

FILED
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March 20, 1969 Answered by Letter
Jones

Opinion Letter No. 187

Mr. Edwin M. Bode, Secretary
Missouri State Employees Retirement System
Capitol Building
Jefferson City, Missouri 65101

Dear Mr. Bode:

This letter is in response to your request for an opinion as to whether increased retirement benefits may legally be paid out of state funds to retired members of the Missouri State Employees Retirement System as provided for in Senate Bill No. 296.

This office has previously advised that retired state employees may not be given increased benefits from public funds after their retirement because to do so would constitute a grant of extra compensation after service has been rendered, in violation of Article III, Section 39 (3) Missouri Constitution. Attached are copies of Opinion No. 95, 5-12-61, Welborn, and Opinion No. 39, 10-19-61, Hemphill.

For the above reason, the contemplated legislation to increase retirement benefits may not legally apply to persons who have retired and are receiving benefits on the effective date of the increase.

Yours very truly,

JOHN C. DANFORTH
Attorney General

enc: Op. No. 95, 5-12-61, Welborn
Op. No. 39, 10-19-61, Hemphill