

1 AN ACT concerning civil law.

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

4 Section 1. This Act may be referred to as the Community
5 Partner Fair Contracting Act.

6 Section 5. The State Prompt Payment Act is amended by
7 changing Sections 3-2, 3-6, and 7 as follows:

8 (30 ILCS 540/3-2)

9 Sec. 3-2. ~~In Beginning July 1, 1993, in~~ any instance where
10 a State official or agency is late in payment of a vendor's
11 bill or invoice for goods or services furnished to the State,
12 as defined in Section 1, properly approved in accordance with
13 rules promulgated under Section 3-3, the State official or
14 agency shall pay interest to the vendor in accordance with the
15 following:

16 (1) (Blank). ~~Any bill, except a bill submitted under~~
17 ~~Article V of the Illinois Public Aid Code and except as~~
18 ~~provided under paragraph (1.05) of this Section, approved~~
19 ~~for payment under this Section must be paid or the payment~~
20 ~~issued to the payee within 60 days of receipt of a proper~~
21 ~~bill or invoice. If payment is not issued to the payee~~
22 ~~within this 60-day period, an interest penalty of 1.0% of~~

~~any amount approved and unpaid shall be added for each month or fraction thereof after the end of this 60-day period, until final payment is made. Any bill, except a bill for pharmacy or nursing facility services or goods, and except as provided under paragraph (1.05) of this Section, submitted under Article V of the Illinois Public Aid Code approved for payment under this Section must be paid or the payment issued to the payee within 60 days after receipt of a proper bill or invoice, and, if payment is not issued to the payee within this 60-day period, an interest penalty of 2.0% of any amount approved and unpaid shall be added for each month or fraction thereof after the end of this 60-day period, until final payment is made. Any bill for pharmacy or nursing facility services or goods submitted under Article V of the Illinois Public Aid Code, except as provided under paragraph (1.05) of this Section, and approved for payment under this Section must be paid or the payment issued to the payee within 60 days of receipt of a proper bill or invoice. If payment is not issued to the payee within this 60-day period, an interest penalty of 1.0% of any amount approved and unpaid shall be added for each month or fraction thereof after the end of this 60-day period, until final payment is made.~~

(1.05) For State fiscal year 2012 and future fiscal years, any bill approved for payment under this Section

1 must be paid or the payment issued to the payee within 90
2 days of receipt of a proper bill or invoice. If payment is
3 not issued to the payee within this 90-day period, an
4 interest penalty of 1.0% of any amount approved and unpaid
5 shall be added for each month, or 0.033% (one-thirtieth of
6 one percent) of any amount approved and unpaid for each
7 day, after the end of this 90-day period, until final
8 payment is made.

9 (1.1) A State agency shall review ~~in a timely manner~~
10 each bill or invoice within 30 calendar days after its
11 receipt. If the State agency determines that the bill or
12 invoice contains a defect making it unable to process the
13 payment request, the agency shall notify the vendor
14 requesting payment ~~as soon as possible after discovering~~
15 ~~the defect pursuant to rules promulgated under Section~~
16 ~~3-3; provided, however, that the notice for construction~~
17 ~~related bills or invoices must be given~~ not later than 30
18 days after the bill or invoice was first submitted. The
19 notice shall identify the defect and any additional
20 information necessary to correct the defect. If one or
21 more items on a construction related bill or invoice are
22 disapproved, but not the entire bill or invoice, then the
23 portion that is not disapproved shall be paid in
24 accordance with the requirements of this Act.

25 (2) Where a State official or agency is late in
26 payment of a vendor's bill or invoice properly approved in

1 accordance with this Act, and different late payment terms
2 are not reduced to writing as a contractual agreement, the
3 State official or agency shall automatically pay interest
4 penalties required by this Section amounting to \$50 or
5 more to the appropriate vendor. Each agency shall be
6 responsible for determining whether an interest penalty is
7 owed and for paying the interest to the vendor. Except as
8 provided in paragraph (4), an individual interest payment
9 amounting to \$5 or less shall not be paid by the State.
10 Interest due to a vendor that amounts to greater than \$5
11 and less than \$50 shall not be paid but shall be accrued
12 until all interest due the vendor for all similar warrants
13 exceeds \$50, at which time the accrued interest shall be
14 payable and interest will begin accruing again, except
15 that interest accrued as of the end of the fiscal year that
16 does not exceed \$50 shall be payable at that time. In the
17 event an individual has paid a vendor for services in
18 advance, the provisions of this Section shall apply until
19 payment is made to that individual.

