



Rep. John E. Bradley

Filed: 5/20/2011

09700SB1933ham001

LRB097 08608 AEK 55983 a

1 AMENDMENT TO SENATE BILL 1933

2 AMENDMENT NO. _____. Amend Senate Bill 1933 by replacing
3 everything after the enacting clause with the following:

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 The Workers' Compensation Act is repealed.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9 repealed.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

1 "this Act" mean this Article.

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

3 "Cause of action" includes a cause of action for
4 compensation or treatment for accidental injury or death
5 arising out of and in the course of employment and a cause of
6 action for compensation or treatment for a disease or death
7 arising out of and in the course of the employment or which has
8 become aggravated and rendered disabling as a result of the
9 exposure of the employment.

10 "Commission" means the Illinois Workers' Compensation
11 Commission.

12 "Department" means the Department of Labor.

13 "Director" means the Director of Labor.

14 Section 5-10. General provisions.

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16 provisions of the repealed Workers' Compensation Act and the
17 repealed Workers' Occupational Diseases Act do not apply to any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

19 (b) On January 1, 2012, the Commission is divested of
20 jurisdiction over all actions over which it had jurisdiction on
21 December 31, 2011. Except for claims against the State that are
22 subject to Section 8 of the Court of Claims Act, all actions
23 over which the Commission had jurisdiction on December 31, 2011
24 are transferred to the Supreme Court for assignment to the

1 circuit courts, which assume jurisdiction over those actions on
2 January 1, 2012. Each such action shall be decided in
3 accordance with the substantive law that was in effect when the
4 cause of action accrued. Procedure shall be governed by court
5 rule. The Commission shall deliver to the Supreme Court all
6 records, documents, communications, and other materials in its
7 possession relating to those actions and relating to all
8 actions that are on appeal, actions for which the time for
9 filing an appeal has not expired, and actions that may be
10 subject to modification. In an action pending before any court,
11 the Court of Claims, or other tribunal on January 1, 2012 in
12 which the Commission is a party, the Department shall be
13 substituted for the Commission as a party. When the Department
14 is substituted for the Commission as a party, the Commission
15 shall deliver to the Department copies of all records,
16 documents, communications, and other materials in its
17 possession relating to the action.

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

26 (d) An appeal pending under the Workers' Compensation Act

1 or the Workers' Occupational Diseases Act in the Supreme Court
2 or Appellate Court on or after January 1, 2012 that
3 subsequently requires a remand shall be remanded to the
4 appropriate court.

5 (e) An appeal pending under the Workers' Compensation Act
6 or the Workers' Occupational Diseases Act in a circuit court on
7 or after January 1, 2012 may not be remanded by the circuit
8 court. The circuit court shall enter a final judgment or order
9 fully disposing of any such appeal.

10 (f) If a cause of action accrued before January 1, 2012,
11 venue shall lie in the county in which the alleged accidental
12 injury or last exposure occurred, unless the alleged accidental
13 injury or last exposure occurred outside Illinois and the
14 claimant resides in Illinois, in which case venue shall lie in
15 the county in which the claimant resides. In matters not
16 covered by the preceding sentence in which the cause of action
17 accrued before January 1, 2012, venue shall lie in either
18 Sangamon County, Cook County, or a county in which a person
19 alleged to have violated the Workers' Compensation Act or the
20 Workers' Occupational Diseases Act is located. If a cause of
21 action accrues on or after January 1, 2012, venue shall lie in
22 the county in which the alleged accidental injury or last
23 exposure occurred, unless the alleged accidental injury or last
24 exposure occurred outside Illinois and the claimant resides in
25 Illinois, in which case venue shall lie in the county in which
26 the claimant resides.

1 Section 5-15. Abolition of Commission; succession. Upon
2 carrying out its responsibilities under this Act, the
3 Commission is abolished. For purposes of the Successor Agency
4 Act and Section 9b of the State Finance Act, the Department is
5 the successor to the Commission. Except as otherwise provided
6 in subsection (b) of Section 5-10, the Department succeeds to
7 and assumes all powers, duties, rights, responsibilities,
8 personnel, assets, liabilities, and indebtedness of the
9 Commission. Any reference in any law, rule, form, or other
10 document to the Commission is deemed to be a reference to the
11 Department, except in the case of references in any law, rule,
12 form, or other document to the Commission in its function as a
13 tribunal, in which case those references shall be deemed to be
14 references to the appropriate court. Transfers of personnel or
15 abolition of positions that are subject to the Personnel Code
16 shall be determined by the Department in accordance with the
17 Personnel Code.

18 Section 5-20. Temporary orders. In a proceeding arising
19 from a cause of action that accrues on or after January 1,
20 2012, the court may, notwithstanding the repeal of the Workers'
21 Compensation Act and the Workers' Occupational Diseases Act,
22 enter temporary orders providing for medical care,
23 rehabilitation, disability payments, and other appropriate
24 temporary relief in accordance with the relevant standards of

1 Section 8 of the Workers' Compensation Act as that Section
2 existed immediately before its repeal. A temporary order may be
3 revoked or modified before final judgment for good cause shown.
4 A temporary order terminates when a final judgment is entered
5 or when the action is dismissed.

6 Section 5-25. Funds. The Department shall administer the
7 Injured Workers' Benefit Fund, the Rate Adjustment Fund, the
8 Illinois Workers' Compensation Commission Operations Fund, the
9 Self-Insurers Administration Fund, the Self-Insurers Security
10 Fund, the Workers' Compensation Benefit Trust Fund, and the
11 Second Injury Fund. Subject to appropriation, the Department is
12 authorized to use those funds to pay obligations incurred under
13 the Workers' Compensation Act and the Workers' Occupational
14 Diseases Act, obligations incurred in cases decided under the
15 provisions of the Workers' Compensation Act and the Workers'
16 Occupational Diseases Act as those Acts existed before their
17 repeal, and costs and expenses incurred by the Department in
18 carrying out its responsibilities under this Act. Upon
19 receiving written direction from the Director, the Comptroller
20 and Treasurer shall make transfers among any of the Funds that
21 are necessary to effectuate the purposes of this Section.

