This Act takes effect upon becoming law.