

AN ACT concerning State government.

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

Section 5. The Department of Veterans Affairs Act is amended by changing Sections 1.2, 2, 2.01, 2.04, 2.07, and 7 as follows:

(20 ILCS 2805/1.2)

Sec. 1.2. Division of Women Veterans Affairs. Subject to appropriations for this purpose, the ~~The~~ Division of Women Veterans Affairs is created as a Division within the Department. The head of the Division shall serve as an Assistant Director of Veterans' Affairs. The Division shall serve as an advocate for women veterans, in recognition of the unique issues facing women veterans. The Division shall assess the needs of women veterans with respect to issues including, but not limited to, compensation, rehabilitation, outreach, health care, and issues facing women veterans in the community. The Division shall review the Department's programs, activities, research projects, and other initiatives designed to meet the needs of women veterans and shall make recommendations to the Director of Veterans' Affairs concerning ways to improve, modify, and effect change in programs and services for women veterans.

(Source: P.A. 96-94, eff. 7-27-09.)

(20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

Sec. 2. Powers and duties. The Department shall have the following powers and duties:

To perform such acts at the request of any veteran, or his or her spouse, surviving spouse or dependents as shall be reasonably necessary or reasonably incident to obtaining or endeavoring to obtain for the requester any advantage, benefit or emolument accruing or due to such person under any law of the United States, the State of Illinois or any other state or governmental agency by reason of the service of such veteran, and in pursuance thereof shall:

(1) Contact veterans, their survivors and dependents and advise them of the benefits of state and federal laws and assist them in obtaining such benefits;

(2) Establish field offices and direct the activities of the personnel assigned to such offices;

(3) Create a volunteer field force of accredited representatives, representing educational institutions, labor organizations, veterans organizations, employers, churches, and farm organizations;

(4) Conduct informational and training services;

(5) Conduct educational programs through newspapers, periodicals and radio for the specific purpose of disseminating information affecting veterans and their

dependents;

(6) Coordinate the services and activities of all state departments having services and resources affecting veterans and their dependents;

(7) Encourage and assist in the coordination of agencies within counties giving service to veterans and their dependents;

(8) Cooperate with veterans organizations and other governmental agencies;

(9) Make, alter, amend and promulgate reasonable rules and procedures for the administration of this Act;

(10) Make and publish annual reports to the Governor regarding the administration and general operation of the Department;

(11) (Blank) ~~Encourage the State to implement more programs to address the wide range of issues faced by Persian Gulf War Veterans, especially those who took part in combat, by creating an official commission to further study Persian Gulf War Diseases. The commission shall consist of 9 members appointed as follows: the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate shall each appoint one member from the General Assembly, the Governor shall appoint 4 members to represent veterans' organizations, and the Department shall appoint one member. The commission members shall serve without~~

~~compensation;~~ and

(12) Conduct an annual review of the benefits received by Illinois veterans that compares benefits received by Illinois veterans with the benefits received by veterans in all other states and U.S. territories. The required annual review shall include, but not be limited to, (1) the average benefit paid to individual veterans from Illinois, in direct comparison to the average benefit paid to individual veterans of each of the other states and U.S. territories; (2) the number of veterans receiving benefits in Illinois for the first time during the year compared to the number of claims filed by Illinois veterans during the year; (3) the aggregate number of Illinois veterans receiving benefits compared to the number of veterans from each of the other states and U.S. territories receiving benefits; and (4) a categorical analysis of the types of injuries and disabilities for which benefits are being paid in Illinois and each of the other states and U.S. territories. The benefits review shall be reported to the Governor, the General Assembly, and the Illinois Congressional delegation upon the completion of the report each year.

The Department may accept and hold on behalf of the State, if for the public interest, a grant, gift, devise or bequest of money or property to the Department made for the general benefit of Illinois veterans, including the conduct of

informational and training services by the Department and other authorized purposes of the Department. The Department shall cause each grant, gift, devise or bequest to be kept as a distinct fund and shall invest such funds in the manner provided by the Public Funds Investment Act, as now or hereafter amended, and shall make such reports as may be required by the Comptroller concerning what funds are so held and the manner in which such funds are invested. The Department may make grants from these funds for the general benefit of Illinois veterans. Grants from these funds, except for the funds established under Sections 2.01a and 2.03, shall be subject to appropriation.

The Department has the power to make grants, from funds appropriated from the Korean War Veterans National Museum and Library Fund, to private organizations for the benefit of the Korean War Veterans National Museum and Library.

The Department has the power to make grants, from funds appropriated from the Illinois Military Family Relief Fund, for benefits authorized under the Survivors Compensation Act.

(Source: P.A. 93-839, eff. 7-30-04; 94-167, eff. 1-1-06.)

