

1 AN ACT concerning employment.

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

4 ARTICLE 1. REPEALS

5 (820 ILCS 305/Act rep.)

6 Section 1-5. The Workers' Compensation Act is repealed.

7 (820 ILCS 310/Act rep.)

8 Section 1-10. The Workers' Occupational Diseases Act is
9 repealed.

10 ARTICLE 5. TRANSFER AND TRANSITION

11 Section 5-1. Short title. This Article 5 may be cited as
12 the Workers' Compensation and Workers' Occupational Diseases
13 Transfer and Transition Act. All references in this Article to
14 "this Act" mean this Article.

15 Section 5-5. Definitions. As used in this Act:

16 "Cause of action" includes a cause of action for
17 compensation or treatment for accidental injury or death
18 arising out of and in the course of employment and a cause of
19 action for compensation or treatment for a disease or death

1 arising out of and in the course of the employment or which has
2 become aggravated and rendered disabling as a result of the
3 exposure of the employment.

4 "Commission" means the Illinois Workers' Compensation
5 Commission.

6 "Department" means the Department of Labor.

7 "Director" means the Director of Labor.

8 Section 5-10. General provisions.

9 (a) Except as otherwise provided in this Act, the
10 provisions of the repealed Workers' Compensation Act and the
11 repealed Workers' Occupational Diseases Act do not apply to any
12 cause of action accruing on or after January 1, 2012.

13 (b) On January 1, 2012, the Commission is divested of
14 jurisdiction over all actions over which it had jurisdiction on
15 December 31, 2011. Except for claims against the State that are
16 subject to Section 8 of the Court of Claims Act, all actions
17 over which the Commission had jurisdiction on December 31, 2011
18 are transferred to the Supreme Court for assignment to the
19 circuit courts, which assume jurisdiction over those actions on
20 January 1, 2012. Each such action shall be decided in
21 accordance with the substantive law that was in effect when the
22 cause of action accrued. Procedure shall be governed by court
23 rule. The Commission shall deliver to the Supreme Court all
24 records, documents, communications, and other materials in its
25 possession relating to those actions and relating to all

1 actions that are on appeal, actions for which the time for
2 filing an appeal has not expired, and actions that may be
3 subject to modification. In an action pending before any court,
4 the Court of Claims, or other tribunal on January 1, 2012 in
5 which the Commission is a party, the Department shall be
6 substituted for the Commission as a party. When the Department
7 is substituted for the Commission as a party, the Commission
8 shall deliver to the Department copies of all records,
9 documents, communications, and other materials in its
10 possession relating to the action.

11 (c) Except for claims against the State that are subject to
12 Section 8 of the Court of Claims Act, if a cause of action
13 accrued before January 1, 2012, an action may be brought in the
14 circuit court within the time limits that were in effect when
15 the cause of action accrued. The action shall be decided in
16 accordance with the substantive law that was in effect when the
17 cause of action accrued. Procedure shall be governed by court
18 rule.

19 (d) An appeal pending under the Workers' Compensation Act
20 or the Workers' Occupational Diseases Act in the Supreme Court
21 or Appellate Court on or after January 1, 2012 that
22 subsequently requires a remand shall be remanded to the
23 appropriate court.

24 (e) An appeal pending under the Workers' Compensation Act
25 or the Workers' Occupational Diseases Act in a circuit court on
26 or after January 1, 2012 may not be remanded by the circuit

1 court. The circuit court shall enter a final judgment or order
2 fully disposing of any such appeal.

3 (f) If a cause of action accrued before January 1, 2012,
4 venue shall lie in the county in which the alleged accidental
5 injury or last exposure occurred, unless the alleged accidental
6 injury or last exposure occurred outside Illinois and the
7 claimant resides in Illinois, in which case venue shall lie in
8 the county in which the claimant resides. In matters not
9 covered by the preceding sentence in which the cause of action
10 accrued before January 1, 2012, venue shall lie in either
11 Sangamon County, Cook County, or a county in which a person
12 alleged to have violated the Workers' Compensation Act or the
13 Workers' Occupational Diseases Act is located.

14 Section 5-15. Abolition of Commission; succession. Upon
15 carrying out its responsibilities under this Act, the
16 Commission is abolished. For purposes of the Successor Agency
17 Act and Section 9b of the State Finance Act, the Department is
18 the successor to the Commission. Except as otherwise provided
19 in subsection (b) of Section 5-10, the Department succeeds to
20 and assumes all powers, duties, rights, responsibilities,
21 personnel, assets, liabilities, and indebtedness of the
22 Commission. Any reference in any law, rule, form, or other
23 document to the Commission is deemed to be a reference to the
24 Department, except in the case of references in any law, rule,
25 form, or other document to the Commission in its function as a

1 tribunal, in which case those references shall be deemed to be
2 references to the appropriate court. Transfers of personnel or
3 abolition of positions that are subject to the Personnel Code
4 shall be determined by the Department in accordance with the
5 Personnel Code.

6 Section 5-20. Temporary orders. In a proceeding arising
7 from a cause of action that accrues on or after January 1,
8 2012, the court may, notwithstanding the repeal of the Workers'
9 Compensation Act and the Workers' Occupational Diseases Act,
10 enter temporary orders providing for medical care,
11 rehabilitation, disability payments, and other appropriate
12 temporary relief in accordance with the relevant standards of
13 Section 8 of the Workers' Compensation Act as that Section
14 existed immediately before its repeal. A temporary order may be
15 revoked or modified before final judgment for good cause shown.
16 A temporary order terminates when a final judgment is entered
17 or when the action is dismissed.

18 Section 5-25. Funds. The Department shall administer the
19 Injured Workers' Benefit Fund, the Rate Adjustment Fund, the
20 Illinois Workers' Compensation Commission Operations Fund, the
21 Self-Insurers Administration Fund, the Self-Insurers Security
22 Fund, the Workers' Compensation Benefit Trust Fund, and the
23 Second Injury Fund. Subject to appropriation, the Department is
24 authorized to use those funds to pay obligations incurred under

1 the Workers' Compensation Act and the Workers' Occupational
2 Diseases Act, obligations incurred under the cases decided in
3 accordance with substantive provisions Workers' Compensation
4 Act and the Workers' Occupational Diseases Act as those Acts
5 existed before their repeal, obligations incurred in cases
6 decided under the provisions of the Workers' Compensation Act
7 and the Workers' Occupational Diseases Act as those Acts
8 existed before their repeal, and costs and expenses incurred by
9 the Department in carrying out its responsibilities under this
10 Act. Upon receiving written direction from the Director, the
11 Comptroller and Treasurer shall make transfers among any of the
12 Funds that are necessary to effectuate the purposes of this
13 Section.

