



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5171

by Rep. Peter Breen

SYNOPSIS AS INTRODUCED:

New Act

705 ILCS 505/8

from Ch. 37, par. 439.8

705 ILCS 505/24

from Ch. 37, par. 439.24

Creates the Veterans Home Compensation Act. Provides that a benefit of \$100,000 is payable to the surviving spouse or next of kin of a person who: (1) died of pneumonia caused by waterborne bacteria; and (2) was a resident of an Illinois Veterans Home at the time of death. Provides that a claim under the Act shall be filed no more than 5 years after the death of an eligible person. Provides that a claim under the Act must be determined within one year after the application for the claim is filed. Provides that the Attorney General and the Court of Claims may jointly adopt rules and procedures for the implementation of the Act. Provides that the compensation provided for in the Act is in addition to, and not exclusive of, any pension rights, death benefits, or other compensation otherwise payable by law. Amends the Court of Claims Act to grant the court jurisdiction over claims filed under the Veterans Home Compensation Act. Provides that the Court may direct immediate payment of claims pursuant to the Veterans Home Compensation Act. Effective immediately.

LRB100 17033 HEP 32182 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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. Short title. This Act may be cited as the
5 Veterans Home Compensation Act.

6 Section 5. Death benefit.

7 (a) A benefit of \$100,000 is payable to the surviving
8 spouse or next of kin of a person who:

9 (1) died of pneumonia caused by waterborne bacteria;

10 and

11 (2) was a resident of an Illinois Veterans Home at the
12 time of death.

13 (b) A claim under this Act must be determined within one
14 year after the application for the claim is filed.

15 Section 10. Limitations period. A claim under this Act
16 shall be filed no more than 5 years after the death of an
17 eligible person.

18 Section 15. Rules. The Attorney General and the Court of
19 Claims may jointly adopt rules and procedures for the
20 implementation of this Act.

1 Section 20. Other rights not impaired. The compensation
2 provided for in this Act is in addition to, and not exclusive
3 of, any pension rights, death benefits, or other compensation
4 otherwise payable by law.

5 Section 25. The Court of Claims Act is amended by changing
6 Sections 8 and 24 as follows:

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

8 Sec. 8. Court of Claims jurisdiction; deliberation
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 when the person imprisoned received a
24 pardon from the governor stating that such pardon is issued on

1 the ground of innocence of the crime for which he or she was
2 imprisoned or he or she received a certificate of innocence
3 from the Circuit Court as provided in Section 2-702 of the Code
4 of Civil Procedure; provided, the amount of the award is at the
5 discretion of the court; and provided, the court shall make no
6 award in excess of the following amounts: for imprisonment of 5
7 years or less, not more than \$85,350; for imprisonment of 14
8 years or less but over 5 years, not more than \$170,000; for
9 imprisonment of over 14 years, not more than \$199,150; and
10 provided further, the court shall fix attorney's fees not to
11 exceed 25% of the award granted. On or after the effective date
12 of this amendatory Act of the 95th General Assembly, the court
13 shall annually adjust the maximum awards authorized by this
14 subsection (c) to reflect the increase, if any, in the Consumer
15 Price Index For All Urban Consumers for the previous calendar
16 year, as determined by the United States Department of Labor,
17 except that no annual increment may exceed 5%. For the annual
18 adjustments, if the Consumer Price Index decreases during a
19 calendar year, there shall be no adjustment for that calendar
20 year. The transmission by the Prisoner Review Board or the
21 clerk of the circuit court of the information described in
22 Section 11(b) to the clerk of the Court of Claims is conclusive
23 evidence of the validity of the claim. The changes made by this
24 amendatory Act of the 95th General Assembly apply to all claims
25 pending on or filed on or after the effective date.

26 (d) All claims against the State for damages in cases

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

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

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

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

15 (g) All claims filed pursuant to the Crime Victims
16 Compensation Act.

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

21 (i) All claims authorized by subsection (a) of Section
22 10-55 of the Illinois Administrative Procedure Act for the
23 expenses incurred by a party in a contested case on the
24 administrative level.

25 (j) All claims filed pursuant to the Veterans Home
26 Compensation Act.

1 (Source: P.A. 95-970, eff. 9-22-08; 96-80, eff. 7-27-09.)

2 (705 ILCS 505/24) (from Ch. 37, par. 439.24)

3 Sec. 24. Payment of awards.

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

7 (a) All claims arising solely as a result of the
8 lapsing of an appropriation out of which the obligation
9 could have been paid.

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

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

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

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

19 (f) All claims pursuant to the Veterans Home
20 Compensation Act.

21 (2) The court may, from funds specifically appropriated
22 from the General Revenue Fund for this purpose, direct the
23 payment of awards less than \$50,000 solely as a result of the
24 lapsing of an appropriation originally made from any fund held
25 by the State Treasurer. For any such award paid from the

1 General Revenue Fund, the court shall thereafter seek an
2 appropriation from the fund from which the liability originally
3 accrued in reimbursement of the General Revenue Fund.

4 (3) In directing payment of a claim pursuant to the Line of
5 Duty Compensation Act, the Court must direct the Comptroller to
6 add an interest penalty if payment of a claim is not made
7 within 6 months after a claim is filed in accordance with
8 Section 3 of the Line of Duty Compensation Act and all
9 information has been submitted as required under Section 4 of
10 the Line of Duty Compensation Act. If payment is not issued
11 within the 6-month period, an interest penalty of 1% of the
12 amount of the award shall be added for each month or fraction
13 thereof after the end of the 6-month period, until final
14 payment is made. This interest penalty shall be added
15 regardless of whether the payment is not issued within the
16 6-month period because of the appropriation process, the
17 consideration of the matter by the Court, or any other reason.

18 (3.5) The interest penalty payment provided for in
19 subsection (3) shall be added to all claims for which benefits
20 were not paid as of the effective date of P.A. 95-928. The
21 interest penalty shall be calculated starting from the
22 effective date of P.A. 95-928, provided that the effective date
23 of P.A. 95-928 is at least 6 months after the date on which the
24 claim was filed in accordance with Section 3 of the Line of
25 Duty Compensation Act. In the event that the date 6 months
26 after the date on which the claim was filed is later than the

1 effective date of P.A. 95-928, the Court shall calculate the
2 interest payment penalty starting from the date 6 months after
3 the date on which the claim was filed in accordance with
4 Section 3 of the Line of Duty Compensation Act. This subsection
5 (3.5) of this amendatory Act of the 96th General Assembly is
6 declarative of existing law.

7 (3.6) In addition to the interest payments provided for in
8 subsections (3) and (3.5), the Court shall direct the
9 Comptroller to add a "catch-up" payment to the claims of
10 eligible claimants. For the purposes of this subsection (3.6),
11 an "eligible claimant" is a claimant whose claim is not paid in
12 the year in which it was filed. For purposes of this subsection
13 (3.6), "'catch-up' payment" is defined as the difference
14 between the amount paid to claimants whose claims were filed in
15 the year in which the eligible claimant's claim is paid and the
16 amount paid to claimants whose claims were filed in the year in
17 which the eligible claimant filed his or her claim. The
18 "catch-up" payment is payable simultaneously with the claim
19 award.

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

25 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;
26 96-328, eff. 8-11-09; 96-539, eff. 1-1-10.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.