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

23 (a) The Department may bring an action in the circuit court
24 to impose penalties, other than criminal penalties, for a

1 violation of the Workers' Compensation Act or the Workers'
2 Occupational Diseases Act that occurred before January 1, 2012
3 or to enforce compliance by any person with any requirement of
4 the Workers' Compensation Act or the Workers' Occupational
5 Diseases Act applying to the person that existed before January
6 1, 2012.

7 (b) The Department and the Department of Insurance shall
8 adopt rules setting forth appropriate insurance or
9 self-insurance requirements for employers with respect to
10 their obligations to employees for causes of action accruing
11 before January 1, 2012.

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

24 Section 5-35. Offsets. To the extent any other benefits
25 were offset by the amount of payments under the Workers'

1 Compensation Act or the Workers' Occupational Diseases Act,
2 those benefits shall be offset by the amount of payments for
3 accidental injury or death arising out of and in the course of
4 employment or for a disease or death arising out of and in the
5 course of the employment or which has become aggravated and
6 rendered disabling as a result of the exposure of the
7 employment. To the extent the amount of payments under the
8 Workers' Compensation Act or the Workers' Occupational
9 Diseases Act were offset by any other benefits, the amount of
10 payments for accidental injury or death arising out of and in
11 the course of employment or for a disease or death arising out
12 of and in the course of the employment or which has become
13 aggravated and rendered disabling as a result of the exposure
14 of the employment shall be offset by those benefits.

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

18 (20 ILCS 405/405-105) (was 20 ILCS 405/64.1)

19 Sec. 405-105. Fidelity, surety, property, and casualty
20 insurance. The Department shall establish and implement a
21 program to coordinate the handling of all fidelity, surety,
22 property, and casualty insurance exposures of the State and the
23 departments, divisions, agencies, branches, and universities
24 of the State. In performing this responsibility, the Department

1 shall have the power and duty to do the following:

2 (1) Develop and maintain loss and exposure data on all
3 State property.

4 (2) Study the feasibility of establishing a
5 self-insurance plan for State property and prepare
6 estimates of the costs of reinsurance for risks beyond the
7 realistic limits of the self-insurance.

8 (3) Prepare a plan for centralizing the purchase of
9 property and casualty insurance on State property under a
10 master policy or policies and purchase the insurance
11 contracted for as provided in the Illinois Purchasing Act.

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

17 (5) Investigate procedures for inclusion of school
18 districts, public community college districts, and other
19 units of local government in programs for the centralized
20 purchase of insurance.

21 (6) Implement recommendations of the State Property
22 Insurance Study Commission that the Department finds
23 necessary or desirable in the performance of its powers and
24 duties under this Section to achieve efficient and
25 comprehensive risk management.

26 (7) Prepare and, in the discretion of the Director,

1 implement a plan providing for the purchase of public
2 liability insurance or for self-insurance for public
3 liability or for a combination of purchased insurance and
4 self-insurance for public liability (i) covering the State
5 and drivers of motor vehicles owned, leased, or controlled
6 by the State of Illinois pursuant to the provisions and
7 limitations contained in the Illinois Vehicle Code, (ii)
8 covering other public liability exposures of the State and
9 its employees within the scope of their employment, and
10 (iii) covering drivers of motor vehicles not owned, leased,
11 or controlled by the State but used by a State employee on
12 State business, in excess of liability covered by an
13 insurance policy obtained by the owner of the motor vehicle
14 or in excess of the dollar amounts that the Department
15 shall determine to be reasonable. Any contract of insurance
16 let under this Law shall be by bid in accordance with the
17 procedure set forth in the Illinois Purchasing Act. Any
18 provisions for self-insurance shall conform to subdivision
19 (11).

20 The term "employee" as used in this subdivision (7) and
21 in subdivision (11) means a person while in the employ of
22 the State who is a member of the staff or personnel of a
23 State agency, bureau, board, commission, committee,
24 department, university, or college or who is a State
25 officer, elected official, commissioner, member of or ex
26 officio member of a State agency, bureau, board,

1 commission, committee, department, university, or college,
2 or a member of the National Guard while on active duty
3 pursuant to orders of the Governor of the State of
4 Illinois, or any other person while using a licensed motor
5 vehicle owned, leased, or controlled by the State of
6 Illinois with the authorization of the State of Illinois,
7 provided the actual use of the motor vehicle is within the
8 scope of that authorization and within the course of State
9 service.

10 Subsequent to payment of a claim on behalf of an
11 employee pursuant to this Section and after reasonable
12 advance written notice to the employee, the Director may
13 exclude the employee from future coverage or limit the
14 coverage under the plan if (i) the Director determines that
15 the claim resulted from an incident in which the employee
16 was grossly negligent or had engaged in willful and wanton
17 misconduct or (ii) the Director determines that the
18 employee is no longer an acceptable risk based on a review
19 of prior accidents in which the employee was at fault and
20 for which payments were made pursuant to this Section.

21 The Director is authorized to promulgate
22 administrative rules that may be necessary to establish and
23 administer the plan.

24 Appropriations from the Road Fund shall be used to pay
25 auto liability claims and related expenses involving
26 employees of the Department of Transportation, the

1 Illinois State Police, and the Secretary of State.

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

5 (9) Establish, through the Director, charges for risk
6 management services rendered to State agencies by the
7 Department. The State agencies so charged shall reimburse
8 the Department by vouchers drawn against their respective
9 appropriations. The reimbursement shall be determined by
10 the Director as amounts sufficient to reimburse the
11 Department for expenditures incurred in rendering the
12 service.

13 The Department shall charge the employing State agency
14 or university for workers' compensation payments or
15 court-ordered payments for temporary total disability paid
16 to any employee after the employee has received temporary
17 total disability payments for 120 days if the employee's
18 treating physician has issued a release to return to work
19 with restrictions and the employee is able to perform
20 modified duty work but the employing State agency or
21 university does not return the employee to work at modified
22 duty. Modified duty shall be duties assigned that may or
23 may not be delineated as part of the duties regularly
24 performed by the employee. Modified duties shall be
25 assigned within the prescribed restrictions established by
26 the treating physician and the physician who performed the

1 independent medical examination. The amount of all
2 reimbursements shall be deposited into the Workers'
3 Compensation Revolving Fund which is hereby created as a
4 revolving fund in the State treasury. In addition to any
5 other purpose authorized by law, moneys in the Fund shall
6 be used, subject to appropriation, to pay these or other
7 temporary total disability claims of employees of State
8 agencies and universities.