14 Section 5-30. Employers, insurers, and other entities.

15 (a) The Department may bring an action in the circuit court
16 to impose penalties, other than criminal penalties, for a
17 violation of the Workers' Compensation Act or the Workers'
18 Occupational Diseases Act that occurred before January 1, 2012
19 or to enforce compliance by any person with any requirement of
20 the Workers' Compensation Act or the Workers' Occupational
21 Diseases Act applying to the person that existed before January
22 1, 2012.

23 (b) The Department and the Department of Insurance shall
24 adopt rules setting forth appropriate insurance or
25 self-insurance requirements for employers with respect to

1 their obligations to employees for causes of action accruing
2 before January 1, 2012.

3 (c) If an employer, insurer, or other entity was required
4 to pay contributions or assessments to the Commission under the
5 Workers' Compensation Act or the Workers' Occupational
6 Diseases Act for any period that began before January 1, 2012,
7 regardless of whether those payments were to be made before,
8 on, or after January 1, 2012, the employer, insurer, or other
9 entity shall pay those contributions or assessments accruing
10 through December 31, 2011 as though those Acts had not been
11 repealed. The Department shall ensure that those payments are
12 made in a timely fashion and shall adopt rules for the
13 collection of those payments and the imposition of appropriate
14 penalties for any failure to make timely payments.

15 Section 5-35. Offsets. To the extent any other benefits
16 were offset by the amount of payments under the Workers'
17 Compensation Act or the Workers' Occupational Diseases Act,
18 those benefits shall be offset by the amount of payments for
19 accidental injury or death arising out of and in the course of
20 employment or for a disease or death arising out of and in the
21 course of the employment or which has become aggravated and
22 rendered disabling as a result of the exposure of the
23 employment. To the extent the amount of payments under the
24 Workers' Compensation Act or the Workers' Occupational
25 Diseases Act were offset by any other benefits, the amount of

1 payments for accidental injury or death arising out of and in
2 the course of employment or for a disease or death arising out
3 of and in the course of the employment or which has become
4 aggravated and rendered disabling as a result of the exposure
5 of the employment shall be offset by those benefits.

6 Section 5-900. The Department of Central Management
7 Services Law of the Civil Administrative Code of Illinois is
8 amended by changing Sections 405-105 and 405-411 as follows:

9 (20 ILCS 405/405-105) (was 20 ILCS 405/64.1)

10 Sec. 405-105. Fidelity, surety, property, and casualty
11 insurance. The Department shall establish and implement a
12 program to coordinate the handling of all fidelity, surety,
13 property, and casualty insurance exposures of the State and the
14 departments, divisions, agencies, branches, and universities
15 of the State. In performing this responsibility, the Department
16 shall have the power and duty to do the following:

17 (1) Develop and maintain loss and exposure data on all
18 State property.

19 (2) Study the feasibility of establishing a
20 self-insurance plan for State property and prepare
21 estimates of the costs of reinsurance for risks beyond the
22 realistic limits of the self-insurance.

23 (3) Prepare a plan for centralizing the purchase of
24 property and casualty insurance on State property under a

1 master policy or policies and purchase the insurance
2 contracted for as provided in the Illinois Purchasing Act.

3 (4) Evaluate existing provisions for fidelity bonds
4 required of State employees and recommend changes that are
5 appropriate commensurate with risk experience and the
6 determinations respecting self-insurance or reinsurance so
7 as to permit reduction of costs without loss of coverage.

8 (5) Investigate procedures for inclusion of school
9 districts, public community college districts, and other
10 units of local government in programs for the centralized
11 purchase of insurance.

12 (6) Implement recommendations of the State Property
13 Insurance Study Commission that the Department finds
14 necessary or desirable in the performance of its powers and
15 duties under this Section to achieve efficient and
16 comprehensive risk management.

17 (7) Prepare and, in the discretion of the Director,
18 implement a plan providing for the purchase of public
19 liability insurance or for self-insurance for public
20 liability or for a combination of purchased insurance and
21 self-insurance for public liability (i) covering the State
22 and drivers of motor vehicles owned, leased, or controlled
23 by the State of Illinois pursuant to the provisions and
24 limitations contained in the Illinois Vehicle Code, (ii)
25 covering other public liability exposures of the State and
26 its employees within the scope of their employment, and

1 (iii) covering drivers of motor vehicles not owned, leased,
2 or controlled by the State but used by a State employee on
3 State business, in excess of liability covered by an
4 insurance policy obtained by the owner of the motor vehicle
5 or in excess of the dollar amounts that the Department
6 shall determine to be reasonable. Any contract of insurance
7 let under this Law shall be by bid in accordance with the
8 procedure set forth in the Illinois Purchasing Act. Any
9 provisions for self-insurance shall conform to subdivision
10 (11).

11 The term "employee" as used in this subdivision (7) and
12 in subdivision (11) means a person while in the employ of
13 the State who is a member of the staff or personnel of a
14 State agency, bureau, board, commission, committee,
15 department, university, or college or who is a State
16 officer, elected official, commissioner, member of or ex
17 officio member of a State agency, bureau, board,
18 commission, committee, department, university, or college,
19 or a member of the National Guard while on active duty
20 pursuant to orders of the Governor of the State of
21 Illinois, or any other person while using a licensed motor
22 vehicle owned, leased, or controlled by the State of
23 Illinois with the authorization of the State of Illinois,
24 provided the actual use of the motor vehicle is within the
25 scope of that authorization and within the course of State
26 service.

1 Subsequent to payment of a claim on behalf of an
2 employee pursuant to this Section and after reasonable
3 advance written notice to the employee, the Director may
4 exclude the employee from future coverage or limit the
5 coverage under the plan if (i) the Director determines that
6 the claim resulted from an incident in which the employee
7 was grossly negligent or had engaged in willful and wanton
8 misconduct or (ii) the Director determines that the
9 employee is no longer an acceptable risk based on a review
10 of prior accidents in which the employee was at fault and
11 for which payments were made pursuant to this Section.

12 The Director is authorized to promulgate
13 administrative rules that may be necessary to establish and
14 administer the plan.

15 Appropriations from the Road Fund shall be used to pay
16 auto liability claims and related expenses involving
17 employees of the Department of Transportation, the
18 Illinois State Police, and the Secretary of State.

19 (8) Charge, collect, and receive from all other
20 agencies of the State government fees or monies equivalent
21 to the cost of purchasing the insurance.

