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February 18, 1977

FILE NO. S-1214

COMPENSATION:
Method of Compensating
Coroner's Deputies

Honorable Gene L. Armentrout
State's Attorney
Kane County
Geneva, Illinois 60134

Dear Mr. Armentrout:

I have your letter wherein you request an opinion on whether deputy coroners may be compensated on a per diem and a salary basis. Section 1 of "AN ACT allowing coroners to appoint deputies and to prescribe their duties" (Ill. Rev. Stat. 1975, ch. 31, par. 27) provides:

"* * * That each coroner may appoint one or more deputies, * * * and their compensation shall be determined by the county board."

It is my opinion that deputy coroners can be compensated on both a per diem and a salary basis. The

Honorable Gene L. Armentrout - 2.

Illinois Supreme Court held that compensation for official services rendered on behalf of the State or any public corporation rests wholly upon statutory provision or authority. (Sprinkle v. County of Cass (1930), 340 Ill. 382.) Since there is a statutory provision allowing the county board to compensate deputy coroners, the county board may choose whatever manner of compensation they deem best. The statute provides only for compensation to be made, but does not specify the manner of compensation. Therefore, it is my opinion that the county board may provide for the deputy coroners to be paid on both a per diem and salary basis.

Very truly yours,

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