

pension plans under conditions as they have changed in the last century, our Constitution should be interpreted in conformity with the great weight of precedent from other jurisdictions interpreting similar provisions of other state constitutions." And here is the key statement. "All the modern decisions interpreting the power of legislators to enact pension programs hold that constitutional limitations on 'allowances' or 'emoluments' do not apply to pension programs." And it upheld a legislative pension program of the type that we are offering here today even though there is similar, apparently, restrictive language in that Constitution. The Attorney General argued that because West Virginia's Constitution was very old, the framers may not have had in contemplation pension programs, therefore, they could not have intended to prohibit them. So they are allowed. By the same reasoning, if you are going to say that in 1934 when by initiative this particular provision we are talking about was included in a ballot proposition and adopted, if you are going to argue that those people knew about pension programs, then we have an even stronger argument because they did not specifically prohibit such programs from being put in place by the Legislature. The State Constitution is a limit on what the Legislature can do. By not limiting or prohibiting the Legislature from setting in place a retirement program that offered a deferred compensation, the Legislature is allowed to do so. That is an argument. These words the Supreme Court said that I am talking about with reference to expenses are not ambiguous. We are allowed the salary. We are allowed the expenses. But on the question of a retirement program, the Constitution is silent. Whenever a provision of the Constitution is vague or ambiguous, meaning it can be read more than one way, this Legislature is entitled to review that provision and construe it, give it meaning, in other words, and enact legislation based on that construction, and the court will give great weight to that construction as it did with our expenses. So the way I am saying this provision should be construed is to say that the language existing in the Constitution now is designed to limit the salary, the present salary, of a senator in office to four hundred dollars a month, and that is that language in the first sentence. "Each member shall receive a salary of not to exceed four hundred dollars per month during his term of office." But it does not prohibit a retirement program of deferred compensation after he or she no longer is in office. And to give further significance to that, you can come down to this statement that says, "Members of the Legislature shall receive no pay nor perquisites than said salary and expenses" and you add the words "during the term of