22 (9) Establish, through the Director, charges for risk
23 management services rendered to State agencies by the
24 Department. The State agencies so charged shall reimburse
25 the Department by vouchers drawn against their respective
26 appropriations. The reimbursement shall be determined by

1 the Director as amounts sufficient to reimburse the
2 Department for expenditures incurred in rendering the
3 service.

4 The Department shall charge the employing State agency
5 or university for workers' compensation payments or
6 court-ordered payments for temporary total disability paid
7 to any employee after the employee has received temporary
8 total disability payments for 120 days if the employee's
9 treating physician has issued a release to return to work
10 with restrictions and the employee is able to perform
11 modified duty work but the employing State agency or
12 university does not return the employee to work at modified
13 duty. Modified duty shall be duties assigned that may or
14 may not be delineated as part of the duties regularly
15 performed by the employee. Modified duties shall be
16 assigned within the prescribed restrictions established by
17 the treating physician and the physician who performed the
18 independent medical examination. The amount of all
19 reimbursements shall be deposited into the Workers'
20 Compensation Revolving Fund which is hereby created as a
21 revolving fund in the State treasury. In addition to any
22 other purpose authorized by law, moneys in the Fund shall
23 be used, subject to appropriation, to pay these or other
24 temporary total disability claims of employees of State
25 agencies and universities.

26 Beginning with fiscal year 1996, all amounts recovered

1 by the Department through subrogation in workers'
2 compensation and workers' occupational disease cases or
3 other cases for compensation or treatment for accidental
4 injury or death arising out of and in the course of
5 employment or for compensation or treatment for a disease
6 or death arising out of and in the course of the employment
7 or which has become aggravated and rendered disabling as a
8 result of the exposure of the employment shall be deposited
9 into the Workers' Compensation Revolving Fund created
10 under this subdivision (9).

11 (10) Establish rules, procedures, and forms to be used
12 by State agencies in the administration and payment of
13 workers' compensation claims. The Department shall
14 initially evaluate and determine the compensability of any
15 injury that is the subject of a workers' compensation claim
16 and provide for the administration and payment of such a
17 claim for all State agencies. The Director may delegate to
18 any agency with the agreement of the agency head the
19 responsibility for evaluation, administration, and payment
20 of that agency's claims.

21 (11) Any plan for public liability self-insurance
22 implemented under this Section shall provide that (i) the
23 Department shall attempt to settle and may settle any
24 public liability claim filed against the State of Illinois
25 or any public liability claim filed against a State
26 employee on the basis of an occurrence in the course of the

1 employee's State employment; (ii) any settlement of such a
2 claim is not subject to fiscal year limitations and must be
3 approved by the Director and, in cases of settlements
4 exceeding \$100,000, by the Governor; and (iii) a settlement
5 of any public liability claim against the State or a State
6 employee shall require an unqualified release of any right
7 of action against the State and the employee for acts
8 within the scope of the employee's employment giving rise
9 to the claim.

10 Whenever and to the extent that a State employee
11 operates a motor vehicle or engages in other activity
12 covered by self-insurance under this Section, the State of
13 Illinois shall defend, indemnify, and hold harmless the
14 employee against any claim in tort filed against the
15 employee for acts or omissions within the scope of the
16 employee's employment in any proper judicial forum and not
17 settled pursuant to this subdivision (11), provided that
18 this obligation of the State of Illinois shall not exceed a
19 maximum liability of \$2,000,000 for any single occurrence
20 in connection with the operation of a motor vehicle or
21 \$100,000 per person per occurrence for any other single
22 occurrence, or \$500,000 for any single occurrence in
23 connection with the provision of medical care by a licensed
24 physician employee.

25 Any claims against the State of Illinois under a
26 self-insurance plan that are not settled pursuant to this

1 subdivision (11) shall be heard and determined by the Court
2 of Claims and may not be filed or adjudicated in any other
3 forum. The Attorney General of the State of Illinois or the
4 Attorney General's designee shall be the attorney with
5 respect to all public liability self-insurance claims that
6 are not settled pursuant to this subdivision (11) and
7 therefore result in litigation. The payment of any award of
8 the Court of Claims entered against the State relating to
9 any public liability self-insurance claim shall act as a
10 release against any State employee involved in the
11 occurrence.

12 (12) Administer a plan the purpose of which is to make
13 payments on final settlements or final judgments in
14 accordance with the State Employee Indemnification Act.
15 The plan shall be funded through appropriations from the
16 General Revenue Fund specifically designated for that
17 purpose, except that indemnification expenses for
18 employees of the Department of Transportation, the
19 Illinois State Police, and the Secretary of State shall be
20 paid from the Road Fund. The term "employee" as used in
21 this subdivision (12) has the same meaning as under
22 subsection (b) of Section 1 of the State Employee
23 Indemnification Act. Subject to sufficient appropriation,
24 the Director shall approve payment of any claim, without
25 regard to fiscal year limitations, presented to the
26 Director that is supported by a final settlement or final

1 judgment when the Attorney General and the chief officer of
2 the public body against whose employee the claim or cause
3 of action is asserted certify to the Director that the
4 claim is in accordance with the State Employee
5 Indemnification Act and that they approve of the payment.
6 In no event shall an amount in excess of \$150,000 be paid
7 from this plan to or for the benefit of any claimant.

8 (13) Administer a plan the purpose of which is to make
9 payments on final settlements or final judgments for
10 employee wage claims in situations where there was an
11 appropriation relevant to the wage claim, the fiscal year
12 and lapse period have expired, and sufficient funds were
13 available to pay the claim. The plan shall be funded
14 through appropriations from the General Revenue Fund
15 specifically designated for that purpose.

16 Subject to sufficient appropriation, the Director is
17 authorized to pay any wage claim presented to the Director
18 that is supported by a final settlement or final judgment
19 when the chief officer of the State agency employing the
20 claimant certifies to the Director that the claim is a
21 valid wage claim and that the fiscal year and lapse period
22 have expired. Payment for claims that are properly
23 submitted and certified as valid by the Director shall
24 include interest accrued at the rate of 7% per annum from
25 the forty-fifth day after the claims are received by the
26 Department or 45 days from the date on which the amount of

1 payment is agreed upon, whichever is later, until the date
2 the claims are submitted to the Comptroller for payment.
3 When the Attorney General has filed an appearance in any
4 proceeding concerning a wage claim settlement or judgment,
5 the Attorney General shall certify to the Director that the
6 wage claim is valid before any payment is made. In no event
7 shall an amount in excess of \$150,000 be paid from this
8 plan to or for the benefit of any claimant.

