



State Government Administration Committee

Filed: 3/4/2009

09600HB2494ham001

LRB096 04051 RCE 23007 a

1 AMENDMENT TO HOUSE BILL 2494

2 AMENDMENT NO. _____. Amend House Bill 2494 by replacing
3 everything after the enacting clause with the following:

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

1 Lieutenant Governor and the administration of the Office of the
2 Lieutenant Governor during periods when the position of
3 Lieutenant Governor is vacant.

4 Section 15. Powers of the Lieutenant Governor.

5 (a) Whenever the position of Lieutenant Governor is vacant,
6 the Governor shall assume and exercise the powers and duties of
7 the Lieutenant Governor that are prescribed by law or have been
8 delegated by the Governor to the Lieutenant Governor. The
9 Governor may delegate the exercise of any such power or duty to
10 an appropriate State officer or agency under the jurisdiction
11 and control of the Governor for so long as the position of
12 Lieutenant Governor remains vacant. For purposes of Section 9b
13 of the State Finance Act, an officer or agency that is
14 delegated activities is considered a successor.

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

22 Section 20. Office of the Lieutenant Governor.

23 (a) While the position of Lieutenant Governor is vacant,
24 the Governor may suspend any or all the activities of the

1 administrative entity known as the Office of the Lieutenant
2 Governor and delegate those activities to one or more
3 appropriate State officers or agencies under the jurisdiction
4 and control of the Governor for so long as the position of
5 Lieutenant Governor remains vacant. For purposes of Section 9b
6 of the State Finance Act, an officer or agency that is
7 delegated activities is considered a successor.

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

19 Section 25. Contracts; employment.

20 (a) The assumption or delegation of powers and duties under
21 this Act shall not be deemed to change the terms or conditions
22 of any contract, except that references in any contract to the
23 Lieutenant Governor or the Office of the Lieutenant Governor
24 may be deemed to refer to the Governor or other person or
25 entity exercising the powers and duties of the Lieutenant

1 Governor or the Office of the Lieutenant Governor with respect
2 to that contract pursuant to this Act.

3 (b) The assumption or delegation of powers and duties under
4 this Act shall not by itself be deemed to change any condition
5 or status of employment; but in exercising such powers and
6 duties the Governor shall have all the powers of the Lieutenant
7 Governor to supervise, direct, and reorganize the Office of the
8 Lieutenant Governor and its employees.

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

14 Section 30. Resumption of powers. When the position of
15 Lieutenant Governor ceases to be vacant, the powers and duties
16 assumed by the Governor under this Act, including any such
17 powers that have been delegated by the Governor to a State
18 employee, officer, or agency, shall once again be assumed and
19 exercised by the Lieutenant Governor.

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

21 Section 90. The Department of Central Management Services
22 Law of the Civil Administrative Code of Illinois is amended by
23 repealing Section 405-500.

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

3 (30 ILCS 110/1) (from Ch. 127, par. 168-81)

4 Sec. 1. The Governor, Lieutenant Governor, Attorney
5 General, Secretary of State, Comptroller and Treasurer may
6 accept monetary gifts or grants from any nongovernmental
7 source, upon such terms and conditions as may be imposed, and
8 may expend, subject to appropriation, such gifts or grants for
9 any purpose necessary or desirable in the exercise of the
10 powers or the performance of the duties of their offices.

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

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

18 Section 97. Repeal. This Act is repealed on January 10,
19 2011.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."