9 Beginning with fiscal year 1996, all amounts recovered
10 by the Department through subrogation in workers'
11 compensation and workers' occupational disease cases or
12 other cases for compensation or treatment for accidental
13 injury or death arising out of and in the course of
14 employment or for compensation or treatment for a disease
15 or death arising out of and in the course of the employment
16 or which has become aggravated and rendered disabling as a
17 result of the exposure of the employment shall be deposited
18 into the Workers' Compensation Revolving Fund created
19 under this subdivision (9).

20 (10) Establish rules, procedures, and forms to be used
21 by State agencies in the administration and payment of
22 workers' compensation claims. The Department shall
23 initially evaluate and determine the compensability of any
24 injury that is the subject of a workers' compensation claim
25 and provide for the administration and payment of such a
26 claim for all State agencies. The Director may delegate to

1 any agency with the agreement of the agency head the
2 responsibility for evaluation, administration, and payment
3 of that agency's claims.

4 (11) Any plan for public liability self-insurance
5 implemented under this Section shall provide that (i) the
6 Department shall attempt to settle and may settle any
7 public liability claim filed against the State of Illinois
8 or any public liability claim filed against a State
9 employee on the basis of an occurrence in the course of the
10 employee's State employment; (ii) any settlement of such a
11 claim is not subject to fiscal year limitations and must be
12 approved by the Director and, in cases of settlements
13 exceeding \$100,000, by the Governor; and (iii) a settlement
14 of any public liability claim against the State or a State
15 employee shall require an unqualified release of any right
16 of action against the State and the employee for acts
17 within the scope of the employee's employment giving rise
18 to the claim.

19 Whenever and to the extent that a State employee
20 operates a motor vehicle or engages in other activity
21 covered by self-insurance under this Section, the State of
22 Illinois shall defend, indemnify, and hold harmless the
23 employee against any claim in tort filed against the
24 employee for acts or omissions within the scope of the
25 employee's employment in any proper judicial forum and not
26 settled pursuant to this subdivision (11), provided that

1 this obligation of the State of Illinois shall not exceed a
2 maximum liability of \$2,000,000 for any single occurrence
3 in connection with the operation of a motor vehicle or
4 \$100,000 per person per occurrence for any other single
5 occurrence, or \$500,000 for any single occurrence in
6 connection with the provision of medical care by a licensed
7 physician employee.

8 Any claims against the State of Illinois under a
9 self-insurance plan that are not settled pursuant to this
10 subdivision (11) shall be heard and determined by the Court
11 of Claims and may not be filed or adjudicated in any other
12 forum. The Attorney General of the State of Illinois or the
13 Attorney General's designee shall be the attorney with
14 respect to all public liability self-insurance claims that
15 are not settled pursuant to this subdivision (11) and
16 therefore result in litigation. The payment of any award of
17 the Court of Claims entered against the State relating to
18 any public liability self-insurance claim shall act as a
19 release against any State employee involved in the
20 occurrence.

21 (12) Administer a plan the purpose of which is to make
22 payments on final settlements or final judgments in
23 accordance with the State Employee Indemnification Act.
24 The plan shall be funded through appropriations from the
25 General Revenue Fund specifically designated for that
26 purpose, except that indemnification expenses for

1 employees of the Department of Transportation, the
2 Illinois State Police, and the Secretary of State shall be
3 paid from the Road Fund. The term "employee" as used in
4 this subdivision (12) has the same meaning as under
5 subsection (b) of Section 1 of the State Employee
6 Indemnification Act. Subject to sufficient appropriation,
7 the Director shall approve payment of any claim, without
8 regard to fiscal year limitations, presented to the
9 Director that is supported by a final settlement or final
10 judgment when the Attorney General and the chief officer of
11 the public body against whose employee the claim or cause
12 of action is asserted certify to the Director that the
13 claim is in accordance with the State Employee
14 Indemnification Act and that they approve of the payment.
15 In no event shall an amount in excess of \$150,000 be paid
16 from this plan to or for the benefit of any claimant.

17 (13) Administer a plan the purpose of which is to make
18 payments on final settlements or final judgments for
19 employee wage claims in situations where there was an
20 appropriation relevant to the wage claim, the fiscal year
21 and lapse period have expired, and sufficient funds were
22 available to pay the claim. The plan shall be funded
23 through appropriations from the General Revenue Fund
24 specifically designated for that purpose.

25 Subject to sufficient appropriation, the Director is
26 authorized to pay any wage claim presented to the Director

1 that is supported by a final settlement or final judgment
2 when the chief officer of the State agency employing the
3 claimant certifies to the Director that the claim is a
4 valid wage claim and that the fiscal year and lapse period
5 have expired. Payment for claims that are properly
6 submitted and certified as valid by the Director shall
7 include interest accrued at the rate of 7% per annum from
8 the forty-fifth day after the claims are received by the
9 Department or 45 days from the date on which the amount of
10 payment is agreed upon, whichever is later, until the date
11 the claims are submitted to the Comptroller for payment.
12 When the Attorney General has filed an appearance in any
13 proceeding concerning a wage claim settlement or judgment,
14 the Attorney General shall certify to the Director that the
15 wage claim is valid before any payment is made. In no event
16 shall an amount in excess of \$150,000 be paid from this
17 plan to or for the benefit of any claimant.

18 Nothing in Public Act 84-961 shall be construed to
19 affect in any manner the jurisdiction of the Court of
20 Claims concerning wage claims made against the State of
21 Illinois.

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

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

1 (20 ILCS 405/405-411)

2 Sec. 405-411. Consolidation of workers' compensation
3 functions.

4 (a) Notwithstanding any other law to the contrary, the
5 Director of Central Management Services, working in
6 cooperation with the Director of any other agency, department,
7 board, or commission directly responsible to the Governor, may
8 direct the consolidation, within the Department of Central
9 Management Services, of those workers' compensation functions
10 at that agency, department, board, or commission that are
11 suitable for centralization.

