

August 24, 2018

To the Honorable Members of
The Illinois Senate,
100th General Assembly:

Today, I return Senate Bill 2481 with specific recommendations for change. We need to balance the need for relieving citizens inadvertently harmed by the state with the burden to which the state and its taxpayers are subjected through litigation awards it cannot afford.

When citizens are inadvertently harmed by the State of Illinois or State employees performing their duties, they are granted statutory recourse to address those harms through the Illinois Court of Claims. There are approximately eight thousand cases filed against the State of Illinois each year, two hundred of which are for torts. Currently, these tort claims are subject to a cap of \$100,000.

I recognize that the current law is outdated and in need of adjustment. However, this adjustment should reflect regional and national averages in order to properly compensate those who, once properly adjudicated, were found harmed by the State of Illinois.

This legislation raises the cap on awards from \$100,000 to \$2,000,000, effectively ignoring the impact of vastly expanded future litigation on the fiscal position of the State and its taxpayers.

The increase stands out when compared to other large states across America. Among the largest states in the nation, the cap averages about \$350,000 for individual claims. As proposed, SB 2481 would make Illinois an extreme outlier when compared to our surrounding states. Wisconsin and Michigan are almost entirely immune from tort liability. Kentucky caps claims at \$250,000; Indiana at \$700,000 and Missouri at \$300,000. Iowa has essentially no cap on tort claims. Further, the increase proposed far outpaces what would be a reasonable increase based on growth statistics available from the United States Department of Labor's Bureau of Labor Statistics. Finally, as proposed, this legislation could invite frivolous lawsuits and expose

taxpayers to hundreds of millions of dollars of potential damages each year without adequate study or justification.

Understanding that, I am adjusting the cap to a more reasonable and justifiable \$300,000.

Therefore, pursuant to Section 9(e) of Article IV of the Illinois Constitution of 1970, I hereby return Senate Bill 2481, entitled "AN ACT concerning courts," with the following recommendation for change:

On page 3, line 16, by replacing "\$2,000,000" with "\$300,000"; and

On page 3, line 17, by replacing "\$2,000,000" with "\$300,000".

With these changes, Senate Bill 2481 will have my approval. I respectfully request your concurrence.

Sincerely,

Bruce Rauner
GOVERNOR