



Sen. John J. Cullerton

**Filed: 4/18/2012**

09700HB1084sam002

LRB097 06351 HLH 67761 a

1 AMENDMENT TO HOUSE BILL 1084

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1084 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Governmental Ethics Act is amended  
5 by changing Section 3A-40 as follows:

6 (5 ILCS 420/3A-40)

7 Sec. 3A-40. Appointees with expired terms; temporary and  
8 acting appointees.

9 (a) A person who is nominated by the Governor on or after  
10 August 26, 2011 (the effective date of Public Act 97-582) ~~this~~  
11 ~~amendatory Act of the 97th General Assembly~~ for any affected  
12 office to which appointment requires the advice and consent of  
13 the Senate, who is appointed pursuant to that advice and  
14 consent, and whose term of office expires on or after August  
15 26, 2011 shall not continue in office longer than 60 calendar  
16 days after the expiration of that term of office. After that

1 60th day, each such office is considered vacant and shall be  
2 filled only pursuant to the law applicable to making  
3 appointments to that office, subject to the provisions of this  
4 Section.

5 A person who has been nominated by the Governor before  
6 August 26, 2011 (the effective date of Public Act 97-582) ~~this~~  
7 ~~amendatory Act of the 97th General Assembly~~ for any affected  
8 office to which appointment requires the advice and consent of  
9 the Senate, who has been appointed pursuant to that advice and  
10 consent, and whose term of office has expired ~~before that~~  
11 ~~effective date~~ shall not continue in office longer than 60  
12 calendar days after the date upon which his or her term of  
13 office has expired ~~that effective date~~. After that 60 days,  
14 each such office is considered vacant and shall be filled only  
15 pursuant to the law applicable to making appointments to that  
16 office, subject to the provisions of this Section. If the term  
17 of office of a person who is subject to this paragraph expires  
18 more than 60 calendar days prior to the effective date of this  
19 amendatory Act of the 97th General Assembly, then that office  
20 is considered vacant on the effective date of this amendatory  
21 Act of the 97th General Assembly, and that vacancy shall be  
22 filled only pursuant to the law applicable to making  
23 appointments to that office. For the purposes of this  
24 subsection (a), "affected office" means (i) an office in which  
25 one receives any form of compensation, including salary or per  
26 diem, but not including expense reimbursement, or (ii)

1 membership on the board of trustees of a public university.

2 (b) A person who is appointed by the Governor on or after  
3 August 26, 2011 (the effective date of Public Act 97-582) ~~this~~  
4 ~~amendatory Act of the 97th General Assembly~~ to serve as a  
5 temporary appointee, pursuant to Article V, Section 9(b) of the  
6 Illinois Constitution or any other applicable statute, to any  
7 office to which appointment requires the advice and consent of  
8 the Senate shall not continue in office after the next meeting  
9 of the Senate unless the Governor has filed a message with the  
10 Secretary of the Senate nominating that person to fill that  
11 office on or before that meeting date. After that meeting date,  
12 each such office is considered vacant and shall be filled only  
13 pursuant to the law applicable to making appointments to that  
14 office, subject to the provisions of this Section.

15 A person who has been appointed by the Governor before  
16 August 26, 2011 (the effective date of Public Act 97-582) ~~this~~  
17 ~~amendatory Act of the 97th General Assembly~~ to serve as a  
18 temporary appointee, pursuant to Article V, Section 9(b) of the  
19 Illinois Constitution or any other applicable statute, to any  
20 office to which appointment requires the advice and consent of  
21 the Senate shall not continue in office after August 26, 2011  
22 ~~that effective date~~ or the next meeting of the Senate after  
23 August 26, 2011 ~~that effective date~~, as applicable, unless the  
24 Governor has filed a message with the Secretary of the Senate  
25 nominating that person to fill that office on or before the  
26 next meeting of the Senate after that temporary appointment was

1 made. After that effective date or meeting date, as applicable,  
2 each such office is considered vacant and shall be filled only  
3 pursuant to the law applicable to making appointments to that  
4 office, subject to the provisions of this Section.

5 For the purposes of this subsection (b), a meeting of the  
6 Senate does not include a perfunctory session day as designated  
7 by the Senate under its rules.

8 (c) A person who is designated by the Governor on or after  
9 August 26, 2011 (the effective date of Public Act 97-582) ~~this~~  
10 ~~amendatory Act of the 97th General Assembly~~ to serve as an  
11 acting appointee to any office to which appointment requires  
12 the advice and consent of the Senate shall not continue in  
13 office more than 60 calendar days unless the Governor files a  
14 message with the Secretary of the Senate nominating that person  
15 to fill that office within that 60 days. After that 60 days,  
16 each such office is considered vacant and shall be filled only  
17 pursuant to the law applicable to making appointments to that  
18 office, subject to the provisions of this Section. No person  
19 who has been designated by the Governor to serve as an acting  
20 appointee to any office to which appointment requires the  
21 advice and consent of the Senate shall, except at the Senate's  
22 request, be designated again as an acting appointee for that  
23 office at the same session of that Senate, subject to the  
24 provisions of this Section.

25 A person who has been designated by the Governor before  
26 August 26, 2011 (the effective date of Public Act 97-582) ~~this~~

1 ~~amendatory Act of the 97th General Assembly~~ to serve as an  
2 acting appointee to any office to which appointment requires  
3 the advice and consent of the Senate shall not continue in  
4 office longer than 60 calendar days after August 26, 2011 ~~that~~  
5 ~~effective date~~ unless the Governor has filed a message with the  
6 Secretary of the Senate nominating that person to fill that  
7 office on or before that 60 days. After that 60 days, each such  
8 office is considered vacant and shall be filled only pursuant  
9 to the law applicable to making appointments to that office,  
10 subject to the provisions of this Section. No person who has  
11 been designated by the Governor to serve as an acting appointee  
12 to any office to which appointment requires the advice and  
13 consent of the Senate shall, except at the Senate's request, be  
14 designated again as an acting appointee for that office at the  
15 same session of that Senate, subject to the provisions of this  
16 Section.

17 During the term of a General Assembly, the Governor may not  
18 designate a person to serve as an acting appointee to any  
19 office to which appointment requires the advice and consent of  
20 the Senate if that person's nomination to serve as the  
21 appointee for the same office was rejected by the Senate of the  
22 same General Assembly.

23 For the purposes of this subsection (c), "acting appointee"  
24 means a person designated by the Governor to serve as an acting  
25 director or acting secretary pursuant to Section 5-605 of the  
26 Civil Administrative Code of Illinois. "Acting appointee" also

1 means a person designated by the Governor pursuant to any other  
2 statute to serve as an acting holder of any office, to execute  
3 the duties and functions of any office, or both.

4 (d) The provisions of this Section apply notwithstanding  
5 any law to the contrary. However, the provisions of this  
6 Section do not apply to appointments made under Article 1A of  
7 the Election Code or to the appointment of any person to serve  
8 as Director of the Illinois Power Agency.

9 (Source: P.A. 97-582, eff. 8-26-11.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."