(20 ILCS 2805/2.01) (from Ch. 126 1/2, par. 67.01)

Sec. 2.01. Veterans Home admissions.

(a) Any honorably discharged veteran is entitled to admission to an Illinois Veterans Home if the applicant meets the requirements of this Section.

(b) The veteran must:

(1) have served in the armed forces of the United States at least 1 day in World War II, the Korean Conflict, the Viet Nam Campaign, or the Persian Gulf Conflict between the dates recognized by the U.S. Department of Veterans Affairs or between any other present or future dates recognized by the U.S. Department of Veterans Affairs as a war period, or have served in a hostile fire environment and has been awarded a campaign or expeditionary medal signifying his or her service, for purposes of eligibility for domiciliary or nursing home care;

(2) have served and been honorably discharged or retired from the armed forces of the United States for a service connected disability or injury, for purposes of eligibility for domiciliary or nursing home care;

(3) have served as an enlisted person at least 90 days on active duty in the armed forces of the United States, excluding service on active duty for training purposes only, and entered active duty before September 8, 1980, for purposes of eligibility for domiciliary or nursing home care;

(4) have served as an officer at least 90 days on active duty in the armed forces of the United States, excluding service on active duty for training purposes only, and entered active duty before October 17, 1981, for purposes of eligibility for domiciliary or nursing home

care;

(5) have served on active duty in the armed forces of the United States for 24 months of continuous service or more, excluding active duty for training purposes only, and enlisted after September 7, 1980, for purposes of eligibility for domiciliary or nursing home care;

(6) have served as a reservist in the armed forces of the United States or the National Guard and the service included being called to federal active duty, excluding service on active duty for training purposes only, and who completed the term, for purposes of eligibility for domiciliary or nursing home care;

(7) have been discharged for reasons of hardship or released from active duty due to a reduction in the United States armed forces prior to the completion of the required period of service, regardless of the actual time served, for purposes of eligibility for domiciliary or nursing home care; or

(8) have served in the National Guard or Reserve Forces of the United States and completed 20 years of satisfactory service, be otherwise eligible to receive reserve or active duty retirement benefits, and have been an Illinois resident for at least one year before applying for admission for purposes of eligibility for domiciliary care only.

(c) The veteran must have service accredited to the State

of Illinois or have been a resident of this State for one year immediately preceding the date of application.

(d) For admission to the Illinois Veterans Homes at Anna and Quincy, the veteran must be disabled by disease, wounds, or otherwise and because of the disability be incapable of earning a living.

(e) For admission to the Illinois Veterans Homes at LaSalle and Manteno ~~and for admission to the John Joseph Kelly Veteran's Home~~, the veteran must be disabled by disease, wounds, or otherwise and, for purposes of eligibility for nursing home care, require nursing care because of the disability.

(f) An individual who served during a time of conflict as set forth in subsection (a)(1) of this Section has preference over all other qualifying candidates, for purposes of eligibility for domiciliary or nursing home care at any Illinois Veterans Home.

(Source: P.A. 94-588, eff. 8-15-05.)

(20 ILCS 2805/2.04) (from Ch. 126 1/2, par. 67.04)

Sec. 2.04. There shall be established in the State Treasury special funds known as (i) the LaSalle Veterans Home Fund, (ii) the Anna Veterans Home Fund, (iii) the Manteno Veterans Home Fund, and (iv) the Quincy Veterans Home Fund, ~~and (v) the John Joseph Kelly Home Fund~~. All moneys received by an Illinois Veterans Home from Medicare and from maintenance charges to

veterans, spouses, and surviving spouses residing at that Home shall be paid into that Home's Fund. All moneys received from the U.S. Department of Veterans Affairs for patient care shall be transmitted to the Treasurer of the State for deposit in the Veterans Home Fund for the Home in which the veteran resides. Appropriations shall be made from a Fund only for the needs of the Home, including capital improvements, building rehabilitation, and repairs.

The administrator of each Veterans Home shall establish a locally-held member's benefits fund. Revenues accruing to an Illinois Veterans Home, including any donations, grants for the operation of the Home, profits from commissary stores, and funds received from any individual or other source, shall be deposited into that Home's benefits fund. Expenditures from the benefits funds shall be solely for the special comfort, pleasure, and amusement of residents. Contributors of unsolicited private donations may specify the purpose for which the private donations are to be used.

Upon request of the Department, the State's Attorney of the county in which a resident or living former resident of an Illinois Veterans Home who is liable under this Act for payment of sums representing maintenance charges resides shall file an action in a court of competent jurisdiction against any such person who fails or refuses to pay such sums. The court may order the payment of sums due to maintenance charges for such period or periods of time as the circumstances require.