20 (3) The provisions of Public Act 96-1501 reducing the
21 interest rate on pharmacy claims under Article V of the
22 Illinois Public Aid Code to 1.0% per month shall apply to
23 any pharmacy bills for services and goods under Article V
24 of the Illinois Public Aid Code received on or after the
25 date 60 days before January 25, 2011 (the effective date
26 of Public Act 96-1501) except as provided under paragraph

1 (1.05) of this Section.

2 (4) Interest amounting to less than \$5 shall not be
3 paid by the State, except for claims (i) to the Department
4 of Healthcare and Family Services or the Department of
5 Human Services, (ii) pursuant to Article V of the Illinois
6 Public Aid Code, the Covering ALL KIDS Health Insurance
7 Act, or the Children's Health Insurance Program Act, and
8 (iii) made (A) by pharmacies for prescriptive services or
9 (B) by any federally qualified health center for
10 prescriptive services or any other services.

11 Notwithstanding any provision to the contrary, interest
12 may not be paid under this Act when: (1) a Chief Procurement
13 Officer has voided the underlying contract for goods or
14 services under Article 50 of the Illinois Procurement Code; or
15 (2) the Auditor General is conducting a performance or program
16 audit and the Comptroller has held or is holding for review a
17 related contract or vouchers for payment of goods or services
18 in the exercise of duties under Section 9 of the State
19 Comptroller Act. In such event, interest shall not accrue
20 during the pendency of the Auditor General's review.

21 (Source: P.A. 100-1064, eff. 8-24-18.)

22 (30 ILCS 540/3-6)

23 Sec. 3-6. Federal funds; lack of authority. If an agency
24 incurs an interest liability under this Act that cannot be
25 charged to the same expenditure authority account to which the

1 related goods or services were charged due to federal
2 prohibitions, the agency is authorized to pay the interest
3 from its available appropriations from the General Revenue
4 Fund or from any other fund in the State treasury that is not
5 otherwise prohibited from being used to pay interest, except
6 that the Department of Transportation is authorized to pay the
7 interest from its available appropriations from the Road Fund,
8 as long as the original goods or services were for purposes
9 consistent with Section 11 of Article IX of the Illinois
10 Constitution.

11 (Source: P.A. 103-588, eff. 6-5-24.)

12 (30 ILCS 540/7) (from Ch. 127, par. 132.407)

13 Sec. 7. Payments to subcontractors and material suppliers.

14 (a) When a State official or agency responsible for
15 administering a contract receives a proper bill or invoice
16 from a contractor, that State official or agency shall
17 transmit any approved amount to the Comptroller within 30
18 calendar days of receipt.

19 (a-1) When a State official or agency responsible for
20 administering a contract submits a voucher to the Comptroller
21 for payment to a contractor, that State official or agency
22 shall promptly make available electronically the voucher
23 number, the date of the voucher, and the amount of the voucher.
24 The State official or agency responsible for administering the
25 contract shall provide subcontractors and material suppliers,

1 known to the State official or agency, with instructions on
2 how to access the electronic information on the Comptroller's
3 website.

4 (a-5) When a contractor receives any payment, the
5 contractor shall pay each subcontractor and material supplier
6 electronically within 10 business days or 15 calendar days,
7 whichever occurs earlier, or, if paid by a printed check, the
8 printed check must be postmarked within 10 business days or 15
9 calendar days, whichever occurs earlier, after receiving
10 payment in proportion to the work completed by each
11 subcontractor and material supplier according to its
12 application or pay estimate, plus interest received under this
13 Act. When a contractor receives any payment, the contractor
14 shall pay each lower-tiered subcontractor and material
15 supplier and each subcontractor and material supplier shall
16 make payment to its own respective subcontractors and material
17 suppliers. If the contractor receives less than the full
18 payment due under the public construction contract, the
19 contractor shall be obligated to disburse on a pro rata basis
20 those funds received, plus interest received under this Act,
21 with the contractor, subcontractors and material suppliers
22 each receiving a prorated portion based on the amount of
23 payment each has earned. When, however, the State official or
24 agency does not release the full payment due under the
25 contract because there are specific areas of work or materials
26 the State agency or official has determined are not suitable