9 Nothing in Public Act 84-961 shall be construed to
10 affect in any manner the jurisdiction of the Court of
11 Claims concerning wage claims made against the State of
12 Illinois.

13 (14) Prepare and, in the discretion of the Director,
14 implement a program for self-insurance for official
15 fidelity and surety bonds for officers and employees as
16 authorized by the Official Bond Act.

17 (Source: P.A. 96-928, eff. 6-15-10.)

18 (20 ILCS 405/405-411)

19 Sec. 405-411. Consolidation of workers' compensation
20 functions.

21 (a) Notwithstanding any other law to the contrary, the
22 Director of Central Management Services, working in
23 cooperation with the Director of any other agency, department,
24 board, or commission directly responsible to the Governor, may
25 direct the consolidation, within the Department of Central

1 Management Services, of those workers' compensation functions
2 at that agency, department, board, or commission that are
3 suitable for centralization.

4 Upon receipt of the written direction to transfer workers'
5 compensation functions to the Department of Central Management
6 Services, the personnel, equipment, and property (both real and
7 personal) directly relating to the transferred functions shall
8 be transferred to the Department of Central Management
9 Services, and the relevant documents, records, and
10 correspondence shall be transferred or copied, as the Director
11 may prescribe.

12 (b) Upon receiving written direction from the Director of
13 Central Management Services, the Comptroller and Treasurer are
14 authorized to transfer the unexpended balance of any
15 appropriations related to the workers' compensation functions
16 transferred to the Department of Central Management Services
17 and shall make the necessary fund transfers from the General
18 Revenue Fund, any special fund in the State treasury, or any
19 other federal or State trust fund held by the Treasurer to the
20 Workers' Compensation Revolving Fund for use by the Department
21 of Central Management Services in support of workers'
22 compensation functions or any other related costs or expenses
23 of the Department of Central Management Services.

24 (c) The rights of employees and the State and its agencies
25 under the Personnel Code and applicable collective bargaining
26 agreements or under any pension, retirement, or annuity plan

1 shall not be affected by any transfer under this Section.

2 (d) The functions transferred to the Department of Central
3 Management Services by this Section shall be vested in and
4 shall be exercised by the Department of Central Management
5 Services. Each act done in the exercise of those functions
6 shall have the same legal effect as if done by the agencies,
7 offices, divisions, departments, bureaus, boards and
8 commissions from which they were transferred.

9 Every person or other entity shall be subject to the same
10 obligations and duties and any penalties, civil or criminal,
11 arising therefrom, and shall have the same rights arising from
12 the exercise of such rights, powers, and duties as had been
13 exercised by the agencies, offices, divisions, departments,
14 bureaus, boards, and commissions from which they were
15 transferred.

16 Whenever reports or notices are now required to be made or
17 given or papers or documents furnished or served by any person
18 in regards to the functions transferred to or upon the
19 agencies, offices, divisions, departments, bureaus, boards,
20 and commissions from which the functions were transferred, the
21 same shall be made, given, furnished or served in the same
22 manner to or upon the Department of Central Management
23 Services.

24 This Section does not affect any act done, ratified, or
25 cancelled or any right occurring or established or any action
26 or proceeding had or commenced in an administrative, civil, or

1 criminal cause regarding the functions transferred, but those
2 proceedings may be continued by the Department of Central
3 Management Services.

4 This Section does not affect the legality of any rules in
5 the Illinois Administrative Code regarding the functions
6 transferred in this Section that are in force on the effective
7 date of this Section. If necessary, however, the affected
8 agencies shall propose, adopt, or repeal rules, rule
9 amendments, and rule recodifications as appropriate to
10 effectuate this Section.

11 (e) On and after January 1, 2012, "workers' compensation
12 functions" also includes functions related to claims for
13 compensation or treatment for accidental injury or death
14 arising out of and in the course of employment and compensation
15 or treatment for a disease or death arising out of and in the
16 course of the employment or which has become aggravated and
17 rendered disabling as a result of the exposure of the
18 employment.

19 (Source: P.A. 93-839, eff. 7-30-04.)

20 Section 5-905. The State Finance Act is amended by changing
21 Section 6z-64 as follows:

22 (30 ILCS 105/6z-64)

23 Sec. 6z-64. The Workers' Compensation Revolving Fund.

24 (a) The Workers' Compensation Revolving Fund is created as

1 a revolving fund, not subject to fiscal year limitations, in
2 the State treasury. The following moneys shall be deposited
3 into the Fund:

4 (1) amounts authorized for transfer to the Fund from
5 the General Revenue Fund and other State funds (except for
6 funds classified by the Comptroller as federal trust funds
7 or State trust funds) pursuant to State law or Executive
8 Order;

9 (2) federal funds received by the Department of Central
10 Management Services (the "Department") as a result of
11 expenditures from the Fund;

12 (3) interest earned on moneys in the Fund;

13 (4) receipts or inter-fund transfers resulting from
14 billings issued by the Department to State agencies and
15 universities for the cost of workers' compensation
16 services rendered by the Department that are not
17 compensated through the specific fund transfers authorized
18 by this Section, if any;

19 (5) amounts received from a State agency or university
20 for workers' compensation payments or court-ordered
21 payments for temporary total disability, as provided in
22 Section 405-105 of the Department of Central Management
23 Services Law of the Civil Administrative Code of Illinois;
24 and

25 (6) amounts recovered through subrogation in workers'
26 compensation and workers' occupational disease cases or

1 other cases for compensation or treatment for accidental
2 injury or death arising out of and in the course of
3 employment or for compensation or treatment for a disease
4 or death arising out of and in the course of the employment
5 or which has become aggravated and rendered disabling as a
6 result of the exposure of the employment.

7 (b) Moneys in the Fund may be used by the Department for
8 reimbursement or payment for:

9 (1) providing workers' compensation services to State
10 agencies and State universities; ~~or~~

11 (2) providing for payment of administrative and other
12 expenses incurred by the Department in providing workers'
13 compensation services.

14 (c) State agencies may direct the Comptroller to process
15 inter-fund transfers or make payment through the voucher and
16 warrant process to the Workers' Compensation Revolving Fund in
17 satisfaction of billings issued under subsection (a) of this
18 Section.

