

1 AN ACT concerning State government.

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

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

6 (5 ILCS 420/3A-40 new)

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

9 (a) A person who is nominated by the Governor on or after  
10 the effective date of this amendatory Act of the 97th General  
11 Assembly for any affected office to which appointment requires  
12 the advice and consent of the Senate, who is appointed pursuant  
13 to that advice and consent, and whose term of office expires  
14 shall not continue in office longer than 60 calendar days after  
15 the expiration of that term of office. After that 60th day,  
16 each such office is considered vacant and shall be filled only  
17 pursuant to the law applicable to making appointments to that  
18 office, subject to the provisions of this Section.

19 A person who has been nominated by the Governor before the  
20 effective date of this amendatory Act of the 97th General  
21 Assembly for any affected office to which appointment requires  
22 the advice and consent of the Senate, who has been appointed  
23 pursuant to that advice and consent, and whose term of office

1 has expired before that effective date shall not continue in  
2 office longer than 60 calendar days after that effective date.  
3 After that 60 days, each such office is considered vacant and  
4 shall be filled only pursuant to the law applicable to making  
5 appointments to that office, subject to the provisions of this  
6 Section. For the purposes of this subsection (a), "affected  
7 office" means (i) an office in which one receives any form of  
8 compensation, including salary or per diem, but not including  
9 expense reimbursement, or (ii) membership on the board of  
10 trustees of a public university.

11 (b) A person who is appointed by the Governor on or after  
12 the effective date of this amendatory Act of the 97th General  
13 Assembly to serve as a temporary appointee, pursuant to Article  
14 V, Section 9(b) of the Illinois Constitution or any other  
15 applicable statute, to any office to which appointment requires  
16 the advice and consent of the Senate shall not continue in  
17 office after the next meeting of the Senate unless the Governor  
18 has filed a message with the Secretary of the Senate nominating  
19 that person to fill that office on or before that meeting date.  
20 After that meeting date, each such office is considered vacant  
21 and shall be filled only pursuant to the law applicable to  
22 making appointments to that office, subject to the provisions  
23 of this Section.

24 A person who has been appointed by the Governor before the  
25 effective date of this amendatory Act of the 97th General  
26 Assembly to serve as a temporary appointee, pursuant to Article

1 V, Section 9(b) of the Illinois Constitution or any other  
2 applicable statute, to any office to which appointment requires  
3 the advice and consent of the Senate shall not continue in  
4 office after that effective date or the next meeting of the  
5 Senate after that effective date, as applicable, unless the  
6 Governor has filed a message with the Secretary of the Senate  
7 nominating that person to fill that office on or before the  
8 next meeting of the Senate after that temporary appointment was  
9 made. After that effective date or meeting date, as applicable,  
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 (b), a meeting of the  
14 Senate does not include a perfunctory session day as designated  
15 by the Senate under its rules.

16 (c) A person who is designated by the Governor on or after  
17 the effective date of this amendatory Act of the 97th General  
18 Assembly to serve as an acting appointee to any office to which  
19 appointment requires the advice and consent of the Senate shall  
20 not continue in office more than 60 calendar days unless the  
21 Governor files a message with the Secretary of the Senate  
22 nominating that person to fill that office within that 60 days.  
23 After that 60 days, each such office is considered vacant and  
24 shall be filled only pursuant to the law applicable to making  
25 appointments to that office, subject to the provisions of this  
26 Section. No person who has been designated by the Governor to

1 serve as an acting appointee to any office to which appointment  
2 requires the advice and consent of the Senate shall, except at  
3 the Senate's request, be designated again as an acting  
4 appointee for that office at the same session of that Senate,  
5 subject to the provisions of this Section.

6 A person who has been designated by the Governor before the  
7 effective date of this amendatory Act of the 97th General  
8 Assembly to serve as an acting appointee to any office to which  
9 appointment requires the advice and consent of the Senate shall  
10 not continue in office longer than 60 calendar days after that  
11 effective date unless the Governor has filed a message with the  
12 Secretary of the Senate nominating that person to fill that  
13 office on or before that 60 days. After that 60 days, each such  
14 office is considered vacant and shall be filled only pursuant  
15 to the law applicable to making appointments to that office,  
16 subject to the provisions of this Section. No person who has  
17 been designated by the Governor to serve as an acting appointee  
18 to any office to which appointment requires the advice and  
19 consent of the Senate shall, except at the Senate's request, be  
20 designated again as an acting appointee for that office at the  
21 same session of that Senate, subject to the provisions of this  
22 Section.

23 During the term of a General Assembly, the Governor may not  
24 designate a person to serve as an acting appointee to any  
25 office to which appointment requires the advice and consent of  
26 the Senate if that person's nomination to serve as the

1 appointee for the same office was rejected by the Senate of the  
2 same General Assembly.

3 For the purposes of this subsection (c), "acting appointee"  
4 means a person designated by the Governor to serve as an acting  
5 director or acting secretary pursuant to Section 5-605 of the  
6 Civil Administrative Code of Illinois. "Acting appointee" also  
7 means a person designated by the Governor pursuant to any other  
8 statute to serve as an acting holder of any office, to execute  
9 the duties and functions of any office, or both.

10 (d) The provisions of this Section apply notwithstanding  
11 any law to the contrary. However, the provisions of this  
12 Section do not apply to appointments made under Article 1A of  
13 the Election Code or to the appointment of any person to serve  
14 as Director of the Illinois Power Agency.

15 Section 10. The Civil Administrative Code of Illinois is  
16 amended by changing Section 5-605 as follows:

17 (20 ILCS 5/5-605) (was 20 ILCS 5/12)

18 Sec. 5-605. Appointment of officers. Each officer whose  
19 office is created by the Civil Administrative Code of Illinois  
20 or by any amendment to the Code shall be appointed by the  
21 Governor, by and with the advice and consent of the Senate. In  
22 case of vacancies in those offices during the recess of the  
23 Senate, the Governor shall make a temporary appointment until  
24 the next meeting of the Senate, when the Governor shall

1 nominate some person to fill the office, and any person so  
2 nominated who is confirmed by the Senate shall hold office  
3 during the remainder of the term and until his or her successor  
4 is appointed and qualified. If the Senate is not in session at  
5 the time the Code or any amendments to the Code take effect,  
6 the Governor shall make a temporary appointment as in the case  
7 of a vacancy.

8 During the absence or inability to act of the director of  
9 any department, or of the Secretary of Human Services or the  
10 Secretary of Transportation, or in case of a vacancy in any  
11 such office until a successor is appointed and qualified, the  
12 Governor may designate some person as acting director or acting  
13 secretary to execute the powers and discharge the duties vested  
14 by law in that director or secretary.

15 During the term of a General Assembly, the Governor may not  
16 designate a person to serve as an acting director or secretary  
17 under this Section if that person's nomination to serve as the  
18 director or secretary of that same Department was rejected by  
19 the Senate of the same General Assembly. This Section is  
20 subject to the provisions of subsection (c) of Section 3A-40 of  
21 the Illinois Governmental Ethics Act.

22 (Source: P.A. 91-239, eff. 1-1-00.)

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