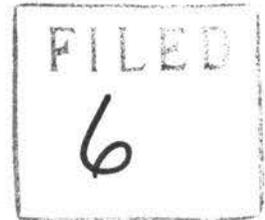


January 6, 1975

OPINION LETTER NO. 6
Answer by letter-Jones



Honorable James A. Noland, Jr.
State Senator, District 33
R. F. D. 1
Osage Beach, Missouri 65065

Dear Senator Noland:

This letter is to acknowledge receipt of your request for an opinion from this office which reads as follows:

"(a) Once a member of the state employees' retirement system has become vested, can he then become a member of the public school retirement system and earn a retirement benefit from that system?"

"(b) Can a member of the public school retirement system, with a vested interest therein, then become a member of the state employees' retirement system and earn a retirement benefit from that system?"

It is our understanding that your first question relating to a member of the State Employees' Retirement System who has become "vested" concerns a person who is entitled to a deferred annuity under provisions of Section 104.330, RSMo Supp. 1973, and who is no longer employed by the state.

In response to your first question, it is our view that upon a review of Chapter 169, RSMo 1969, relating to the Public School Retirement System of Missouri, there is no prohibition against such a member of the Missouri State Employees' Retirement System from becoming a member of the Public School Retirement System of Missouri and earning a retirement benefit from that system.

Honorable James A. Noland, Jr.

In response to your second question, it was held in Attorney General Opinion No. 39, Henry, 5-15-61 (copy attached), that a member of the General Assembly who is covered by the retirement or benefit fund of the Public School Retirement System of Missouri cannot also become a member of the Missouri State Employees' Retirement System. It is submitted that similar reasoning is applicable to the second question that you have presented, and it would be our opinion that a member of the Public School Retirement System, with a vested interest therein, cannot become a member of the State Employees' Retirement System and earn a retirement benefit from that system.

Yours very truly,

JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 39
5-15-61, Henry