1 for payment, then those specific subcontractors or material
2 suppliers involved shall not be paid for that portion of work
3 rejected or deemed not suitable for payment and all other
4 subcontractors and suppliers shall be paid based upon the
5 amount of payment each has earned, plus interest received
6 under this Act.

7 (a-10) For construction contracts with the Department of
8 Transportation, the contractor, subcontractor, or material
9 supplier, regardless of tier, shall not offset, decrease, or
10 diminish payment or payments that are due to its
11 subcontractors or material suppliers without reasonable cause.

12 A contractor, who refuses to make prompt payment within 10
13 business days or 15 calendar days, whichever occurs earlier,
14 after receiving payment, in whole or in part, shall provide to
15 the subcontractor or material supplier and the public owner or
16 its agent, a written notice of that refusal. The written
17 notice shall be made by a contractor no later than 5 calendar
18 days after payment is received by the contractor. The written
19 notice shall identify the Department of Transportation's
20 contract, any subcontract or material purchase agreement, a
21 detailed reason for refusal, the value of the payment to be
22 withheld, and the specific remedial actions required of the
23 subcontractor or material supplier so that payment may be
24 made. Written notice of refusal may be given in a form and
25 method which is acceptable to the parties and public owner.

26 (b) If the contractor, without reasonable cause, fails to

1 make full payment of amounts due under subsection (a) to its
2 subcontractors and material suppliers within 10 business days
3 or 15 calendar days, whichever occurs earlier, after receipt
4 of payment from the State official or agency, the contractor
5 shall pay to its subcontractors and material suppliers, in
6 addition to the payment due them, interest in the amount of 2%
7 per month, calculated from the expiration of the
8 10-business-day period or the 15-calendar-day period until
9 fully paid. This subsection shall further apply to any
10 payments made by subcontractors and material suppliers to
11 their subcontractors and material suppliers and to all
12 payments made to lower tier subcontractors and material
13 suppliers throughout the contracting chain.

14 (1) If a contractor, without reasonable cause, fails
15 to make payment in full as provided in subsection (a-5)
16 within 10 business days or 15 calendar days, whichever
17 occurs earlier, after receipt of payment under the public
18 construction contract, any subcontractor or material
19 supplier to whom payments are owed may file a written
20 notice and request for administrative hearing with the
21 State official or agency setting forth the amount owed by
22 the contractor and the contractor's failure to timely pay
23 the amount owed. The written notice and request for
24 administrative hearing shall identify the public
25 construction contract, the contractor, and the amount
26 owed, and shall contain a sworn statement or attestation

1 to verify the accuracy of the notice. The notice and
2 request for administrative hearing shall be filed with the
3 State official for the public construction contract, with
4 a copy of the notice concurrently provided to the
5 contractor. Notice to the State official may be made by
6 certified or registered mail, messenger service, or
7 personal service, and must include proof of delivery to
8 the State official.

9 (2) The State official or agency, within 15 calendar
10 days after receipt of a subcontractor's or material
11 supplier's written notice and request for administrative
12 hearing, shall hold a hearing convened by an
13 administrative law judge to determine whether the
14 contractor withheld payment, without reasonable cause,
15 from the subcontractors or material suppliers and what
16 amount, if any, is due to the subcontractors or material
17 suppliers, and the reasonable cause or causes asserted by
18 the contractor. The State official or agency shall provide
19 appropriate notice to the parties of the date, time, and
20 location of the hearing. Each contractor, subcontractor,
21 or material supplier has the right to be represented by
22 counsel at a hearing and to cross-examine witnesses and
23 challenge documents. Upon the request of the subcontractor
24 or material supplier and a showing of good cause,
25 reasonable continuances may be granted by the
26 administrative law judge.

