



Sen. Mike Porfirio

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10300HB0925sam002

LRB103 04531 KTG 61348 a

1 AMENDMENT TO HOUSE BILL 925

2 AMENDMENT NO. _____. Amend House Bill 925, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Veteran Service Organizations State Charter Act.

7 Section 5. State charter. A veteran service organization
8 shall be considered state chartered when the organization
9 meets all of the requirements listed in this Act and the
10 organization's application for state charter status has been
11 approved by the Attorney General. Upon approval, the Attorney
12 General shall issue a letter granting state charter status to
13 the organization.

14 Section 10. Granting of state charter status. The Attorney
15 General shall grant state charter status to any organization

1 that has demonstrated that all requirements for obtaining
2 state charter status have been met.

3 Section 15. State charter requirements. To qualify for
4 state charter status, a veteran service organization must:

5 (1) (A) Have been formed by and for veterans, have a
6 board where a majority of its members are veterans, and
7 have annual expenditures that demonstrate that a majority
8 of the organization's expenses reflect support for
9 veterans; or (B) have a paid membership of at least 15
10 individuals and be associated with a congressionally
11 chartered organization.

12 (2) Possess tax-exempt status from the Internal
13 Revenue Service either under Section 501(c)(3) or Section
14 501(c)(19) of the Internal Revenue Code and have the
15 primary charitable purpose of providing service or
16 assistance to veterans, their spouses, or their
17 dependents.

18 (3) Possess a current certificate of good standing as
19 an Illinois registered not-for-profit organization from
20 the Secretary of State.

21 (4) Obtain and maintain ongoing registration and
22 compliance under the Charitable Trust Act with the
23 Charitable Trust Bureau of the Attorney General's Office
24 or substantiation for an exemption.

25 (5) For organizations with veteran service officers,

1 demonstrate that each veteran service officer possesses a
2 valid U.S. Department of Veterans Affairs accreditation or
3 that such accreditation is pending.

4 (6) Comply with the methods and criteria set forth
5 under Section 9 of the Military Veterans Assistance Act
6 when selecting delegates and alternates for a county
7 Veterans Assistance Commission.

8 Section 20. Application for state charter status. A
9 veteran service organization may submit an application for
10 state charter status to the Attorney General. All supporting
11 documentation demonstrating that each of the requirements
12 listed in this Act have been met shall be provided with the
13 application.

14 Section 25. Attestation of compliance. Any application for
15 state charter status shall include the following statement, on
16 organizational letterhead and signed by all officers: "All
17 officers for (insert lawful organizational name) do hereby
18 attest that all requirements for a state charter have been
19 met, that there are no past or ongoing enforcement actions or
20 lawsuits against the organization or any of its officers for
21 violations or suspected violations of the Consumer Fraud and
22 Deceptive Business Practices Act, or the Military Veterans
23 Assistance Act, and that we will notify the Attorney General
24 within 30 days if, at any point, the organization no longer

1 meets one or more of the requirements for state charter
2 status."

3 Section 30. Denial of state charter. The Attorney General
4 shall deny an application for state charter status to any
5 organization that does not meet all the requirements for state
6 charter status in Section 15. Any organization whose state
7 charter application has been denied may resubmit that
8 application once all deficiencies have been corrected.

9 Section 35. Duration of state charter status. State
10 charter status shall be valid for 3 years. A veteran service
11 organization must reapply for state charter status at least
12 120 days prior to the expiration of its current state charter
13 status.

14 Section 40. Revocation. If the Attorney General is made
15 aware, either through notification as provided in Section 30
16 or through other information or evidence, that an organization
17 that has been granted state charter status no longer meets one
18 or more of the requirements of Section 15, the Attorney
19 General may revoke the state charter status. Nothing in this
20 Section is intended to take away or limit any powers of the
21 Attorney General under common law or other statutory law, and
22 the Attorney General may, in his or her sole discretion,
23 request that a court revoke state charter status based on

1 other conduct not specifically listed in this Section.

2 Section 45. Publication of state chartered veteran service
3 organizations. The Attorney General shall maintain a publicly
4 accessible list of state chartered veteran service
5 organizations.

6 Section 50. Violation; remedies. It is a violation of
7 Section 9 of the Military Veterans Assistance Act for any
8 person, group, or entity to assert state charter status where
9 such status has not been granted in accordance with this Act or
10 where such status has been revoked. In addition to any other
11 remedies, a court may assess a civil penalty not to exceed
12 \$5,000 for each violation of this Act."