



WILLIAM J. SCOTT

ATTORNEY GENERAL

STATE OF ILLINOIS

500 SOUTH SECOND STREET

SPRINGFIELD

February 3, 1972

File No. S-399

FEES AND SALARIES:

Section 9b of Article VII
of the 1970 Illinois Constitution

The Honorable Robert J. Lehnhausen
Director
Department of Local Government Affairs
325 West Adams Street
Springfield, Illinois 62706

Dear Mr. Lehnhausen:

I have your recent letter wherein you state:

"Section 3b of the 'Revenue Act of 1939' (Chapter 120, Paragraph 484b, I.R.S.) requires this Department to reimburse each county monthly from the State Treasury, 50% of the amount of salary paid the Supervisor of Assessments of such county for the preceding month.

Previously opinions of the Attorney General have stated that the Supervisor of Assessments is a county officer and therefore, under the provisions of the 1870 Constitution, his salary could not be increased or decreased during his term of office.

The 1970 Constitution in Article VII, Section 9, provides, in part, as follows:

'An increase or decrease in the salary of an elected officer of any unit of local government shall not take effect during the term for which that officer is elected.'

We are in receipt of a notification from the County Board of Hamilton County that approval has been given for an increase in the salary of the Supervisor of Assessments. A copy of that notification is enclosed. The Supervisor of Assessments was appointed for a term beginning July 1, 1970. His term will end on July 1, 1974.

We hereby seek your opinion as to whether an increase in salary is now permissible for a Supervisor of Assessments during his term of office."

As you have indicated in your letter, Section 9b of Article VII of the 1970 Illinois Constitution provides as follows:

"An increase or decrease in the salary of an elected officer of any unit of local government shall not take effect during the term for which that officer is elected."

Unless there are very strong reasons to the contrary, the Constitution should be read and understood according to the most natural and obvious import of the language used without resort to subtle and false construction for the purpose of eliminating or extending its operation, Austin vs. Healy, 376 Ill. 633. There is no room for construction where the words of the Constitution are clear, explicit and unambiguous, City of Beardstown vs. City of Virginia, 76 Ill. 34.

It can be observed from the foregoing provision in the 1970 Illinois Constitution that there can be no increase or decrease in the salary of an elected officer in a unit of local government during the term by which that officer is elected. It applies only to elected officers of a unit of local government and not to those who are appointed. Since your Supervisor of Assessments is an appointed officer, I am of the opinion that his salary may be increased during his term of office.

Very truly yours,

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