1 (3) Upon a finding by the administrative law judge
2 that the contractor failed to make payment in full,
3 without reasonable cause, as provided in subsection
4 (a-10), then the administrative law judge shall, in
5 writing, order the contractor to pay the amount owed to
6 the subcontractors or material suppliers plus interest
7 within 15 calendar days after the order.

8 (4) If a contractor fails to make full payment as
9 ordered under paragraph (3) of this subsection (b) within
10 15 days after the administrative law judge's order, then
11 the contractor shall be barred from entering into a State
12 public construction contract for a period of one year
13 beginning on the date of the administrative law judge's
14 order.

15 (5) If, on 2 or more occasions within a
16 3-calendar-year period, there is a finding by an
17 administrative law judge that the contractor failed to
18 make payment in full, without reasonable cause, and a
19 written order was issued to a contractor under paragraph
20 (3) of this subsection (b), then the contractor shall be
21 barred from entering into a State public construction
22 contract for a period of 6 months beginning on the date of
23 the administrative law judge's second written order, even
24 if the payments required under the orders were made in
25 full.

26 (6) If a contractor fails to make full payment as

1 ordered under paragraph (4) of this subsection (b), the
2 subcontractor or material supplier may, within 30 days of
3 the date of that order, petition the State agency for an
4 order for reasonable attorney's fees and costs incurred in
5 the prosecution of the action under this subsection (b).
6 Upon that petition and taking of additional evidence, as
7 may be required, the administrative law judge may issue a
8 supplemental order directing the contractor to pay those
9 reasonable attorney's fees and costs.

10 (7) The written order of the administrative law judge
11 shall be final and appealable under the Administrative
12 Review Law.

13 (b-5) On or before July 2021, the Department of
14 Transportation shall publish on its website a searchable
15 database that allows for queries for each active construction
16 contract by the name of a subcontractor or the pay item such
17 that each pay item is associated with either the prime
18 contractor or a subcontractor.

19 (c) This Section shall not be construed to in any manner
20 diminish, negate, or interfere with the
21 contractor-subcontractor or contractor-material supplier
22 relationship or commercially useful function.

23 (d) This Section shall not preclude, bar, or stay the
24 rights, remedies, and defenses available to the parties by way
25 of the operation of their contract, purchase agreement, the
26 Mechanics Lien Act, or the Public Construction Bond Act.

1 (e) State officials and agencies may adopt rules as may be
2 deemed necessary in order to establish the formal procedures
3 required under this Section.

4 (f) As used in this Section:

5 "Payment" means the discharge of an obligation in money or
6 other valuable consideration or thing delivered in full or
7 partial satisfaction of an obligation to pay. "Payment" shall
8 include interest paid pursuant to this Act.

9 "Reasonable cause" may include, but is not limited to,
10 unsatisfactory workmanship or materials; failure to provide
11 documentation required by the contract, subcontract, or
12 material purchase agreement; claims made against the
13 Department of Transportation or the subcontractor pursuant to
14 subsection (c) of Section 23 of the Mechanics Lien Act or the
15 Public Construction Bond Act; judgments, levies, garnishments,
16 or other court-ordered assessments or offsets in favor of the
17 Department of Transportation or other State agency entered
18 against a subcontractor or material supplier. "Reasonable
19 cause" does not include payments issued to the contractor that
20 create a negative or reduced valuation pay application or pay
21 estimate due to a reduction of contract quantities or work not
22 performed or provided by the subcontractor or material
23 supplier; the interception or withholding of funds for reasons
24 not related to the subcontractor's or material supplier's work
25 on the contract; anticipated claims or assessments of third
26 parties not a party related to the contract or subcontract;

1 asserted claims or assessments of third parties that are not
2 authorized by court order, administrative tribunal, or
3 statute. "Reasonable cause" further does not include the
4 withholding, offset, or reduction of payment, in whole or in
5 part, due to the assessment of liquidated damages or penalties
6 assessed by the Department of Transportation against the
7 contractor, unless the subcontractor's performance or supplied
8 materials were the sole and proximate cause of the liquidated
9 damage or penalty.

10 (Source: P.A. 100-43, eff. 8-9-17; 100-376, eff. 1-1-18;
11 100-863, eff. 8-14-18; 101-524, eff. 1-1-20.)

