

AN ACT concerning State government.

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

Section 5. The Counties Code is amended by changing Section 5-2006 as follows:

(55 ILCS 5/5-2006) (from Ch. 34, par. 5-2006)

Sec. 5-2006. Tax for Veterans Assistance Commission. The county board of each county having a population of less than 3 million in which there is a Veterans Assistance Commission as provided in Section 9 of the Military Veterans Assistance Act may levy a tax of not to exceed .03% of the assessed value annually on all taxable property of the county, for the purpose of providing assistance to military veterans and their families pursuant to such Act. Whenever not less than 10% of the electors of the county petition the county board to levy the tax at not to exceed .04% of the assessed value, the county board shall certify the proposition to the proper election officials who shall submit the proposition at the next general election in accordance with the general election law. If a majority of the electors vote in favor of the proposition, the county board may, annually, levy the tax as authorized. 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.

The tax shall be separate from all other taxes which the county is authorized to levy on the aggregate valuation of the property within the county and shall not be included in any tax limitation of the rate upon which taxes are required to be extended, but shall be excluded therefrom and in addition thereto. The tax shall be levied and collected in like manner as the general taxes of the county, and, when collected, shall be paid into a special fund in the county treasury and used only as herein authorized, or disbursed from the county treasury of a county in which a properly organized Veterans Assistance Commission is authorized under Section 3-11008 of this Code.

The limitations on tax rates herein provided may be increased or decreased under the referendum provisions of the General Revenue Law of Illinois.

If a county has levied the tax herein authorized or otherwise meets the conditions set out in Section 12-21.13 of the Illinois Public Aid Code, to qualify for State funds to supplement local funds for public purposes under Articles III, IV, V, VI, and IX of that Code and otherwise meets the

conditions set out in Article XII of that Code for receipt of State aid, the Illinois Department of Human Services shall allocate and pay to the county such additional sums as it determines to be necessary to meet the needs of assistance to military veterans and their families in the county and expenses incident to the administration of such assistance. In counties where a Veterans Assistance Commission has been properly created, those County Veterans Assistance Commissions shall be in charge of the administration of such assistance provided under the Illinois Public Aid Code for military veterans and their families.

(Source: P.A. 102-732, eff. 1-1-23.)

Section 10. The Military Veterans Assistance Act is amended by changing Sections 1, 2, 8, 9, and 10 and by adding Sections 9.1, 9.2, and 12 as follows:

(330 ILCS 45/1) (from Ch. 23, par. 3081)

Sec. 1. Definitions. As used in this Act:

"Veteran service organization" means a post, ship, camp, chapter, or detachment of a congressionally chartered or state chartered organization that (i) is formed by and for veterans, (ii) has a paid membership of at least 15 individuals, and (iii) provides responsible aid, assistance, or services to the veteran community.

"Administrator of military veterans assistance" means the

commanders of the various veteran service organizations, the superintendent of a County Veterans Assistance Commission, or other persons whose duty it is, under the existing statutes, to care for, relieve or maintain, wholly or in part, any person who may be entitled to such assistance under the statutes of the State of Illinois. This Act shall not infringe upon the mandated powers and authorities vested in the Illinois Department of Veterans' Affairs.

(Source: P.A. 102-732, eff. 1-1-23.)

(330 ILCS 45/2) (from Ch. 23, par. 3082)

Sec. 2. The purpose of this Act is, in part, to provide, in accordance with this Section, For the just and 7 necessary7 and needed assistance and services to of military veterans7 who served in the Armed Forces of the United States and whose last discharge from the service was honorable or general under honorable conditions ~~to be eligible for assistance,~~ to their families, and to the families of deceased veterans with service ~~as described in this Section~~ who need such assistance and services. The following actions shall be taken in support of that purpose:

(1) The supervisor of general assistance or the county board shall provide such sums of money as may be just and necessary to be drawn by the commander, quartermaster or commandant of any veterans service organization, in the city or town, or the superintendent of any Veterans'

Assistance Commission of the county, upon the recommendation of the assistance committee of that veterans service organization or Veterans' Assistance Commission.

(A) Funding for Veterans Assistance Commissions may be derived from 3 sources, if applicable:

(i) a tax levied under Section 5-2006 of the Counties Code and Section 12-21.13 of the Illinois Public Aid Code;

(ii) funds from the county general corporate fund; and

(iii) State funds from the Department of Human Services.

(B) The minimum amount to be provided annually to Veterans Assistance Commissions 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.

