

# VETERAN'S ASSISTANCE COMMISSION 2023 CHANGES

Public Acts 102-0056, 102-0484, 102-0732, & 102-1132

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# PUBLIC ACT 102-0056

## **Counties Code (55 ILCS 5/3-9005(f))**

- In a county with less than 2,000,000 inhabitants, and only upon receipt of a written request by the superintendent of the county Veterans Assistance Commission for the county in which the State's Attorney is located, the State's Attorney shall have the discretionary authority to render an opinion, without fee or reward, upon any question of law relating to a matter in which the county Veterans Assistance Commission may be concerned. The State's Attorney shall have the discretion to grant or decline such a request.

## **Military Veterans Assistance Act\***

- In a county with less than 2,000,000 inhabitants, the superintendent may, in conformance with subsection (f) of Section 3-9005 of the Counties Code, request ~~legal assistance from the State's Attorney serving the county in which the Veterans Assistance Commission is located~~, an opinion upon any question of law relating to a matter in which the county [VAC] may be concerned. With regard to matters involving Section 8 or 9 or subsection (a), (b), or (c) of Section 10, the State's Attorney shall confer with the Office of the Attorney General before rendering an opinion.

\*Markup reflects changes from PA 102-1132

# PUBLIC ACT 102-0484

## **Amends Military Veterans Assistance Act**

- If a post, camp, unit, chapter, ship, or detachment of a military veterans organization serves more than one county, then it shall be permitted to select one delegate and one alternate for the Veterans Assistance Commission in each county in which at least 25% of its members reside. 330 ILCS 45/9

# PUBLIC ACT 102-0732

Make changes affecting Veterans Assistance Commissions (VAC) and how they are funded by amending several statutes :

- Counties Code
- Illinois Public Aid Code (IPAC)
- Military Veterans Assistance Act (MVA)

## PA 102-0732 - COUNTIES CODE (55 ILCS 5/5-2006)

- County Board in counties with a VAC still has authority to levy a tax not to exceed .03% of the assessed value on all taxable property for the purpose providing assistance to military veterans and their families.
- The tax is now considered a separate tax from all other taxes which the county is authorized to levy on the aggregate valuation of property within the county.
- Tax collected must be placed into a special fund in the county treasury (same as previously), "or disbursed from the county treasury of a county in which a properly organized VAC is authorized under Section 3-11008 of the Counties Code" (new language).
- Now where a VAC has been created, "those County [VAC]s shall be in charge of the administration of such assistance provided under the Illinois Public Aid Code for military veterans and their families.")

## PA 102-00732 – MVA AMENDMENTS (330 ILCS 45/1)

- Adds definition of "Veterans Service Organization" means "a post, ship, camp, chapter, or detachment of a congressionally chartered or state chartered organization."
- Changes "Overseer of military veterans assistance" to "Administrator of veterans assistance" and adds the commanders of the various veterans service organizations, the superintendent of a county VAC to definition

## PA 102-00732 – MVA AMENDMENTS (330 ILCS 45/2)

- Adds the phrase "just, necessary, and needed assistance"
- Changes eligibility from last discharge from the service being honorable to being honorable or general under honorable conditions.
- Adds 330 ILCS 45/2 (1)(A) - funding for VAC's can be derived from 3 sources:
  1. Tax levied under 5-2006 of Counties Code and 12-21.13 of Illinois Public Aid Code.
  2. Funds from the county general corporate fund; and
  3. State funds from the Department of Human Services

## PA 102-00732 – MVA AMENDMENTS (330 ILCS 45/2) CONT.

Adds 330 ILCS 45/2 (1)(B) - “The **minimum amount to be provided annually to [VACs]** is provided in **Section 12-21.13 of the Illinois Public Aid Code**, unless the delegates of the County Veterans Assistance Commission determine that a lesser amount covers the just and necessary sums.”

**Section 12-21.13 of IPAC** (not amended in this Public Act) provides a minimum levy that a County must levy to qualify for State funds to supplement local funds for public aid purpose.

- “In [counties under 3 million with a VAC], **the county shall levy** for assistance to military veterans and their families, within the time that such levy is authorized to be made, a tax of an amount which, when added to the unobligated balance available for such purpose at the close of the preceding fiscal year will **equal .02% of the last known assessed value** of the taxable property in the county, **or which will equal .03% of such assessed value if such higher amount is authorized by the electors** of the county, as provided in Section 5-2006 of the Counties Code.”
- Unless unobligated balance equal to .02% then no tax need be levied

## PA 102-00732 – MVA AMENDMENTS (330 ILCS 45/2) CONT.

- Amends 330 ILCS 45/2 (3) which states the sums of money shall be drawn in the manner provided in 5-2006 of the Counties Code and Section 12-21.13 of the Illinois Public Aid Code.

