

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 1. Short title. This Act may be cited as the  
5 Lieutenant Governor Vacancy Act.

6 Section 5. Definitions. As used in this Act:

7 (a) The term "position of Lieutenant Governor" refers to  
8 the position in State government created by that name in the  
9 Illinois Constitution.

10 (b) The term "Office of the Lieutenant Governor" refers to  
11 the administrative entity of that name which is under the  
12 direction of the Lieutenant Governor and assists in carrying  
13 out the duties and affairs of the Lieutenant Governor.

14 Section 10. Purpose. It is the purpose of this Act to  
15 provide for the exercise of the powers and duties of the  
16 Lieutenant Governor and the administration of the Office of the  
17 Lieutenant Governor during periods when the position of  
18 Lieutenant Governor is vacant.

19 Section 15. Powers of the Lieutenant Governor.

20 (a) Whenever the position of Lieutenant Governor is vacant,  
21 the Governor shall assume and exercise the powers and duties of

1 the Lieutenant Governor that are prescribed by law or have been  
2 delegated by the Governor to the Lieutenant Governor. The  
3 Governor may delegate the exercise of any such power or duty to  
4 an appropriate State officer or agency under the jurisdiction  
5 and control of the Governor for so long as the position of  
6 Lieutenant Governor remains vacant. For purposes of Section 9b  
7 of the State Finance Act, an officer or agency that is  
8 delegated activities is considered a successor.

9 (b) While the position of Lieutenant Governor is vacant,  
10 appropriations to the Lieutenant Governor, if any, may be  
11 obligated and expended by the Governor for the purposes  
12 specified in those appropriations that are for powers or duties  
13 that are not delegated. Those obligations and expenditures  
14 shall continue to be accounted for as obligations and  
15 expenditures of the Lieutenant Governor.

16 Section 20. Office of the Lieutenant Governor.

17 (a) While the position of Lieutenant Governor is vacant,  
18 the Governor may suspend any or all the activities of the  
19 administrative entity known as the Office of the Lieutenant  
20 Governor and delegate those activities to one or more  
21 appropriate State officers or agencies under the jurisdiction  
22 and control of the Governor for so long as the position of  
23 Lieutenant Governor remains vacant. For purposes of Section 9b  
24 of the State Finance Act, an officer or agency that is  
25 delegated activities is considered a successor.

1           (b) If the Governor does not suspend all of the activities  
2 of the Office of the Lieutenant Governor while the position of  
3 Lieutenant Governor is vacant, the Office shall continue in  
4 existence, under the direction of the Governor, as appropriate  
5 to carry out the activities of the Office, and appropriations  
6 to the Office of the Lieutenant Governor, if any, may be  
7 obligated and expended, with the approval of the Governor, for  
8 the purposes specified in those appropriations that are for  
9 activities that are not delegated. Those obligations and  
10 expenditures shall continue to be accounted for as obligations  
11 and expenditures of the Office of the Lieutenant Governor.

12           Section 25. Contracts; employment.

13           (a) The assumption or delegation of powers and duties under  
14 this Act shall not be deemed to change the terms or conditions  
15 of any contract, except that references in any contract to the  
16 Lieutenant Governor or the Office of the Lieutenant Governor  
17 may be deemed to refer to the Governor or other person or  
18 entity exercising the powers and duties of the Lieutenant  
19 Governor or the Office of the Lieutenant Governor with respect  
20 to that contract pursuant to this Act.

21           (b) The assumption or delegation of powers and duties under  
22 this Act shall not by itself be deemed to change any condition  
23 or status of employment; but in exercising such powers and  
24 duties the Governor shall have all the powers of the Lieutenant  
25 Governor to supervise, direct, and reorganize the Office of the

1 Lieutenant Governor and its employees.

2 (c) In the course of exercising any power or duty of the  
3 Lieutenant Governor that has been assumed by or delegated to a  
4 person under Section 15 or 20 of this Act, the person is not  
5 "serving as Lieutenant Governor" for the purposes of the  
6 Illinois Pension Code.

7 Section 30. Resumption of powers. When the position of  
8 Lieutenant Governor ceases to be vacant, the powers and duties  
9 assumed by the Governor under this Act, including any such  
10 powers that have been delegated by the Governor to a State  
11 employee, officer, or agency, shall once again be assumed and  
12 exercised by the Lieutenant Governor.

13 Section 35. Repeal. The Lieutenant Governor Vacancy Act  
14 (Sections 1 through 35) is repealed on January 10, 2011.

15 Section 90. The Executive Reorganization Implementation  
16 Act is amended by changing Section 5.5 as follows:

17 (15 ILCS 15/5.5)

18 Sec. 5.5. Executive order provisions superseded.

19 (a) Executive Order No. 2003-9, in subdivision II(E),  
20 provides in part: "All such personnel shall initially  
21 constitute probationary employees under the Personnel Code.  
22 The Department of Central Management Services shall establish a

1 procedure for qualification and retention of personnel in  
2 accordance with the Personnel Code.". This language, which  
3 violates Section 4 of this Act and contravenes applicable  
4 provisions of the Personnel Code, is hereby superseded and of  
5 no force or effect. The status and rights of employees under  
6 the Personnel Code who are transferred by Executive Order No.  
7 2003-9 shall not be affected by the reorganization under that  
8 Order.

