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REAL ESTATE:
Space Needs Commission Power
to Review and Approve Archi-
tecture and Engineering Contracts.

Mr. Mal Hildebrand
Executive Director
Legislative Space Needs Commission
Suite 1001-1002 State Office Bldg.
Springfield, Illinois 62706

Dear Mr. Hildebrand:

I have your letter wherein you ask whether the Space Needs Commission has the power to review and approve contracts for architectural and engineering services that are required by construction or remodeling projects on buildings in the Capital complex. It is my opinion that the Commission does have the power to review and approve these contracts.

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Section 3.06 of the Space Needs Act (Ill. Rev. Stat. 1975, ch. 63, par. 223.06) provides that the Space Needs Commission has the power:

"To review and approve all contracts for the repair, rehabilitation, construction or alteration of all State buildings in the Capital complex of buildings in Springfield, Illinois, including all tunnels, power and heating plants and surrounding grounds."

An architect is a person who forms or devises plans and designs and draws up specifications for buildings or structures. (Ill. Rev. Stat. 1975, ch. 10 1/2, par. 2; People v. Lower (1911), 251 Ill. 527, 530.) An engineer is a person who uses his knowledge of mathematical and natural sciences to plan and design tunnels, sewage disposal works, power plants, heating and air conditioning plants and other types of works, systems and devices. (Ill. Rev. Stat. 1975, ch. 48 1/2, par. 33.) The architectural and engineering services that are needed in construction and remodelling projects constitute an essential part of the projects because the plans and designs of architects and engineers give direction to the construction and remodelling work.

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The primary rule in the interpretation of statutes is that the intention of the legislature should be ascertained and given effect. (General Motors Corp., Fisher Body Division v. Industrial Commission (1975), 62 Ill. 2d 106, 112.) The legislative intent should be sought primarily from the language used in the statute. (Weiss Memorial Hospital v. Kronche (1957), 12 Ill. 2d 98, 105.) It is never proper to depart from plain language by reading into the statute exceptions, limitations or conditions which conflict with the clearly expressed legislative intent. (Certain Taxpayers v. Sheahan (1970), 45 Ill. 2d 75, 84.) These principles of statutory construction would be violated if architecture and engineering contracts were excluded from section 3.06.

The legislative intent, as plainly expressed in section 3.06, is that the Space Needs Commission has the power to review and approve all construction and remodelling contracts. Because architecture and engineering contracts are an essential part of construction and remodelling work, there can be no justification for reading the exclusion of these contracts into section 3.06. Such an exclusion would

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be contrary to the legislative decision that the Space Needs Commission is authorized to review and approve construction and remodelling contracts since it would deprive the Space Needs Commission of authority to review and approve those contracts which generally direct construction and remodelling work. Therefore, it is my opinion that the Space Needs Commission has the power to review and approve contracts for architectural and engineering services that are required by construction or remodelling projects on buildings in the Capitol complex.

Very truly yours,

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