

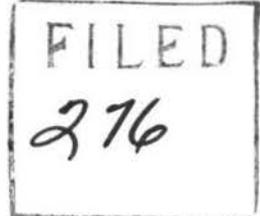


JOHN C. DANFORTH
ATTORNEY GENERAL

OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY
July 26, 1974

OPINION LETTER NO. 276

Honorable James F. Conway
Representative, District 65
3811 Flora Place
St. Louis, Missouri 63110



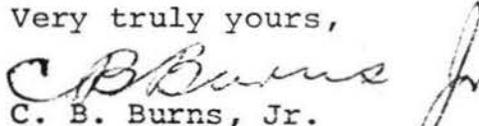
Dear Mr. Conway:

This letter is in response to your question asking whether Senate Bill 122, 77th General Assembly, First Regular Session, with respect to the establishment of the office of medical examiner in the City of St. Louis, is constitutional. It is our understanding that your question is prompted by an opinion rendered by the St. Louis City Counselor which holds that such Bill violates the Missouri Constitution in several respects.

We note that one of the interwoven arguments made in the memorandum of the St. Louis City Counselor concerns the question of the status of the City of St. Louis under the laws of this state and the effect of the legislation upon such city in its capacity as a city-county. A similar question concerning the status of the City of St. Louis as a city-county under the statutes of this state is now under submission before the Missouri Supreme Court in the case entitled, The State of Missouri ex rel. Harold P. Robb, Director, Division (Department) of Mental Health et al., Relators vs. John H. Poelker et al., Respondents, No. 58,563. This office is involved in Relators' pending case and since there are questions of law overlapping such case and the question you pose, it is our view that we are not in a position to rule on the question you pose until such time as the pending case is determined by the Court.

We suggest, however, with respect to Senate Bill 122, that the presumptions as to the validity of the enactment are sufficiently strong to enable the mayor to take affirmative action pursuant to the Bill's provisions.

Very truly yours,


C. B. Burns, Jr.
Assistant Attorney General