



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2489

Introduced 2/15/2008, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

30 ILCS 540/3-1	from Ch. 127, par. 132.403-1
705 ILCS 505/22	from Ch. 37, par. 439.22
705 ILCS 505/24	from Ch. 37, par. 439.24

Amends the State Prompt Payment Act and the Court of Claims Act. Provides that, in directing payment of a claim pursuant to the Line of Duty Compensation Act, the Court of Claims must direct the Comptroller to add an interest penalty if payment of a claim is not made within 6 months after a claim is filed and all information has been submitted as required under the Line of Duty Compensation Act. Provides that, if payment is not issued within the 6-month period, an interest penalty of 1% of the amount of the award shall be added for each month or fraction thereof after the end of the 6-month period, until final payment is made. Provides that the interest penalty shall be added regardless of whether the payment is not issued within the 6-month period because of the appropriation process, the consideration of the matter by the Court, or any other reason. Makes other changes conforming the Court of Claims Act to the Line of Duty Compensation Act. Effective immediately.

LRB095 16322 WGH 42346 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning certain individuals killed in the line of
2 duty.

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

5 Section 5. The State Prompt Payment Act is amended by
6 changing Section 3-1 as follows:

7 (30 ILCS 540/3-1) (from Ch. 127, par. 132.403-1)

8 Sec. 3-1. The Illinois Court of Claims shall, in its
9 investigation of payments due claimants, provide for interest
10 penalties as prescribed in this Act; however, interest
11 penalties in claims pursuant to the Line of Duty Compensation
12 Act shall be paid in accordance with subsection (3) of Section
13 24 of the Court of Claims Act.

14 (Source: P.A. 87-773; 87-1232.)

15 Section 10. The Court of Claims Act is amended by changing
16 Sections 22 and 24 as follows:

17 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

18 Sec. 22. Every claim cognizable by the Court and not
19 otherwise sooner barred by law shall be forever barred from
20 prosecution therein unless it is filed with the Clerk of the
21 Court within the time set forth as follows:

1 (a) All claims arising out of a contract must be filed
2 within 5 years after it first accrues, saving to minors, and
3 persons under legal disability at the time the claim accrues,
4 in which cases the claim must be filed within 5 years from the
5 time the disability ceases.

6 (b) All claims cognizable against the State by vendors of
7 goods or services under "The Illinois Public Aid Code",
8 approved April 11, 1967, as amended, must file within one year
9 after the accrual of the cause of action, as provided in
10 Section 11-13 of that Code.

11 (c) All claims arising under paragraph (c) of Section 8 of
12 this Act must be filed within 2 years after the person
13 asserting such claim is discharged from prison, or is granted a
14 pardon by the Governor, whichever occurs later, except as
15 otherwise provided by the Crime Victims Compensation Act.

16 (d) All claims arising under paragraph (f) of Section 8 of
17 this Act must be filed within the time set forth ~~one year of~~
18 ~~the date of the death of the law enforcement officer or fireman~~
19 ~~as provided~~ in Section 3 of the Line of Duty ~~"Law Enforcement~~
20 ~~Officers and Firemen Compensation Act"~~, approved September 30,
21 ~~1969, as amended.~~

22 (e) All claims arising under paragraph (h) of Section 8 of
23 this Act must be filed within one year of the date of the death
24 of the guardsman or militiaman as provided in Section 3 of the
25 "Illinois National Guardsman's and Naval Militiaman's
26 Compensation Act", approved August 12, 1971, as amended.

1 (f) All claims arising under paragraph (g) of Section 8 of
2 this Act must be filed within one year of the crime on which a
3 claim is based as provided in Section 6.1 of the "Crime Victims
4 Compensation Act", approved August 23, 1973, as amended.

5 (g) All claims arising from the Comptroller's refusal to
6 issue a replacement warrant pursuant to Section 10.10 of the
7 State Comptroller Act must be filed within 5 years after the
8 issue date of such warrant.

9 (h) All other claims must be filed within 2 years after it
10 first accrues, saving to minors, and persons under legal
11 disability at the time the claim accrues, in which case the
12 claim must be filed within 2 years from the time the disability
13 ceases.

14 (i) The changes made by this amendatory Act of 1989 shall
15 apply to all warrants issued within the 5 year period preceding
16 the effective date of this amendatory Act of 1989.

17 (j) All time limitations established under this Act and the
18 rules promulgated under this Act shall be binding and
19 jurisdictional, except upon extension authorized by law or rule
20 and granted pursuant to a motion timely filed.

21 (Source: P.A. 86-458.)

22 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

23 Sec. 24. Payment of awards.

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

1 of:

2 (a) All claims arising solely as a result of the
3 lapsing of an appropriation out of which the obligation
4 could have been paid.

5 (b) All claims pursuant to the Line of Duty ~~"Law~~
6 ~~Enforcement Officers and Firemen Compensation Act",~~
7 ~~approved September 30, 1969, as amended.~~

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

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

13 (e) All other claims wherein the amount of the award of
14 the Court is less than \$5,000.

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

23 (3) In directing payment of a claim pursuant to the Line of
24 Duty Compensation Act, the Court must direct the Comptroller to
25 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 (Source: P.A. 92-357, eff. 8-15-01.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.