9 (b) Executive Order No. 2003-10, subdivision I(C),  
10 provides: "The statutory powers, duties, rights,  
11 responsibilities and liabilities regarding internal auditing  
12 by agencies, offices, divisions, departments, bureaus, boards  
13 and commissions directly responsible to the Governor derive  
14 from, among others, the Fiscal Control and Internal Auditing  
15 Act, 30 ILCS 10/1001 et seq., and the Illinois State Auditing  
16 Act, 30 ILCS 5/1-1 et seq.". Executive Order No. 2003-10  
17 addresses only internal auditing functions and does not address  
18 external auditing functions or the powers of the Auditor  
19 General. The reference to the Illinois State Auditing Act is  
20 therefore incorrect, and that reference is hereby superseded  
21 and of no force or effect.

22 (c) Executive Order No. 2003-10, subdivision I(D),  
23 provides: "Staff legal functions across agencies shall be  
24 transferred from individual agencies to the Department of  
25 Central Management Services. Legal functions specific to each  
26 particular agency may remain at that agency.". This transfer of

1 legal functions was intended to be and is hereby limited to  
2 legal technical advisor functions related to procurement and  
3 personnel issues across agencies. All other legal functions at  
4 an agency, including those related to issues particular to the  
5 agency, and legal functions performed by assistant attorneys  
6 general under the direction and control of the Attorney  
7 General, shall remain at that agency. To the extent that the  
8 language of subdivision I(D) of Executive Order No. 2003-10 may  
9 be construed to conflict with this subsection (c), that  
10 language in Executive Order No. 2003-10 is hereby superseded.

11 If any legal personnel (or their associated records or  
12 property) have been transferred from an agency to the  
13 Department of Central Management Services under the apparent  
14 direction of Executive Order No. 2003-10 but contrary to the  
15 provisions of this subsection (c), those legal personnel (and  
16 their associated records and property) shall be immediately  
17 transferred back to the original agency from the Department of  
18 Central Management Services.

19 (d) Executive Order No. 2003-11, in subdivisions II(B) and  
20 II(D), provides in part: "All such personnel shall initially  
21 constitute probationary employees under the Personnel Code.  
22 The Department of Central Management Services shall establish a  
23 procedure for qualification and retention of personnel in  
24 accordance with the Personnel Code.". This language, which  
25 violates Section 4 of this Act and contravenes applicable  
26 provisions of the Personnel Code, is hereby superseded and of

1 no force or effect. The status and rights of employees under  
2 the Personnel Code who are transferred by Executive Order No.  
3 2003-11 shall not be affected by the reorganization under that  
4 Order.

5 (e) Executive Order No. 2003-12, in subdivision II(B),  
6 provides in part: "All such personnel shall initially  
7 constitute probationary employees under the Personnel Code.  
8 The Department of Central Management Services shall establish a  
9 procedure for qualification and retention of personnel in  
10 accordance with the Personnel Code.". This language, which  
11 violates Section 4 of this Act and contravenes applicable  
12 provisions of the Personnel Code, is hereby superseded and of  
13 no force or effect. The status and rights of employees under  
14 the Personnel Code who are transferred by Executive Order No.  
15 2003-12 shall not be affected by the reorganization under that  
16 Order.

17 (f) Executive Order No. 09-06, filed April 1, 2009, is  
18 hereby superseded and of no force or effect.

19 (Source: P.A. 93-586, eff. 8-22-03.)

20 (20 ILCS 405/405-500 rep.)

21 Section 92. The Department of Central Management Services  
22 Law of the Civil Administrative Code of Illinois is amended by  
23 repealing Section 405-500.

24 Section 93. The Department of Commerce and Economic

1 Opportunity Law of the Civil Administrative Code of Illinois is  
2 amended by changing Section 605-111 as follows:

3 (20 ILCS 605/605-111) (was 20 ILCS 605/46.34a)

4 Sec. 605-111. Transfer relating to the Illinois Main Street  
5 Program. To transfer ~~assume~~ from the Department to the Office  
6 of the Lieutenant Governor on July 1, 2009 ~~1999~~, all personnel,  
7 books, records, papers, documents, property both real and  
8 personal, and pending business in any way pertaining to the  
9 Illinois Main Street Program. All personnel transferred  
10 pursuant to this Section shall receive certified status under  
11 the Personnel Code. Executive Order 09-08, filed April 1, 2009,  
12 is hereby superseded and has no force or effect.

13 (Source: P.A. 91-25, eff. 6-9-99; 92-16, eff. 6-28-01.)

14 Section 95. The Gifts and Grants to Government Act is  
15 amended by changing Section 1 as follows:

16 (30 ILCS 110/1) (from Ch. 127, par. 168-81)

17 Sec. 1. The Governor, Lieutenant Governor, Attorney  
18 General, Secretary of State, Comptroller and Treasurer may  
19 accept monetary gifts or grants from any nongovernmental  
20 source, upon such terms and conditions as may be imposed, and  
21 may expend, subject to appropriation, such gifts or grants for  
22 any purpose necessary or desirable in the exercise of the  
23 powers or the performance of the duties of their offices.



1       ~~Until January 11, 1999, while the office of Lieutenant~~  
2       ~~Governor is vacant, the powers and duties of the Lieutenant~~  
3       ~~Governor under this Act shall be carried out as provided in~~  
4       ~~Section 67.35 of the Civil Administrative Code of Illinois~~  
5       ~~(renumbered; now Section 405-500 of the Department of Central~~  
6       ~~Management Services Law, 20 ILCS 405/405-500).~~

7       (Source: P.A. 90-609, eff. 6-30-98; 91-239, eff. 1-1-00.)

8       Section 99. Effective date. This Act takes effect upon  
9       becoming law.