19 (d) Reconciliation. For the fiscal year beginning on July
20 1, 2004 only, the Director of Central Management Services (the
21 "Director") shall order that each State agency's payments and
22 transfers made to the Fund be reconciled with actual Fund costs
23 for workers' compensation services provided by the Department
24 and attributable to the State agency and relevant fund on no
25 less than an annual basis. The Director may require reports
26 from State agencies as deemed necessary to perform this

1 reconciliation.

2 (d-5) Notwithstanding any other provision of State law to
 3 the contrary, on or after July 1, 2005 and until June 30, 2006,
 4 in addition to any other transfers that may be provided for by
 5 law, at the direction of and upon notification of the Director
 6 of Central Management Services, the State Comptroller shall
 7 direct and the State Treasurer shall transfer amounts into the
 8 Workers' Compensation Revolving Fund from the designated funds
 9 not exceeding the following totals:

10	Mental Health Fund	\$17,694,000
11	Statistical Services Revolving Fund	\$1,252,600
12	Department of Corrections Reimbursement	
13	and Education Fund	\$1,198,600
14	Communications Revolving Fund	\$535,400
15	Child Support Administrative Fund	\$441,900
16	Health Insurance Reserve Fund	\$238,900
17	Fire Prevention Fund	\$234,100
18	Park and Conservation Fund	\$142,000
19	Motor Fuel Tax Fund	\$132,800
20	Illinois Workers' Compensation	
21	Commission Operations Fund	\$123,900
22	State Boating Act Fund	\$112,300
23	Public Utility Fund	\$106,500
24	State Lottery Fund	\$101,300
25	Traffic and Criminal Conviction	
26	Surcharge Fund	\$88,500

1	State Surplus Property Revolving Fund	\$82,700
2	Natural Areas Acquisition Fund	\$65,600
3	Securities Audit and Enforcement Fund	\$65,200
4	Agricultural Premium Fund	\$63,400
5	Capital Development Fund	\$57,500
6	State Gaming Fund	\$54,300
7	Underground Storage Tank Fund	\$53,700
8	Illinois State Medical Disciplinary Fund	\$53,000
9	Personal Property Tax Replacement Fund	\$53,000
10	General Professions Dedicated Fund	\$51,900
11	Total	\$23,003,100

12 (d-10) Notwithstanding any other provision of State law to
 13 the contrary and in addition to any other transfers that may be
 14 provided for by law, on the first day of each calendar quarter
 15 of the fiscal year beginning July 1, 2005, or as soon as may be
 16 practical thereafter, the State Comptroller shall direct and
 17 the State Treasurer shall transfer from each designated fund
 18 into the Workers' Compensation Revolving Fund amounts equal to
 19 one-fourth of each of the following totals:

20	General Revenue Fund	\$34,000,000
21	Road Fund	\$25,987,000
22	Total	\$59,987,000

23 (d-12) Notwithstanding any other provision of State law to
 24 the contrary and in addition to any other transfers that may be
 25 provided for by law, on the effective date of this amendatory
 26 Act of the 94th General Assembly, or as soon as may be

1 practical thereafter, the State Comptroller shall direct and
 2 the State Treasurer shall transfer from each designated fund
 3 into the Workers' Compensation Revolving Fund the following
 4 amounts:

5	General Revenue Fund	\$10,000,000
6	Road Fund	\$5,000,000
7	Total	\$15,000,000

8 (d-15) Notwithstanding any other provision of State law to
 9 the contrary and in addition to any other transfers that may be
 10 provided for by law, on July 1, 2006, or as soon as may be
 11 practical thereafter, the State Comptroller shall direct and
 12 the State Treasurer shall transfer from each designated fund
 13 into the Workers' Compensation Revolving Fund the following
 14 amounts:

15	General Revenue Fund	\$44,028,200
16	Road Fund	\$28,084,000
17	Total	\$72,112,200

18 (d-20) Notwithstanding any other provision of State law to
 19 the contrary, on or after July 1, 2006 and until June 30, 2007,
 20 in addition to any other transfers that may be provided for by
 21 law, at the direction of and upon notification of the Director
 22 of Central Management Services, the State Comptroller shall
 23 direct and the State Treasurer shall transfer amounts into the
 24 Workers' Compensation Revolving Fund from the designated funds
 25 not exceeding the following totals:

26	Mental Health Fund	\$19,121,800
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1	Statistical Services Revolving Fund	\$1,353,700
2	Department of Corrections Reimbursement	
3	and Education Fund	\$1,295,300
4	Communications Revolving Fund	\$578,600
5	Child Support Administrative Fund	\$477,600
6	Health Insurance Reserve Fund	\$258,200
7	Fire Prevention Fund	\$253,000
8	Park and Conservation Fund	\$153,500
9	Motor Fuel Tax Fund	\$143,500
10	Illinois Workers' Compensation	
11	Commission Operations Fund	\$133,900
12	State Boating Act Fund	\$121,400
13	Public Utility Fund	\$115,100
14	State Lottery Fund	\$109,500
15	Traffic and Criminal Conviction Surcharge Fund ..	\$95,700
16	State Surplus Property Revolving Fund	\$89,400
17	Natural Areas Acquisition Fund	\$70,800
18	Securities Audit and Enforcement Fund	\$70,400
19	Agricultural Premium Fund	\$68,500
20	State Gaming Fund	\$58,600
21	Underground Storage Tank Fund	\$58,000
22	Illinois State Medical Disciplinary Fund	\$57,200
23	Personal Property Tax Replacement Fund	\$57,200
24	General Professions Dedicated Fund	\$56,100
25	Total	\$24,797,000

26 (d-25) Notwithstanding any other provision of State law to

1 the contrary and in addition to any other transfers that may be
 2 provided for by law, on July 1, 2009, or as soon as may be
 3 practical thereafter, the State Comptroller shall direct and
 4 the State Treasurer shall transfer from each designated fund
 5 into the Workers' Compensation Revolving Fund the following
 6 amounts:

7	General Revenue Fund	\$55,000,000
8	Road Fund	\$34,803,000
9	Total	\$89,803,000

10 (d-30) Notwithstanding any other provision of State law to
 11 the contrary, on or after July 1, 2009 and until June 30, 2010,
 12 in addition to any other transfers that may be provided for by
 13 law, at the direction of and upon notification of the Director
 14 of Central Management Services, the State Comptroller shall
 15 direct and the State Treasurer shall transfer amounts into the
 16 Workers' Compensation Revolving Fund from the designated funds
 17 not exceeding the following totals:

