



OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

JOHN C. DANFORTH
ATTORNEY GENERAL

October 22, 1974

OPINION LETTER NO. 283

Honorable Robert D. Snyder
Representative, District 95
506 Olive, Room 605
St. Louis, Missouri 63101

Dear Representative Snyder:

This letter opinion is in response to the following inquiry:

"May a 4th class city allow the payment of any pension other than the LAGERS Pension to an employee who has not had 10 years of service by the age of 65?"

The LAGERS Plan--Local Government Employees' Retirement System--is provided for in Sections 70.600 to 70.760, RSMo 1969, as amended.

Section 70.615, RSMo 1969, states:

"After October 13, 1967, a political subdivision shall not commence coverage of its employees who are neither policemen nor firemen under another plan similar in purpose to this system, other than under this system, except the federal social security old age, survivors, and disability insurance program, as amended; except that any political corporation or subdivision of this state, now having or which may hereafter have an assessed valuation of forty million dollars or more, which does not now have a pension system for its officers and employees adopted pursuant to state law, may provide by proper legislative action of its governing body for the pensioning of its officers and employees

Honorable Robert O. Snyder

and the widows and minor children of deceased officers and employees under a plan separate and apart from that provided in sections 70.600 to 70.760 and appropriate and utilize its revenues and other available funds for such purposes."

Enclosed please find a photostatic copy of Opinion No. 128, Owens, August 7, 1972. This opinion holds that:

"It is the opinion of this office that a city is prohibited by Section 70.615, RSMo from establishing a pension and retirement fund for employees who are other than policemen or firemen on an independent basis and not under the Lagers Retirement Plan (Sections 70.600 to 70.760, RSMo 1969, as amended) other than the Federal Social Security Old Age, Survivors and Disability Insurance program, as amended, unless the city has an assessed valuation of at least forty million dollars and does not now have a pension system for its officers and employees adopted pursuant to state law."

According to the Office of the St. Louis County Assessor, the City of Glendale has an assessed valuation of \$20,789,887 for 1973. In accordance with the standards of the LAGERS statute and the holding of this office in Opinion No. 128, Owens, it is our view that at this time the City of Glendale is proscribed by Section 70.615, RSMo 1969, from adopting an independent pension plan regardless of the age, tenure, or occupation of the person that plan proposes to cover.

Yours very truly,



JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 128
8-7-72, Owens