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**STATE OF ILLINOIS**  
**SPRINGFIELD**

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FILE NO. S-1032

STATE MATTERS:  
Disposition of Proceeds From  
Sale of State Vehicles

Roland W. Burris  
Director, Department of General Services  
716 Stratton Office Building  
Springfield, Illinois

Dear Mr. Burris:

I have your letter requesting my opinion as to the proper repository for the proceeds from the auction sale by the Department of General Services of used, State-owned passenger cars.

Section 4 of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1973, 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."

Similarly, section 2 of "AN ACT in relation to the payment and disposition of moneys received by officers and employees of the State of Illinois by virtue of their office

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or employment" (Ill. Rev. Stat. 1973, ch. 127, par. 171)

states in relevant part that:

"\* \* \* 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. \* \* \*"

It is therefore clear that unless it can be said that the proceeds from the sale of State passenger cars are required to be deposited in a particular special fund, they must become part of the State's general revenue fund. You suggest that an appropriate special fund does exist in the State Garage Revolving Fund created by section 5.50 of "AN ACT in relation to State finance". Ill. Rev. Stat. 1973, ch. 127, par. 141.50.

A definition of the source of the money to be deposited in this fund is found in section 6c.1 of "AN ACT in relation to State finance". (Ill. Rev. Stat. 1973, ch. 127, par. 142c.1.) Section 6c.1 states:

"All fees and other money received by the Department of General Services incident to the operation of State garages shall be paid into the State Garage Revolving Fund." (emphasis added.)

In order for the State Garage Revolving Fund to be the proper repository for the money involved here it is thus necessary that the proceeds from the sale of State passenger

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cars be money received "incident to the operation of State garages". In support of the proposition that this is, in fact the case, you point to section 67.15 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1973, ch. 127, par. 63b13.15) which gives to the Department of General Services authority:

"To supervise and administer all State garages used for the repair, maintenance or servicing of State-owned motor vehicles except those operated by any State college or university; and to acquire, maintain and administer the operation of the passenger cars reasonably necessary to the operations of the executive department of the State government. To this end, the Department of General Services shall occupy the space and take possession of the personnel, facilities, equipment, tools and vehicles which are in the possession or under the administration of the Department of Public Works and Buildings for these purposes on the effective date of this amendatory Act of 1967 and shall, from time to time, acquire such further, additional and replacement facilities, space, tools and vehicles as are reasonably necessary for the purposes described in this Section."

The language of this provision clearly gives to the Department of General Services the power to "supervise and administer" all State garages (with certain limited exceptions) and to "acquire, maintain and administer the operation of" State passenger cars. The fact that these responsibilities are contained in one section of the Act does not, however, in my opinion, indicate that the proceeds

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from the sale of State cars amount to money received "incident to the operation of State garages".

As in any situation involving the construction of a statute, the primary goal is to determine and give effect to the intention of the General Assembly. (People ex rel. Hanrahan v. White, 52 Ill. 2d 70.) In order to determine the legislative intent a number of presumptions and rules of construction are employed. One of the most fundamental of these rules states that words used by the legislature are to be given their ordinary and popularly understood meaning in the absence of statutory definitions to the contrary. People v. Dednam, 55 Ill. 2d 565.

Section 6c.1 quoted above speaks of money received "incident" to the operation of a State garage. Webster's Third New International Dictionary lists among its definitions of the word "incident" the following:

"3 law: dependent on or appertaining to another thing: directly and immediately relating to or involved in something else though not an essential part of it:"

Applying this definition to the present situation, it does not appear that the proceeds from the public sale of State cars constitute money which is received from a source "directly or immediately involved with" the operation of a

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State garage. In fact, the money is received only after any connection with State garages has ended. Section 67.15 discussed above speaks of State garages as places for the "repair, maintenance or servicing of State-owned motor vehicles". The operation of a garage would therefore seem to be limited to the repair, maintenance and servicing of State vehicles and would not extend to their sale.

The proceeds from the auction sale of used State passenger cars thus do not, in my opinion, constitute money received "incident to the operation of State garages", and thus the State Garage Revolving Fund is not the proper repository for their deposit. Furthermore, after an examination of sections 6 through 6u of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1973, ch. 127, pars. 142 through 142u), there appears to be no other special fund in which these proceeds could properly be deposited.

It is my opinion, therefore, that the proceeds from the sale of State-owned passenger cars constitute a part of the State's general revenue fund.

Very truly yours,

A T T O R N E Y   G E N E R A L