12 Section 10. The Grant Accountability and Transparency Act
13 is amended by changing Section 50 as follows:

14 (30 ILCS 708/50)

15 Sec. 50. State grant-making agency responsibilities.

16 (a) The specific requirements and responsibilities of
17 State grant-making agencies and non-federal entities are set
18 forth in this Act. State agencies making State awards to
19 non-federal entities must adopt by rule the language in 2 CFR
20 Part 200, Subpart C through Subpart F unless different
21 provisions are required by law.

22 (b) Each State grant-making agency shall appoint a Chief
23 Accountability Officer who shall serve as a liaison to the
24 Grant Accountability and Transparency Unit and who shall be

1 responsible for the State agency's implementation of and
2 compliance with the rules.

3 (c) In order to effectively measure the performance of its
4 recipients and subrecipients, each State grant-making agency
5 shall:

6 (1) require its recipients and subrecipients to relate
7 financial data to performance accomplishments of the award
8 and, when applicable, must require recipients and
9 subrecipients to provide cost information to demonstrate
10 cost-effective practices. The recipient's and
11 subrecipient's performance should be measured in a way
12 that will help the State agency to improve program
13 outcomes, share lessons learned, and spread the adoption
14 of promising practices; and

15 (2) provide recipients and subrecipients with clear
16 performance goals, indicators, and milestones and must
17 establish performance reporting frequency and content to
18 not only allow the State agency to understand the
19 recipient's progress, but also to facilitate
20 identification of promising practices among recipients and
21 subrecipients and build the evidence upon which the State
22 agency's program and performance decisions are made. The
23 frequency of reports on performance goals, indicators, and
24 milestones required under this Section shall not be more
25 frequent than quarterly. Nothing in this Section is
26 intended to prohibit more frequent reporting to assess

1 items such as service needs, gaps, or capacity, as
2 indicated by a corrective action plan or by a risk
3 assessment.

4 (3) Each State grant-making agency shall, when it is
5 in the best interests of the State, request that the
6 Office of the Comptroller issue a stop payment order in
7 accordance with Section 105 of this Act.

8 (4) Upon notification by the Grant Accountability and
9 Transparency ~~Transparency and Accountability~~ Unit that a
10 stop payment order has been requested by a State
11 grant-making agency, each State grant-making agency who
12 has issued a grant to that recipient or subrecipient shall
13 determine if it remains in the best interests of the State
14 to continue to issue payments to the recipient or
15 subrecipient.

16 (c-5) Each State grant-making agency shall specify in each
17 grant agreement whether the applicable payment methodology is
18 advance payment, reimbursement, or working capital advance. If
19 advance payment is not the applicable payment methodology, the
20 grant agreement shall specify why an alternative payment
21 methodology applies.

22 (d) The Governor's Office of Management and Budget shall
23 provide such advice and technical assistance to the State
24 grant-making agencies as is necessary or indicated in order to
25 ensure compliance with this Act. The advice and technical
26 assistance provided to State grant-making agencies by the

1 Governor's Office of Management and Budget shall include an
2 explanation of how to determine if the awardee is eligible for
3 advance payments, reimbursement, or working capital advances.

4 (d-5) Grant agreements issued by State grant-making
5 agencies regarding awards to qualified grantees pursuant to a
6 Notice of Funding Opportunity are subject to the following
7 provisions:

8 (1) Except as provided in item (3), if the State
9 grant-making agency has determined that the grantee has
10 submitted all of the documentation required for the State
11 grant-making agency to issue the Notice of State-Issued
12 Award to the grantee, the State grant-making agency shall
13 issue the grant agreement within 60 calendar days after
14 the beginning of the applicable fiscal year or within 60
15 calendar days after issuing the Notice of State-Issued
16 Award, whichever is later.

17 (2) Except as provided in item (3), if the State
18 grant-making agency determines that the grantee has not
19 submitted all of the documentation required to issue a
20 grant agreement or if the submitted documentation has
21 defects, the State grant-making agency shall notify the
22 grantee of the missing or defective documentation as soon
23 as practical. The State grant-making agency shall issue
24 the grant agreement within 60 calendar days after the
25 beginning of the applicable fiscal year or within 60
26 calendar days after determining that all documentation has

1 been received and there are no remaining defects,
2 whichever is later.

