

1970 constitutional amendment provided the Commission with jurisdiction over legislative pensions and the wording of subsections (3) and (4) makes it clear that this jurisdiction is preemptive of the power of the General Assembly to deal with this subject. *

Moreover, in its 1974 Resolution the Commission established benefits, in Item 2(n), for the very category of former legislators covered by Senate Bill 592.

"A former member of the General Assembly serving in that body between January 13, 1971 and January 7, 1975, but not thereafter, who elected to become a member of the pension plan provided for in the Resolution of this Commission dated January 25, 1971, shall receive the benefits provided for in that Resolution."

In the accompanying Report (pages 27-28) the Commission pointed out that it had been entreated to provide certain more favorable pension benefits for legislators "who have left the General Assembly between January 13, 1971 and January 7, 1975" but that it had declined to enlarge these benefits.

An argument is put forth that the provisions of Article III, Section 15(2), et seq. relate only to present, rather than former, members of the General Assembly. We cannot give such a reading to these subsections and point out that in both the 1971 and 1974 Reports and Resolutions the Commission considered both categories of General Assembly members. Moreover, such a restrictive reading would create a situation where the General Assembly could enact pension benefits for all former members of the General Assembly, making them effective immediately after such members left public service, a result which would be entirely contrary to the apparent legislative intent when the 1970 constitutional amendment was proposed. This office's prior letters dated February 21 and March 6, 1975, on this entire subject are enclosed for your consideration.

The General Assembly Compensation Commission will certainly begin its work no later than mid-1977 on the Report and Resolution due in January, 1978. In the meantime Commission members would undoubtedly welcome the opportunity of considering and evaluation the inequities which former members feel have resulted from the Commission's failure last year to increase the level of pension benefits for them.

Very truly yours,
/s/ Francis B. Burch
Attorney General