12 Upon receipt of the written direction to transfer workers'
13 compensation functions to the Department of Central Management
14 Services, the personnel, equipment, and property (both real and
15 personal) directly relating to the transferred functions shall
16 be transferred to the Department of Central Management
17 Services, and the relevant documents, records, and
18 correspondence shall be transferred or copied, as the Director
19 may prescribe.

20 (b) Upon receiving written direction from the Director of
21 Central Management Services, the Comptroller and Treasurer are
22 authorized to transfer the unexpended balance of any
23 appropriations related to the workers' compensation functions
24 transferred to the Department of Central Management Services
25 and shall make the necessary fund transfers from the General

1 Revenue Fund, any special fund in the State treasury, or any
2 other federal or State trust fund held by the Treasurer to the
3 Workers' Compensation Revolving Fund for use by the Department
4 of Central Management Services in support of workers'
5 compensation functions or any other related costs or expenses
6 of the Department of Central Management Services.

7 (c) The rights of employees and the State and its agencies
8 under the Personnel Code and applicable collective bargaining
9 agreements or under any pension, retirement, or annuity plan
10 shall not be affected by any transfer under this Section.

11 (d) The functions transferred to the Department of Central
12 Management Services by this Section shall be vested in and
13 shall be exercised by the Department of Central Management
14 Services. Each act done in the exercise of those functions
15 shall have the same legal effect as if done by the agencies,
16 offices, divisions, departments, bureaus, boards and
17 commissions from which they were transferred.

18 Every person or other entity shall be subject to the same
19 obligations and duties and any penalties, civil or criminal,
20 arising therefrom, and shall have the same rights arising from
21 the exercise of such rights, powers, and duties as had been
22 exercised by the agencies, offices, divisions, departments,
23 bureaus, boards, and commissions from which they were
24 transferred.

25 Whenever reports or notices are now required to be made or
26 given or papers or documents furnished or served by any person

1 in regards to the functions transferred to or upon the
2 agencies, offices, divisions, departments, bureaus, boards,
3 and commissions from which the functions were transferred, the
4 same shall be made, given, furnished or served in the same
5 manner to or upon the Department of Central Management
6 Services.

7 This Section does not affect any act done, ratified, or
8 cancelled or any right occurring or established or any action
9 or proceeding had or commenced in an administrative, civil, or
10 criminal cause regarding the functions transferred, but those
11 proceedings may be continued by the Department of Central
12 Management Services.

13 This Section does not affect the legality of any rules in
14 the Illinois Administrative Code regarding the functions
15 transferred in this Section that are in force on the effective
16 date of this Section. If necessary, however, the affected
17 agencies shall propose, adopt, or repeal rules, rule
18 amendments, and rule recodifications as appropriate to
19 effectuate this Section.

20 (e) On and after January 1, 2012, "workers' compensation
21 functions" also includes functions related to claims for
22 compensation or treatment for accidental injury or death
23 arising out of and in the course of employment and compensation
24 or treatment for a disease or death arising out of and in the
25 course of the employment or which has become aggravated and
26 rendered disabling as a result of the exposure of the

1 employment.

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

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

5 (30 ILCS 105/6z-64)

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

7 (a) The Workers' Compensation Revolving Fund is created as
8 a revolving fund, not subject to fiscal year limitations, in
9 the State treasury. The following moneys shall be deposited
10 into the Fund:

11 (1) amounts authorized for transfer to the Fund from
12 the General Revenue Fund and other State funds (except for
13 funds classified by the Comptroller as federal trust funds
14 or State trust funds) pursuant to State law or Executive
15 Order;

16 (2) federal funds received by the Department of Central
17 Management Services (the "Department") as a result of
18 expenditures from the Fund;

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

20 (4) receipts or inter-fund transfers resulting from
21 billings issued by the Department to State agencies and
22 universities for the cost of workers' compensation
23 services rendered by the Department that are not
24 compensated through the specific fund transfers authorized

1 by this Section, if any;

2 (5) amounts received from a State agency or university
3 for workers' compensation payments or court-ordered
4 payments for temporary total disability, as provided in
5 Section 405-105 of the Department of Central Management
6 Services Law of the Civil Administrative Code of Illinois;
7 and

8 (6) amounts recovered through subrogation in workers'
9 compensation and workers' occupational disease cases or
10 other cases for compensation or treatment for accidental
11 injury or death arising out of and in the course of
12 employment or for compensation or treatment for a disease
13 or death arising out of and in the course of the employment
14 or which has become aggravated and rendered disabling as a
15 result of the exposure of the employment.

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

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

20 (2) providing for payment of administrative and other
21 expenses incurred by the Department in providing workers'
22 compensation services.

23 (c) State agencies may direct the Comptroller to process
24 inter-fund transfers or make payment through the voucher and
25 warrant process to the Workers' Compensation Revolving Fund in
26 satisfaction of billings issued under subsection (a) of this

1 Section.

2 (d) Reconciliation. For the fiscal year beginning on July
3 1, 2004 only, the Director of Central Management Services (the
4 "Director") shall order that each State agency's payments and
5 transfers made to the Fund be reconciled with actual Fund costs
6 for workers' compensation services provided by the Department
7 and attributable to the State agency and relevant fund on no
8 less than an annual basis. The Director may require reports
9 from State agencies as deemed necessary to perform this
10 reconciliation.

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

19	Mental Health Fund	\$17,694,000
20	Statistical Services Revolving Fund	\$1,252,600
21	Department of Corrections Reimbursement	
22	and Education Fund	\$1,198,600
23	Communications Revolving Fund	\$535,400
24	Child Support Administrative Fund	\$441,900
25	Health Insurance Reserve Fund	\$238,900
26	Fire Prevention Fund	\$234,100

1	Park and Conservation Fund	\$142,000
2	Motor Fuel Tax Fund	\$132,800
3	Illinois Workers' Compensation	
4	Commission Operations Fund	\$123,900
5	State Boating Act Fund	\$112,300
6	Public Utility Fund	\$106,500
7	State Lottery Fund	\$101,300
8	Traffic and Criminal Conviction	
9	Surcharge Fund	\$88,500
10	State Surplus Property Revolving Fund	\$82,700
11	Natural Areas Acquisition Fund	\$65,600
12	Securities Audit and Enforcement Fund	\$65,200
13	Agricultural Premium Fund	\$63,400
14	Capital Development Fund	\$57,500
15	State Gaming Fund	\$54,300
16	Underground Storage Tank Fund	\$53,700
17	Illinois State Medical Disciplinary Fund	\$53,000
18	Personal Property Tax Replacement Fund	\$53,000
19	General Professions Dedicated Fund	\$51,900
20	Total	\$23,003,100