18	Food and Drug Safety Fund	\$13,900
19	Teacher Certificate Fee Revolving Fund	\$6,500
20	Transportation Regulatory Fund	\$14,500
21	Financial Institution Fund	\$25,200
22	General Professions Dedicated Fund	\$25,300
23	Illinois Veterans' Rehabilitation Fund	\$64,600
24	State Boating Act Fund	\$177,100
25	State Parks Fund	\$104,300
26	Lobbyist Registration Administration Fund	\$14,400

1	Agricultural Premium Fund	\$79,100
2	Fire Prevention Fund	\$360,200
3	Mental Health Fund	\$9,725,200
4	Illinois State Pharmacy Disciplinary Fund	\$5,600
5	Public Utility Fund	\$40,900
6	Radiation Protection Fund	\$14,200
7	Firearm Owner's Notification Fund	\$1,300
8	Solid Waste Management Fund	\$74,100
9	Illinois Gaming Law Enforcement Fund	\$17,800
10	Subtitle D Management Fund	\$14,100
11	Illinois State Medical Disciplinary Fund	\$26,500
12	Facility Licensing Fund	\$11,700
13	Plugging and Restoration Fund	\$9,100
14	Explosives Regulatory Fund	\$2,300
15	Aggregate Operations Regulatory Fund	\$5,000
16	Coal Mining Regulatory Fund	\$1,900
17	Registered Certified Public Accountants'	
18	Administration and Disciplinary Fund	\$1,500
19	Weights and Measures Fund	\$56,100
20	Division of Corporations Registered	
21	Limited Liability Partnership Fund	\$3,900
22	Illinois School Asbestos Abatement Fund	\$14,000
23	Secretary of State Special License Plate Fund	\$30,700
24	Capital Development Board Revolving Fund	\$27,000
25	DCFS Children's Services Fund	\$69,300
26	Asbestos Abatement Fund	\$17,200

1	Illinois Health Facilities Planning Fund	\$26,800
2	Emergency Public Health Fund	\$5,600
3	Nursing Dedicated and Professional Fund	\$10,000
4	Optometric Licensing and Disciplinary	
5	Board Fund	\$1,600
6	Underground Resources Conservation	
7	Enforcement Fund	\$11,500
8	Drunk and Drugged Driving Prevention Fund	\$18,200
9	Long Term Care Monitor/Receiver Fund	\$35,400
10	Community Water Supply Laboratory Fund	\$5,600
11	Securities Investors Education Fund	\$2,000
12	Used Tire Management Fund	\$32,400
13	Natural Areas Acquisition Fund	\$101,200
14	Open Space Lands Acquisition	
15	and Development Fund	\$28,400
16	Working Capital Revolving Fund	\$489,100
17	State Garage Revolving Fund	\$791,900
18	Statistical Services Revolving Fund	\$3,984,700
19	Communications Revolving Fund	\$1,432,800
20	Facilities Management Revolving Fund	\$1,911,600
21	Professional Services Fund	\$483,600
22	Motor Vehicle Review Board Fund	\$15,000
23	Environmental Laboratory Certification Fund	\$3,000
24	Public Health Laboratory Services	
25	Revolving Fund	\$2,500
26	Lead Poisoning Screening, Prevention,	

1	and Abatement Fund	\$28,200
2	Securities Audit and Enforcement Fund	\$258,400
3	Department of Business Services	
4	Special Operations Fund	\$111,900
5	Feed Control Fund	\$20,800
6	Tanning Facility Permit Fund	\$5,400
7	Plumbing Licensure and Program Fund	\$24,400
8	Tax Compliance and Administration Fund	\$27,200
9	Appraisal Administration Fund	\$2,400
10	Small Business Environmental Assistance Fund	\$2,200
11	Illinois State Fair Fund	\$31,400
12	Secretary of State Special Services Fund	\$317,600
13	Department of Corrections Reimbursement	
14	and Education Fund	\$324,500
15	Health Facility Plan Review Fund	\$31,200
16	Illinois Historic Sites Fund	\$11,500
17	Attorney General Court Ordered and Voluntary	
18	Compliance Payment Projects Fund	\$18,500
19	Public Pension Regulation Fund	\$5,600
20	Illinois Charity Bureau Fund	\$11,400
21	Renewable Energy Resources Trust Fund	\$6,700
22	Energy Efficiency Trust Fund	\$3,600
23	Pesticide Control Fund	\$56,800
24	Attorney General Whistleblower Reward	
25	and Protection Fund	\$14,200
26	Partners for Conservation Fund	\$36,900

1	Capital Litigation Trust Fund	\$800
2	Motor Vehicle License Plate Fund	\$99,700
3	Horse Racing Fund	\$18,900
4	Death Certificate Surcharge Fund	\$12,800
5	Auction Regulation Administration Fund	\$500
6	Motor Carrier Safety Inspection Fund	\$55,800
7	Assisted Living and Shared Housing	
8	Regulatory Fund	\$900
9	Illinois Thoroughbred Breeders Fund	\$9,200
10	Illinois Clean Water Fund	\$42,300
11	Secretary of State DUI Administration Fund	\$16,100
12	Child Support Administrative Fund	\$1,037,900
13	Secretary of State Police Services Fund	\$1,200
14	Tourism Promotion Fund	\$34,400
15	IMSA Income Fund	\$12,700
16	Presidential Library and Museum Operating Fund ..	\$83,000
17	Dram Shop Fund	\$44,500
18	Illinois State Dental Disciplinary Fund	\$5,700
19	Cycle Rider Safety Training Fund	\$8,700
20	Traffic and Criminal Conviction Surcharge Fund ..	\$106,100
21	Design Professionals Administration	
22	and Investigation Fund	\$4,500
23	State Police Services Fund	\$276,100
24	Metabolic Screening and Treatment Fund	\$90,800
25	Insurance Producer Administration Fund	\$45,600
26	Coal Technology Development Assistance Fund	\$11,700

1	Hearing Instrument Dispenser Examining	
2	and Disciplinary Fund	\$1,900
3	Low-Level Radioactive Waste Facility	
4	Development and Operation Fund	\$1,000
5	Environmental Protection Permit and	
6	Inspection Fund	\$66,900
7	Park and Conservation Fund	\$199,300
8	Local Tourism Fund	\$2,400
9	Illinois Capital Revolving Loan Fund	\$10,000
10	Large Business Attraction Fund	\$100
11	Adeline Jay Geo-Karis Illinois Beach	
12	Marina Fund	\$27,200
13	Public Infrastructure Construction	
14	Loan Revolving Fund	\$1,700
15	Insurance Financial Regulation Fund	\$69,200
16	Total	\$24,197,800