3 (3) The 60-day deadlines established in items (1) and
4 (2) may be tolled by the State grant-making agency if the
5 State grant-making agency and the grantee must negotiate
6 any of the required contents of the Uniform Grant
7 Agreement, as established by this Act or in administrative
8 rule adopted pursuant to this Act, including, but not
9 limited to:

10 (A) the project description;

11 (B) the period of performance;

12 (C) the amount of the grant;

13 (D) the estimated budget;

14 (E) the indirect cost rate;

15 (F) general terms and conditions;

16 (G) agency-specific, program-specific, or
17 grant-specific terms;

18 (H) grant performance goals;

19 (I) reporting requirements; or

20 (J) any other factors identified in administrative
21 rules adopted pursuant to this Act.

22 Nothing in this subsection applies to grants that are
23 solely for the purpose of capital projects or to grants that
24 the grantee declines to accept.

25 (e) In accordance with this Act and the Illinois State
26 Collection Act of 1986, refunds required under the Grant Funds

1 Recovery Act may be referred to the Comptroller's offset
2 system.

3 (Source: P.A. 103-1068, eff. 3-21-25.)

4 Section 15. The Court of Claims Act is amended by changing
5 Sections 9, 11, 18, 19, and 24 and by adding Section 8.2 as
6 follows:

7 (705 ILCS 505/8.2 new)

8 Sec. 8.2. Contractual claims.

9 (a) A State agency must confirm, reject, or identify a
10 defect within a claim arising under subsection (b) of Section
11 8 of this Act that is from a lapsed appropriation and valued at
12 less than \$2,500 within 60 calendar days after being notified
13 in writing of the claim by the Attorney General. If the State
14 agency confirms the claim, then the court must enter an award
15 for the claim within 30 calendar days of being notified.

16 (b) If the State agency determines that it is unable to
17 process a claim under this Section because the bill or invoice
18 contains a defect, the State agency must notify the vendor and
19 the Attorney General in writing of the defect no later than 60
20 calendar days after receiving notice of the claim from the
21 Attorney General's office pursuant to subsection (a). The
22 notice must identify the defect and any additional information
23 necessary to correct the defect, if possible. If one or more
24 items on a bill or invoice are disapproved, but not the entire

1 bill or invoice, then the portion that is not disapproved must
2 be transmitted to the Court for processing. For disapproved
3 portions of a claim, the Attorney General must allow vendors
4 to submit documentation to the Attorney General's office
5 showing amendments and cured defects.

6 (c) The Court of Claims may adopt rules to implement this
7 Section.

8 (705 ILCS 505/9) (from Ch. 37, par. 439.9)

9 Sec. 9. Powers and duties. ~~The court may:~~

10 (a) The court shall confirm receipt of a claim to the
11 vendor within 30 calendar days for all claims arising under
12 subsection (b) of Section 8 of this Act.

13 (b) The court may establish ~~A. Establish~~ rules for its
14 government and for the regulation of practice therein; appoint
15 commissioners to assist the court in such manner as it directs
16 and discharge them at will; and exercise such powers as are
17 necessary to carry into effect the powers granted in this
18 Section. Any Commissioner appointed shall be an attorney
19 licensed to practice law in the State of Illinois. The rules
20 established hereunder shall not be waived, and any extension
21 of time authorized by such rules shall only be allowed on
22 motion duly filed within the time limitation for which the
23 extension is requested.

24 (c) The court may issue ~~B. Issue~~ subpoenas through the
25 Chief Justice or one of its judges or commissioners to require

1 the attendance of witnesses for the purpose of testifying
2 before it, or before any judge of the court, or before any
3 notary public, or any of its commissioners, and to require the
4 production of any books, records, papers or documents that may
5 be material or relevant as evidence in any matter pending
6 before it. In case any person refuses to comply with any
7 subpoena issued in the name of the chief justice, or one of the
8 judges or commissioners, attested by the clerk, with the seal
9 of the court attached, and served upon the person named
10 therein as a summons in a civil action is served, the circuit
11 court of the proper county, on application of the party at
12 whose instance the subpoena was issued, shall compel obedience
13 by attachment proceedings, as for contempt, as in a case of a
14 disobedience of the requirements of a subpoena from such court
15 on a refusal to testify therein.

