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09500HB5599ham001

LRB095 19149 JAM 48082 a

1 AMENDMENT TO HOUSE BILL 5599

2 AMENDMENT NO. _____. Amend House Bill 5599 by replacing
3 everything after the enacting clause with the following:

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

6 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

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

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

1 for which a statute provides that review shall be in the
2 circuit or appellate court.

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

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

1 calendar year, there shall be no adjustment for that calendar
2 year. The changes made by Public Act 89-689 apply to all claims
3 filed on or after January 1, 1995 that are pending on December
4 31, 1996 and all claims filed on or after December 31, 1996.

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

1 the Board of Trustees of the University of Illinois, the Board
2 of Trustees of Southern Illinois University, the Board of
3 Trustees of Chicago State University, the Board of Trustees of
4 Eastern Illinois University, the Board of Trustees of Governors
5 State University, the Board of Trustees of Illinois State
6 University, the Board of Trustees of Northeastern Illinois
7 University, the Board of Trustees of Northern Illinois
8 University, the Board of Trustees of Western Illinois
9 University, or the Board of Trustees of the Illinois
10 Mathematics and Science Academy is not liable for the
11 negligence of its officers, agents, and employees in the course
12 of their employment is not applicable to the hearing and
13 determination of such claims.

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

16 (f) All claims pursuant to the Line of Duty Compensation
17 Act. A claim under that Act must be heard and determined within
18 one year after the application for that claim is filed with the
19 Court as provided in that Act.

20 (g) All claims filed pursuant to the Crime Victims
21 Compensation Act.

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

26 (i) All claims authorized by subsection (a) of Section

1 10-55 of the Illinois Administrative Procedure Act for the
2 expenses incurred by a party in a contested case on the
3 administrative level.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law."