21 (d-10) Notwithstanding any other provision of State law to
22 the contrary and in addition to any other transfers that may be
23 provided for by law, on the first day of each calendar quarter
24 of the fiscal year beginning July 1, 2005, or as soon as may be
25 practical thereafter, the State Comptroller shall direct and
26 the State Treasurer shall transfer from each designated fund

1 into the Workers' Compensation Revolving Fund amounts equal to
2 one-fourth of each of the following totals:

3	General Revenue Fund	\$34,000,000
4	Road Fund	\$25,987,000
5	Total	\$59,987,000

6 (d-12) Notwithstanding any other provision of State law to
7 the contrary and in addition to any other transfers that may be
8 provided for by law, on the effective date of this amendatory
9 Act of the 94th General Assembly, or as soon as may be
10 practical thereafter, the State Comptroller shall direct and
11 the State Treasurer shall transfer from each designated fund
12 into the Workers' Compensation Revolving Fund the following
13 amounts:

14	General Revenue Fund	\$10,000,000
15	Road Fund	\$5,000,000
16	Total	\$15,000,000

17 (d-15) 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, 2006, 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	\$44,028,200
25	Road Fund	\$28,084,000
26	Total	\$72,112,200

1 (d-20) Notwithstanding any other provision of State law to
2 the contrary, on or after July 1, 2006 and until June 30, 2007,
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 Mental Health Fund \$19,121,800

10 Statistical Services Revolving Fund \$1,353,700

11 Department of Corrections Reimbursement

12 and Education Fund \$1,295,300

13 Communications Revolving Fund \$578,600

14 Child Support Administrative Fund \$477,600

15 Health Insurance Reserve Fund \$258,200

16 Fire Prevention Fund \$253,000

17 Park and Conservation Fund \$153,500

18 Motor Fuel Tax Fund \$143,500

19 Illinois Workers' Compensation

20 Commission Operations Fund \$133,900

21 State Boating Act Fund \$121,400

22 Public Utility Fund \$115,100

23 State Lottery Fund \$109,500

24 Traffic and Criminal Conviction Surcharge Fund .. \$95,700

25 State Surplus Property Revolving Fund \$89,400

26 Natural Areas Acquisition Fund \$70,800

1	Securities Audit and Enforcement Fund	\$70,400
2	Agricultural Premium Fund	\$68,500
3	State Gaming Fund	\$58,600
4	Underground Storage Tank Fund	\$58,000
5	Illinois State Medical Disciplinary Fund	\$57,200
6	Personal Property Tax Replacement Fund	\$57,200
7	General Professions Dedicated Fund	\$56,100
8	Total	\$24,797,000

9 (d-25) Notwithstanding any other provision of State law to
10 the contrary and in addition to any other transfers that may be
11 provided for by law, on July 1, 2009, or as soon as may be
12 practical thereafter, the State Comptroller shall direct and
13 the State Treasurer shall transfer from each designated fund
14 into the Workers' Compensation Revolving Fund the following
15 amounts:

16	General Revenue Fund	\$55,000,000
17	Road Fund	\$34,803,000
18	Total	\$89,803,000

19 (d-30) Notwithstanding any other provision of State law to
20 the contrary, on or after July 1, 2009 and until June 30, 2010,
21 in addition to any other transfers that may be provided for by
22 law, at the direction of and upon notification of the Director
23 of Central Management Services, the State Comptroller shall
24 direct and the State Treasurer shall transfer amounts into the
25 Workers' Compensation Revolving Fund from the designated funds
26 not exceeding the following totals:

1	Food and Drug Safety Fund	\$13,900
2	Teacher Certificate Fee Revolving Fund	\$6,500
3	Transportation Regulatory Fund	\$14,500
4	Financial Institution Fund	\$25,200
5	General Professions Dedicated Fund	\$25,300
6	Illinois Veterans' Rehabilitation Fund	\$64,600
7	State Boating Act Fund	\$177,100
8	State Parks Fund	\$104,300
9	Lobbyist Registration Administration Fund	\$14,400
10	Agricultural Premium Fund	\$79,100
11	Fire Prevention Fund	\$360,200
12	Mental Health Fund	\$9,725,200
13	Illinois State Pharmacy Disciplinary Fund	\$5,600
14	Public Utility Fund	\$40,900
15	Radiation Protection Fund	\$14,200
16	Firearm Owner's Notification Fund	\$1,300
17	Solid Waste Management Fund	\$74,100
18	Illinois Gaming Law Enforcement Fund	\$17,800
19	Subtitle D Management Fund	\$14,100
20	Illinois State Medical Disciplinary Fund	\$26,500
21	Facility Licensing Fund	\$11,700
22	Plugging and Restoration Fund	\$9,100
23	Explosives Regulatory Fund	\$2,300
24	Aggregate Operations Regulatory Fund	\$5,000
25	Coal Mining Regulatory Fund	\$1,900
26	Registered Certified Public Accountants'	

1	Administration and Disciplinary Fund	\$1,500
2	Weights and Measures Fund	\$56,100
3	Division of Corporations Registered	
4	Limited Liability Partnership Fund	\$3,900
5	Illinois School Asbestos Abatement Fund	\$14,000
6	Secretary of State Special License Plate Fund	\$30,700
7	Capital Development Board Revolving Fund	\$27,000
8	DCFS Children's Services Fund	\$69,300
9	Asbestos Abatement Fund	\$17,200
10	Illinois Health Facilities Planning Fund	\$26,800
11	Emergency Public Health Fund	\$5,600
12	Nursing Dedicated and Professional Fund	\$10,000
13	Optometric Licensing and Disciplinary	
14	Board Fund	\$1,600
15	Underground Resources Conservation	
16	Enforcement Fund	\$11,500
17	Drunk and Drugged Driving Prevention Fund	\$18,200
18	Long Term Care Monitor/Receiver Fund	\$35,400
19	Community Water Supply Laboratory Fund	\$5,600
20	Securities Investors Education Fund	\$2,000
21	Used Tire Management Fund	\$32,400
22	Natural Areas Acquisition Fund	\$101,200
23	Open Space Lands Acquisition	
24	and Development Fund	\$28,400
25	Working Capital Revolving Fund	\$489,100
26	State Garage Revolving Fund	\$791,900

