



Rep. Lilian Jiménez

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10400HB4340ham001

LRB104 17556 JRC 35821 a

1 AMENDMENT TO HOUSE BILL 4340

2 AMENDMENT NO. _____. Amend House Bill 4340 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Court of Claims Act is amended by changing
5 Sections 9, 10, 11, 16, 18, 19, and 24 and by adding Section
6 8.2 as follows:

7 (705 ILCS 505/8.2 new)

8 Sec. 8.2. Contractual claims.

9 (a) A State agency must confirm or reject a claim arising
10 under subsection (b) of Section 8 of this Act that is from a
11 lapsed appropriation and valued at less than \$2,500 within 45
12 days after being notified in writing of the claim by the
13 Attorney General. If the State agency confirms the claim, then
14 the court must enter an award for the claim within 7 days of
15 being notified.

16 (b) If the court determines that it is unable to process a

1 claim under this Section because the bill or invoice contains
2 a defect, the court must notify the vendor in writing of the
3 defect no later than 45 days after the bill or invoice was
4 first submitted. The notice must identify the defect and any
5 additional information necessary to correct the defect, if
6 possible. If one or more items on a bill or invoice are
7 disapproved, but not the entire bill or invoice, then the
8 portion that is not disapproved must be transmitted to the
9 Comptroller for payment. For disapproved portions of a claim,
10 the court must allow vendors to submit documentation to amend
11 and cure defects.

12 (c) The Court of Claims may adopt rules to implement this
13 Act.

14 (705 ILCS 505/9) (from Ch. 37, par. 439.9)

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

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

19 (b) The court may establish ~~A. Establish~~ rules for its
20 government and for the regulation of practice therein; appoint
21 commissioners to assist the court in such manner as it directs
22 and discharge them at will; and exercise such powers as are
23 necessary to carry into effect the powers granted in this
24 Section. Any Commissioner appointed shall be an attorney
25 licensed to practice law in the State of Illinois. The rules

1 established hereunder shall not be waived, and any extension
2 of time authorized by such rules shall only be allowed on
3 motion duly filed within the time limitation for which the
4 extension is requested.

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

22 ~~C.~~ The court may adopt administrative rules to provide for
23 remote or electronic filing of a claim or other motion,
24 participation in any capacity before the court, taking of
25 evidence or testimony, conducting any business of the court,
26 or payment of any fees to the court.

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

2 (705 ILCS 505/10) (from Ch. 37, par. 439.10)

3 Sec. 10. Oaths; administrative determination of claims;
4 rules.

5 (a) The judges, commissioners and the clerk of the court
6 may administer oaths and affirmations, take acknowledgments of
7 instruments in writing, and give certificates of them.

8 (b) The clerk of the court may administratively determine
9 claims against the State if the claim includes all of the
10 following characteristics:

11 (1) the claim arises under subsection (b) of Section 8
12 of this Act;

13 (2) the claim does not arise under an appropriation
14 for the current fiscal year;

15 (3) the relevant State agency concurs in the claim;

16 (4) the amount claimed is less than \$2,500; and

17 (5) the Attorney General recommends that the court
18 approve the claim.

19 The relevant State agency shall prepare the record of the
20 claim consisting of all documents required to be filed or
21 submitted to the court and file them with the clerk. The clerk
22 shall consider the claim informally upon the record submitted.
23 If the clerk determines that the claim meets the requirements
24 of this Act, the clerk shall file a statement with the court to
25 that effect. If the clerk finds that the record is inadequate

1 or does not comply with the requirement of this Act, the clerk
2 shall reject the claim. The rejection of a claim under this
3 Section does not bar its resubmission under the court's
4 regular procedure.

5 (Source: Laws 1945, p. 660.)

6 (705 ILCS 505/11) (from Ch. 37, par. 439.11)

7 Sec. 11. Filing claims.

8 (a) Except as otherwise provided in subsection (b) of this
9 Section and subsection (4) of Section 24, the claimant shall
10 in all cases set forth fully in his or her petition the claim,
11 the action thereon, if any, on behalf of the State, what
12 persons are owners or trustees as defined under Section 3 of
13 the Charitable Trust Act thereof or interested therein, when
14 and upon what consideration such persons became so interested;
15 that no assignment or transfer of the claim or any part thereof
16 or interest therein has been made, except as stated in the
17 petition; that the claimant is justly entitled to the amount
18 therein claimed from the State of Illinois, after allowing all
19 just credits; and that claimant believes the facts stated in
20 the petition to be true. The petition shall be verified, as to
21 statements of facts, by the affidavit of the claimant, his
22 agent, or attorney.

23 (b) Whenever a person has served a term of imprisonment
24 and has received a pardon by the Governor stating that such
25 pardon was issued on the ground of innocence of the crime for

1 which he or she was imprisoned, the Prisoner Review Board
2 shall transmit this information to the clerk of the Court of
3 Claims, together with the claimant's current address. Whenever
4 a person has served a term of imprisonment and has received a
5 certificate of innocence from the Circuit Court as provided in
6 Section 2-702 of the Code of Civil Procedure, the clerk of the
7 issuing Circuit Court shall transmit this information to the
8 clerk of the Court of Claims, together with the claimant's
9 current address. The clerk of the Court of Claims shall
10 immediately docket the case for consideration by the Court of
11 Claims, and shall provide notice to the claimant of such
12 docketing together with all hearing dates and applicable
13 deadlines. The Court of Claims shall hear the case and render a
14 decision within 90 days after its docketing.

