



Sen. John J. Cullerton

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09700HB2972sam002

LRB097 10867 JDS 56470 a

1 AMENDMENT TO HOUSE BILL 2972

2 AMENDMENT NO. _____. Amend House Bill 2972 by replacing
3 everything after the enacting clause with the following:

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 office to which appointment requires the
12 advice and consent of the Senate, who is appointed pursuant to
13 that advice and consent, and whose term of office expires shall
14 not continue in office longer than 30 days after the expiration
15 of that term of office. After that 30th day, each such office
16 is considered vacant and shall be filled only pursuant to the

1 law applicable to making appointments to that office, subject
2 to the provisions of this Section.

3 A person who has been nominated by the Governor before the
4 effective date of this amendatory Act of the 97th General
5 Assembly for any salaried office to which appointment requires
6 the advice and consent of the Senate, who has been appointed
7 pursuant to that advice and consent, and whose term of office
8 has expired before that effective date shall not continue in
9 office after that effective date. After that effective date,
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. For the
13 purposes of this Section, "salaried office" means an office in
14 which one receives any form of compensation other than per diem
15 or expense reimbursement.

16 A person who has been nominated by the Governor before the
17 effective date of this amendatory Act of the 97th General
18 Assembly for an office other than a salaried office to which
19 appointment requires the advice and consent of the Senate, who
20 has been appointed pursuant to that advice and consent, and
21 whose term of office has expired before that effective date
22 shall not continue in office longer than 30 days after that
23 effective date. After that 30th day, each such office is
24 considered vacant and shall be filled only pursuant to the law
25 applicable to making appointments to that office, subject to
26 the provisions of this Section.

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

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

1 applicable to making appointments to that office, subject to
2 the provisions of this Section.

3 For the purposes of this subsection (b), a meeting of the
4 Senate does not include a perfunctory session day as designated
5 by the Senate under its rules.

6 (c) A person who is designated by the Governor on or after
7 the 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 more than 30 days unless the Governor
11 files a message with the Secretary of the Senate nominating
12 that person to fill that office within that 30 days. After that
13 30 days, each such office is considered vacant and shall be
14 filled only pursuant to the law applicable to making
15 appointments to that office, subject to the provisions of this
16 Section. No person who has been designated by the Governor to
17 serve as an acting appointee to any office to which appointment
18 requires the advice and consent of the Senate shall, except at
19 the Senate's request, be designated again as an acting
20 appointee for that office at the same session of that Senate,
21 subject to the provisions of this Section.

22 A person who has been designated by the Governor before the
23 effective date of this amendatory Act of the 97th General
24 Assembly to serve as an acting appointee to any office to which
25 appointment requires the advice and consent of the Senate shall
26 not continue in office after that effective date unless the

1 Governor has filed a message with the Secretary of the Senate
2 nominating that person to fill that office on or before that
3 effective date. After that effective date, each such office is
4 considered vacant and shall be filled only pursuant to the law
5 applicable to making appointments to that office, subject to
6 the provisions of this Section. No person who has been
7 designated by the Governor to serve as an acting appointee to
8 any office to which appointment requires the advice and consent
9 of the Senate shall, except at the Senate's request, be
10 designated again as an acting appointee for that office at the
11 same session of that Senate, subject to the provisions of this
12 Section.

13 During the term of a General Assembly, the Governor may not
14 designate a person to serve as an acting appointee to any
15 office to which appointment requires the advice and consent of
16 the Senate if that person's nomination to serve as the
17 appointee for the same office was rejected by the Senate of the
18 same General Assembly.

19 For the purposes of this subsection (c), "acting appointee"
20 means a person designated by the Governor to serve as an acting
21 director or acting secretary pursuant to Section 5-605 of the
22 Civil Administrative Code of Illinois. "Acting appointee" also
23 means a person designated by the Governor pursuant to any other
24 statute to serve as an acting holder of any office, to execute
25 the duties and functions of any office, or both.

26 (d) The provisions of this Section apply notwithstanding

1 any law to the contrary. However, the provisions of this
2 Section shall not apply to appointments made under Article 1A
3 of the Election Code or to appointments made under subsection
4 (a) of Section 1-70 of the Illinois Power Agency Act.

5 (e) The provisions of this Section pertaining to a salaried
6 office apply on and after July 1, 2011. The provisions of this
7 Section pertaining to an office other than a salaried office
8 apply on and after October 1, 2011.

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

11 (20 ILCS 5/5-605) (was 20 ILCS 5/12)

12 Sec. 5-605. Appointment of officers. Each officer whose
13 office is created by the Civil Administrative Code of Illinois
14 or by any amendment to the Code shall be appointed by the
15 Governor, by and with the advice and consent of the Senate. In
16 case of vacancies in those offices during the recess of the
17 Senate, the Governor shall make a temporary appointment until
18 the next meeting of the Senate, when the Governor shall
19 nominate some person to fill the office, and any person so
20 nominated who is confirmed by the Senate shall hold office
21 during the remainder of the term and until his or her successor
22 is appointed and qualified. If the Senate is not in session at
23 the time the Code or any amendments to the Code take effect,
24 the Governor shall make a temporary appointment as in the case

1 of a vacancy.

2 During the absence or inability to act of the director of
3 any department, or of the Secretary of Human Services or the
4 Secretary of Transportation, or in case of a vacancy in any
5 such office until a successor is appointed and qualified, the
6 Governor may designate some person as acting director or acting
7 secretary to execute the powers and discharge the duties vested
8 by law in that director or secretary.

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

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

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