17 (d-35) Notwithstanding any other provision of State law to
 18 the contrary and in addition to any other transfers that may be
 19 provided for by law, on July 1, 2010, or as soon as may be
 20 practical thereafter, the State Comptroller shall direct and
 21 the State Treasurer shall transfer from each designated fund
 22 into the Workers' Compensation Revolving Fund the following
 23 amounts:

24	General Revenue Fund	\$55,000,000
25	Road Fund	\$50,955,300
26	Total	\$105,955,300

1 (d-40) Notwithstanding any other provision of State law to
 2 the contrary, on or after July 1, 2010 and until June 30, 2011,
 3 in addition to any other transfers that may be provided for by
 4 law, at the direction of and upon notification of the Director
 5 of Central Management Services, the State Comptroller shall
 6 direct and the State Treasurer shall transfer amounts into the
 7 Workers' Compensation Revolving Fund from the designated funds
 8 not exceeding the following totals:

9	Food and Drug Safety Fund	\$8,700
10	Financial Institution Fund	\$44,500
11	General Professions Dedicated Fund	\$51,400
12	Live and Learn Fund	\$10,900
13	Illinois Veterans' Rehabilitation Fund	\$106,000
14	State Boating Act Fund	\$288,200
15	State Parks Fund	\$185,900
16	Wildlife and Fish Fund	\$1,550,300
17	Lobbyist Registration Administration Fund	\$18,100
18	Agricultural Premium Fund	\$176,100
19	Mental Health Fund	\$291,900
20	Firearm Owner's Notification Fund	\$2,300
21	Illinois Gaming Law Enforcement Fund	\$11,300
22	Illinois State Medical Disciplinary Fund	\$42,300
23	Facility Licensing Fund	\$14,200
24	Plugging and Restoration Fund	\$15,600
25	Explosives Regulatory Fund	\$4,800
26	Aggregate Operations Regulatory Fund	\$6,000

1	Coal Mining Regulatory Fund	\$7,200
2	Registered Certified Public Accountants'	
3	Administration and Disciplinary Fund	\$1,900
4	Weights and Measures Fund	\$105,200
5	Division of Corporations Registered	
6	Limited Liability Partnership Fund	\$5,300
7	Illinois School Asbestos Abatement Fund	\$19,900
8	Secretary of State Special License Plate Fund	\$38,700
9	DCFS Children's Services Fund	\$123,100
10	Illinois Health Facilities Planning Fund	\$29,700
11	Emergency Public Health Fund	\$6,800
12	Nursing Dedicated and Professional Fund	\$13,500
13	Optometric Licensing and Disciplinary	
14	Board Fund	\$1,800
15	Underground Resources Conservation	
16	Enforcement Fund	\$16,500
17	Mandatory Arbitration Fund	\$5,400
18	Drunk and Drugged Driving Prevention Fund	\$26,400
19	Long Term Care Monitor/Receiver Fund	\$43,800
20	Securities Investors Education Fund	\$28,500
21	Used Tire Management Fund	\$6,300
22	Natural Areas Acquisition Fund	\$185,000
23	Open Space Lands Acquisition and	
24	Development Fund	\$46,800
25	Working Capital Revolving Fund	\$741,500
26	State Garage Revolving Fund	\$356,200

1	Statistical Services Revolving Fund	\$1,775,900
2	Communications Revolving Fund	\$630,600
3	Facilities Management Revolving Fund	\$870,800
4	Professional Services Fund	\$275,500
5	Motor Vehicle Review Board Fund	\$12,900
6	Public Health Laboratory Services	
7	Revolving Fund	\$5,300
8	Lead Poisoning Screening, Prevention,	
9	and Abatement Fund	\$42,100
10	Securities Audit and Enforcement Fund	\$162,700
11	Department of Business Services	
12	Special Operations Fund	\$143,700
13	Feed Control Fund	\$32,300
14	Tanning Facility Permit Fund	\$3,900
15	Plumbing Licensure and Program Fund	\$32,600
16	Tax Compliance and Administration Fund	\$48,400
17	Appraisal Administration Fund	\$3,600
18	Illinois State Fair Fund	\$30,200
19	Secretary of State Special Services Fund	\$214,400
20	Department of Corrections Reimbursement	
21	and Education Fund	\$438,300
22	Health Facility Plan Review Fund	\$29,900
23	Public Pension Regulation Fund	\$9,900
24	Pesticide Control Fund	\$107,500
25	Partners for Conservation Fund	\$189,300
26	Motor Vehicle License Plate Fund	\$143,800

1	Horse Racing Fund	\$20,900
2	Death Certificate Surcharge Fund	\$16,800
3	Auction Regulation Administration Fund	\$1,000
4	Motor Carrier Safety Inspection Fund	\$56,800
5	Assisted Living and Shared Housing	
6	Regulatory Fund	\$2,200
7	Illinois Thoroughbred Breeders Fund	\$18,100
8	Secretary of State DUI Administration Fund	\$19,800
9	Child Support Administrative Fund	\$1,809,500
10	Secretary of State Police Services Fund	\$2,500
11	Medical Special Purposes Trust Fund	\$20,400
12	Dram Shop Fund	\$57,200
13	Illinois State Dental Disciplinary Fund	\$9,500
14	Cycle Rider Safety Training Fund	\$12,200
15	Traffic and Criminal Conviction Surcharge Fund ..	\$128,900
16	Design Professionals Administration	
17	and Investigation Fund	\$7,300
18	State Police Services Fund	\$335,700
19	Metabolic Screening and Treatment Fund	\$81,600
20	Insurance Producer Administration Fund	\$77,000
21	Hearing Instrument Dispenser Examining	
22	and Disciplinary Fund	\$1,900
23	Park and Conservation Fund	\$361,500
24	Adeline Jay Geo-Karis Illinois Beach	
25	Marina Fund	\$42,800
26	Insurance Financial Regulation Fund	\$108,000

1 Total \$13,033,200

2 (e) The term "workers' compensation services" means
3 services, claims expenses, and related administrative costs
4 incurred in performing the duties under Sections 405-105 and
5 405-411 of the Department of Central Management Services Law of
6 the Civil Administrative Code of Illinois and performing
7 similar duties with respect to actions for compensation or
8 treatment for accidental injury or death arising out of and in
9 the course of employment or for compensation or treatment for a
10 disease or death arising out of and in the course of the
11 employment or which has become aggravated and rendered
12 disabling as a result of the exposure of the employment.

13 (Source: P.A. 95-744, eff. 7-18-08; 96-45, eff. 7-15-09;
14 96-959, eff. 7-1-10.)