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

16 (705 ILCS 505/16) (from Ch. 37, par. 439.16)

17 Sec. 16. Concurrence of judges. Except as provided in
18 Section 10, concurrence ~~Concurrence~~ of 4 judges is necessary
19 to the decision of any case; provided, however, the court in
20 its discretion may assign any case to a commissioner for
21 hearing and final decision, subject to whatever right of
22 review the court by rule may choose to exercise. In matters
23 involving the award of emergency funds under the Crime Victims
24 Compensation Act, the decision of one judge is necessary to
25 award emergency funds.

1 (Source: P.A. 92-286, eff. 1-1-02.)

2 (705 ILCS 505/18) (from Ch. 37, par. 439.18)

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

11 The Court shall produce an annual report to the General
12 Assembly on claims arising from lapsed appropriations. The
13 report shall include data on the number of claims submitted
14 each year, the number of claims resolved, the number and
15 dollar amount of claims paid and pending, the State agencies
16 associated with the lapsed claims, the average length of time
17 from claim submission to resolution for each State agency, and
18 the number and age of unresolved claims that are older than 12
19 months, by State agency.

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

21 (705 ILCS 505/19) (from Ch. 37, par. 439.19)

22 Sec. 19. The Attorney General, or his or her assistants
23 under his or her direction, shall appear for the defense and
24 protection of the interests of the State of Illinois in all

1 cases filed in the court, and may make claim for recoupment by
2 the State. Except as provided in Section 8.2, for all claims
3 arising under subsection (b) of Section 8 of this Act:

4 (1) the State agency must confirm or reject in writing
5 the allegations in the claim with the Attorney General's
6 office within 90 days of being contacted by the Attorney
7 General; and

8 (2) the Attorney General must notify the claimant of
9 the State agency's decision and file a stipulation or
10 motion with the Court within 90 days of the State agency
11 confirming or rejecting the claim.

12 (Source: Laws 1945, p. 660.)

13 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

14 Sec. 24. Payment of awards.

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

18 (a) All claims arising solely as a result of the
19 lapsing of an appropriation out of which the obligation
20 could have been paid.

21 (b) All claims pursuant to the Line of Duty
22 Compensation Act.

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

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

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

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

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

17 (3) ~~The In directing payment of a claim pursuant to the~~
18 ~~Line of Duty Compensation Act, the~~ Court must direct the
19 Comptroller to add an interest penalty if payment of a claim is
20 not made within 6 months after a claim is filed ~~in accordance~~
21 ~~with Section 3 of the Line of Duty Compensation Act~~ and all
22 information has been submitted as required ~~under Section 4 of~~
23 ~~the Line of Duty Compensation Act~~. If payment is not issued
24 within the 6-month period, an interest penalty of 1% of the
25 amount of the award shall be added for each month or fraction
26 thereof after the end of the 6-month period, until final

1 payment is made. This interest penalty shall be added
2 regardless of whether the payment is not issued within the
3 6-month period because of the appropriation process, the
4 consideration of the matter by the Court, or any other reason.

5 (3.5) The interest penalty payment provided for in
6 subsection (3) shall be added to all claims for which benefits
7 were not paid as of the effective date of P.A. 95-928. The
8 interest penalty shall be calculated starting from the
9 effective date of P.A. 95-928, provided that the effective
10 date of P.A. 95-928 is at least 6 months after the date on
11 which the claim was filed in accordance with Section 3 of the
12 Line of Duty Compensation Act. In the event that the date 6
13 months after the date on which the claim was filed is later
14 than the effective date of P.A. 95-928, the Court shall
15 calculate the interest payment penalty starting from the date
16 6 months after the date on which the claim was filed in
17 accordance with Section 3 of the Line of Duty Compensation
18 Act. This subsection (3.5) of this amendatory Act of the 96th
19 General Assembly is declarative of existing law.

20 (3.6) In addition to the interest payments provided for in
21 subsections (3) and (3.5), the Court shall direct the
22 Comptroller to add a "catch-up" payment to the claims of
23 eligible claimants. For the purposes of this subsection (3.6),
24 an "eligible claimant" is a claimant whose claim is not paid in
25 the year in which it was filed. For purposes of this subsection
26 (3.6), "'catch-up' payment" is defined as the difference

1 between the amount paid to claimants whose claims were filed
2 in the year in which the eligible claimant's claim is paid and
3 the amount paid to claimants whose claims were filed in the
4 year in which the eligible claimant filed his or her claim. The
5 "catch-up" payment is payable simultaneously with the claim
6 award.

7 (4) From funds appropriated by the General Assembly for
8 the purposes of paying claims under paragraph (c) of Section
9 8, the court must direct payment of each claim and the payment
10 must be received by the claimant within 60 days after the date
11 that the funds are appropriated for that purpose.

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