

years, retired state employees have seen their annual pension benefits increased by 86% while benefits for state legislators have remained unadjusted.

I am confident that the Legislative Compensation Commission did not intend for legislators and their spouses to be treated in such a disadvantageous fashion.

The constitutional defects of S.B. 314 preclude me from signing this legislation. However, I would urge the Legislative Compensation Commission to address this problem prior to submitting its next Resolution to the General Assembly.

Sincerely,
Harry Hughes
Governor

May 21, 1980

Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, Maryland 21401

Re: Senate Bill 314

Dear Governor Hughes:

Senate Bill 314 would add a new paragraph (h) to Sec. 11(13) of Article 73B of the Maryland Code to provide a cost-of-living increase in legislative pensions awarded under Article 73B or a resolution of the General Assembly Compensation Commission to the surviving spouses of members who served before 1979. Because cost-of-living adjustments are already included in the legislative pension payable to a surviving spouse under Article 73B, and because the General Assembly Compensation Commission has exclusive jurisdiction with respect to the subject of legislative pensions awarded under its resolutions, we conclude that in part this bill is mere surplusage and in part it is unconstitutional.

Article III, Sec. 15(2) of the State Constitution provides that "[a]ny compensation and allowances paid to members of the General Assembly shall be established by a commission known as the General Assembly Compensation Commission." This office has previously said that the term "allowances," includes "pensions." Unpublished Opinion of Jan. 11, 1971, as published as Exhibit "A," 59 Opinions of the Attorney General 374, 384 (1974). In the same 1971 opinion it was concluded that the Commission was not merely authorized, but was required to provide a pension plan as part of the allowances for legislators, and that the
