

To the Honorable Members of the General Assembly:

Today, I sign House Bill 88. With my signature, it becomes law. In accordance with the supreme executive power vested in the Governor as provided for Article V, Section 8 of the Illinois Constitution, and the authority to approve legislation in Article IV, Section 9, I am issuing this statement in connection with my approval of the bill to explain the effect of the law.

House Bill 88 creates the Lieutenant Governor Vacancy Act, amends the Executive Reorganization Implementation Act, and amends the Civil Administrative Code. The Lieutenant Governor Vacancy Act is an initiative which will allow the Office of the Governor to carry out the many programs operated by the Office of the Lieutenant Governor while the Office of the Lieutenant Governor is unoccupied. The Office of the Lieutenant Governor, upon becoming vacant, remains unoccupied until the election of a new Lieutenant Governor. There is no mechanism in the Illinois Constitution for an interim replacement. As a result, there is no official to carry out the duties of the office when there is not a Lieutenant Governor. House Bill 88 provides the Governor the statutory authority to direct the affairs of the Lieutenant Governor's office during a period of vacancy by reassigning programs to appropriate executive agencies under the control of the Governor. These are programs which protect the environment, help children, and honor veterans.

This bill also amends the Executive Reorganization Implementation Act and the Civil Administrative Code. The amendments to the Executive Reorganization Implementation Act and the Civil Administrative Code purport to supersede Executive Order 09-06 and Executive Order 09-08. These Executive Orders, which became effective under Article 5, Section 11 of the Illinois Constitution when neither was disapproved by either chamber of the General Assembly within 60 calendar days after delivery in accordance with Senate Rule 3-6(c) or House Rule 16(d), transferred the functions of the Illinois Historic Preservation Agency (IHPA) to the Department of Natural Resources (DNR) and transferred the functions of the Illinois Main Street Program to the Office of the Lieutenant Governor, respectively.

The intent of merging these agencies was to streamline the operations of government. However, late in the spring session, I became aware of objections to the merger. Although the merger has taken effect, and although effectuating the merger by executive order is within the authority of the Governor, I rescind Executive Order 09-06. In addition, since House Bill 88 accomplishes the restructuring of the Illinois Main Street Program by statute, Executive Order 09-08 is no longer necessary. In the interest of clarity, therefore, Executive Order 09-17 also rescinds Executive Order 09-08. As a result, these Executive Orders no longer exist. Therefore, the provisions of this bill that purport to supersede Executive Orders 09-06 and 09-08 are moot and are of no force and effect.

Although the portions of this bill dealing with reorganization are inconsistent with previous executive orders, I approve House Bill 88 as a reflection of my support for the Lieutenant Governor Vacancy Act.

Sincerely,

Pat Quinn
Governor