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STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. S-1039

PENSIONS:

Participation of Clerks of
the Circuit Court in the
General Assembly Retirement
System

Jan Carlson
Circuit Clerk, Kane County
Co-chairman of the Legislative Committee
of the Illinois Association of Court Clerks
Court House
Geneva, Illinois 60134

Willard V. Portell
Circuit Clerk, Madison County
Co-chairman of the Legislative Committee
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Edwardsville, Illinois 62025

Dear Co-chairmen Carlson and Portell:

I have your letter wherein you ask whether clerks of
the circuit court may participate in the General Assembly Retirement
System. I deem your inquiry to be of such a nature to
warrant this response. Participation in the System is open to

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"any member". (Ill. Rev. Stat. 1973, ch. 108 1/2, par. 2-107.)
Public Act 79-959 amended the definition of "member" to
include persons other than General Assembly members. Section
2-105 of the Illinois Pension Code (Ill. Rev. Stat. 1973, ch.
108 1/2, par. 2-105, as amended by P.A. 79-959) now reads as
follows:

"Member": Members of the General Assembly
of this State including persons who enter military
service while a member of the General Assembly
provided that the President of the Senate in office
on August 15, 1969, and a member of the system,
shall be eligible as a member only until the
expiration of his term of office; and

Any person elected by vote of the people of the
whole State to the Office of Governor, Lieutenant
Governor, Secretary of State, Treasurer, Comptroller,
or Attorney General for the period of his service in
such office."

Public Act 79-959 enables the Governor, Lieutenant
Governor, Secretary of State, Treasurer, Comptroller and
Attorney General to participate in the General Assembly
Retirement System. It is a fundamental principle of statutory
construction that the enumeration of certain things in a statute

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implies the exclusion of others. (In re Estate of Leichtenberg,
7 Ill. 2d 545.) The definition of "member" in Public Act 79-959
enumerates certain elected officials but makes no mention of
clerks of the circuit court; it must be assumed, therefore, that
the legislature did not intend to include clerks of the circuit
court within the definition of "member". Since clerks of the
circuit court are not members, it is my opinion that they may
not participate in the General Assembly Retirement System.

Very truly yours,

A T T O R N E Y G E N E R A L