Upon the death of a person who is or has been a resident of an Illinois Veterans Home who is liable for maintenance charges and who is possessed of property, the Department may present a claim for such sum or for the balance due in case less than the rate prescribed under this Act has been paid. The claim shall be allowed and paid as other lawful claims against the estate.

The administrator of each Veterans Home shall establish a locally-held trust fund to maintain moneys held for residents. Whenever the Department finds it necessary to preserve order, preserve health, or enforce discipline, the resident shall deposit in a trust account at the Home such monies from any source of income as may be determined necessary, and disbursement of these funds to the resident shall be made only by direction of the administrator.

If a resident of an Illinois Veterans Home has a dependent child, spouse, or parent the administrator may require that all monies received be deposited in a trust account with dependency contributions being made at the direction of the administrator. The balance retained in the trust account shall be disbursed to the resident at the time of discharge from the Home or to his or her heirs or legal representative at the time of the resident's death, subject to Department regulations or order of the court.

The Director of Central Management Services, with the consent of the Director of Veterans' Affairs, is authorized and empowered to lease or let any real property held by the

Department of Veterans' Affairs for an Illinois Veterans Home to entities or persons upon terms and conditions which are considered to be in the best interest of that Home. The real property must not be needed for any direct or immediate purpose of the Home. In any leasing or letting, primary consideration shall be given to the use of real property for agricultural purposes, and all moneys received shall be transmitted to the Treasurer of the State for deposit in the appropriate Veterans Home Fund.

(Source: P.A. 91-634, eff. 8-19-99; 92-671, eff. 7-16-02.)

(20 ILCS 2805/2.07) (from Ch. 126 1/2, par. 67.07)

Sec. 2.07. The Department shall employ and maintain sufficient and qualified staff at the veterans' homes (i) to fill all beds, subject to appropriation, and (ii) to fulfill the requirements of this Act. The Department shall report to the General Assembly, by January 1 and July 1 of each year, the number of staff employed in providing direct patient care at their veterans' homes, the compliance or noncompliance with staffing standards established by the United States Department of Veterans Affairs for such care, and in the event of noncompliance with such standards, the number of staff required for compliance. For purposes of this Section, a nurse who has a license application pending with the State shall not be deemed unqualified by the Department if the nurse is in compliance with Section 50-15 of the Nurse Practice Act.

~~All contracts between the State and outside contractors to provide workers to staff and service the Anna Veterans Home shall be canceled in accordance with the terms of those contracts. Upon cancellation, each worker or staff member shall be offered certified employment status under the Illinois Personnel Code with the State of Illinois. To the extent it is reasonably practicable, the position offered to each person shall be at the same facility and shall consist of the same duties and hours as previously existed under the canceled contract or contracts.~~

(Source: P.A. 95-331, eff. 8-21-07; 95-639, eff. 10-5-07; 95-876, eff. 8-21-08; 96-699, eff. 8-25-09.)

(20 ILCS 2805/7)

Sec. 7. Veterans' Memorial Commission. The Veterans' Memorial Commission is created within the Department. No later than July 1, 2012 the ~~The~~ Commission shall make recommendations to the Governor and the General Assembly on changes to the Illinois statutes to help ensure the long term maintenance and preservation of veterans' memorials. ~~gather information on memorial preservation and management and advise State and local governments and other entities in the creation, custody, care, and upkeep of veterans' memorials. The Commission shall conduct studies and make reports regarding the various laws and rules affecting veteran's memorials to determine whether consolidation or other changes in the laws or rules are needed~~

~~to facilitate memorial preservation and to raise awareness of issues affecting veterans' memorials.~~ The Commission shall be composed of 13 ~~12~~ members as follows: 2 members appointed by the President of the Senate, 2 members appointed by the Minority Leader of the Senate, 2 members appointed by the Speaker of the House of Representatives, 2 members appointed by the Minority Leader of the House of Representatives, one representative of the Department of Veterans Affairs, and 3 representatives of different veterans service organizations appointed by the Director of the Department, and one representative of the Illinois Historic Preservation Agency. Members shall serve ~~2-year terms,~~ without compensation. This Section shall be repealed on July 1, 2012.

(Source: P.A. 94-448, eff. 8-4-05.)

(20 ILCS 2805/2d rep.)

(20 ILCS 2805/2e rep.)

(20 ILCS 2805/2f rep.)

(20 ILCS 2805/10 rep.)

(20 ILCS 2805/30 rep.)

Section 10. The Department of Veterans Affairs Act is amended by repealing Sections 2d, 2e, 2f, 10, and 30.

(30 ILCS 105/5.525 rep.)

Section 15. The State Finance Act is amended by repealing Section 5.525.