



Rep. Michael P. McAuliffe

Filed: 5/26/2017

10000SB0266ham001

LRB100 05187 MJP 26997 a

1 AMENDMENT TO SENATE BILL 266

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 266 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Veterans Affairs Act is  
5 amended by changing Sections 2g, 2.01, 2.03, and 2.04 and by  
6 adding Section 2.01b as follows:

7 (20 ILCS 2805/2g)

8 Sec. 2g. The Illinois Veterans' Homes Fund. The Illinois  
9 Veterans' Homes Fund is hereby created as a special fund in the  
10 State treasury. From appropriations to the Department from the  
11 Fund the Department shall purchase needed equipment and  
12 supplies to enhance the lives of the residents at and for ~~to~~  
13 ~~enhance~~ the operations of veterans' homes in Illinois,  
14 including capital improvements, building rehabilitation, and  
15 repairs.

16 (Source: P.A. 93-776, eff. 7-21-04.)

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

2 Sec. 2.01. Veterans Home admissions.

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

6 (b) The veteran must:

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

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

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

1 care;

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

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

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

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

25 (8) have served in the National Guard or Reserve Forces  
26 of the United States and completed 20 years of satisfactory

1 service, be otherwise eligible to receive reserve or active  
2 duty retirement benefits, and have been an Illinois  
3 resident for at least one year before applying for  
4 admission for purposes of eligibility for domiciliary care  
5 only.

6 (c) The veteran must have service accredited to the State  
7 of Illinois or have been a resident of this State for one year  
8 immediately preceding the date of application.

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

13 (e) For admission to the Illinois Veterans Homes at  
14 Chicago, LaSalle, and Manteno, the veteran must have developed  
15 a disability by disease, wounds, or otherwise and, for purposes  
16 of eligibility for nursing home care, require nursing care  
17 because of the disability.

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

23 (g) A veteran or spouse, once admitted to an Illinois  
24 Veterans Home facility, is considered a resident for  
25 interfacility purposes.

26 (Source: P.A. 99-143, eff. 7-27-15; 99-314, eff. 8-7-15;

1 99-642, eff. 7-28-16.)

2 (20 ILCS 2805/2.01b new)

3 Sec. 2.01b. Illinois Veterans Home at Chicago. The  
4 Illinois Veterans Home at Chicago is established. The  
5 Department shall operate and maintain the Illinois Veterans  
6 Home at Chicago.

7 (20 ILCS 2805/2.03) (from Ch. 126 1/2, par. 67.03)

8 Sec. 2.03. Admissions. Admissions to an Illinois Veterans  
9 Home are subject to the rules and regulations adopted by the  
10 Department of Veterans' Affairs to govern the admission of  
11 applicants.

12 Each resident of a Home is liable for the payment of sums  
13 representing maintenance charges for care at the Home at a rate  
14 to be determined by the Department, based on the resident's  
15 ability to pay. However, the charges shall not exceed the  
16 average annual per capita cost of maintaining the resident in  
17 the Home. The Department, upon being furnished proof of  
18 payment, shall in its discretion make allowances for unusual  
19 expenses in determining the ability of the resident to pay  
20 maintenance charges.

21 The basis upon which the payment of maintenance charges  
22 shall be calculated by the Department is the average per capita  
23 cost for the care of all residents at each Home for the fiscal  
24 year immediately preceding the period for which the rate for

1 each Home is being calculated.

2 The Department may require residents to pay charges  
3 monthly, quarterly, or otherwise as may be most suitably  
4 arranged for the individual members. The amounts received from  
5 each Home for the charges shall be transmitted to the Treasurer  
6 of the State of Illinois for deposit in each Veterans Home  
7 Fund, respectively, except that receipts attributable to the  
8 Illinois Veterans Home at Chicago shall be deposited into the  
9 Illinois Veterans' Homes Fund.

10 The Department may investigate the financial condition of  
11 residents of a Home to determine their ability to pay  
12 maintenance charges and to establish standards as a basis of  
13 judgment for such determination. Such standards shall be  
14 recomputed periodically to reflect changes in the cost of  
15 living and other pertinent factors.

16 Refusal to pay the maintenance charges is cause for  
17 discharge of a resident from a Home.

18 The Department may collect any medical or health benefits  
19 to which a resident may become entitled through tax supported  
20 or privately financed systems of insurance, as a result of his  
21 or her care or treatment in the facilities provided by the  
22 Department, or because of care or treatment in other facilities  
23 when such care or treatment has been paid for by the  
24 Department.

25 Admission of a resident is not limited or conditioned in  
26 any manner by the financial status of the resident or his or

1 her ability to pay maintenance charges.

