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COUNTIES - ILLINOIS

Illinois County Treasurers' Ass'n v. Hamer

Appellate Court of Illinois, Fourth District - April 22, 2014 - N.E.3d - 2014 IL App (4th) 130286

County treasurers' association brought declaratory judgment and mandamus action against director of Department of Revenue and state comptroller, alleging department and comptroller failed to pay county treasurers the full amount of mandated annual stipends. The Circuit Court granted summary judgment to department and comptroller. Association appealed.

The Appellate Court held that:

- Judicial branch could compel payment of statutorily-mandated amount of stipends without violating separation of powers, and
- Officer suit exception to sovereign immunity applied.

Judicial branch could compel payment of county treasurers' stipends, in amount required by statute, for particular years without violating separation of powers, even though General Assembly had failed to make sufficient appropriation for payment of stipends. Failure to pay stipends in amount required by statute violated constitutional provision prohibiting a decrease in salary of an elected officer of any unit of local government from taking effect during the term for which that officer was elected.

Officer suit exception to sovereign immunity applied to allow declaratory judgment and mandamus action against director of Department of Revenue and state comptroller by county treasurers' association, seeking to require payment to county treasurers of full amount of mandated annual stipends. Action was not against the state, and association prayed for a judgment declaring that director and comptroller acted in violation of constitution.

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