



**TYRONE C. FAHNER**  
ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD

July 28, 1981

FILE NO. 81-023

**COUNTIES:**  
**Mileage of Veterans Assistance**  
**Commission Members**

Honorable John A. Barra  
State's Attorney  
Peoria County  
Court House  
Peoria, Illinois 61602

Dear Mr. Barra:

I have your letter wherein you ask whether the Peoria County Board is authorized to reimburse members of the Veterans Assistance Commission of Peoria County for the mileage they travel to their meetings. You state in your letter that you have no county department of public aid. The superintendent of your Veterans Assistance Commission has requested that the county board reimburse the members of the Commission for the mileage they travel to and from their meetings. You have advised the board that it is not authorized to do so. I agree with your conclusion.

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Section 9 of "AN ACT to regulate the granting of assistance to indigent war veterans and their families" [the Bogardus Act] (Ill. Rev. Stat. 1979, ch. 23, par. 3089) provides for the establishment of Veterans Assistance Commissions in counties having two or more posts of the Grand Army of the Republic, American Legion, and other specified veterans' organizations, to be composed of delegates and alternates of such posts. The section continues in pertinent part:

" \* \* \* 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.

\* \* \*

Nothing in section 2 of the Act (Ill. Rev. Stat. 1980 Supp., ch. 23, par. 3082), however, authorizes the Commission to pay mileage to its members for travel to and from their meetings. Section 9 further provides in pertinent part:

\* \* \*

\* \* \* [T]he administration of such funds and of county tax funds levied for such purpose as provided in Section 28a of 'An Act to revise the law in relation to counties', approved March 31, 1874, as amended, shall be subject to the supervision of the State Department of Public Aid in accordance with the provisions of 'The Illinois Public Aid Code'."

There is no language in The Illinois Public Aid Code (Ill. Rev. Stat. 1979, ch. 23, par. 1-1 et seq.) authorizing the payment

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of travel expenses for members of a Veterans Assistance Commission. The Code has only two provisions dealing with traveling expenses, section 12-17.3 and 12-18.4 (Ill. Rev. Stat. 1979, ch. 23, par. 12-17.3; Ill. Rev. Stat. 1980 Supp., ch. 23, par. 12-18.4) of Article XII dealing with county departments of public aid. Since you have no county department of public aid, however, these provisions are not applicable.

Section 28a of "AN ACT to revise the law in relation to counties" (Ill. Rev. Stat. 1980 Supp., ch. 34, par. 506) provides, with regard to the tax levied to fund the Veterans Assistance Commission, as follows:

" \* \* \* 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 or for any other expenses incident to the administration of such assistance.

\* \* \*

But, while the superintendent of the Commission may be one of its officers or employees, its members are neither. (See Makowicz v. County of Macon (1980), 78 Ill. 2d 308, 314.) Further, section 10 of the Bogardus Act (Ill. Rev. Stat. 1979, ch. 23, par. 3090) authorizes the compensation, perhaps including mileage, of only Veterans Assistance Commission officers and employees.

For the foregoing reasons, it is my opinion that the Peoria County Board is not authorized under "AN ACT to revise

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the law in relation to counties", the Bogardus Act, or The Illinois Public Aid Code to reimburse members of its Veterans Assistance Commission for the mileage they travel to and from their meetings.

Very truly yours,

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