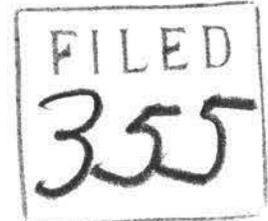


Opinion No. 355
Answered by Letter
(Nowotny)

November 9, 1965



Mr. Eugene P. Walsh
Legal Assistant to the Governor
Executive Office
Jefferson City, Missouri

Dear Mr. Walsh:

This is in answer to your letter concerning a Mrs. Alta McGraw who fell on the premises of the Missouri School for the Blind.

The Missouri School for the Blind is now provided for by Sections 178.010 to 178.150, V.A.M.S., and the school is put under control of the State Board of Education. Therefore the Missouri School for the Blind is a part of the state.

The court in *Bush v. State Highway Commission of Missouri*, 329 Mo. 843, 46 S.W. 2d 854, said this, l.c. 857:

"[1] The proposition that the state is not subject to tort liability without its consent is too familiar to deserve extended citations of authorities."

Enclosed is a copy of Attorney General Opinion, dated September 8, 1934, to the Honorable Harve G. Gray, adhering to this doctrine of sovereign immunity from tort liability.

Therefore, in the absence of an express statute permitting recovery from the state Mrs. McGraw cannot recover. Our research has failed to find such a statute.

Also attached are copies of Attorney General Opinion, dated June 18, 1951, to the Honorable Charles A. Witte, and Attorney General Opinion, dated March 30, 1965, to the Honorable Jack Keane, which hold that Mrs. McGraw cannot be compensated through either a special relief bill or legislative appropriation.

Very truly yours,

NORMAN H. ANDERSON
Attorney General