

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 officer or agency under the jurisdiction
6 and control of the Governor for so long as the position of
7 Lieutenant Governor remains vacant. For purposes of Section 9b
8 of the State Finance Act, an officer or agency that is
9 delegated activities is considered a successor.

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

17 Section 20. Office of the Lieutenant Governor.

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

1 delegated activities is considered a successor.

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

13 Section 25. Contracts; employment.

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

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

1 Governor to supervise, direct, and reorganize the Office of the
2 Lieutenant Governor and its employees.

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

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

14 (20 ILCS 405/405-500 rep.)

15 Section 90. The Department of Central Management Services
16 Law of the Civil Administrative Code of Illinois is amended by
17 repealing Section 405-500.

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

20 (30 ILCS 110/1) (from Ch. 127, par. 168-81)

21 Sec. 1. The Governor, Lieutenant Governor, Attorney
22 General, Secretary of State, Comptroller and Treasurer may

1 accept monetary gifts or grants from any nongovernmental
2 source, upon such terms and conditions as may be imposed, and
3 may expend, subject to appropriation, such gifts or grants for
4 any purpose necessary or desirable in the exercise of the
5 powers or the performance of the duties of their offices.

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

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

13 Section 97. Repeal. This Act is repealed on January 10,
14 2011.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.