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May 26, 1969

OPINION LETTER NO. 12

Honorable James A. Noland, Jr.  
State Senator - 33rd District  
State Capitol Building  
Jefferson City, Missouri 65101

Dear Senator Noland:

This letter is in response to your opinion request concerning the question whether a legislator who is a member of the Public School Retirement System of Missouri can become a member of the Missouri State Employees Retirement System. We are enclosing an official Opinion Letter, No. 39, under date of May 15, 1961, to Mr. W.R. Henry, Mr. Ealum Bruffett and Mr. F.L. Brenton, which opinion we believe answers your first question.

Your request also raises the question as to whether a legislator who has been a member of the Missouri State Employees Retirement System can become a member of the Public School Retirement System of Missouri. The assumption is made that you are referring to a former legislator who returns to teaching, but is eligible to receive or is receiving a retirement annuity from the State Retirement System.

Chapter 169, RSMo 1959, relating to the Public School Retirement System of Missouri, does not expressly prohibit a person from belonging to the State Teachers Retirement System if he is eligible to receive or is receiving a retirement annuity from the State Employees Retirement System. However, it should be noted that under the definition of teacher in subsection 6 of Section 169.010, RSMo 1959, a member of the Teachers Retirement System is required to be employed on a full-time basis.

Honorable James A. Noland, Mr.

In conclusion, as to your second question, it is our belief that a former legislator who is eligible to receive or is receiving a retirement annuity from the State Retirement System may become a member of the State Teachers Retirement System if he returns to teaching on a full-time basis.

Yours very truly,

JOHN C. DANFORTH  
Attorney General

Enc: Opinion No. 39  
5/15/61, Henry