



WILLIAM J. SCOTT

ATTORNEY GENERAL
STATE OF ILLINOIS
500 SOUTH SECOND STREET
SPRINGFIELD

March 20, 1974

File No. S-719

**CONSTITUTION:
Appropriations -
Double appropriation of
public funds not required**

Mr. Frank A. Kirk
Director
Department of Local Government Affairs
303 East Monroe Street
Springfield, Illinois 62786

Dear Mr. Kirk:

I have your letter wherein you state, in part, as follows:

" * * * The Department of Local Government Affairs has been tendered a grant by the Illinois Department on Aging, from funds appropriated to that Department, to be used by this Department for the purpose of establishing a program to provide retired volunteers to serve various local governmental units in a consultant capacity.

A question has been raised by the Office of the Comptroller concerning our authority

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to expend such grant funds without an appropriation to the Department of Local Government Affairs by the General Assembly. The Office of the Comptroller is of the opinion that a double appropriation is required--one to the Department on Aging of funds from which the grant is to be made and a separate appropriation to this Department as an authorization to expend such grant funds.

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We hereby request your opinion as to the authority of the Department of Local Government Affairs to receive and expend the grant funds herein described without a direct appropriation to this Department by the General Assembly.

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It is my understanding that the funds appropriated to the Department of Aging that are to comprise the grant to the Department of Local Government Affairs are state funds. No Federal funds are involved in this matter. Furthermore, it is my understanding that the Department of Local Government Affairs plans to make expenditures directly from the funds granted to it by the Department of Aging. The Department of Local Government Affairs will not expend funds from its own appropriations and then reimburse the Department from the funds granted to it by the Department of Aging.

The Department of Local Government Affairs is to use the funds granted to it by the Department of Aging for the purpose of establishing a program to provide retired volunteers

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to serve various local governments in a consultant capacity. The Department of Local Government Affairs has the statutory authority to undertake such a program. Powers and duties of the Department of Local Government Affairs include the following, set forth in section 68.11 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1973, ch. 127, par. 63b14.11):

"§ 68.11. The Department through its Office of Community Services shall provide for a central clearing house for information concerning local government problems and various solutions to those problems and shall assist and aid local governments of the State in matters relating to budgets, fiscal procedures and administration. In performing this responsibility the Department shall have the power and duty to:

(a) Maintain communication with all local governments and assist them, at their request, to improve their administrative procedures and to facilitate improved local government and development;

(b) Assemble and disseminate information concerning State and Federal programs, grants, gifts, and subsidies available to local governments and to provide counsel and technical services and other assistance in applying for such programs, grants, gifts and subsidies;

* * *

(d) Provide direct consultative services to local governments upon request and provide staff services to special commissions, the Governor, the General Assembly or its committees;

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Additionally, the Department of Local Government Affairs has the power to accept grants from the other state departments. Section 68.16 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1973, ch. 127, par. 63b14.16) reads as follows:

"§ 68.16. The Department shall use such State and Federal programs, grants and subsidies as are available to assist in the discharge of the provisions of this Act."

It is assumed from your letter that the funds granted to the Department of Local Government Affairs have been appropriated to the Department of Aging by the General Assembly. It is further assumed that the grant is within the scope of the powers and duties of the Department of Aging.

Section 2(b) of article VIII of the Illinois Constitution of 1970 reads as follows:

"(b) The General Assembly by law shall make appropriations for all expenditures of public funds by the State. Appropriations for a fiscal year shall not exceed funds estimated by the General Assembly to be available during that year."

Since the funds granted to the Department have been appropriated to the Department of Aging by the General Assembly, there is compliance with section 2(b) of article VIII of the Illinois Constitution of 1970. There is no need to have an appropriation to the Department of Local Government Affairs

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in order for the Department to expend this grant.

Very truly yours,

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