# PA 102-00732 – MVA AMENDMENTS (330 ILCS 45/5)

- Now provides the county auditor with authority to require that the quartermaster, commandant, or superintendent of the VAC to get a bond with “sufficient and satisfactory sureties for the faithful and honest discharge of their duties.”
- Pursuant to 330 ILCS 45/10, the VAC could already require a bond of \$2,000 for their respective superintended.

# PA 102-00732 – MVA AMENDMENTS (330 ILCS 45/9)

If counties have two or more veteran service organizations, the veteran service organizations may come together to form a VAC of such county.

The Veterans Assistance Commission of such county may act as the central service office for all veterans and their families and for the families of deceased veterans.

Adds language to subsection (c) - states that the Veterans Assistance Commission shall be in charge of the administration of any benefits provided under Articles VI and IX of the Illinois Public Aid Code for military veterans and their families. The Veterans Assistance Commission shall represent veterans in their application for benefits through State and federal agencies, including representing veterans in their appeals of adverse decisions.

# PUBLIC ACT 102-1132

Trailer legislation, signed in 2023

Counties Code

Military Veterans Assistance Act (MVA)

PA 102-1132 – COUNTIES CODE  
SECTION 5-2006 (55 ILCS 5/5-2006)

- “The proceeds of any tax so levied shall be used exclusively for the assistance purposes authorized thereunder, and a portion thereof may be expended for the salaries ~~or expenses~~ of any officers or employees of the Veterans Assistance Commission, **for the authorized reimbursement of any officer or employee of the Veterans Assistance Commission, as provided in Section 10 of the Military Veterans Assistance Act,** or for any other expenses incident to the administration of such assistance.”
- Distinguishing salaries from reimbursements and other expenses while confirming that all would be acceptable uses of levy proceeds.

# PA 102-1132 – MVA AMENDMENTS

## Section 1 (330 ILCS 45/1)

- Amends definition of “Veteran Service Organization” to require that congressionally- or state-chartered organizations (not VACs) must:
  - Be formed by and for veterans,
  - Have paid membership of at least 15 individuals
  - Provide responsible aid, assistance, or service to veteran community

## PA 102-1132 – MVA AMENDMENTS

### Section 8 (330 ILCS 45/8)

- Section currently requires an annual report to the Governor by January 1 on such portions of the transactions of the VAC as the superintendent may deem to be of interest to that organization and the people of the state.
- As amended, requires that the report shall be provided to the County Board Chair and made publicly available online.
  - Does not say that it has to be on the county website

## PA 102-1132 – MVA AMENDMENTS

Section 9 (330 ILCS 45/9) - deals, in large part, with the internal governance and representation of the VAC.

- Curious change to paragraph (a) - “When so organized a Commission shall be clothed with all the powers and **may be** charged with all the duties theretofore devolving upon the different veteran service organizations within the county **as provided in Section 2.**”
  - Why now permissive?
  - What is the point of the reference to Section 2?
    - Section 2 does not discuss any powers or duty or duties of VSO’s
    - Section 2 does not describe the different VSO’s
- Paragraph (a)(1) – “Once selected, delegates and alternates are bound by the Public Officer Prohibited Activities Act.”

# PA 102-1132 – MVA AMENDMENTS

## Section 9 (330 ILCS 45/9)

- Paragraph (a)(2) – 5 or more of same VSO – all of those VSOs are able to select up to 5 delegates and 5 alternates rather than each VSO selecting a delegate and alternate. Effectively a cap at 10 total (5 delegates & 5 alternates)
- Paragraph (a)(5) – formal action requires majority vote of VAC membership. No committee or subgroup “may be granted the power or the authority to act in place of or on behalf of the full [VAC] membership.
- Paragraph (a)(6) – No Superintendent or other employee can be delegate or hold voting rights while employee of VAC.
- Paragraph (a)(7) – cannot bar “any other duly appointed Commission member from attending or otherwise being present during any closed meetings or sessions of that committee or group.”

PA 102-1132 –  
MVA  
AMENDMENTS

Section 9 (330 ILCS 45/9)

- Paragraphs (c), (d), and (e) – deal with the selection, evaluation, and removal of a superintendent by a Commission, respectively.

