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SPRINGFIELD

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FILE NO. S-1406

STATE MATTERS:  
Flat Grants to Local  
Promotion Groups

Donald L. Duster  
Director  
Department of Business and Economic Development  
222 South College  
Springfield, Illinois 62706

Dear Mr. Duster:

I have received your request for my opinion as to whether the State of Illinois, acting through the Department of Business and Economic Development, may award a grant to a local promotion group without complying with the procedures set out in sections 5 through 8 of the Illinois Promotion Act. (Ill. Rev. Stat. 1977, ch. 127, pars. 200-25 through 200-28.) For the reasons hereinafter stated, it is my opinion that the Department of Business and Economic Development is not authorized

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by the Illinois Promotion Act (Ill. Rev. Stat. 1977, ch. 127, par. 200-21 et seq.) to make flat grants to local promotion groups.

Under section 5 of the Act, a local promotion group which desires to obtain a grant to aid it in promotional activities, must fill out an application setting forth the studies, surveys, investigations and promotional activities it proposes to undertake. The applicant must state the amount of funds it holds and intends to spend on promotional activities. The Department of Business and Economic Development may make only matching grants, that is, grants which match funds appropriated or otherwise allocated by the local promotion group. Under section 6 of the Act, the Department must review the application to see if the program and proposed expenditures are in accord with the purpose behind the statute. A grant cannot exceed 60 percent of the proposed expenditures of the applicant. Under section 7, the Department cannot disburse the approved grant unless it has received satisfactory evidence that the applicant is proceeding with its proposed promotional program. Under section 8, the Department must, if possible, allocate 62.5 percent of its matching fund grants to applicants located outside of counties with a population of more than one million.

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Your letter refers to subsections (b) and (g) of section 4 of the Illinois Promotion Act (Ill. Rev. Stat. 1977, ch. 127, par. 200-24) as possible authority for the Department to ignore sections 5 through 8, and make flat grants to local promotion groups.

Section 4 reads as follows:

"The Department shall have the following powers:

(a) To formulate a program for the promotion of tourism in the State of Illinois, including the promotion of our State Parks, fishing and hunting areas, historical shrines, vacation regions and areas of historic or scenic interest;

(b) To cooperate with civil groups and local, state and Federal departments and agencies, and agencies and departments of other states in encouraging educational tourism and developing programs therefor;

(c) To publish tourist promotional material such as brochures and booklets;

(d) To promote tourism in Illinois by articles and advertisements in magazines, newspapers and travel publications and by establishing promotional exhibitions at fairs, travel shows, and similar exhibitions;

(e) To establish and maintain travel offices at major points of entry to the State;

(f) To recommend legislation relating to the encouragement of tourism in Illinois;

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(g) To do such other acts as shall, in the judgment of the Department, be necessary and proper in fostering and promoting tourism in the State of Illinois."

If subsection (b) of section 4 is to be construed to authorize the Department to make flat grants to civil groups, the word "cooperate" must be given a meaning which permits the Department to remain completely uninvolved with the recipient organization, and the planned promotional activity.

Where words in a statute are not used in a specialized or technical way, they are understood to carry with them their common, everyday meaning. (Droste v. Kerner (1966), 34 Ill. 2d 495, 503.) Webster's Third New International Dictionary (1966) defines "cooperate" as follows:

"1: to act or work with another or others to a common end: operate jointly \* \* \* 2: to act together: produce an effect jointly \* \* \* 3: to associate with another or others for mutual often economic benefit \* \* \*."

Each of these definitions carries with it the idea of independent, but coordinated efforts on the part of each of the cooperating parties. The most natural construction of a grant of authority to "cooperate" with civil groups, then, is that the Department is empowered to consult with and coordinate its own efforts with those of civil groups.

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If this construction is adopted, then each of the sections of the statute considered so far will have a useful purpose. If "cooperate" is interpreted so as to allow the Department to make grants without complying with the procedures set out in sections 5 through 8, then those sections become superfluous.

Among the primary rules of statutory construction is the principle that where it is at all practicable, an entire statute must be read together, and so construed as to make it harmonious and consistent in all its parts. (Morris v. The Broadview, Inc. (1944), 385 Ill. 228, 231; Mechanics' Savings Institution v. Given (1876), 82 Ill. 157, 160.) This means that each section should, if possible, be so construed that no other clause, sentence or word is rendered superfluous. (Wells Bros. Co. v. Industrial Commission (1918), 285 Ill. 647, 649.) An attempt should be made to give meaning to every word in the statute. Mid-South Chemical Corp. v. Carpentier (1958), 14 Ill. 2d 514, 519.

Following these rules, I conclude that subsection (b) does not authorize the Department to make flat grants to local promotion groups.

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What has been said with respect to subsection (b), applies with even greater force to subsection (g). If the word "all other acts" are to be construed so as to allow the Department to make flat grants to local promotion groups, it would not only render sections 5 through 8 superfluous, but would eliminate the need for subsections (a) through (f) of section 4 as well. The doctrine of ejusdem generis supplies a more limited interpretation of subsection (g), which gives effect to each section of the Act. This doctrine was explained in the case of People v. Capuzi (1960), 20 Ill. 2d 486, 493-4;

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\* \* \*

\* \* \* [W]here a statute or document specifically enumerates several classes of persons or things and immediately following, and classed with such enumeration, the clause embraces 'other' persons or things, the word 'other' will generally be read as 'other such like,' so that the persons or things therein comprised may be read as ejusdem generis 'with,' and not of a quality superior to or different from, those specifically enumerated. (Sandiman v. Breach, 7 Barn. & Cr. 96; Rhone v. Loomis, 74 Minn. 200, 77 N.W. 31.) The reason for the rule is that if the legislature had intended that the general words apply without restriction, it would have used only one compendious word. Rex v. Wallis, 5 Term R. 375, 5 Durnford & East 196.

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Applying this doctrine to the powers enumerated in section 4, it will be seen that subsections (a) through (f) constitute a compendium of things which the Department, by itself and in cooperation with others, can do directly to promote tourism in Illinois. This is in contrast to sections 5 through 8, which delineate the way in which the Department can help other entities to promote tourism. If subsection (g) is ejusdem generis with subsections (a) through (f), it allows the Department to promote tourism directly, in ways similar to those enumerated. It does not grant the Department the authority to provide financial aid to other entities seeking to promote tourism.

This construction gives meaning to each section of the statute, and must, therefore, be adopted in preference to a construction which would render the remainder of the statute largely nugatory.

Very truly yours,

A T T O R N E Y   G E N E R A L