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ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. 83-003

FINANCE:

Disposition of Proceeds from
Sale of State-Owned Electronic
Data Processing Equipment

Louis J. Giordano, Director
Department of Central Management Services
715 Stratton Office Building
Springfield, Illinois 62706

Dear Mr. Giordano:

This responds to a letter from Mr. F. H. Uhlig, former Acting Director of the Department of Administrative Services, wherein he inquired whether the Department of Administrative Services was authorized to direct the deposit of proceeds from the sale of electronic data processing equipment into the Statistical Services Revolving Fund, rather than the general revenue fund. Because all functions and responsibilities of

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the Department of Administrative Services have been transferred to the Department of Central Management Services, I am forwarding my response to you. For the reasons hereinafter stated, it is my opinion that the Department of Central Management Services is not authorized to direct that proceeds from sales of electronic data processing equipment be held in the Statistical Services Revolving Fund.

Section 35.3 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1981, ch. 127, par. 35.3) provides that it is the duty of the Director of the Department of Central Management Services to:

" * * *

(d) Manage or delegate the management of the procurement, retention, installation, maintenance and operation of all electronic data processing equipment used by State agencies as defined in Section 35.7 of this Act * * *"

Section 35.7 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1981, ch. 127, par. 35.7, as amended by Public Act 82-789, effective July 13, 1982) provides in part:

"The Department shall be responsible for providing the Governor with timely, comprehensive and meaningful information pertinent to the formulation and execution of fiscal policy. In performing this responsibility the Department shall have the power and duty to:

(a) Control the procurement, retention, installation, maintenance and operation, as specified by the Director, of electronic data processing equipment used by state agencies * * *;

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* * *

(c) Establish through the Director, charges for statistical services requested by state agencies and rendered by the Department of Central Management Services. Such state agencies so charged shall reimburse the Department of Central Management Services by vouchers drawn against their respective appropriations for electronic data processing. The Department is likewise empowered through the Director to establish prices or charges for all statistical reports purchased by agencies and individuals not connected with State Government;

* * *

For the purposes of this Section only, 'state agencies' means all departments, boards, commissions and agencies of the State of Illinois subject to the Governor."

Section 35.7b of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1981, ch. 127, par. 35.7b, as amended by Public Act 82-789) provides, in pertinent part:

"The Department of Central Management Services may sell or exchange electronic data processing equipment no longer useful for the State's purposes on such terms and conditions as the Director deems to be in the best interest of the State."

Section 35.7b of The Civil Administrative Code of Illinois specifically authorizes the Department of Central Management Services to sell surplus electronic data processing equipment. Section 35.7b does not, however, specify the proper disposition of proceeds from such sales.

Section 1 of "AN ACT in relation to the payment and disposition of moneys received by officers and employees of the

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State of Illinois by virtue of their office or employment" (Ill. Rev. Stat. 1981, ch. 127, par. 170) provides, inter alia, that all departments of State government created by the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1981, ch. 127, par. 1 et seq.) shall be subject to its terms. Section 2 of "AN ACT in relation to the payment and disposition of moneys etc." (Ill. Rev. Stat. 1981, ch. 127, par. 171, as amended by Public Act 82-789) provides, in pertinent part:

"(a) Every * * * department * * * brought within the provisions of this Act by Section 1 hereof shall keep in proper books a detailed itemized account of all moneys received for or on behalf of the State * * * and, unless a different time of payment is expressly provided by law or by rules or regulations promulgated under subsection (b) of this Section, shall pay into the state treasury the gross amount of money so received without delay not later in any event than 48 hours, disregarding holidays and Sundays, after the receipt of same * * *. All moneys so paid into the State treasury shall, unless required by some statute to be held in the State treasury in a separate or special fund, be covered into the general revenue fund into the State treasury. * * *"

Similarly, section 4 of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1981, ch. 127, par. 140) provides:

"All money, belonging to or for the use of the State, paid into the treasury thereof, not belonging to any special fund in the State treasury, shall constitute the general revenue fund."

Thus, it is clear that all proceeds realized from the sale of electronic data processing equipment must be deposited in the

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State's general revenue fund, unless a specific statute requires that such proceeds be paid into a special fund.

Among the special funds held in the State treasury is the Statistical Services Revolving Fund. (Ill. Rev. Stat. 1981, ch. 127, par. 141.55.) Section 6p-1 of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1981, ch. 127, par. 142p1, as amended by Public Act 82-789) provides:

"The Statistical Services Revolving Fund shall be initially financed by a transfer of funds from the General Revenue Fund. Thereafter, all fees and other monies received by the Department of Central Management Services in payment for statistical services rendered pursuant to Section 35.7 of the Civil Administrative Code of Illinois, shall be paid into the Statistical Services Revolving Fund. The money in this fund shall be used by the Department of Central Management Services as reimbursement for expenditures incurred in rendering statistical services." (Emphasis added.)

Section 6p-1 of "AN ACT in relation to State finance" specifies with clarity those moneys which are required to be paid into the Statistical Services Revolving Fund by the Department of Central Management Services. No reference is made therein to the deposit of proceeds realized from the sale of electronic data processing equipment.

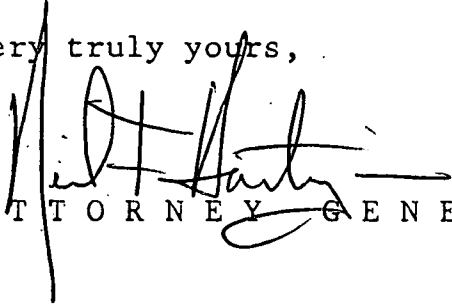
It is well recognized that there is no need of construction to ascertain the meaning of a statute where the statutory language is clear and unambiguous and the legislative intent is manifestly apparent therefrom. (People v. Lund (1943), 382 Ill. 213, 215.) Such unambiguous statutes must be

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given effect in accordance with their plain meaning. (Beckus v. Chicago Bd. of Education (1979), 78 Ill. App. 3d 558, 560-61.) No ambiguity is created by the statutory provisions cited above when read together, and therefore each must be applied in a manner consistent with its plain meaning.

The Department of Central Management Services may only direct that proceeds from the sale of surplus electronic data processing equipment be held in the Statistical Services Revolving Fund if a statute so provides. (Ill. Rev. Stat. 1981, ch. 127, par. 171, as amended by Public Act 82-789.) Section 6p-1 of "AN ACT in relation to State finance" provides that the Statistical Services Revolving Fund shall be funded by the deposit of all fees and other moneys received by the Department in payment for statistical services rendered by the Department pursuant to section 35.7 of The Civil Administrative Code of Illinois. It is clear that proceeds from the sale of electronic data processing equipment are not moneys received in payment for rendering statistical services within the meaning of section 35.7. Therefore, it is my opinion that, pursuant to section 2 of "AN ACT in relation to the payment and disposition of moneys etc.", all such moneys become part of the general revenue fund of the State upon deposit with the State Treasurer.

Very truly yours,


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