16 ~~6.~~ The court may adopt administrative rules to provide for
17 remote or electronic filing of a claim or other motion,
18 participation in any capacity before the court, taking of
19 evidence or testimony, conducting any business of the court,
20 or payment of any fees to the court.

21 (Source: P.A. 104-188, eff. 1-1-26.)

22 (705 ILCS 505/11) (from Ch. 37, par. 439.11)

23 Sec. 11. Filing claims.

24 (a) Except as otherwise provided in subsection (b) of this
25 Section and subsection (4) of Section 24, the claimant shall

1 in all cases set forth fully in his or her petition the claim,
2 the action thereon, if any, on behalf of the State, what
3 persons are owners or trustees as defined under Section 3 of
4 the Charitable Trust Act thereof or interested therein, when
5 and upon what consideration such persons became so interested;
6 that no assignment or transfer of the claim or any part thereof
7 or interest therein has been made, except as stated in the
8 petition; that the claimant is justly entitled to the amount
9 therein claimed from the State of Illinois, after allowing all
10 just credits; and that claimant believes the facts stated in
11 the petition to be true. The petition shall be verified, as to
12 statements of facts, by the affidavit of the claimant, his
13 agent, or attorney.

14 (b) Whenever a person has served a term of imprisonment
15 and has received a pardon by the Governor stating that such
16 pardon was issued on the ground of innocence of the crime for
17 which he or she was imprisoned, the Prisoner Review Board
18 shall transmit this information to the clerk of the Court of
19 Claims, together with the claimant's current address. Whenever
20 a person has served a term of imprisonment and has received a
21 certificate of innocence from the Circuit Court as provided in
22 Section 2-702 of the Code of Civil Procedure, the clerk of the
23 issuing Circuit Court shall transmit this information to the
24 clerk of the Court of Claims, together with the claimant's
25 current address. The clerk of the Court of Claims shall
26 immediately docket the case for consideration by the Court of

1 Claims, and shall provide notice to the claimant of such
2 docketing together with all hearing dates and applicable
3 deadlines. The Court of Claims shall hear the case and render a
4 decision within 90 days after its docketing.

5 (Source: P.A. 95-970, eff. 9-22-08; 96-328, eff. 8-11-09.)

6 (705 ILCS 505/18) (from Ch. 37, par. 439.18)

7 Sec. 18. The court shall provide, by rule, for the
8 maintenance of separate records of claims which arise solely
9 due to lapsed appropriations and for claims for which amount
10 of recovery sought is less than \$50,000. In all other cases,
11 the court or Commissioner as the case may be, shall file with
12 its clerk a written opinion in each case upon final
13 disposition thereof. All opinions shall be compiled and
14 published annually by the clerk of the court.

15 Beginning December 31, 2027, and every December 31st
16 thereafter, the Court shall produce an annual report to the
17 General Assembly on claims arising from lapsed appropriations.
18 The report shall include data on the number of claims
19 submitted each year, the number of claims resolved, the number
20 and dollar amount of claims paid and pending, the State
21 agencies associated with the lapsed claims, the average length
22 of time from claim submission to resolution for each State
23 agency, and the number and age of unresolved claims that are
24 older than 12 months, by State agency.

25 (Source: P.A. 100-1124, eff. 11-27-18.)

(705 ILCS 505/19) (from Ch. 37, par. 439.19)

Sec. 19. The Attorney General, or his or her assistants under his or her direction, shall appear for the defense and protection of the interests of the State of Illinois in all cases filed in the court, and may make claim for recoupment by the State. Except as provided in Section 8.2, for all claims arising under subsection (b) of Section 8 of this Act that are from lapsed appropriations and are equal to or greater than \$2,500:

(1) the State agency must confirm, reject, or identify a defect within the claim in writing with the Attorney General's office within 90 calendar days of being contacted by the Attorney General; and

(2) the Attorney General must file a stipulation or motion with the Court within 90 calendar days of the State agency confirming or rejecting the claim.

