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ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD

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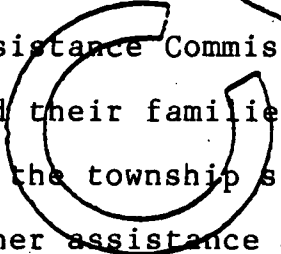
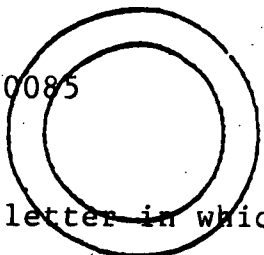
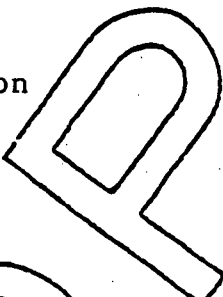
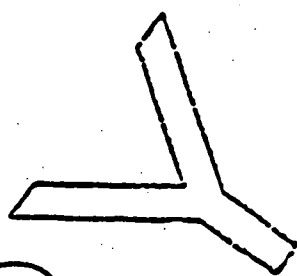
FILE NO. 82-006

PUBLIC ASSISTANCE:  
Veterans Assistance Commission

Honorable Fred L. Foreman  
State's Attorney  
Lake County  
County Building  
Waukegan, Illinois 60085

Dear Mr. Foreman:

I have your letter in which you inquire whether a Veterans Assistance Commission may limit assistance to indigent veterans and their families to three months per year and, if so, whether the township supervisors are responsible for providing further assistance after the three month period. For the reasons hereinafter stated, it is my opinion that, if an indigent veteran and his family meet the eligibility requirements provided in article VI of The Illinois Public Aid Code



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(Ill. Rev. Stat. 1979, ch. 23, par. 6-1 et seq., as amended), the Veterans Assistance Commission may not automatically terminate assistance given pursuant to article VI of the Code after the lapse of a set period of time.

Section 2 of "AN ACT to regulate the granting of assistance to indigent war veterans and their families" (Ill. Rev. Stat. 1980 Supp., ch. 23, par. 3082) sets forth the manner for providing relief to indigent war veterans and their families:

"For the assistance of indigent and suffering veterans, who served for 90 days or more in the armed forces of the United States, were honorably discharged therefrom and served in the armed forces of the United States \* \* \*, their families, and the families of deceased veterans with service as described in this Section who need assistance, 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 post, ship, camp, chapter or detachment of the Grand Army of the Republic, United Spanish War Veterans, American Legion, Navy Club of the U.S.A., Illinois Squadron, Veterans of Foreign Wars, Disabled American Veterans of the World War, Marine Corps League, Department of Illinois, American Veterans of World War II, Paralyzed Veterans of America, Military Order of the Purple Heart, or American Veterans of World War I, in the city or town, or the superintendent of any Veterans' Assistance Commission of the county, upon the recommendation of the assistance committee of the post, ship, camp or chapter. If any supervisor of general assistance or county board fails or refuses after such recommendation to provide any just and necessary sums of money for such assistance, then the commander, chapter, or detachment or the superintendent of any Veterans' Assistance Commission located in the district of such supervisor of general assistance

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or such county board shall apply to the circuit court of the district or county for a writ of 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 issue such writ. Such sums of money shall be drawn in the manner now provided by law for the assistance of the poor. No veteran, or the families of those deceased shall be given assistance unless he, she or they are and have been residents of this State for one year or more. Orders of commanders, quartermasters or commandants shall be proper vouchers for the expenditure of such sums of money." (Emphasis added.)

Section 9 of the Act (Ill. Rev. Stat. 1979, ch. 23, par. 3089) provides for the organization of a Veterans Assistance Commission in certain counties:

"In counties having 2 or more posts, camps, chapters or detachments of the Grand Army of the Republic, United Spanish War Veterans, American Legion, Veterans of Foreign Wars, or Disabled American Veterans of the World War, Marine Corps League, American Veterans of World War II, Veterans of World War I of the U.S.A., or 2 or more units of such organizations of Veterans of World War II as may be recognized by law in like manner as those veterans organizations heretofore designated, or 2 or more posts, chapters or units of either of such veterans organizations, a central assistance committee may be organized to be known as the Veterans Assistance Commission of such county, composed of one delegate and one alternate from each of such posts, camps, units, and chapters or ship selected annually as may be determined by each post, ship, camp, or chapter. When so organized a commission shall be clothed with all the powers and charged with all the duties theretofore devolving upon the different posts and chapters as provided in Section 2.