15 Section 5-910. The Illinois Insurance Code is amended by
16 adding Section 5.1 as follows:

17 (215 ILCS 5/5.1 new)

18 Sec. 5.1. Workplace injuries and occupational diseases.
19 Nothing in this Code shall be construed to require an employer
20 to maintain insurance covering the employer's liability for
21 compensation or treatment for causes of action accruing on or
22 after January 1, 2012.

23 The Department and the Department of Labor shall adopt
24 rules setting forth appropriate insurance or self-insurance

1 requirements for employers with respect to their obligations to
2 employees for causes of action accruing before January 1, 2012.

3 As used in this Section, "cause of action" has the meaning
4 ascribed to that term in Section 5-5 of the Workers'
5 Compensation and Workers' Occupational Diseases Transfer and
6 Transition Act.

7 Section 5-915. The Court of Claims Act is amended by
8 changing Sections 8, 9, and 22 as follows:

9 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

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

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

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

24 (c) All claims against the State for time unjustly served

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

1 pending on or filed on or after the effective date.

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

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

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

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

17 (g) All claims filed pursuant to the Crime Victims
18 Compensation Act.

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

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

1 (j) All claims against the State over which the Illinois
2 Workers' Compensation Commission is divested of jurisdiction
3 on December 31, 2011 under Section 5-10 of the Workers'
4 Compensation and Workers' Occupational Diseases Transfer and
5 Transition Act. Those claims are transferred to the Court of
6 Claims, which assumes jurisdiction over those actions on
7 January 1, 2012. Each such claim shall be decided in accordance
8 with the substantive law that was in effect when the cause of
9 action accrued. Procedure shall be governed by court rule. The
10 Illinois Workers' Compensation Commission shall deliver to the
11 Court of Claims all records, documents, communications, and
12 other materials in its possession relating to those claims and
13 relating to all claims that are on appeal, claims for which the
14 time for filing an appeal has not expired, and claims that may
15 be subject to modification.

16 (k) All claims against the State for compensation or
17 treatment for accidental injury or death arising out of and in
18 the course of employment and for compensation or treatment for
19 a disease or death arising out of and in the course of the
20 employment or which has become aggravated and rendered
21 disabling as a result of the exposure of the employment that
22 accrued before January 1, 2012. Any such claim may be brought
23 within the time limits that were in effect when the cause of
24 action accrued. The claim shall be decided in accordance with
25 the substantive law that was in effect when the cause of action
26 accrued. Procedure shall be governed by court rule.

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

2 (705 ILCS 505/9) (from Ch. 37, par. 439.9)

3 Sec. 9. The court may: A. Establish rules for its
4 government and for the regulation of practice therein; appoint
5 commissioners to assist the court in such manner as it directs
6 and discharge them at will; and exercise such powers as are
7 necessary to carry into effect the powers granted in this
8 Section. Any Commissioner appointed shall be an attorney
9 licensed to practice law in the State of Illinois. The rules
10 established hereunder shall not be waived, and any extension of
11 time authorized by such rules shall only be allowed on motion
12 duly filed within the time limitation for which the extension
13 is requested.

14 B. Issue subpoenas through the Chief Justice or one of its
15 judges or commissioners to require the attendance of witnesses
16 for the purpose of testifying before it, or before any judge of
17 the court, or before any notary public, or any of its
18 commissioners, and to require the production of any books,
19 records, papers or documents that may be material or relevant
20 as evidence in any matter pending before it. In case any person
21 refuses to comply with any subpoena issued in the name of the
22 chief justice, or one of the judges or commissioners, attested
23 by the clerk, with the seal of the court attached, and served
24 upon the person named therein as a summons in a civil action is
25 served, the circuit court of the proper county, on application

1 of the party at whose instance the subpoena was issued, shall
2 compel obedience by attachment proceedings, as for contempt, as
3 in a case of a disobedience of the requirements of a subpoena
4 from such court on a refusal to testify therein.

5 C. Enter temporary orders providing for medical care,
6 rehabilitation, disability payments, and other appropriate
7 temporary relief in accordance with the relevant standards of
8 Section 8 of the Workers' Compensation Act as that Section
9 existed immediately before its repeal in claims against the
10 State for compensation or treatment for accidental injury or
11 death arising out of and in the course of employment and for
12 compensation or treatment for a disease or death arising out of
13 and in the course of the employment or which has become
14 aggravated and rendered disabling as a result of the exposure
15 of the employment that accrue on or after January 1, 2012,
16 notwithstanding the repeal of the Workers' Compensation Act and
17 the Workers' Occupational Diseases Act. A temporary order may
18 be revoked or modified before final judgment for good cause
19 shown. A temporary order terminates when a final judgment is
20 entered or when the action is dismissed.

21 (Source: P.A. 83-865.)

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

23 Sec. 22. Except as otherwise provided in subsection (k) of
24 Section 8, every ~~Every~~ claim cognizable by the Court and not
25 otherwise sooner barred by law shall be forever barred from

1 prosecution therein unless it is filed with the Clerk of the
2 Court within the time set forth as follows:

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

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

13 (c) All claims arising under paragraph (c) of Section 8 of
14 this Act must be automatically heard by the court within 120
15 days after the person asserting such claim is either issued a
16 certificate of innocence from the Circuit Court as provided in
17 Section 2-702 of the Code of Civil Procedure, or is granted a
18 pardon by the Governor, whichever occurs later, without the
19 person asserting the claim being required to file a petition
20 under Section 11 of this Act, except as otherwise provided by
21 the Crime Victims Compensation Act. Any claims filed by the
22 claimant under paragraph (c) of Section 8 of this Act must be
23 filed within 2 years after the person asserting such claim is
24 either issued a certificate of innocence as provided in Section
25 2-702 of the Code of Civil Procedure, or is granted a pardon by
26 the Governor, whichever occurs later.

1 (d) All claims arising under paragraph (f) of Section 8 of
2 this Act must be filed within the time set forth in Section 3
3 of the Line of Duty Compensation Act.

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

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

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

17 (h) All other claims must be filed within 2 years after it
18 first accrues, saving to minors, and persons under legal
19 disability at the time the claim accrues, in which case the
20 claim must be filed within 2 years from the time the disability
21 ceases.

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

25 (j) All time limitations established under this Act and the
26 rules promulgated under this Act shall be binding and

1 jurisdictional, except upon extension authorized by law or rule
2 and granted pursuant to a motion timely filed.

3 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;
4 96-328, eff. 8-11-09.)

5 Section 99. Effective date. This Act takes effect January
6 1, 2012.