



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5705

by Rep. Jerry F. Costello, II

SYNOPSIS AS INTRODUCED:

20 ILCS 1805/14	from Ch. 129, par. 220.14
20 ILCS 1805/22	from Ch. 129, par. 220.22
20 ILCS 1805/22-9	

Amends the Military Code of Illinois. Changes the required grade for the position of Adjutant General from Major General to Lieutenant General. Provides that the Adjutant General shall serve as both the Director of the Department of Military Affairs and as the Commander of the Illinois National Guard; makes a conforming change. In the Section concerning the Department of Military Affairs' power to make grants from the Illinois Military Family Relief Fund, provides that the Department has the power to make grants to (1) members of the Illinois National Guard or Illinois residents who are members of the reserves of the armed forces of the United States who have been called to active duty as a result of an emergency declared by the President or Congress or as defined by administrative rule of the Department (rather than as a result of the September 11, 2001 terrorist attacks) and (2) members of the Illinois National Guard who have been called to State Active Duty for 30 or more consecutive days of duty; makes conforming changes. Effective immediately.

LRB098 15978 RPM 51028 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Military Code of Illinois is amended by
5 changing Sections 14, 22, and 22-9 as follows:

6 (20 ILCS 1805/14) (from Ch. 129, par. 220.14)

7 Sec. 14. The Commander-in-Chief shall appoint from the
8 active officers of the Illinois National Guard, The Adjutant
9 General, Chief of Staff, with the grade of Lieutenant Major
10 General. The appointment of the Adjutant General shall be for a
11 term expiring on the 3rd Monday in January, 1971, and in each
12 odd-numbered year thereafter. The Adjutant General shall serve
13 as both the Director of the Department of Military Affairs and
14 as the Commander of the Illinois National Guard.

15 (Source: P.A. 76-931.)

16 (20 ILCS 1805/22) (from Ch. 129, par. 220.22)

17 Sec. 22. Adjutant General; duties. The Adjutant General
18 shall be charged with carrying out the policies of the
19 Commander-in-Chief and shall issue orders in his name. Orders
20 of the Adjutant General shall be considered as emanating from
21 the Commander-in-Chief.

22 (a) He shall be the immediate adviser of the

1 Commander-in-Chief on all matters relating to the militia and
2 shall be charged with the planning, development and execution
3 of the program of the military forces of the State. He shall be
4 responsible for the preparation and execution of plans, for
5 organizing, supplying, equipping and mobilizing the Organized
6 Militia, for use in the national defense, and for State
7 defense, and emergencies.

8 (b) He shall hold major organization commanders
9 responsible for the training of their commands, and shall issue
10 all orders and instructions for the government of the militia
11 and of the officers, warrant officers, and enlisted personnel
12 therein.

13 (c) He shall make such returns and reports as may be
14 prescribed by the Commander-in-Chief or required by the laws or
15 regulations of the State or of the United States.

16 (d) He shall, subject to the appropriation of funds by the
17 General Assembly for this purpose, order such personnel of the
18 Illinois National Guard into active service of the State as are
19 required by the Commander-in-Chief to support non-emergency
20 functions of the State, including but not limited to National
21 Guard involvement in training exercises conducted in
22 conjunction with the Illinois Emergency Management Agency.
23 Illinois National Guard personnel placed on duty pursuant to
24 this item (d) shall be paid in accordance with the provisions
25 of Sections 48 and 49.

26 (e) The Adjutant General shall be the head of the

1 Department of Military Affairs of the Executive Branch of the
2 government of the State and shall be the Commander of the
3 Illinois National Guard.

4 (Source: P.A. 96-509, eff. 1-1-10; 96-733, eff. 1-1-10.)

5 (20 ILCS 1805/22-9)

6 Sec. 22-9. Power to make grants from the Illinois Military
7 Family Relief Fund. Subject to appropriation, the Department of
8 Military Affairs shall have the power to make grants from the
9 Illinois Military Family Relief Fund, a special fund created in
10 the State treasury, to (i) members of the Illinois National
11 Guard or Illinois residents who are members of the reserves of
12 the armed forces of the United States who have been called to
13 active duty as a result of an emergency declared by the
14 President of the United States or Congress or as defined by
15 administrative rule of the Department ~~the September 11, 2001~~
16 ~~terrorist attacks;~~ (ii) for the casualty-based grant only:
17 Illinois National Guard members or Illinois residents who are
18 members of the reserves of the armed forces of the United
19 States and who, while deployed in support of operations as
20 provided in item (i) of this Section ~~a result of the September~~
21 ~~11th terrorist attacks,~~ sustained an injury as a result of
22 terrorist activity; sustained an injury in combat, or related
23 to combat, as a direct result of hostile action; or sustained
24 an injury going to or returning from a combat mission, provided
25 that the incident leading to the injury was directly related to

1 hostile action; this includes injuries to service members who
2 are wounded mistakenly or accidentally by friendly fire
3 directed at a hostile force or what is thought to be a hostile
4 force; ~~and~~ (iii) members of the Illinois National Guard who
5 have been called to State Active Duty for 30 or more
6 consecutive days of duty; and (iv) families of the classes of
7 persons listed in items (i), ~~and~~ (ii), and (iii) of this
8 Section. The Department of Military Affairs shall establish
9 eligibility criteria for all grants by rule.

10 On and after the effective date of this amendatory Act of
11 the 96th General Assembly, the Department must award at least
12 \$5,000 to each recipient of a casualty-based grant and must
13 include Illinois residents who are active duty members of the
14 armed forces of the United States in the eligibility for the
15 casualty-based grant in item (ii) of this Section. Each
16 recipient may receive only one casualty-based grant for
17 injuries received during, or arising out of, the same
18 engagement or incident.

19 Grants awarded from the Illinois Military Family Relief
20 Fund shall not be subject to garnishment, wage levy,
21 forfeiture, or other remedy, unless the denial of that remedy
22 is inconsistent with the requirements of any other State or
23 federal law.

24 In addition to amounts transferred into the Fund under
25 Section 510 of the Illinois Income Tax Act, the State Treasurer
26 shall accept and deposit into the Fund all gifts, grants,

1 transfers, appropriations, and other amounts from any legal
2 source, public or private, that are designated for deposit into
3 the Fund. To prevent a delay of 30 or more days in the payment
4 of casualty-based grants, the Department may use, for
5 administration of the program, as much as 5% of the
6 appropriations designated for the casualty-based grant
7 program.

8 (Source: P.A. 96-822, eff. 11-23-09.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.