



TYRONE C. FAHNER

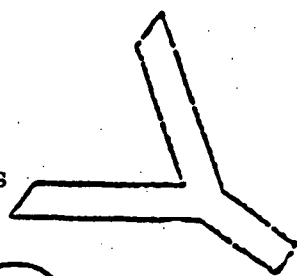
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

May 17, 1982

FILE NO. 82-014

FEES:

Exemption of County From
Requirement of Paying Sheriff's Fees



Kenneth R. Boyle
Director
State's Attorneys Appellate Service Commission
619 East Monroe, Suite 201
Springfield, Illinois 62701



Dear Director Boyle:

This responds to your letter in which you ask whether a county is required to pay to another county, or to any sheriff, the sheriff's fees which are established by section 19 of "AN ACT concerning fees and salaries, etc." (Ill. Rev. Stat. 1979, ch. 53, par. 37, as amended by P.A. 82-204, effective January 1, 1982). For the reasons hereinafter stated, it is my opinion that a county is not required to pay the fees in question.

Section 19 of "AN ACT concerning fees and salaries, etc." (Ill. Rev. Stat. 1979, ch. 53, par. 37, as amended by

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P.A. 82-204, effective January 1, 1982), which fixes sheriff's fees in counties of the first and second class, provides as follows:

"The fee requirements of this Section do not apply to units of local government or school districts." (Emphasis added.)

Identical language is contained in section 1 of "AN ACT to provide for the fees of the sheriff * * * in counties of the third class" (Ill. Rev. Stat. 1979, ch. 53, par. 71).

The above-quoted statutory language is plain and unambiguous and needs no construction. It exempts a unit of local government, such as a county, from the requirement of paying the sheriff's fees established pursuant to section 19. An unambiguous statute must be held to mean what it plainly expresses. (Finley v. Finley (1980), 81 Ill. 2d 317, 326.)

Further, when House Bill 3436, which became Public Act 79-1414 and which added the language in question to section 1 of "AN ACT to provide for the fees of the sheriff * * * in counties of the third class" (Ill. Rev. Stat. 1979, ch. 53, par. 71) was being considered by the Illinois House of Representatives, Representative Yourell, the House Sponsor, stated as follows:

" * * * House Bill 3436 [which] amends an Act concerning fees [of the] Sheriff, [and] Recording Clerk in counties over one million, affects just Cook County. It exempts units of local government and school districts from paying the fees as

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prescribed in the statutes relative to those three offices. It also amends the Act concerning fees for appeals in any court in the same manner. This Bill was designed to alleviate the situation where the units of local government and school districts in Cook County have been paying to the three offices [sheriff, recorder, and county clerk] mentioned fees for performing services. * * *

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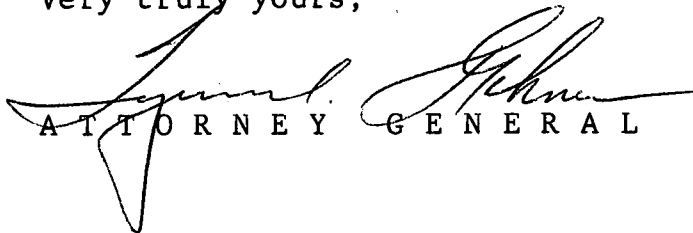
"

(Emphasis added.)
(Remarks of Rep. Yourell, May 20, 1976, House
Debate on House Bill 3436.)

Since Public Act 82-204 contains identical language, it must be concluded that the intent of the General Assembly in enacting it was the same as its intent with respect to Public Act 79-1414.

I am therefore of the opinion that, since it is a unit of local government (Ill. Const. 1970, art. VII, § 1), a county is not required to pay to another county, or its sheriff, any sheriff's fees established either by section 19 of "AN ACT concerning fees and salaries, etc." (Ill. Rev. Stat. 1979, ch. 53, par. 37, as amended by P.A. 82-204).

Very truly yours,


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