1	Statistical Services Revolving Fund	\$3,984,700
2	Communications Revolving Fund	\$1,432,800
3	Facilities Management Revolving Fund	\$1,911,600
4	Professional Services Fund	\$483,600
5	Motor Vehicle Review Board Fund	\$15,000
6	Environmental Laboratory Certification Fund	\$3,000
7	Public Health Laboratory Services	
8	Revolving Fund	\$2,500
9	Lead Poisoning Screening, Prevention,	
10	and Abatement Fund	\$28,200
11	Securities Audit and Enforcement Fund	\$258,400
12	Department of Business Services	
13	Special Operations Fund	\$111,900
14	Feed Control Fund	\$20,800
15	Tanning Facility Permit Fund	\$5,400
16	Plumbing Licensure and Program Fund	\$24,400
17	Tax Compliance and Administration Fund	\$27,200
18	Appraisal Administration Fund	\$2,400
19	Small Business Environmental Assistance Fund	\$2,200
20	Illinois State Fair Fund	\$31,400
21	Secretary of State Special Services Fund	\$317,600
22	Department of Corrections Reimbursement	
23	and Education Fund	\$324,500
24	Health Facility Plan Review Fund	\$31,200
25	Illinois Historic Sites Fund	\$11,500
26	Attorney General Court Ordered and Voluntary	

1	Compliance Payment Projects Fund	\$18,500
2	Public Pension Regulation Fund	\$5,600
3	Illinois Charity Bureau Fund	\$11,400
4	Renewable Energy Resources Trust Fund	\$6,700
5	Energy Efficiency Trust Fund	\$3,600
6	Pesticide Control Fund	\$56,800
7	Attorney General Whistleblower Reward	
8	and Protection Fund	\$14,200
9	Partners for Conservation Fund	\$36,900
10	Capital Litigation Trust Fund	\$800
11	Motor Vehicle License Plate Fund	\$99,700
12	Horse Racing Fund	\$18,900
13	Death Certificate Surcharge Fund	\$12,800
14	Auction Regulation Administration Fund	\$500
15	Motor Carrier Safety Inspection Fund	\$55,800
16	Assisted Living and Shared Housing	
17	Regulatory Fund	\$900
18	Illinois Thoroughbred Breeders Fund	\$9,200
19	Illinois Clean Water Fund	\$42,300
20	Secretary of State DUI Administration Fund	\$16,100
21	Child Support Administrative Fund	\$1,037,900
22	Secretary of State Police Services Fund	\$1,200
23	Tourism Promotion Fund	\$34,400
24	IMSA Income Fund	\$12,700
25	Presidential Library and Museum Operating Fund ..	\$83,000
26	Dram Shop Fund	\$44,500

1	Illinois State Dental Disciplinary Fund	\$5,700
2	Cycle Rider Safety Training Fund	\$8,700
3	Traffic and Criminal Conviction Surcharge Fund ..	\$106,100
4	Design Professionals Administration	
5	and Investigation Fund	\$4,500
6	State Police Services Fund	\$276,100
7	Metabolic Screening and Treatment Fund	\$90,800
8	Insurance Producer Administration Fund	\$45,600
9	Coal Technology Development Assistance Fund	\$11,700
10	Hearing Instrument Dispenser Examining	
11	and Disciplinary Fund	\$1,900
12	Low-Level Radioactive Waste Facility	
13	Development and Operation Fund	\$1,000
14	Environmental Protection Permit and	
15	Inspection Fund	\$66,900
16	Park and Conservation Fund	\$199,300
17	Local Tourism Fund	\$2,400
18	Illinois Capital Revolving Loan Fund	\$10,000
19	Large Business Attraction Fund	\$100
20	Adeline Jay Geo-Karis Illinois Beach	
21	Marina Fund	\$27,200
22	Public Infrastructure Construction	
23	Loan Revolving Fund	\$1,700
24	Insurance Financial Regulation Fund	\$69,200
25	Total	\$24,197,800
26	(d-35) 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, 2010, 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	\$50,955,300
9	Total	\$105,955,300

10 (d-40) Notwithstanding any other provision of State law to
 11 the contrary, on or after July 1, 2010 and until June 30, 2011,
 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	\$8,700
19	Financial Institution Fund	\$44,500
20	General Professions Dedicated Fund	\$51,400
21	Live and Learn Fund	\$10,900
22	Illinois Veterans' Rehabilitation Fund	\$106,000
23	State Boating Act Fund	\$288,200
24	State Parks Fund	\$185,900
25	Wildlife and Fish Fund	\$1,550,300
26	Lobbyist Registration Administration Fund	\$18,100

1	Agricultural Premium Fund	\$176,100
2	Mental Health Fund	\$291,900
3	Firearm Owner's Notification Fund	\$2,300
4	Illinois Gaming Law Enforcement Fund	\$11,300
5	Illinois State Medical Disciplinary Fund	\$42,300
6	Facility Licensing Fund	\$14,200
7	Plugging and Restoration Fund	\$15,600
8	Explosives Regulatory Fund	\$4,800
9	Aggregate Operations Regulatory Fund	\$6,000
10	Coal Mining Regulatory Fund	\$7,200
11	Registered Certified Public Accountants'	
12	Administration and Disciplinary Fund	\$1,900
13	Weights and Measures Fund	\$105,200
14	Division of Corporations Registered	
15	Limited Liability Partnership Fund	\$5,300
16	Illinois School Asbestos Abatement Fund	\$19,900
17	Secretary of State Special License Plate Fund	\$38,700
18	DCFS Children's Services Fund	\$123,100
19	Illinois Health Facilities Planning Fund	\$29,700
20	Emergency Public Health Fund	\$6,800
21	Nursing Dedicated and Professional Fund	\$13,500
22	Optometric Licensing and Disciplinary	
23	Board Fund	\$1,800
24	Underground Resources Conservation	
25	Enforcement Fund	\$16,500
26	Mandatory Arbitration Fund	\$5,400

