

HB5599



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5599

by Rep. Rosemary Mulligan

SYNOPSIS AS INTRODUCED:

705 ILCS 505/8

from Ch. 37, par. 439.8

Amends the Court of Claims Act. Provides that the Court must rule on an Illinois National Guardsman's Compensation Act claim within one year after the petition for that claim is filed with the Court. Effective immediately.

LRB095 19149 JAM 45369 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning National Guardsman's compensation
2 claims.

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

5 Section 5. The Court of Claims Act is amended by changing
6 Section 8 as follows:

7 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

8 Sec. 8. Court of Claims jurisdiction; deliberations
9 periods. The court shall have exclusive jurisdiction to hear
10 and determine the following matters:

11 (a) All claims against the State founded upon any law of
12 the State of Illinois or upon any regulation adopted thereunder
13 by an executive or administrative officer or agency; provided,
14 however, the court shall not have jurisdiction (i) to hear or
15 determine claims arising under the Workers' Compensation Act or
16 the Workers' Occupational Diseases Act, or claims for expenses
17 in civil litigation, or (ii) to review administrative decisions
18 for which a statute provides that review shall be in the
19 circuit or appellate court.

20 (b) All claims against the State founded upon any contract
21 entered into with the State of Illinois.

22 (c) All claims against the State for time unjustly served
23 in prisons of this State where the persons imprisoned shall

1 receive a pardon from the governor stating that such pardon is
2 issued on the ground of innocence of the crime for which they
3 were imprisoned; provided, the court shall make no award in
4 excess of the following amounts: for imprisonment of 5 years or
5 less, not more than \$15,000; for imprisonment of 14 years or
6 less but over 5 years, not more than \$30,000; for imprisonment
7 of over 14 years, not more than \$35,000; and provided further,
8 the court shall fix attorney's fees not to exceed 25% of the
9 award granted. On December 31, 1996, the court shall make a
10 one-time adjustment in the maximum awards authorized by this
11 subsection (c), to reflect the increase in the cost of living
12 from the year in which these maximum awards were last adjusted
13 until 1996, but with no annual increment exceeding 5%.
14 Thereafter, the court shall annually adjust the maximum awards
15 authorized by this subsection (c) to reflect the increase, if
16 any, in the Consumer Price Index For All Urban Consumers for
17 the previous calendar year, as determined by the United States
18 Department of Labor, except that no annual increment may exceed
19 5%. For both the one-time adjustment and the subsequent annual
20 adjustments, if the Consumer Price Index decreases during a
21 calendar year, there shall be no adjustment for that calendar
22 year. The changes made by Public Act 89-689 apply to all claims
23 filed on or after January 1, 1995 that are pending on December
24 31, 1996 and all claims filed on or after December 31, 1996.

25 (d) All claims against the State for damages in cases
26 sounding in tort, if a like cause of action would lie against a

1 private person or corporation in a civil suit, and all like
2 claims sounding in tort against the Medical Center Commission,
3 the Board of Trustees of the University of Illinois, the Board
4 of Trustees of Southern Illinois University, the Board of
5 Trustees of Chicago State University, the Board of Trustees of
6 Eastern Illinois University, the Board of Trustees of Governors
7 State University, the Board of Trustees of Illinois State
8 University, the Board of Trustees of Northeastern Illinois
9 University, the Board of Trustees of Northern Illinois
10 University, the Board of Trustees of Western Illinois
11 University, or the Board of Trustees of the Illinois
12 Mathematics and Science Academy; provided, that an award for
13 damages in a case sounding in tort, other than certain cases
14 involving the operation of a State vehicle described in this
15 paragraph, shall not exceed the sum of \$100,000 to or for the
16 benefit of any claimant. The \$100,000 limit prescribed by this
17 Section does not apply to an award of damages in any case
18 sounding in tort arising out of the operation by a State
19 employee of a vehicle owned, leased or controlled by the State.
20 The defense that the State or the Medical Center Commission or
21 the Board of Trustees of the University of Illinois, the Board
22 of Trustees of Southern Illinois University, the Board of
23 Trustees of Chicago State University, the Board of Trustees of
24 Eastern Illinois University, the Board of Trustees of Governors
25 State University, the Board of Trustees of Illinois State
26 University, the Board of Trustees of Northeastern Illinois

1 University, the Board of Trustees of Northern Illinois
2 University, the Board of Trustees of Western Illinois
3 University, or the Board of Trustees of the Illinois
4 Mathematics and Science Academy is not liable for the
5 negligence of its officers, agents, and employees in the course
6 of their employment is not applicable to the hearing and
7 determination of such claims.

8 (e) All claims for recoupment made by the State of Illinois
9 against any claimant.

10 (f) All claims pursuant to the Line of Duty Compensation
11 Act.

12 (g) All claims filed pursuant to the Crime Victims
13 Compensation Act.

14 (h) All claims pursuant to the Illinois National
15 Guardsman's Compensation Act. A claim under that Act must be
16 heard and determined within one year after the petition for
17 that claim is filed with the Court as provided in that Act.

18 (i) All claims authorized by subsection (a) of Section
19 10-55 of the Illinois Administrative Procedure Act for the
20 expenses incurred by a party in a contested case on the
21 administrative level.

22 (Source: P.A. 93-1047, eff. 10-18-04.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.