



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB2494**

Introduced 2/20/2009, by Rep. Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 405/405-500 rep.

30 ILCS 110/1

from Ch. 127, par. 168-81

Creates the Lieutenant Governor Vacancy Act. Provides that the Governor shall assume and exercise the powers and duties of the Lieutenant Governor while the position of Lieutenant Governor is vacant. Authorizes the Governor to delegate any of those powers to an appropriate State employee, officer, or agency. Authorizes expenditure of appropriations. Authorizes the Governor to either suspend or continue the Office of the Lieutenant Governor. Includes provisions relating to contracts and employment. Amends the Department of Central Management Services Law of the Civil Administrative Code of Illinois and the Gifts and Grants to Government Act to delete obsolete language relating to a previous vacancy. Effective immediately.

LRB096 04051 EFG 14089 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning vacancies in the position of Lieutenant  
2 Governor.

3 **Be it enacted by the People of the State of Illinois,**  
4 **represented in the General Assembly:**

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

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

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

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

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

20 Section 15. Powers of the Lieutenant Governor.

21 (a) Whenever the position of Lieutenant Governor is vacant,

1 the Governor shall assume and exercise the powers and duties of  
2 the Lieutenant Governor that are prescribed by law or have been  
3 delegated by the Governor to the Lieutenant Governor. The  
4 Governor may delegate the exercise of any such power or duty to  
5 an appropriate State employee, officer, or agency for so long  
6 as the position of Lieutenant Governor remains vacant.

7 (b) While the position of Lieutenant Governor is vacant,  
8 appropriations to the Lieutenant Governor, if any, may be  
9 obligated and expended by the Governor for the purposes  
10 specified in those appropriations. Those obligations and  
11 expenditures shall continue to be accounted for as obligations  
12 and expenditures of the Lieutenant Governor.

13 Section 20. Office of the Lieutenant Governor.

14 (a) While the position of Lieutenant Governor is vacant,  
15 the Governor may suspend the activities of the administrative  
16 entity known as the Office of the Lieutenant Governor and  
17 delegate any or all of those activities to one or more  
18 appropriate State employees, officers, or agencies for so long  
19 as the position of Lieutenant Governor remains vacant.

20 (b) If the Governor does not suspend the activities of the  
21 Office of the Lieutenant Governor while the position of  
22 Lieutenant Governor is vacant, the Office shall continue in  
23 existence, under the direction of the Governor, as appropriate  
24 to carry out the activities of the Office, and appropriations  
25 to the Office of the Lieutenant Governor, if any, may be

1 obligated and expended, with the approval of the Governor, for  
2 the purposes specified in those appropriations. Those  
3 obligations and expenditures shall continue to be accounted for  
4 as obligations and expenditures of the Office of the Lieutenant  
5 Governor.

6 Section 25. Contracts; employment.

7 (a) The assumption or delegation of powers and duties under  
8 this Act shall not be deemed to change the terms or conditions  
9 of any contract, except that references in any contract to the  
10 Lieutenant Governor or the Office of the Lieutenant Governor  
11 may be deemed to refer to the Governor or other person or  
12 entity exercising the powers and duties of the Lieutenant  
13 Governor or the Office of the Lieutenant Governor with respect  
14 to that contract pursuant to this Act.

15 (b) The assumption or delegation of powers and duties under  
16 this Act shall not by itself be deemed to change any condition  
17 or status of employment; but in exercising such powers and  
18 duties the Governor shall have all the powers of the Lieutenant  
19 Governor to supervise, direct, and reorganize the Office of the  
20 Lieutenant Governor and its employees.

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

1 Section 30. Resumption of powers. When the position of  
2 Lieutenant Governor ceases to be vacant, the powers and duties  
3 assumed by the Governor under this Act, including any such  
4 powers that have been delegated by the Governor to a State  
5 employee, officer, or agency, shall once again be assumed and  
6 exercised by the Lieutenant Governor.

7 (20 ILCS 405/405-500 rep.)

8 Section 90. The Department of Central Management Services  
9 Law of the Civil Administrative Code of Illinois is amended by  
10 repealing Section 405-500.

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

13 (30 ILCS 110/1) (from Ch. 127, par. 168-81)

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

21 ~~Until January 11, 1999, while the office of Lieutenant~~  
22 ~~Governor is vacant, the powers and duties of the Lieutenant~~

1 ~~Governor under this Act shall be carried out as provided in~~  
2 ~~Section 67.35 of the Civil Administrative Code of Illinois~~  
3 ~~(renumbered; now Section 405-500 of the Department of Central~~  
4 ~~Management Services Law, 20 ILCS 405/405-500).~~

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

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