1	Drunk and Drugged Driving Prevention Fund	\$26,400
2	Long Term Care Monitor/Receiver Fund	\$43,800
3	Securities Investors Education Fund	\$28,500
4	Used Tire Management Fund	\$6,300
5	Natural Areas Acquisition Fund	\$185,000
6	Open Space Lands Acquisition and	
7	Development Fund	\$46,800
8	Working Capital Revolving Fund	\$741,500
9	State Garage Revolving Fund	\$356,200
10	Statistical Services Revolving Fund	\$1,775,900
11	Communications Revolving Fund	\$630,600
12	Facilities Management Revolving Fund	\$870,800
13	Professional Services Fund	\$275,500
14	Motor Vehicle Review Board Fund	\$12,900
15	Public Health Laboratory Services	
16	Revolving Fund	\$5,300
17	Lead Poisoning Screening, Prevention,	
18	and Abatement Fund	\$42,100
19	Securities Audit and Enforcement Fund	\$162,700
20	Department of Business Services	
21	Special Operations Fund	\$143,700
22	Feed Control Fund	\$32,300
23	Tanning Facility Permit Fund	\$3,900
24	Plumbing Licensure and Program Fund	\$32,600
25	Tax Compliance and Administration Fund	\$48,400
26	Appraisal Administration Fund	\$3,600

1	Illinois State Fair Fund	\$30,200
2	Secretary of State Special Services Fund	\$214,400
3	Department of Corrections Reimbursement	
4	and Education Fund	\$438,300
5	Health Facility Plan Review Fund	\$29,900
6	Public Pension Regulation Fund	\$9,900
7	Pesticide Control Fund	\$107,500
8	Partners for Conservation Fund	\$189,300
9	Motor Vehicle License Plate Fund	\$143,800
10	Horse Racing Fund	\$20,900
11	Death Certificate Surcharge Fund	\$16,800
12	Auction Regulation Administration Fund	\$1,000
13	Motor Carrier Safety Inspection Fund	\$56,800
14	Assisted Living and Shared Housing	
15	Regulatory Fund	\$2,200
16	Illinois Thoroughbred Breeders Fund	\$18,100
17	Secretary of State DUI Administration Fund	\$19,800
18	Child Support Administrative Fund	\$1,809,500
19	Secretary of State Police Services Fund	\$2,500
20	Medical Special Purposes Trust Fund	\$20,400
21	Dram Shop Fund	\$57,200
22	Illinois State Dental Disciplinary Fund	\$9,500
23	Cycle Rider Safety Training Fund	\$12,200
24	Traffic and Criminal Conviction Surcharge Fund ..	\$128,900
25	Design Professionals Administration	
26	and Investigation Fund	\$7,300

1	State Police Services Fund	\$335,700
2	Metabolic Screening and Treatment Fund	\$81,600
3	Insurance Producer Administration Fund	\$77,000
4	Hearing Instrument Dispenser Examining	
5	and Disciplinary Fund	\$1,900
6	Park and Conservation Fund	\$361,500
7	Adeline Jay Geo-Karis Illinois Beach	
8	Marina Fund	\$42,800
9	Insurance Financial Regulation Fund	\$108,000
10	Total	\$13,033,200

11 (e) The term "workers' compensation services" means
12 services, claims expenses, and related administrative costs
13 incurred in performing the duties under Sections 405-105 and
14 405-411 of the Department of Central Management Services Law of
15 the Civil Administrative Code of Illinois and performing
16 similar duties with respect to actions for compensation or
17 treatment for accidental injury or death arising out of and in
18 the course of employment or for compensation or treatment for a
19 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.

22 (Source: P.A. 95-744, eff. 7-18-08; 96-45, eff. 7-15-09;
23 96-959, eff. 7-1-10.)

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

1 (215 ILCS 5/5.1 new)

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

7 The Department and the Department of Labor shall adopt
8 rules setting forth appropriate insurance or self-insurance
9 requirements for employers with respect to their obligations to
10 employees for causes of action accruing before January 1, 2012.

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

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

17 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

18 Sec. 8. Court of Claims jurisdiction; deliberation
19 periods. The court shall have exclusive jurisdiction to hear
20 and determine the following matters:

21 (a) All claims against the State founded upon any law of
22 the State of Illinois or upon any regulation adopted thereunder
23 by an executive or administrative officer or agency; provided,

1 however, the court shall not have jurisdiction (i) to hear or
2 determine ~~claims arising under the Workers' Compensation Act or~~
3 ~~the Workers' Occupational Diseases Act, or~~ claims for expenses
4 in civil litigation, or (ii) to review administrative decisions
5 for which a statute provides that review shall be in the
6 circuit or appellate court.

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

9 (c) All claims against the State for time unjustly served
10 in prisons of this State when the person imprisoned received a
11 pardon from the governor stating that such pardon is issued on
12 the ground of innocence of the crime for which he or she was
13 imprisoned or he or she received a certificate of innocence
14 from the Circuit Court as provided in Section 2-702 of the Code
15 of Civil Procedure; provided, the amount of the award is at the
16 discretion of the court; and provided, the court shall make no
17 award in excess of the following amounts: for imprisonment of 5
18 years or less, not more than \$85,350; for imprisonment of 14
19 years or less but over 5 years, not more than \$170,000; for
20 imprisonment of over 14 years, not more than \$199,150; and
21 provided further, the court shall fix attorney's fees not to
22 exceed 25% of the award granted. On or after the effective date
23 of this amendatory Act of the 95th General Assembly, the court
24 shall annually adjust the maximum awards authorized by this
25 subsection (c) to reflect the increase, if any, in the Consumer
26 Price Index For All Urban Consumers for the previous calendar

1 year, as determined by the United States Department of Labor,
2 except that no annual increment may exceed 5%. For the annual
3 adjustments, if the Consumer Price Index decreases during a
4 calendar year, there shall be no adjustment for that calendar
5 year. The transmission by the Prisoner Review Board or the
6 clerk of the circuit court of the information described in
7 Section 11(b) to the clerk of the Court of Claims is conclusive
8 evidence of the validity of the claim. The changes made by this
9 amendatory Act of the 95th General Assembly apply to all claims
10 pending on or filed on or after the effective date.