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Section 12-3 of The Illinois Public Aid Code (Ill. Rev. Stat. 1980 Supp., ch. 23, par. 12-3) provides that the County Veterans Assistance Commission is to administer those assistance programs established by article VI of the Code (Ill. Rev. Stat. 1979, ch. 23, par. 6-1 et seq., as amended):

" \* \* \*

In counties of less than 3 million population having a County Veterans Assistance Commission in which there has been levied a tax as authorized by Section 28a of 'An Act to revise the law in relation to counties,' approved March 31, 1874, as amended, for the purpose of providing assistance to indigent war veterans and their families, the County Veterans Assistance Commission shall administer the programs provided by Article VI for such war veterans and their families as seek aid through the County Veterans Assistance Commission."

Section 6-1 of the Code (Ill. Rev. Stat. 1980 Supp., ch. 23, par. 6-1) provides that financial aid, in meeting basic maintenance requirements for a livelihood compatible with health and well-being, plus any necessary treatment, care and supplies required because of illness or disability, shall be given under article VI to or on behalf of persons who meet the eligibility requirements in sections 6-1.1 through 6-1.7 of the Code (Ill. Rev. Stat. 1979, ch. 23, pars. 6-1.1 through 6-1.7). Section 6-1.2 of the Code (Ill. Rev. Stat. 1980 Supp., ch. 23, par. 6-1.2) provides that, in order for an individual to qualify for assistance, income available to the person, when

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added to contributions in money, substance, or services from other sources, including contributions from legally responsible relatives, must be insufficient to equal the grant amount established by the Department of Public Aid (or by the local governmental unit in units which do not receive State funds) for such a person. Section 6-1.3 of the Code (Ill. Rev. Stat. 1979, ch. 23, par. 6-1.3) requires that, before a person may receive general assistance funds, the person must have been determined ineligible for aid under articles III (aid to the aged, blind or disabled), IV (aid to families with dependent children) or V (medical assistance) (Ill. Rev. Stat. 1979, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq.).

In your letter, you indicate that the Lake County Veterans Assistance Commission, pursuant to the rule-making powers in section 9 of "AN ACT to regulate the granting of assistance, etc." has instituted a rule which limits, to three months per year, the amount of aid that the commission will grant to indigent veterans and their families. You state that the purpose of the rule is to limit assistance provided by the Veterans Assistance Commission to emergency relief while application is made for other available programs. If at the end of this three month period there are no other programs for which an applicant is eligible, the assistance from the Veterans

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Assistance Commission terminates.

The rule-making power granted to a Veterans Assistance Commission by section 9 of the Act is limited to those rules necessary to carry out the spirit and intent of the Act:

" \* \* \*

The Commission and the president or chairman of the county board, or some other county officer appointed by him shall have general oversight of the distribution of all moneys and supplies appropriated by the county for the benefit of the indigent veterans of the wars, campaigns, occupations, expeditions and other military service as provided in Section 2, and their families; and shall formulate necessary rules to carry out the spirit and intent of this Act. \* \* \*

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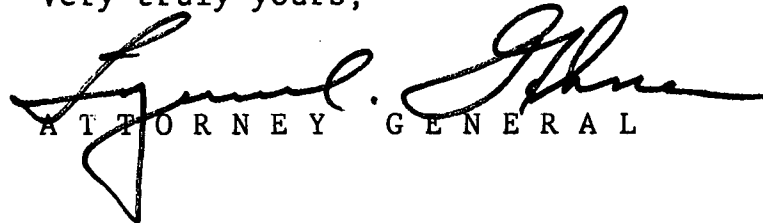
(Emphasis added.)

There is nothing in the Act evidencing legislative intent to limit assistance to emergency aid or to authorize termination of assistance after a set period of time. Furthermore, the Veterans Assistance Commission is required to administer those programs found in article VI of The Illinois Public Aid Code. Statutes which relate to the same subject matter must be compared and construed with reference to each other so that effect may be given to all provisions of each. (People v. Patterson (1977), 54 Ill. App. 3d 931, 935.) There is nothing in article VI of the Code which would lead to the conclusion that such assistance may be subject to a specific time limit. White v. Roughton (7th Cir. 1976) 530 F. 2d 750, 753, n. 8.)

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On the basis of the above discussion, it is my opinion that, if an indigent veteran and his family meet the eligibility requirements provided in article VI of The Illinois Public Aid Code, a Veterans Assistance Commission may not automatically terminate assistance given pursuant to article VI of the Code after the lapse of a set period of time.

Very truly yours,

  
ATTORNEY GENERAL