



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4121

by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

20 ILCS 2805/37

Amends the Department of Veterans' Affairs Act. Makes changes to the composition of the Illinois Joining Forces Foundation Board. Provides that the Department of Veterans' Affairs, in consultation with the Department of Military Affairs, may propose (rather than adopt) other rules deemed necessary to govern Foundation procedures. Provides that the Foundation must provide notice (rather than written notice) to any entity providing a gift, grant, donation, or bequest to the Foundation that the Foundation is not subject to the provisions of the Public Funds Investment Act. Provides that if the Foundation's funds exceed \$1,000,000 in any year (currently, there is no threshold amount), then it shall be subject to specified audits under the Illinois State Auditing Act. Provides that if the Foundation is funded below \$1,000,000 annually, then the Foundation shall be exempt from the Illinois State Auditing Act. Provides that the Illinois Joining Forces Foundation shall be exempt from the Open Meetings Act so long as the Foundation does not receive funds from the State of Illinois. Provides that if the Foundation receive grants or funds from the State, then compliance with the Open Meetings Act shall be compulsory. Deletes provisions providing that the Foundation is not eligible for any grant administered or funded by the Department of Veterans' Affairs or the Department of Military Affairs. Makes other changes. Effective immediately.

LRB100 15115 MJP 29966 b

1 AN ACT concerning State government.

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

4 Section 5. The Department of Veterans' Affairs Act is
5 amended by changing Section 37 as follows:

6 (20 ILCS 2805/37)

7 Sec. 37. Illinois Joining Forces Foundation.

8 (a) The General Assembly finds that navigating the "sea of
9 goodwill" for those who serve in uniform is one of the greatest
10 challenges that transitioning veterans face; as a result, they
11 risk being unable to access many of the federal, State, and
12 non-profit resources available to them. Recognizing this
13 problem, the Department of Veterans' Affairs and the Department
14 of Military Affairs acted to establish the Illinois Joining
15 Forces initiative, a public-private network of military and
16 veteran-serving organizations that are working together, in
17 person and online, to create a no-wrong-door system of support
18 for the State's military and veteran communities. Illinois
19 Joining Forces is a nation-leading model, awarded by the U.S.
20 Department of Veterans Affairs and the National Association of
21 State Directors of Veterans Affairs for its groundbreaking work
22 in creating smarter, collaborative community support for those
23 in uniform, past and present. The foundation created by Public

1 ~~Act 98-986 this amendatory Act of the 98th General Assembly~~
2 will serve to ensure the long-term sustainability of Illinois
3 Joining Forces, which is critically important for the support
4 of the State's military and veteran communities.

5 (b) The Illinois Joining Forces Foundation shall benefit
6 service members, veterans, and their families by:

7 (1) convening military and veteran support
8 organizations, through Illinois Joining Forces working
9 groups, to build cross-sector relationships and mutual
10 awareness;

11 (2) providing policy recommendations through Illinois
12 Joining Forces member working groups to the Illinois
13 Veterans' Advisory Council;

14 (3) facilitating the transfer of information and
15 knowledge among Illinois Joining Forces member
16 organizations;

17 (4) maintaining and continuing to build the
18 no-wrong-door online navigation platform;

19 (5) educating Illinois Joining Forces members and
20 other community providers regarding military and veteran
21 culture and needs, thus improving the collective capacity
22 of the support system; and

23 (6) outreaching directly to service members, veterans,
24 and their families regarding the no-wrong-door system that
25 Illinois Joining Forces provides to them.

26 (c) For the purpose of this Section, "veterans service

1 organization" means an organization that meets all of the
2 following criteria:

3 (1) The organization is formed by and for United States
4 military veterans.

5 (2) The organization is chartered by the United States
6 Congress and incorporated in the State of Illinois.

7 (3) The organization has maintained a State
8 headquarters office in Illinois for the 10-year period
9 immediately preceding August 18, 2014 (the effective date
10 of Public Act 98-986) ~~this amendatory Act of the 98th~~
11 ~~General Assembly.~~

12 (4) The organization maintains at least one office in
13 this State, staffed by a veterans service officer.

14 (5) The organization is capable of preparing a power of
15 attorney for a veteran and processing claims for veterans
16 services.

17 (6) The organization is not funded by the State of
18 Illinois or by any county in this State.

19 (d) The General Assembly authorizes the Department of
20 Veterans' Affairs, in accordance with Section 10 of the State
21 Agency Entity Creation Act, to create the Illinois Joining
22 Forces Foundation as a not-for-profit foundation. The
23 Department shall file articles of incorporation as required
24 under the General Not For Profit Corporation Act of 1986 to
25 create the Foundation. The Foundation's Board shall be
26 organized in accordance with the bylaws of the Foundation. The

1 Foundation bylaws shall, at a minimum, specify ~~of~~ Directors
2 nominated ~~shall be appointed~~ as follows:

3 (1) one member nominated ~~appointed~~ by the Governor;

4 (2) one member nominated ~~appointed~~ by the President of
5 the Senate;

6 (3) one member nominated ~~appointed~~ by the Minority
7 Leader of the Senate;

8 (4) one member nominated ~~appointed~~ by the Speaker of
9 the House of Representatives;

10 (5) one member nominated ~~appointed~~ by the Minority
11 Leader of the House of Representatives;

12 (6) the Director of Veterans' Affairs;

13 (7) the Director of Military Affairs or his or her
14 designee who is a senior management official of the
15 Department of Military Affairs with the authority to make
16 decisions on behalf of the Department of Military Affairs;

17 (8) seven members nominated by the Illinois Joining
18 Forces working groups; and

19 (9) seven members nominated by the Illinois Joining
20 Forces Funders Committee. all of the members of the
21 Illinois Joining Forces Executive Committee, who shall be
22 appointed by the Director of Veterans' Affairs.

