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SPRINGFIELD

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FILE NO. S-285

FINANCE:
Public Act 76-2558

Mr. James B. Holderman
Executive Director
Board of Higher Education
500 Reisch Building
119 South Fifth Street
Springfield, Illinois 62706

Dear Sir:

You have written to this office as follows:

"The Board of Higher Education respectfully requests your opinion with reference to the construction of an appropriation bill making an appropriation to the Illinois Board of Higher Education. That bill is House Bill 3724, Public Act 76-2558, Approved July 7, 1970.

The statutory language which we desire to have construed is found in Section 3, subsection (b). Our specific question is:

Does the phrase 'would be empowered' when used precedent to the phrase 'to contract' confine the Board only to contractual relationships or may the Board also make grants for the accomplishment of the research projects called for under the terms of the Act?

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This Act is known as "The Manpower Planning and Analysis Act". The Act authorizes the Board of Higher Education in Section 2 thereof to distribute funds for the pursuit of certain operational research projects.

Section 3 of the Act provides as follows:

"Section 3. The Board of Higher Education is authorized to distribute funds for the pursuit of various health care research projects.

(a) Such projects would be concerned with the interrelationship between the provision of health care and education and health care manpower, particularly in the areas of developing new kinds of health professionals for innovative types of health care systems. In addition, these projects would also be concerned with the development of career ladders allowing for upward mobility in the health fields. This research would be carried out through the health care institutions, the health education institutions, and the various community

groups involved in such programs to develop data and define programs based on these data that would permit the entry of sufficient numbers of new and traditional types of health care personnel into the health care system.

(b) The Board of Higher Education would be empowered to contract with appropriate agencies to perform these research projects."

In the case of People vs. Anderson, 398 Ill. 480, at page 486 the court said:

"The primary purpose of statutory construction is to arrive at the legislative intent. (People v. Talbot, 322 Ill. 416. In order to arrive at this intent the several provisions of the statute are to be construed together in the light of the general purpose and object of the Act and so as to give effect to the main intent and plan thereof as therein expressed. (Public Utilities Com. v. Monarch Co., 267 Ill. 528).

* * * * *

This Act is entitled "An Act providing for a State grant to the Board of Higher Education for operational research projects to facilitate the implementation of the work in health education." As heretofore pointed out,

Section 2 authorizes the Board of Higher Education "to distribute funds for the pursuit of certain operational research projects". Subparagraph (a) of Section 2 refers to "A project to develop analytical tools to assist the Board of Higher Education in its planning tasks," and also to particular research in three areas. There is no provision in Section 2 outlining, detailing or prescribing the manner of accomplishing the work in these areas except in that portion of Section 2 which reads "This project is visualized as a 1-year effort, with work in the three mentioned areas being carried out by the Board of Higher Education and appropriate institutions and agencies."

It is noted that Section 3 also authorizes the Board of Higher Education to distribute funds. This Section provides that such distribution shall be for "the pursuit of various health care research projects". Subparagraph (a) describes the projects and the institutions and groups through which the research is to be carried out. As you have pointed out, Subparagraph (b) provides

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that the Board "would be empowered to contract with appropriate agencies to perform these research projects".

This Act clearly authorizes the Board of Higher Education to make distribution of the funds therein appropriated for accomplishment of the purposes therein specified. The power extended to the Board by Subparagraph (b) of Section 3 is not a limitation on the authority of the Board to distribute funds but rather is an added extension of power to the Board, if needed, to contract with the appropriate agencies in connection with the accomplishment of the research projects. This appears to have been the legislative intent and to be in accord with the apparent general purpose, object and plan of the Act as evident from all the provisions of the Act.

It is my opinion the answer to your inquiry is in the negative. In other words, the Board may distribute funds in connection with those projects described in Section 2 or Section 3 of the Act without being limited to making such distributions pursuant to a contractual relationship.

Very truly yours,

A T T O R N E Y G E N E R A L