(Source: Laws 1945, p. 660.)

(705 ILCS 505/24) (from Ch. 37, par. 439.24)

Sec. 24. Payment of awards.

(1) From funds appropriated by the General Assembly for the purposes of this Section the Court may direct immediate payment of:

(a) All claims arising solely as a result of the lapsing of an appropriation out of which the obligation

1 could have been paid.

2 (b) All claims pursuant to the Line of Duty
3 Compensation Act.

4 (c) All claims pursuant to the "Illinois National
5 Guardsman's and Naval Militiaman's Compensation Act",
6 approved August 12, 1971, as amended.

7 (d) All claims pursuant to the "Crime Victims
8 Compensation Act", approved August 23, 1973, as amended.

9 (d-5) All claims against the State for unjust
10 imprisonment as provided in subsection (c) of Section 8 of
11 this Act.

12 (e) All other claims wherein the amount of the award
13 of the Court is less than \$50,000.

14 (2) The court may, from funds specifically appropriated
15 from the General Revenue Fund for this purpose, direct the
16 payment of awards less than \$100,000 ~~\$50,000~~ solely as a
17 result of the lapsing of an appropriation originally made from
18 any fund held by the State Treasurer. For any such award paid
19 from the General Revenue Fund, the court shall thereafter seek
20 an appropriation from the fund from which the liability
21 originally accrued in reimbursement of the General Revenue
22 Fund.

23 (3) In directing payment of a claim pursuant to the Line of
24 Duty Compensation Act, the Court must direct the Comptroller
25 to add an interest penalty if payment of a claim is not made
26 within 6 months after a claim is filed in accordance with

1 Section 3 of the Line of Duty Compensation Act and all
2 information has been submitted as required under Section 4 of
3 the Line of Duty Compensation Act. If payment is not issued
4 within the 6-month period, an interest penalty of 1% of the
5 amount of the award shall be added for each month or fraction
6 thereof after the end of the 6-month period, until final
7 payment is made. This interest penalty shall be added
8 regardless of whether the payment is not issued within the
9 6-month period because of the appropriation process, the
10 consideration of the matter by the Court, or any other reason.

11 (3.5) The interest penalty payment provided for in
12 subsection (3) shall be added to all claims for which benefits
13 were not paid as of the effective date of P.A. 95-928. The
14 interest penalty shall be calculated starting from the
15 effective date of P.A. 95-928, provided that the effective
16 date of P.A. 95-928 is at least 6 months after the date on
17 which the claim was filed in accordance with Section 3 of the
18 Line of Duty Compensation Act. In the event that the date 6
19 months after the date on which the claim was filed is later
20 than the effective date of P.A. 95-928, the Court shall
21 calculate the interest payment penalty starting from the date
22 6 months after the date on which the claim was filed in
23 accordance with Section 3 of the Line of Duty Compensation
24 Act. This subsection (3.5) of this amendatory Act of the 96th
25 General Assembly is declarative of existing law.

26 (3.6) In addition to the interest payments provided for in

1 subsections (3) and (3.5), the Court shall direct the
2 Comptroller to add a "catch-up" payment to the claims of
3 eligible claimants. For the purposes of this subsection (3.6),
4 an "eligible claimant" is a claimant whose claim is not paid in
5 the year in which it was filed. For purposes of this subsection
6 (3.6), "'catch-up' payment" is defined as the difference
7 between the amount paid to claimants whose claims were filed
8 in the year in which the eligible claimant's claim is paid and
9 the amount paid to claimants whose claims were filed in the
10 year in which the eligible claimant filed his or her claim. The
11 "catch-up" payment is payable simultaneously with the claim
12 award.

13 (4) From funds appropriated by the General Assembly for
14 the purposes of paying claims under paragraph (c) of Section
15 8, the court must direct payment of each claim and the payment
16 must be received by the claimant within 60 days after the date
17 that the funds are appropriated for that purpose.

18 (Source: P.A. 100-1124, eff. 11-27-18.)

19 Section 99. Effective date. This Act takes effect July 1,
20 2027.