23 In addition to any veterans service organization otherwise
24 represented on the Board of Directors, a veterans service
25 organization may designate in writing an ex officio, non-voting
26 participant to the Board of Directors. Any veterans service

1 organization appointee under this Section does not count
2 towards a quorum. ~~The Director of Veterans' Affairs and a~~
3 ~~designee chosen by the Director of Military Affairs who is a~~
4 ~~senior management official of the Department of Military~~
5 ~~Affairs with the authority to make decisions on behalf of the~~
6 ~~agency shall serve as members of the Foundation's Board of~~
7 ~~Directors.~~ Board of Director appointments shall be for 2-year
8 terms. Vacancies shall be filled by the official who made the
9 recommendation for the vacated appointment. No member of the
10 Board of Directors may receive compensation for his or her
11 services to the Foundation. Upon appointment, the Board of
12 Directors, as members of a public entity, shall be represented
13 and indemnified pursuant to the requirements of the State
14 Employee Indemnification Act.

15 (e) The purposes of the Foundation are to: promote,
16 support, assist, and sustain Illinois Joining Forces
17 operations; solicit and accept grants and private donations and
18 disburse them for the stated intent of the Foundation or the
19 private donor; solicit and generate public and private funding
20 and donations that assist in enhancing the Illinois Joining
21 Forces mission, services, programs, and operations; and engage
22 generally in other lawful endeavors consistent with the
23 foregoing purposes. The foundation shall operate within the
24 provisions of the General Not For Profit Corporation Act of
25 1986.

26 Employees or specified agents of the Illinois Joining

1 Forces Foundation shall be represented and indemnified
2 pursuant to the requirements of the State Employee
3 Indemnification Act.

4 (f) As soon as practicable after the Foundation is created,
5 the Board of Directors shall meet, organize, and designate, by
6 majority vote, a chairperson, a treasurer, a secretary, and any
7 additional officers that may be needed to carry out the
8 activities of the Foundation and shall adopt bylaws of the
9 Foundation.

10 (g) The Department of Veterans' Affairs, in consultation
11 with the Department of Military Affairs, may propose ~~adopt~~
12 other rules deemed necessary to govern Foundation procedures.

13 (h) ~~(g)~~ The Foundation may request and accept gifts,
14 grants, donations, or bequests from the federal government or
15 its agencies or officers or from any person, firm, or
16 corporation, and may expend receipts on activities that it
17 considers suitable to the performance of its duties under this
18 Section and consistent with any requirement of the grant, gift,
19 donation, or bequest.

20 Funds collected by the Foundation shall be considered
21 private funds and shall be held in an appropriate account
22 outside of the State treasury.

23 Private funds collected by the Foundation are not subject
24 to the Public Funds Investment Act.

25 The Foundation must provide notice to any entity providing
26 a gift, grant, donation, or bequest to the Foundation that the

1 Foundation is not subject to the provisions of the Public Funds
2 Investment Act, which Act places limitations on the types of
3 securities in which a public agency may invest public funds.

4 (i) The treasurer of the Foundation shall be the custodian
5 of all Foundation funds and ~~. The treasurer~~ shall be required
6 to obtain a fidelity or surety bond on satisfactory terms and
7 in sufficient amounts to protect the interests of the
8 Foundation, the cost of which shall be reimbursed by the
9 Foundation.

10 (j) The Foundation and its officers shall be responsible
11 for the approval of the recording of receipts, approval of
12 payments, and the proper filing of required reports.

13 (k) The Foundation may be assisted in carrying out its
14 functions by Department of Military Affairs and Department of
15 Veterans' Affairs personnel. ~~The Department of Military~~
16 ~~Affairs and the Department of Veterans' Affairs shall provide~~
17 ~~reasonable assistance to the Foundation to achieve the purposes~~
18 ~~of the Foundation as determined by the respective Directors.~~

19 (l) The Foundation shall cooperate fully with the boards,
20 commissions, agencies, departments, and institutions of the
21 State.

22 (m) ~~If The funds held and made available by~~ the Illinois
23 ~~Joining Forces Foundation~~ Foundation's funds exceed \$1,000,000
24 in any year, then the Foundation shall be subject to financial
25 and compliance audits in accordance with the Illinois State
26 Auditing Act. If the Illinois Joining Forces Foundation is

1 funded below \$1,000,000 annually, then the Foundation shall be
2 exempt from the Illinois State Auditing Act.

3 (n) The Illinois Joining Forces Foundation shall be exempt
4 from the Open Meetings Act so long as the Foundation does not
5 receive funds from the State of Illinois. If the Illinois
6 Joining Forces Foundation receives grants or funds from the
7 State of Illinois, then compliance with the Open Meetings Act
8 shall be compulsory.

9 (o) The Foundation shall not have any power of eminent
10 domain.

11 (p) The Foundation shall not construct or make any
12 permanent improvements to any real property.

13 ~~(h) The Foundation must provide a written notice to any~~
14 ~~entity providing a gift, grant, donation, or bequest to the~~
15 ~~Foundation that the Foundation is not subject to the provisions~~
16 ~~of the Public Funds Investment Act, which Act places~~
17 ~~limitations on the types of securities in which a public agency~~
18 ~~may invest public funds.~~

19 ~~(i) Notwithstanding any law to the contrary, the Foundation~~
20 ~~is not eligible for any grant administered or funded by the~~
21 ~~Department of Veterans' Affairs or the Department of Military~~
22 ~~Affairs.~~

23 (Source: P.A. 100-10, eff. 6-30-17.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.