11 (d) All claims against the State for damages in cases
12 sounding in tort, if a like cause of action would lie against a
13 private person or corporation in a civil suit, and all like
14 claims sounding in tort against the Medical Center Commission,
15 the Board of Trustees of the University of Illinois, the Board
16 of Trustees of Southern Illinois University, the Board of
17 Trustees of Chicago State University, the Board of Trustees of
18 Eastern Illinois University, the Board of Trustees of Governors
19 State University, the Board of Trustees of Illinois State
20 University, the Board of Trustees of Northeastern Illinois
21 University, the Board of Trustees of Northern Illinois
22 University, the Board of Trustees of Western Illinois
23 University, or the Board of Trustees of the Illinois
24 Mathematics and Science Academy; provided, that an award for
25 damages in a case sounding in tort, other than certain cases
26 involving the operation of a State vehicle described in this

1 paragraph, shall not exceed the sum of \$100,000 to or for the
2 benefit of any claimant. The \$100,000 limit prescribed by this
3 Section does not apply to an award of damages in any case
4 sounding in tort arising out of the operation by a State
5 employee of a vehicle owned, leased or controlled by the State.
6 The defense that the State or the Medical Center Commission or
7 the Board of Trustees of the University of Illinois, the Board
8 of Trustees of Southern Illinois University, the Board of
9 Trustees of Chicago State University, the Board of Trustees of
10 Eastern Illinois University, the Board of Trustees of Governors
11 State University, the Board of Trustees of Illinois State
12 University, the Board of Trustees of Northeastern Illinois
13 University, the Board of Trustees of Northern Illinois
14 University, the Board of Trustees of Western Illinois
15 University, or the Board of Trustees of the Illinois
16 Mathematics and Science Academy is not liable for the
17 negligence of its officers, agents, and employees in the course
18 of their employment is not applicable to the hearing and
19 determination of such claims.

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

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

26 (g) All claims filed pursuant to the Crime Victims

1 Compensation Act.

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

6 (i) All claims authorized by subsection (a) of Section
7 10-55 of the Illinois Administrative Procedure Act for the
8 expenses incurred by a party in a contested case on the
9 administrative level.

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

25 (k) All claims against the State for compensation or
26 treatment for accidental injury or death arising out of and in

1 the course of employment and for compensation or treatment for
2 a disease or death arising out of and in the course of the
3 employment or which has become aggravated and rendered
4 disabling as a result of the exposure of the employment that
5 accrued before January 1, 2012. Any such claim may be brought
6 within the time limits that were in effect when the cause of
7 action accrued. The claim shall be decided in accordance with
8 the substantive law that was in effect when the cause of action
9 accrued. Procedure shall be governed by court rule.

10 (1) All claims against the State for compensation or
11 treatment for accidental injury or death arising out of and in
12 the course of employment and for compensation or treatment for
13 a disease or death arising out of and in the course of the
14 employment or which has become aggravated and rendered
15 disabling as a result of the exposure of the employment that
16 accrue on or after January 1, 2012.

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

18 (705 ILCS 505/9) (from Ch. 37, par. 439.9)

19 Sec. 9. The court may: A. Establish rules for its
20 government and for the regulation of practice therein; appoint
21 commissioners to assist the court in such manner as it directs
22 and discharge them at will; and exercise such powers as are
23 necessary to carry into effect the powers granted in this
24 Section. Any Commissioner appointed shall be an attorney
25 licensed to practice law in the State of Illinois. The rules

1 established hereunder shall not be waived, and any extension of
2 time authorized by such rules shall only be allowed on motion
3 duly filed within the time limitation for which the extension
4 is requested.

5 B. Issue subpoenas through the Chief Justice or one of its
6 judges or commissioners to require the attendance of witnesses
7 for the purpose of testifying before it, or before any judge of
8 the court, or before any notary public, or any of its
9 commissioners, and to require the production of any books,
10 records, papers or documents that may be material or relevant
11 as evidence in any matter pending before it. In case any person
12 refuses to comply with any subpoena issued in the name of the
13 chief justice, or one of the judges or commissioners, attested
14 by the clerk, with the seal of the court attached, and served
15 upon the person named therein as a summons in a civil action is
16 served, the circuit court of the proper county, on application
17 of the party at whose instance the subpoena was issued, shall
18 compel obedience by attachment proceedings, as for contempt, as
19 in a case of a disobedience of the requirements of a subpoena
20 from such court on a refusal to testify therein.

21 C. Enter temporary orders providing for medical care,
22 rehabilitation, disability payments, and other appropriate
23 temporary relief in accordance with the relevant standards of
24 Section 8 of the Workers' Compensation Act as that Section
25 existed immediately before its repeal in claims against the
26 State for compensation or treatment for accidental injury or

1 death arising out of and in the course of employment and for
2 compensation or treatment for a disease or death arising out of
3 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 that accrue on or after January 1, 2012,
6 notwithstanding the repeal of the Workers' Compensation Act and
7 the Workers' Occupational Diseases Act. A temporary order may
8 be revoked or modified before final judgment for good cause
9 shown. A temporary order terminates when a final judgment is
10 entered or when the action is dismissed.

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

12 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

13 Sec. 22. Except as otherwise provided in subsection (k) of
14 Section 8, every ~~Every~~ claim cognizable by the Court and not
15 otherwise sooner barred by law shall be forever barred from
16 prosecution therein unless it is filed with the Clerk of the
17 Court within the time set forth as follows:

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

23 (b) All claims cognizable against the State by vendors of
24 goods or services under "The Illinois Public Aid Code",
25 approved April 11, 1967, as amended, must file within one year

1 after the accrual of the cause of action, as provided in
2 Section 11-13 of that Code.

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

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

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

25 (f) All claims arising under paragraph (g) of Section 8 of
26 this Act must be filed within one year of the crime on which a

1 claim is based as provided in Section 6.1 of the "Crime Victims
2 Compensation Act", approved August 23, 1973, as amended.

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

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

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

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

19 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;
20 96-328, eff. 8-11-09.)

21 ARTICLE 99. EFFECTIVE DATE

22 Section 99-1. Effective date. This Act takes effect January
23 1, 2012."