(2) If any supervisor of general assistance or county board fails or refuses after such recommendation to provide just and necessary sums of money for such assistance, then the veteran service organization or the superintendent of any Veterans' Assistance Commission located in the district of such supervisor of general assistance or such county board shall apply to the circuit

court of the district or county for relief by mandamus upon the supervisor of general assistance or county board requiring him, her or it to pay, or to appropriate and pay such sums of money, and upon proof made of the justice and necessity of the claim, the circuit court shall grant the sums so requested.

(3) Such sums of money shall be drawn in the manner now provided under Section 5-2006 of the Counties Code and Section 12-21.13 of the Illinois Public Aid Code. Orders of commanders, quartermasters, commandants, or superintendents of those veterans service organizations or those Veterans' Assistance Commissions shall be proper warrants for the expenditure of such sums of money.

(Source: P.A. 102-732, eff. 1-1-23.)

(330 ILCS 45/8) (from Ch. 23, par. 3088)

Sec. 8. The commander, quartermaster, or commandant of any veteran service organization or the superintendent of any county Veterans' Assistance Commission of Illinois shall annually report to the Governor, on or before the first day of January of each year, such portions of the transactions of the aforementioned veteran service organization or Veterans Assistance Commission relating thereto as the commander or superintendent may deem to be of interest to that organization and the people of the State. A copy of that report shall be provided to the president or chairperson of the county board

and shall be made publicly available online.

(Source: P.A. 102-732, eff. 1-1-23.)

(330 ILCS 45/9) (from Ch. 23, par. 3089)

Sec. 9. Veterans Assistance Commission.

(a) In counties having 2 or more veteran service organizations as may be recognized by law, the veteran service organizations may come together to form a Veterans Assistance Commission 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. The Commission shall be composed of delegates and alternates from a majority of such veteran service organizations selected annually as determined by each veteran service organization. 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.

(1) Every January 1, all Veterans Assistance Commissions shall publish a notice to each veteran service organization within their respective county calling on them to select delegates and alternates for that county's Veterans Assistance Commission by the methods provided in this subsection. The Veterans Assistance Commissions shall allow each veteran service organization until March 1 to

respond, at which time those selected and duly appointed delegates and alternates shall begin their term of office with full voting rights. Once selected, delegates and alternates are bound by the Public Officer Prohibited Activities Act.

(2) Except as provided in paragraph (3), veteran service organizations shall be permitted to select one delegate and one alternate.

(3) In counties with 5 or more of the same veteran service organizations, all the constituent veteran service organizations shall be permitted to select up to 5 delegates and 5 alternates ~~a single delegate and single alternate~~ to represent that veteran service organization instead of each constituent veteran service organization selecting one delegate and one alternate. For the purposes of meeting the majority requirement of this subsection, when the constituent groups of a veteran service organization choose to select those delegates and alternates, those selected and duly appointed delegates and alternates ~~a single delegate and single alternate, the single delegate and single alternate~~ shall represent the aggregate percentage of the constituent groups.

(4) If a veteran service 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.

(5) All undertakings of, or actions taken by, the Commission shall require a vote from a majority of the full commission membership. No committee or other subgroup of delegates and alternates formed by the Commission, whether selected or appointed, may be granted the power or authority to act in the place of or on behalf of the full body of the duly selected or appointed Commission membership.

(6) No superintendent or any other employee of the Veterans Assistance Commission may retain the position of delegate or alternate or any voting rights while employed by the Veterans Assistance Commission.

(7) No committee or other subgroup of delegates and alternates formed by the Commission, whether selected or appointed, may bar any other duly appointed Commission member from attending or otherwise being present during any closed meetings or sessions of that committee or group.

(8) 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), (3), (5), (6), or (11) of subsection (c) of Section 2 of the Open Meetings Act for litigation matters not relating to litigation between the Commission and the County.

(b) The Commission and its selected or appointed superintendent shall have oversight of the distribution of all moneys and supplies appropriated for the benefit of military veterans and their families, subject to such rules, regulations, administrative procedures or audit reviews as are required by this Act and as are necessary as approved by the Commission to carry out the spirit and intent of this Act. No warrant authorized under this Act may be issued for the payment of money without the presentation of an itemized statement or claim, approved by the superintendent of the Commission.

(c) The superintendent of the Veterans Assistance Commission, selected, appointed, or hired by the Commission is an at-will employee who shall be answerable to, and shall report to, the Commission.

(d) The superintendent shall be evaluated annually and a written report shall be generated. A copy of the report from the evaluation shall be provided to the entire Commission membership.

