



Sen. John J. Cullerton

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09600HB5057sam002

LRB096 18200 JDS 44082 a

1 AMENDMENT TO HOUSE BILL 5057

2 AMENDMENT NO. _____. Amend House Bill 5057, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Governmental Ethics Act is amended
6 by adding Section 3A-40 as follows:

7 (5 ILCS 420/3A-40 new)

8 Sec. 3A-40. Appointees with expired terms; temporary and
9 acting appointees.

10 (a) A person who is nominated by the Governor on or after
11 the effective date of this amendatory Act of the 96th General
12 Assembly for any office to which appointment requires the
13 advice and consent of the Senate, who is appointed pursuant to
14 that advice and consent, and whose term of office expires shall
15 not continue in office longer than 30 days after the expiration
16 of that term of office. After that 30th day, each such office

1 is considered vacant and shall be filled only pursuant to the
2 law applicable to making appointments to that office, subject
3 to the provisions of this Section.

4 A person who has been nominated by the Governor before the
5 effective date of this amendatory Act of the 96th General
6 Assembly for any office to which appointment requires the
7 advice and consent of the Senate, who has been appointed
8 pursuant to that advice and consent, and whose term of office
9 has expired before that effective date shall not continue in
10 office longer than 30 days after that effective date. After
11 that 30th day, each such office is considered vacant and shall
12 be filled only pursuant to the law applicable to making
13 appointments to that office, subject to the provisions of this
14 Section.

15 (b) A person who is appointed by the Governor on or after
16 the effective date of this amendatory Act of the 96th General
17 Assembly to serve as a temporary appointee, pursuant to Article
18 V, Section 9(b) of the Illinois Constitution or any other
19 applicable statute, to any office to which appointment requires
20 the advice and consent of the Senate shall not continue in
21 office after the next meeting of the Senate unless the Governor
22 has filed a message with the Secretary of the Senate nominating
23 that person to fill that office on or before that meeting date.
24 After that meeting date, each such office is considered vacant
25 and shall be filled only pursuant to the law applicable to
26 making appointments to that office, subject to the provisions

1 of this Section.

2 A person who has been appointed by the Governor before the
3 effective date of this amendatory Act of the 96th General
4 Assembly to serve as a temporary appointee, pursuant to Article
5 V, Section 9(b) of the Illinois Constitution or any other
6 applicable statute, to any office to which appointment requires
7 the advice and consent of the Senate shall not continue in
8 office after that effective date or the next meeting of the
9 Senate, as applicable, unless the Governor has filed a message
10 with the Secretary of the Senate nominating that person to fill
11 that office on or before the next meeting of the Senate after
12 that temporary appointment was made. After that effective date
13 or meeting date, whichever last occurs, each such office is
14 considered vacant and shall be filled only pursuant to the law
15 applicable to making appointments to that office, subject to
16 the provisions of this Section.

17 (c) A person who is appointed by the Governor on or after
18 the effective date of this amendatory Act of the 96th General
19 Assembly to serve as an acting appointee to any office to which
20 appointment requires the advice and consent of the Senate shall
21 not continue in office more than 30 days unless the Governor
22 files a message with the Secretary of the Senate nominating
23 that person to fill that office within that 30 days. After that
24 30 days, each such office is considered vacant and shall be
25 filled only pursuant to the law applicable to making
26 appointments to that office, subject to the provisions of this

1 Section.

2 A person who has been appointed by the Governor before the
3 effective date of this amendatory Act of the 96th General
4 Assembly to serve as an acting appointee to any office to which
5 appointment requires the advice and consent of the Senate shall
6 not continue in office for more than 30 days after that
7 effective date unless the Governor has filed a message with the
8 Secretary of the Senate nominating that person to fill that
9 office on or before that effective date. After that 30 days,
10 each such office is considered vacant and shall be filled only
11 pursuant to the law applicable to making appointments to that
12 office, subject to the provisions of this Section.

13 For the purposes of this subsection (c), "acting appointee"
14 means a person appointed by the Governor to serve as an acting
15 director or acting secretary pursuant to Section 5-605 of the
16 Civil Administrative Code of Illinois. "Acting appointee" also
17 means a person appointed by the Governor pursuant to any other
18 statute to serve as an acting holder of any office, to execute
19 the duties and functions of any office, or both.

20 (d) The provisions of this Section apply notwithstanding
21 any law to the contrary.

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