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FILE NO. NP-953

OFFICERS:

Eligibility of County Board Member
For Appointment as County Tuberculosis
Sanitarium Director

Honorable Jack Hoogasian
State's Attorney
Lake County
County Building
Waukegan, Illinois 60085

Dear Mr. Hoogasian:

I have your letter in which you query whether the appointment of a county board member to a director's post on the county tuberculosis sanitarium board is prohibited.

Section 1 of the Corrupt Practices Act (Ill. Rev. Stat. 1973, ch. 102, par. 1) provides:

"No member of a county board, during the term of office for which he is elected, may be appointed to, accept or hold any office other than chairman of the county board or member of the regional planning commission by appointment or election of

NP 155

Honorable Jack Hoogasian - 2.

the board of which he is a member. Any such prohibited appointment or election is void. This Section shall not preclude a member of the county board from being selected or from serving as a member of the County Personnel Advisory Board as provided in Section 12-17.2 of 'The Illinois Public Aid Code', approved April 11, 1967, as amended, or as a member of a County Extension Board as provided in Section 7 of the 'County Cooperative Extension Law', approved August 2, 1963, as amended."

In addition to those offices specifically exempted by section 1, I have previously concluded in opinion No. S-877, dated March 17, 1975, that an exemption for county board members also existed where a statute specifically provided for their appointment to the office. This conclusion was reached by applying the rule that where a general and a specific statute deal with the same subject, they must be read together with a view towards a consistent legislative policy and, to the extent that they are inconsistent, the specific will prevail over the general.

The specific post you inquire about is a director on the county tuberculosis sanitarium board. Section 3 of "AN ACT relating to the care and treatment by counties of persons afflicted with tuberculosis, etc." (Ill. Rev. Stat. 1973, ch. 34, par. 5104) provides:

"When in any county such a proposition, for the levy of a tax for a county tuberculosis sanitarium has

Honorable Jack Hoogasian - 3.

been adopted as aforesaid, the chairman or president, as the case may be, of the county board of such county, shall, with the approval of the county board, proceed to appoint a board of 3 directors, one at least of whom shall be a licensed physician, and all of whom shall be chosen with reference to their special fitness for such office. * * *
(emphasis added.)

The above statute does not specifically provide for the appointment of a county board member. Your question is whether the language "with reference to their special fitness" might be interpreted as permitting the appointment of a county board member. It is my opinion that the statute cannot be so interpreted. If two statutes are capable of being so construed that both may be given effect, it is the duty of a court to so construe them. (People v. Holderfield, 393 Ill. 138.) It is clear that the emphasized language in the statute above is not necessarily inconsistent with section 1 of the Corrupt Practices Act. Although some county board members may have special fitness to be directors of county tuberculosis sanitariums, they are clearly prohibited from holding such appointive offices by section 1 of the Corrupt Practices Act. Simply stated, the emphasized language in the statute above

Honorable Jack Hoogasian - 4.

is not a specific authorization for appointment of county board members, rather, it is a statement of general qualifications. As such, it cannot be the basis for excepting the office of director of the county tuberculosis sanitarium board from the proscription of section 1 of the Corrupt Practices Act.

Very truly yours,

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