

There are two constitutional provisions which require our conclusion that the bill is unconstitutional.

Article III, Section 15, Constitution of Maryland, provides, in part:

“The General Assembly may continue its session so long as in its judgment the public interest may require, for a period not longer than ninety days in odd years and thirty days in even years; and on and after January 1, 1949, each member thereof shall receive a compensation of Eighteen Hundred Dollars (\$1,800.00) per annum, payable quarterly, with a deduction of Fifteen Dollars (\$15.00) per diem for each day of unexcused absence from any session; . . .”

Article III, Section 35, Constitution of Maryland, provides, in part:

“No extra compensation shall be granted or allowed by the General Assembly to any public Officer, Agent, Servant or Contractor, after the service shall have been rendered, or the contract entered into; nor shall the salary or compensation of any public officer be increased or diminished during his term of office. . . .”

We believe that the attempt by the bill to provide a pension for former members of the General Assembly who are no longer members of the General Assembly would be extra compensation granted to a public officer after the services have been rendered. Pensions of the type provided in this bill have generally been held to be compensation to the public officers receiving them. The case of *Sena v. Trujillo*, 46 N.M. 361, 129 P. 2d 329, 142 A.L.R., and the Note, 142 A.L.R. 938, clearly indicate that, by the great weight of authority, where a constitutional provision prohibits payment of extra compensation to public officers after services have been rendered, an attempt to provide a pension to one who has left the service of the state prior to the enactment of the statute would be unconstitutional.

It is also our belief that since the Constitution provides that each member of the General Assembly shall receive a compensation of \$1,800 per annum, the Legislature could not increase the compensation. *State v. Appling*, 348 P. 2d 759 (Ore., 1960), holds that a provision in the constitution that “members of the Legislative Assembly shall receive for their services a salary of \$600.00 per annum payable as provided by law” prevents the enactment of a statute increasing the salary.

Another persuasive consideration that the attempt to increase the compensation of members of the General Assembly by legislative action would be unconstitutional is the fact that each previous attempt to increase the annual compensation of members of the General Assembly has been by constitutional amendment. Chapter 112 of the Acts of 1962 was an attempt to increase the compensation of members of the General Assembly to \$3,000 per annum. This proposed amendment was not approved by the voters.

For the reasons set forth above we believe that House Bill 648 could not constitutionally apply to members of the General Assembly