

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 and renumbering Section 20 as follows:

6 (20 ILCS 2805/25)

7 Sec. 25 ~~20~~. Payments to veterans service organizations.

8 (a) In this Section:

9 "Veterans service officer" means an individual employed by
10 a veterans service organization and accredited by the United
11 States Department of Veterans Affairs to process claims and
12 other benefits for veterans and their spouses and
13 beneficiaries.

14 "Veterans service organization" means an organization that
15 meets all of the following criteria:

16 (1) It is formed by and for United States military
17 veterans.

18 (2) It is chartered by the United States Congress and
19 incorporated in the State of Illinois.

20 (3) It maintained a state headquarters office in
21 Illinois for the 10-year period immediately preceding July
22 1, 2006.

23 (4) It maintains at least one office in this State

1 staffed by a veterans service officer.

2 (5) It is capable of preparing a power of attorney for
3 a veteran and processing claims for veterans services.

4 (6) It is not funded by the State of Illinois or by any
5 county in this State.

6 "Veterans services" means the representation of veterans
7 in federal hearings to secure benefits for veterans and their
8 spouses and beneficiaries:

9 (1) Disability compensation benefits.

10 (2) Disability pension benefits.

11 (3) Dependents' indemnity compensation.

12 (4) Widow's death pension.

13 (5) Burial benefits.

14 (6) Confirmed and continued claims.

15 (7) Vocational rehabilitation and education.

16 (8) Waivers of indebtedness.

17 (9) Miscellaneous.

18 (b) The Veterans Service Organization Reimbursement Fund
19 is created as a special fund in the State treasury. Subject to
20 appropriation, the Department shall use moneys appropriated
21 from the Fund to make payments to a veterans service
22 organization for veterans services rendered on behalf of
23 veterans and their spouses and beneficiaries by a veterans
24 service officer employed by the organization. The payment shall
25 be computed at the rate of \$0.010 for each dollar of benefits
26 obtained for veterans or their spouses or beneficiaries

1 residing in Illinois as a result of the efforts of the veterans
2 service officer. There shall be no payment under this Section
3 for the value of health care received in a health care facility
4 under the jurisdiction of the United States Veterans
5 Administration. A veterans service organization may receive
6 compensation under this Fund or it may apply for grants from
7 the Illinois Veterans Assistance Fund, but in no event may a
8 veterans service organization receive moneys from both funds
9 during the same fiscal year. Funding for each applicant is
10 subject to renewal by the Department on an annual basis.

11 (c) To be eligible for a payment under this Section, a
12 veterans service organization must document the amount of
13 moneys obtained for veterans and their spouses and
14 beneficiaries in the form and manner required by the
15 Department. The documentation must include the submission to
16 the Department of a copy of the organization's report or
17 reports to the United States Department of Veterans Affairs
18 stating the amount of moneys obtained by the organization for
19 veterans and their spouses and beneficiaries in the month State
20 ~~fiscal year~~ for which payment under this Section is requested.
21 The organization must submit the copy of the report or reports,
22 and any other documentation required by the Department, to the
23 Department no later than 15 days July 31 following the end of
24 the month State fiscal year for which payment is requested.

25 (d) In addition to the requirement of subsection (b) that
26 the Department use moneys appropriated from the Veterans

1 Service Organization Reimbursement Fund for payments, the
2 Department may transfer up to \$1,000,000 of those appropriated
3 moneys into the Illinois Veterans Assistance Fund for the
4 making of grants to veterans service organizations as described
5 in subsection (b). ~~The Department shall make the payment under~~
6 ~~this Section to a veterans service organization in a single~~
7 ~~annual payment for each State fiscal year, beginning with the~~
8 ~~State fiscal year that begins on July 1, 2007. The Department~~
9 ~~must make the payment for a State fiscal year on or before~~
10 ~~December 31 of the succeeding State fiscal year.~~

11 (e) A veterans service organization shall use moneys
12 received under this Section only for the purpose of paying the
13 salary and expenses of one or more veterans service officers
14 and the organization's related expenses incurred in employing
15 the officer or officers for the processing of claims and other
16 benefits for veterans and their spouses and beneficiaries.

17 (f) Notwithstanding any other rulemaking authority that
18 may exist, neither the Governor nor any agency or agency head
19 under the jurisdiction of the Governor has any authority to
20 make or promulgate rules to implement or enforce the provisions
21 of this amendatory Act of the 95th General Assembly. If,
22 however, the Governor believes that rules are necessary to
23 implement or enforce the provisions of this amendatory Act of
24 the 95th General Assembly, the Governor may suggest rules to
25 the General Assembly by filing them with the Clerk of the House
26 and the Secretary of the Senate and by requesting that the

1 General Assembly authorize such rulemaking by law, enact those
2 suggested rules into law, or take any other appropriate action
3 in the General Assembly's discretion. Nothing contained in this
4 amendatory Act of the 95th General Assembly shall be
5 interpreted to grant rulemaking authority under any other
6 Illinois statute where such authority is not otherwise
7 explicitly given. For the purposes of this subsection, "rules"
8 is given the meaning contained in Section 1-70 of the Illinois
9 Administrative Procedure Act, and "agency" and "agency head"
10 are given the meanings contained in Sections 1-20 and 1-25 of
11 the Illinois Administrative Procedure Act to the extent that
12 such definitions apply to agencies or agency heads under the
13 jurisdiction of the Governor.

14 (Source: P.A. 95-629, eff. 9-25-07; revised 12-6-07.)