

SB0001



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0001

Introduced 1/12/2011, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

5 ILCS 420/3A-40 new

Amends the Illinois Governmental Ethics Act. Provides that holdover appointees, temporary appointees, and acting appointees to offices requiring Senate confirmation may not continue in office longer than stated limited periods. Exempts from these provisions appointments to the State Board of Elections. Effective immediately.

LRB097 05756 JDS 45820 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning 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 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
17 law applicable to making appointments to that office, subject
18 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 salaried 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 after that effective date. After that effective date,
3 each such office is considered vacant and shall be filled only
4 pursuant to the law applicable to making appointments to that
5 office, subject to the provisions of this Section. For the
6 purposes of this Section, "salaried office" means an office in
7 which one receives any form of compensation other than per diem
8 or expense reimbursement.

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

20 (b) A person who is appointed by the Governor on or after
21 the effective date of this amendatory Act of the 97th General
22 Assembly to serve as a temporary appointee, pursuant to Article
23 V, Section 9(b) of the Illinois Constitution or any other
24 applicable statute, to any office to which appointment requires
25 the advice and consent of the Senate shall not continue in
26 office after the next meeting of the Senate unless the Governor

1 has filed a message with the Secretary of the Senate nominating
2 that person to fill that office on or before that meeting date.
3 After that meeting date, each such office is considered vacant
4 and shall be filled only pursuant to the law applicable to
5 making appointments to that office, subject to the provisions
6 of this Section.

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

22 (c) A person who is appointed by the Governor on or after
23 the 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 more than 30 days unless the Governor

1 files a message with the Secretary of the Senate nominating
2 that person to fill that office within that 30 days. After that
3 30 days, each such office is considered vacant and shall be
4 filled only pursuant to the law applicable to making
5 appointments to that office, subject to the provisions of this
6 Section.

7 A person who has been appointed by the Governor before the
8 effective date of this amendatory Act of the 97th General
9 Assembly to serve as an acting appointee to any office to which
10 appointment requires the advice and consent of the Senate shall
11 not continue in office after that effective date unless the
12 Governor has filed a message with the Secretary of the Senate
13 nominating that person to fill that office on or before that
14 effective date. After that effective date, each such office is
15 considered vacant and shall be filled only pursuant to the law
16 applicable to making appointments to that office, subject to
17 the provisions of this Section.

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

25 (d) The provisions of this Section apply notwithstanding
26 any law to the contrary. However, the provisions of this

1 Section shall not apply to appointments made under Article 1A
2 of the Election Code.

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