2 The Department may accept and hold on behalf of the State,  
3 if for the public interest, a grant, gift, devise, or bequest  
4 of money or property to the Department made in trust for the  
5 maintenance or support of a resident of an Illinois Veterans  
6 Home or for any other legitimate purpose. The Department shall  
7 cause each gift, grant, devise, or bequest to be kept as a  
8 distinct fund and shall invest the same in the manner provided  
9 by the laws of this State relating to securities in which the  
10 deposit in savings banks may be invested. However, the  
11 Department may, at its discretion, deposit in a proper trust  
12 company, bank, or savings bank, during the continuance of the  
13 trust, any fund left in trust for the life of a person and  
14 shall adopt rules and regulations governing the deposit,  
15 transfer, or withdrawal of the fund. The Department shall, on  
16 the expiration of any trust as provided in any instrument  
17 creating the trust, dispose of the fund in the manner provided  
18 in the instrument. The Department shall include in its required  
19 reports a statement showing what funds are so held by it and  
20 the condition of the funds; provided that monies found on  
21 residents at the time of their admission or accruing to them  
22 during their residence at a Home and monies deposited with the  
23 administrators by relatives, guardians, or friends of  
24 residents for the special comfort and pleasure of the resident  
25 shall remain in the custody of the administrators who shall act  
26 as trustees for disbursement to, on behalf of, or for the

1 benefit of the resident. All types of retirement and pension  
2 benefits from private and public sources may be paid directly  
3 to the administrator of a Home for deposit to the resident  
4 trust fund account.

5 (Source: P.A. 96-95, eff. 1-1-10; 96-100, eff. 1-1-10.)

6 (20 ILCS 2805/2.04) (from Ch. 126 1/2, par. 67.04)

7 Sec. 2.04. There shall be established in the State Treasury  
8 special funds known as (i) the LaSalle Veterans Home Fund, (ii)  
9 the Anna Veterans Home Fund, (iii) the Manteno Veterans Home  
10 Fund, and (iv) the Quincy Veterans Home Fund. All moneys  
11 received by an Illinois Veterans Home from Medicare and from  
12 maintenance charges to veterans, spouses, and surviving  
13 spouses residing at that Home shall be paid into that Home's  
14 Fund. All moneys received from the U.S. Department of Veterans  
15 Affairs for patient care shall be transmitted to the Treasurer  
16 of the State for deposit in the Veterans Home Fund for the Home  
17 in which the veteran resides. Appropriations shall be made from  
18 a Fund only for the needs of the Home, including capital  
19 improvements, building rehabilitation, and repairs. The  
20 Illinois Veterans' Homes Fund shall be the Veterans Home Fund  
21 for the Illinois Veterans Home at Chicago.

22 The administrator of each Veterans Home shall establish a  
23 locally-held member's benefits fund. The Director may  
24 authorize the Veterans Home to conduct limited fundraising in  
25 accordance with applicable laws and regulations for which the



1 sole purpose is to benefit the Veterans Home's member's  
2 benefits fund. Revenues accruing to an Illinois Veterans Home,  
3 including any donations, grants for the operation of the Home,  
4 profits from commissary stores, and funds received from any  
5 individual or other source, including limited fundraising,  
6 shall be deposited into that Home's benefits fund. Expenditures  
7 from the benefits funds shall be solely for the special  
8 comfort, pleasure, and amusement of residents. Contributors of  
9 unsolicited private donations may specify the purpose for which  
10 the private donations are to be used.

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

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

25 The administrator of each Veterans Home shall establish a  
26 locally-held trust fund to maintain moneys held for residents.

1 Whenever the Department finds it necessary to preserve order,  
2 preserve health, or enforce discipline, the resident shall  
3 deposit in a trust account at the Home such monies from any  
4 source of income as may be determined necessary, and  
5 disbursement of these funds to the resident shall be made only  
6 by direction of the administrator.

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

16 The Director of Central Management Services, with the  
17 consent of the Director of Veterans' Affairs, is authorized and  
18 empowered to lease or let any real property held by the  
19 Department of Veterans' Affairs for an Illinois Veterans Home  
20 to entities or persons upon terms and conditions which are  
21 considered to be in the best interest of that Home. The real  
22 property must not be needed for any direct or immediate purpose  
23 of the Home. In any leasing or letting, primary consideration  
24 shall be given to the use of real property for agricultural  
25 purposes, and all moneys received shall be transmitted to the  
26 Treasurer of the State for deposit in the appropriate Veterans

1 Home Fund.

2 (Source: P.A. 99-314, eff. 8-7-15.)

3 Section 10. The Illinois Library System Act is amended by  
4 changing Section 8.6 as follows:

5 (75 ILCS 10/8.6)

6 Sec. 8.6. Illinois Veterans ~~Veteran's~~ Home Libraries. The  
7 State Librarian shall distribute annual grants for initiatives  
8 of library development and services within Illinois Veterans  
9 ~~Veteran's~~ Home libraries located in Quincy, Manteno, LaSalle,  
10 Chicago, and Anna upon the approval by the State Librarian of  
11 application from libraries. Grants made under this Section  
12 shall be made only from the Secretary of State Special License  
13 Plate Fund. The State Librarian shall establish the criteria  
14 for awarding the grants by rule.

15 (Source: P.A. 89-697, eff. 1-6-97.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law."