## PA 102-1132 – MVA AMENDMENTS COUNTY BOARD FRIENDLY

### Section 9 (330 ILCS 45/9)

- Paragraph (a)(9) – “The **county may**, at its discretion, **appoint a representative to the Commission who may attend any public meeting of the Commission**. That representative shall be a **veteran**, **may not have voting rights**, **may not hold any office or title** on the Commission, **and may not be present during any nonpublic meeting of the Commission, except as authorized in this Act**. For matters of executive session, the non-voting county appointee may attend meetings that are closed in accordance with paragraphs (1)[personnel], (3) [fill public office], (5)[lease or purchase of real estate], (6)[setting of price for sale or lease of property], or (11) [litigation] of subsection (c) of Section 2 of the [OMA] for litigation matters not relating to litigation between the Commission and the County.

## PA 102-1132 – MVA AMENDMENTS COUNTY BOARD FRIENDLY

### Section 9 (330 ILCS 45/9)

- Paragraph (g) – “Each [VAC] **shall**, in writing, adopt all applicable policies already established and in place in its respective county, including, but not limited to, policies related to compensation, employee rights, ethics, procurement, and budget, and shall adapt those policies to fit its organizational structure. Those policies shall then be considered the policies of the [VAC] and they shall be implemented and adhered to, accordingly, by the superintendent and by the Commission. **The Commission shall amend its adopted policies whenever a county board amends an applicable policy within 60 days of the county board amendment.**”

## PA 102-1132 – MVA AMENDMENTS COUNTY BOARD FRIENDLY

### Section 9 (330 ILCS 45/9)

- Paragraph (i) – “Each [VAC] shall perform an annual audit in accordance with the Governmental Account Audit Act using either the auditing services provided by its respective county or the services of an independent auditor whose services shall be paid for by the Commission. A copy of that audit report shall be provided to the president or chairperson of the county board.”

PA 102-1132 – MVA  
AMENDMENTS  
VIOLATIONS

Section 9.1 (330 ILCS 45/9.1 new)

- Authorizes the Illinois Attorney General to investigate to determine whether certain sections of the MVA has been violated and commence civil actions to address such violations.
- “injunction; mandamus; revocation; forfeiture or suspension of any funding, rights, privileges, responsibilities, or support, as deemed necessary to ensure compliance; and any other action the court may deem appropriate.”
- Includes subpoena power

PA 102-1132 –  
MVA  
AMENDMENTS  
REMEDIES

Section 9.2 (330 ILCS 45/9.2 new)

- Remedies available to AG in civil actions under the Act
- Injunctive relief
- Restitution to recoup loss of moneys set aside for veterans
- Civil penalty not to exceed \$5,000
- Recover costs

## PA 102-1132 – MVA AMENDMENTS SUPERINTENDENTS & COUNTIES

### Section 10 (330 ILCS 45/10)

- Paragraph (e) – “The county shall provide for the funding of the office and **provide** ~~furnish~~ all necessary **furnishings, supplies, and services as passed by the county board in its annual appropriation, and the county shall provide or fund services, including, but not limited to, human resources and payroll support; information technology services and equipment; telephone services and equipment; printing services and equipment; postage costs; and liability insurance. Any litigation or legal settlement that has a financial impact to the county is subject to the approval of the county board.** ~~telephone, printing, stationery, and postage therefor.”~~

## PA 102-1132 – MVA AMENDMENTS SUPERINTENDENTS & COUNTIES

### Section 10 (330 ILCS 45/10)

- Paragraph (f) (new) – “**The county shall also provide to the employees of the Commission all benefits available to county employees**, including, but not limited to, benefits offered through the [IMRF] or any other applicable county retirement fund; health, life, and dental insurance; and workers compensation insurance. Employer contributions and costs for these benefits, services, and coverages may come from Commission funds. Counties not currently providing benefits to Commission employees must comply with this subsection within 90 days after the effective date of this amendatory Act of the 102nd General Assembly.”
- 90 days = May 11, 2023
- Would seem to suggest the terms should be the same as non-CBA employees
- Keep in mind Superintendents are not subject to civil service laws.

## PA 102-1132 – MVA AMENDMENTS SUPERINTENDENTS & COUNTIES

Section 10 (330 ILCS 45/10)

- Paragraph (i) – Previously indicated authorization for VAC to request legal opinion from local State’s Attorney subject to conferring with Attorney General on certain topics.