

HB5786



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5786

Introduced 11/16/2022, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

35 ILCS 40/15

Amends the Invest in Kids Act. Provides that a scholarship granting organization shall refrain from discrimination based on actual, perceived, or identified gender identity or sexuality when awarding scholarships. Effective immediately.

LRB102 28510 HLH 40387 b

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 5. The Invest in Kids Act is amended by changing
5 Section 15 as follows:

6 (35 ILCS 40/15)

7 (Section scheduled to be repealed on January 1, 2025)

8 Sec. 15. Approval to issue certificates of receipt.

9 (a) A scholarship granting organization shall submit an
10 application for approval to issue certificates of receipt in
11 the form and manner prescribed by the Department, provided
12 that each application shall include:

13 (1) documentary evidence that the scholarship granting
14 organization has been granted an exemption from taxation
15 under Section 501(c)(3) of the Internal Revenue Code;

16 (2) certification that all qualified contributions and
17 any income derived from qualified contributions are
18 deposited and held in an account that is separate from the
19 scholarship granting organization's operating or other
20 funds until such qualified contributions or income are
21 withdrawn for use;

22 (3) certification that the scholarship granting
23 organization will use at least 95% of its annual revenue

1 from qualified contributions for scholarships;

2 (4) certification that the scholarship granting
3 organization will provide scholarships to eligible
4 students;

5 (5) a list of the names and addresses of all members of
6 the governing board of the scholarship granting
7 organization; and

8 (6) a copy of the most recent financial audit of the
9 scholarship granting organization's accounts and records
10 conducted by an independent certified public accountant in
11 accordance with auditing standards generally accepted in
12 the United States, government auditing standards, and
13 rules adopted by the Department.

14 (b) A scholarship granting organization whose owner or
15 operator in the last 7 years has filed for personal bankruptcy
16 or corporate bankruptcy in a corporation of which he or she
17 owned more than 20% shall not be eligible to provide
18 scholarships.

19 (c) A scholarship granting organization must not have an
20 owner or operator who owns or operates a qualified school or
21 has a family member who is a paid staff or board member of a
22 participating qualified school.

23 (d) A scholarship granting organization shall comply with
24 the anti-discrimination provisions of 42 U.S.C. 2000d.

25 (d-5) A scholarship granting organization shall refrain
26 from discrimination based on actual, perceived, or identified

1 gender identity or sexuality when awarding scholarships.

2 (e) The Department shall review and either approve or deny
3 each application to issue certificates of receipt pursuant to
4 this Act. Approval or denial of an application shall be made on
5 a periodic basis. Applicants shall be notified of the
6 Department's determination within 30 business days after the
7 application is received.

8 (f) No scholarship granting organization shall issue any
9 certificates of receipt without first being approved to issue
10 certificates of receipt.

11 (Source: P.A. 100-465, eff. 8-31-17.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.