(e) A superintendent may be removed from office if, after delegates from no less than 3 different veteran service

organizations file a written request calling for the superintendent's removal, there is a vote from a majority of the full Commission membership in favor of such removal.

(f) Each Veterans Assistance Commission shall establish and maintain bylaws that outline the framework, policies, and procedures for conducting the business of the Commission and for the rules and regulations that apply to its members. Those bylaws shall reflect compliance with all relevant laws at the time they are established and shall be revised as necessary to remain in compliance with current law. The establishment of those bylaws, and any revisions thereafter, shall require a minimum two-thirds majority vote of approval from a majority of the full Commission membership.

(g) Each Veterans Assistance Commission 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 Veterans Assistance Commission 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.

(h) No warrant authorized under this Act may be issued for

the payment of money without the presentation of an itemized statement or claim, approved by the superintendent of the Commission and reported to the full Commission membership.

(i) Each Veterans Assistance Commission 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.

(j) Veterans Assistance Commissions and county boards subject to this Act shall cooperate fully with the boards, commissions, agencies, departments, and institutions of the State. The funds held and made available by the county, the State, or any other source shall be subject to financial and compliance audits in accordance with the Illinois State Auditing Act.

(k) ~~(e)~~ 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.

(l) The Veterans Assistance Commission shall represent veterans in their application for or attempts to obtain benefits and services through State and federal agencies, including representing veterans in their appeals of adverse decisions.

(m) The superintendent of the Veterans Assistance Commission and its employees must comply with the procedures and regulations adopted by the Veterans Assistance Commission and the regulations of the Department of Human Services.

(n) To further the intent of this Act of assisting military veterans, this Act is to be construed so that the Veterans Assistance Commission shall provide needed services to eligible veterans.

(Source: P.A. 102-484, eff. 8-20-21; 102-732, eff. 1-1-23.)

(330 ILCS 45/9.1 new)

Sec. 9.1. Violations.

(a) If the Attorney General has reasonable cause to believe that there is or has been a violation of Section 8 or 9 or subsection (a), (b), or (c) of Section 10, then the Attorney General may commence a civil action in the name of the People of the State to enforce the provisions of this Act in any appropriate circuit court. The court, in its discretion, may exercise all powers necessary, including, but not limited to: 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.

(b) Prior to initiating a civil action, the Attorney General shall conduct a preliminary investigation to determine whether there is reasonable cause to believe that a violation

is being or has been committed and whether the dispute can be resolved without litigation. In conducting this investigation, the Attorney General may:

(1) require the individual, group, or entity to file a statement or report in writing under oath or otherwise, as to all information the Attorney General may consider necessary;

(2) examine under oath any person alleged to have participated in or with knowledge of the alleged violation;

(3) issue subpoenas or conduct hearings in aid of any investigation; or

(4) examine any record, book, document, account, or paper as the Attorney General may consider necessary.

(c) Service by the Attorney General of any notice requiring a person to file a statement or report, or of a subpoena upon any person, shall be made:

(1) personally by delivery of a duly executed copy thereof to the person to be served or, if a person is not a natural person, in the manner provided by the Code of Civil Procedure when a complaint is filed; or

(2) by mailing by certified mail a duly executed copy thereof to the person to be served at the person's last known abode or principal place of business within this State.

(d) Whenever any person fails to comply with any subpoena

issued under this Section or whenever satisfactory copying or reproduction of any material requested in an investigation cannot be done and the person refuses to surrender the material, the Attorney General may file in any appropriate circuit court, and serve upon the person, a petition for a court order for the enforcement of the subpoena or other request.

Any person who has received a subpoena issued under subsection (b) may file in the appropriate circuit court, and serve upon the Attorney General, a petition for a court order to modify or set aside the subpoena or other request. The petition must be filed either: (1) within 20 days after the date of service of the subpoena or at any time before the return date specified in the subpoena, whichever date is earlier, or (2) within a longer period as may be prescribed in writing by the Attorney General.

The petition shall specify each ground upon which the petitioner relies in seeking relief under this subsection and may be based upon any failure of the subpoena to comply with the provisions of this Section or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of the petition in the court, the court may stay, as it deems proper, the running of the time allowed for compliance with the subpoena or other request, in whole or in part, except that the petitioner shall comply with any portion of the subpoena or other request not sought to be modified or

set aside.

