

authority of the Commission extended to the Legislative pension plan established in 1966 by Article 73B. Id. at 386-389 and 391-393. Accordingly, it has been concluded that the legislative pension plan cannot be altered at the initiative of the General Assembly. 61 Opinions of the Attorney General 746, 758 (1976).

Referring to an attempt in 1975 to increase pension benefits for former members of the General Assembly, we noted that the bill had been found to be unconstitutional "because of the exclusive jurisdiction of the General Assembly Compensation Commission with respect to the subject of legislative pensions." 63 Opinions of the Attorney General 589, 593 (1978). However, we later qualified this broad statement in our letter to you of May 24, 1979, concerning Senate Bill 1099, by concluding that it would not be unconstitutional for the General Assembly to act with respect to pensions of legislators who did not serve in the General Assembly after the establishment of the General Assembly Compensation Commission. It is clear, however, that Senate Bill 314, reaches surviving spouses of legislators who served after December 30, 1970, when the Commission became effective, as well as the surviving spouses of those who served earlier.

A surviving spouse of a member who did not serve after December 1970 receives benefits granted under Article 73B and is already within the ambit of the cost-of-living adjustment provided by Sec. 11A of that Article. Thus, to the extent that the bill attempts to provide survivors' cost-of-living adjustments for legislative retirement allowances awarded under Article 73B, it is mere surplusage; and to the extent that it attempts to provide survivors' cost-of-living adjustments for legislative pensions awarded under a resolution of the General Assembly Compensation Commission, it is unconstitutional.

Very truly yours,  
Stephen H. Sachs  
Attorney General

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Senate Bill No. 389

AN ACT concerning

Juvenile Causes - Liability for Acts of Juveniles

FOR the purpose of providing that if a juvenile court finds that a juvenile has committed a delinquent act and has caused personal injury or property damage, the juvenile