



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB4659**

Introduced 2/5/2020, by Rep. Bob Morgan

#### SYNOPSIS AS INTRODUCED:

30 ILCS 705/2  
705 ILCS 95/15

from Ch. 127, par. 2302

Amends the Illinois Grant Funds Recovery Act. Provides that "grantor agency" includes the Illinois Equal Justice Foundation when it makes grants under the Access to Justice Act or the Illinois Equal Justice Act. Amends the Access to Justice Act. Provides that grants or distributions made under the Act by (rather than to) the Illinois Equal Justice Foundation are subject to the requirements of the Illinois Grant Funds Recovery Act. Effective immediately.

LRB101 17332 LNS 66737 b

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Grant Funds Recovery Act is amended  
5 by changing Section 2 as follows:

6 (30 ILCS 705/2) (from Ch. 127, par. 2302)

7 Sec. 2. Definitions. The following terms when used in this  
8 Act shall have the meanings ascribed to them in this Section:

9 (a) "Grantor agency" is any agency of State government  
10 which dispenses grant funds. "Grantor agency" includes the  
11 Illinois Equal Justice Foundation when it makes grants under  
12 Section 15 of the Access to Justice Act or Section 20 of the  
13 Illinois Equal Justice Act.

14 (b) "Grant funds" are any public funds dispensed by a  
15 grantor agency to any person or entity for obligation,  
16 expenditure, or use by that person or entity for a specific  
17 purpose or purposes. Funds disbursed by the State Comptroller  
18 pursuant to an appropriation made by the General Assembly to a  
19 named entity or person are not grant funds for purposes of this  
20 Act. Funds disbursed in accordance with a fee for service  
21 purchase of care contract are not grant funds for purposes of  
22 this Act.

23 Neither the method by which funds are dispensed whether by

1 contract, agreement, grant subsidy, letter of credit, or any  
2 other method nor the purpose for which the funds are used can  
3 change the character of funds which otherwise would be  
4 considered grant funds as defined in this Section.

5 (c) "Grantee" means the person or entity which may use  
6 grant funds.

7 (d) "Institution of higher education" means any  
8 institution which is authorized to grant degrees within the  
9 State of Illinois.

10 (Source: P.A. 86-602.)

11 Section 10. The Access to Justice Act is amended by  
12 changing Section 15 as follows:

13 (705 ILCS 95/15)

14 Sec. 15. Access to Justice Fund.

15 (a) The Access to Justice Fund is created as a special fund  
16 in the State treasury. Moneys in the Access to Justice Fund  
17 shall be appropriated to the Attorney General for disbursements  
18 to the Foundation. The Foundation shall use the moneys to make  
19 grants and distributions for the administration of the pilot  
20 programs created under this Act. Grants or distributions made  
21 under this Act by ~~to~~ the Foundation are subject to the  
22 requirements of the Illinois Grant Funds Recovery Act.

23 (b) In accordance with the requirements of the Illinois  
24 Equal Justice Act, the Foundation may make grants, enter into

1 contracts, and take other actions recommended by the Council to  
2 effectuate the pilot programs and comply with the other  
3 requirements of this Act.

4 (c) The governing board of the Foundation must prepare and  
5 submit an annual report to the Governor, the President of the  
6 Senate, the Minority Leader of the Senate, the Speaker of the  
7 House of Representatives, the Minority Leader of the House of  
8 Representatives, and the Justices of the Illinois Supreme  
9 Court. The report must include: (i) a statement of the total  
10 receipts and a breakdown by source during each of the previous  
11 2 calendar years; (ii) a list of the names and addresses of the  
12 recipients that are currently receiving grants or  
13 distributions and that received grants or distributions in the  
14 previous year and the amounts committed to recipients for the  
15 current year and paid in the previous year; (iii) a breakdown  
16 of the amounts of grants or distributions paid during the  
17 previous year to recipients and the amounts committed to each  
18 recipient for the current year; (iv) a breakdown of the  
19 Foundation's costs in administering the Fund; (v) a statement  
20 of the Fund balance at the start and at the close of the  
21 previous year and the interest earned during the previous year;  
22 and (vi) any notices the Foundation issued denying applications  
23 for grants or distributions under this Act. The report, in its  
24 entirety, is a public record, and the Foundation and the  
25 Governor shall make the report available for inspection upon  
26 request.

1           (d) The Foundation may annually retain a portion of the  
2 disbursements it receives under this Section to reimburse the  
3 Foundation for the actual cost of administering the Council and  
4 for making the grants and distributions pursuant to this Act  
5 during that year.

6           (e) No moneys distributed by the Foundation from the Access  
7 to Justice Fund may be directly or indirectly used for lobbying  
8 activities, as defined in Section 2 of the Lobbyist  
9 Registration Act or as defined in any ordinance or resolution  
10 of a municipality, county, or other unit of local government in  
11 Illinois.

12           (f) The Foundation may make, enter into, and execute  
13 contracts, agreements, leases, and other instruments with any  
14 person, including without limitation any federal, State, or  
15 local governmental agency, and may take other actions that may  
16 be necessary or convenient to accomplish any purpose authorized  
17 by this Act.

18           (g) The Foundation has the authority to receive and accept  
19 any and all grants, loans, subsidies, matching funds,  
20 reimbursements, federal grant moneys, fees for services, and  
21 other things of value from the federal or State government or  
22 any agency of any other state or from any institution, person,  
23 firm, or corporation, public or private, to be used to carry  
24 out the purposes of this Act.

25           (Source: P.A. 99-281, eff. 8-5-15; 100-987, eff. 7-1-19.)

26           Section 99. Effective date. This Act takes effect upon

1 becoming law.