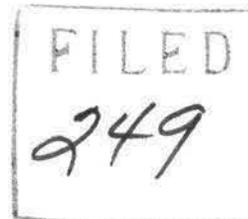


April 20, 1970

Answered by B. J. Jones
OPINION LETTER NO. 249

Mr. G. L. Donahoe
Executive Secretary
The Public School Retirement
System of Missouri
Farm Bureau Building
Jefferson City, Missouri 65101



Dear Mr. Donahoe:

This letter is to acknowledge receipt of your request for an opinion from this office in regard to whether the Board of Trustees of the Retirement System has the authority to sign a lease for office space suitable for the operation of the system and to make payments of the rental for the office space as provided for in the lease.

Subsection 19 of Section 169.020, RSMo Supp. 1967, provides as follows:

"The headquarters of the retirement system shall be in Jefferson City, where office space suitable for the operation of the system shall be provided by the board of public buildings."

In this connection, it is our understanding that office space has been provided in the Farm Bureau Building for more than four years, and that no leases have been executed by the System and no rentals have been paid by the System.

We are also informed that in the Seventy-fifth General Assembly, House Bill No. 147 was introduced and finally passed. After this bill had been finally passed, an error in the drafting of the bill was found, and because of this error, it was subsequently vetoed by the Governor. See attached letter from the Governor to the Secretary of State dated August 19, 1969. Subsection 19 of Section 169.020 in House Bill No. 147 provided that

Mr. G. L. Donahoe -

the Board of Trustees "shall pay any rental charges on the office space so arranged out of funds accruing to the system."

Our attention is also directed to a letter dated March 10, 1970, from the Division of Planning and Construction to the Retirement System enclosing a proposed lease agreement between the Farm Bureau Federation and the Retirement System. The letter indicates that the obligation included under the agreement will be that of the Retirement System and not of the Board of Public Buildings. The letter further states that the appropriations committee of the House of Representatives denied the request for funds to the Board of Public Buildings for payment of obligations under this lease.

Section 31 of Article III of the Missouri Constitution provides that all bills passed by both houses shall be presented to and considered by the Governor, and within fifteen days after presentation, he shall return them to the house of their origin endorsed with his approval or accompanied by his objections. Section 32 of Article III of the Missouri Constitution further provides that every bill presented to the Governor and returned with his objections shall stand as reconsidered in the house to which it is returned. It is only when there is an affirmative vote of two-thirds of the elected members of each house in favor of the measure that the objections of the Governor are overridden and the bill becomes law. Thus, the failure of the legislature to take further action in regard to the Governor's veto of House Bill No. 147, resulted in the bill not becoming law and Subsection 19 of Section 169.020, RSMo Supp. 1967, is still in effect.

It is our view that Subsection 19 of Section 169.020, RSMo Supp. 1967, is still in legal effect and in the absence of any new legislation, the Board of Trustees does not have authority to enter into a lease with the Farm Bureau Federation for office space and to make payments of the rental for the office space as provided for in the lease.

Very truly yours,

JOHN C. DANFORTH
Attorney General

enclosure