

SB1698



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1698

Introduced 2/26/2021, by Sen. Scott M. Bennett

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.

LRB102 15409 LNS 20772 b

A BILL FOR

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
5 amended 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
18 disbursements to the Foundation. The Foundation shall use the
19 moneys to make grants and distributions for the administration
20 of the pilot programs created under this Act. Grants or
21 distributions made under this Act by ~~to~~ the Foundation are
22 subject to the requirements of the Illinois Grant Funds
23 Recovery Act.

24 (b) In accordance with the requirements of the Illinois

1 Equal Justice Act, the Foundation may make grants, enter into
2 contracts, and take other actions recommended by the Council
3 to effectuate the pilot programs and comply with the other
4 requirements of this Act.

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

1 for inspection upon request.

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

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

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

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

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.