

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

25 (c) A person who is designated by the Governor on or after  
26 the effective date of this amendatory Act of the 97th General

1 Assembly to serve as an acting appointee to any office to which  
2 appointment requires the advice and consent of the Senate shall  
3 not continue in office more than 30 days unless the Governor  
4 files a message with the Secretary of the Senate nominating  
5 that person to fill that office within that 30 days. After that  
6 30 days, each such office is considered vacant and shall be  
7 filled only pursuant to the law applicable to making  
8 appointments to that office, subject to the provisions of this  
9 Section. No person who has been designated by the Governor to  
10 serve as an acting appointee to any office to which appointment  
11 requires the advice and consent of the Senate shall, except at  
12 the Senate's request, be designated again as an acting  
13 appointee for that office at the same session of that Senate,  
14 subject to the provisions of this Section.

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

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

6 During the term of a General Assembly, the Governor may not  
7 designate a person to serve as an acting appointee to any  
8 office to which appointment requires the advice and consent of  
9 the Senate if that person's nomination to serve as the  
10 appointee for the same office was rejected by the Senate of the  
11 same General Assembly.

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

19 (d) The provisions of this Section apply notwithstanding  
20 any law to the contrary. However, the provisions of this  
21 Section shall not apply to appointments made under Article 1A  
22 of the Election Code.

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

1 (20 ILCS 5/5-605) (was 20 ILCS 5/12)

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

16 During the absence or inability to act of the director of  
17 any department, or of the Secretary of Human Services or the  
18 Secretary of Transportation, or in case of a vacancy in any  
19 such office until a successor is appointed and qualified, the  
20 Governor may designate some person as acting director or acting  
21 secretary to execute the powers and discharge the duties vested  
22 by law in that director or secretary.

23 During the term of a General Assembly, the Governor may not  
24 designate a person to serve as an acting director or secretary  
25 under this Section if that person's nomination to serve as the  
26 director or secretary of that same Department was rejected by

1 the Senate of the same General Assembly. This Section is  
2 subject to the provisions of subsection (c) of Section 3A-40 of  
3 the Illinois Governmental Ethics Act.

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

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