(e) In the administration of this Act, the Attorney General may accept an Assurance of Voluntary Compliance with respect to any violation of the Act from any person or entity who has engaged in, is engaging in, or was about to engage in such violation. Evidence of a violation of an Assurance of Voluntary Compliance shall be prima facie evidence of a violation of this Act in any subsequent proceeding brought by the Attorney General against the alleged violator.

(330 ILCS 45/9.2 new)

Sec. 9.2. Remedies.

(a) Whenever the Attorney General has reason to believe that any person, group, or entity is violating, has violated, or is about to violate Section 8 or 9 or subsection (a), (b), or (c) of Section 10, the Attorney General may bring an action in the name of the People of the State against the person, group, or entity to restrain by preliminary or permanent injunction the use of any practice that violates Section 8 or 9 or subsection (a), (b), or (c) of Section 10. In such an action, the court may award restitution to recoup the loss of moneys set aside to provide services to veterans or any other relief that the court deems proper.

(b) In addition, the court may assess a civil penalty not to exceed \$5,000 for each violation of Section 8 or 9 or subsection (a), (b), or (c) of Section 10.

(c) In any action brought under the provisions of Section 8 or 9 or subsection (a), (b), or (c) of Section 10, the Attorney General is entitled to recover costs.

(d) If a court orders a party to make payments to the Attorney General and the payments are to be used for the operations of the Office of the Attorney General or a party agrees, in an out-of-court settlement, to make payment to the Attorney General for the operations of the Office of the Attorney General, then moneys shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function pertaining to the exercise of the duties of the Attorney General, including, but not limited to, enforcement of any law of this State and conducting public education programs. However, any moneys in the Fund that are required by the court or by an agreement to be used for a particular purpose shall be used for that purpose.

(330 ILCS 45/10) (from Ch. 23, par. 3090)

Sec. 10. Superintendents and counties.

(a) The executive powers of the Commission shall be vested in a superintendent selected or appointed ~~elected~~ by a vote from a majority of the full Commission membership and who shall have received an honorable discharge from the armed forces of the United States.

(b) Superintendent vacancies shall be filled, whether long-term or temporarily, at the next regularly scheduled full Commission meeting or within 30 days at a specially convened meeting, whichever comes sooner, and shall be selected by a vote from a majority of the full Commission membership.

(c) Any individual who may be tasked with assuming the duties of or may be vested with the executive powers of a superintendent, whether as acting or interim superintendent, must be selected or appointed by a vote from a majority of the full Commission membership and must have received an honorable discharge from the armed forces of the United States.

(d) The designated superintendent of the Veterans Assistance Commission of the county shall, under the direction of the Commission, have charge of and maintain an office in the county building or a central location within the county, to be used solely by the Commission for providing the just, necessary, and needed services mandated by law.

(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.~~

(f) 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 Illinois Municipal Retirement Fund 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.

(g) The county board shall, in any county where a Veterans Assistance Commission is organized, in addition to sums appropriated for these just, necessary, and needed services as provided by law and approved by the Commission under this Act, appropriate such additional sums, upon recommendation of the Veterans Assistance Commission, to properly compensate, in accordance with the requirements of subsection (g) of Section 9 and subsection (e) of this Section, the officers and employees required to administer such assistance. The county board shall also provide funds to the Commission to reimburse the superintendent, officers, delegates and employees for certain expenses which are approved by the Commission. The superintendent and other employees shall be employees of the

Veterans Assistance Commission, and no provision in this Section or elsewhere in this Act shall be construed to mean that they are employees of the county.

(h) Superintendents, subject to rules formulated by the Commission, shall select, as far as possible, Veteran Service Officers and other employees from among military veterans, including those who have served or may still be serving as members of the Illinois National Guard or a reserve component of the armed forces of the United States, who did not receive a bad conduct or dishonorable discharge or other equivalent discharge thereof, or their spouses, surviving spouses, or children. Employees of the Commission shall be at-will employees.

(i) 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 Veterans Assistance Commission 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.

(j) Superintendents of all counties subject to this Act, when required by the Commission, shall give bond in the sum of \$2,000 for the faithful performance of their duties.

(k) All persons ~~elected or~~ selected or appointed to fill positions provided for in this Section shall be exempt from the operation and provisions of any civil service act or laws of this State, and the secretary of the Commission shall be appointed by the superintendent.

(Source: P.A. 102-56, eff. 7-9-21; 102-732, eff. 1-1-23.)

(330 ILCS 45/12 new)

Sec. 12. Home rule. A home rule unit may not operate, act, or fail to act in a manner that is inconsistent with the provisions of this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 999. Effective date. This Act takes effect upon becoming law.