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FILE NO. S-1059

BILLS:
Effect of Two Amendments
to the Same Act

Honorable Daniel Dougherty
Illinois State Senator
Chairman, Senate Committee on Local Government
9231 Commercial Avenue
Chicago, Illinois 60617

Dear Senator Dougherty:

This responds to your request for an opinion as to the effect of Public Acts 79-197 and 79-616. Both Acts amend section 6 of "AN ACT in relation to fire protection districts". (Ill. Rev. Stat. 1973, ch. 127 1/2, par. 26.) Public Act 79-197 provides for additional compensation to trustees of the district. Public Act 79-616 provides that the board of trustees has the power to change the corporate name of the district. A problem arises because Public Act 79-616, which was passed June 2, 1975, and approved on August 27, did not incorporate the amendment

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to the section contained in Public Act 79-197, which was passed June 2, 1975, and approved July 13. You are concerned that the latter Act may repeal by implication the first Act.

Under section 8(d) of article IV of the Illinois Constitution, a bill expressly amending a law shall set forth completely the sections amended. When bills are introduced to amend certain sections of an act they set forth the section as it exists at the time. It is difficult to anticipate any other amendments to the same section which may be introduced or become law. In such situations, it is the general rule that if the two amendments are not in conflict, they are both effective. Section 6 of "AN ACT to revise the law in relation to the construction of statutes" (Ill. Rev. Stat. 1973, ch. 131, par. 4.2) provides in part:

"§ 6. Two or more Acts which relate to same subject matter and which are enacted by the same General Assembly shall be construed together in such manner as to give full effect to each Act except in case of an irreconcilable conflict. In case of an irreconcilable conflict the Act last acted upon by the General Assembly is controlling to the extent of such conflict. * * * "

In People ex rel. Brenza v. Fleetwood, 413 Ill. 530, at 548,

the Court stated as follows:

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"* * * In the absence of legislative intent to the contrary, and where the two acts are not so inconsistent that both cannot stand and be given effect, a later law which is merely a re-enactment of a former law does not repeal an intermediate act which has qualified or limited the first one, but the intermediate act will be deemed to remain in force and to qualify or modify the new act in the same manner as it did the first."

See, also, People v. Bullard, 61 Ill. 2d 277; Peo. ex rel.

Young v. C. & N.W. Ry. Co., 20 Ill. 2d 462; Opinion No. S-185,
1970 Ill. Att'y. Gen. Op. 119.

I, therefore, am of the opinion that since the two amendments relate to different matters and in no way conflict, both are effective.

Very truly yours,

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