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MISSOURI SENATE

RYAN SILVEY
DISTRICT 17

COMMITTEES

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GOVERNMENTAL ACCOUNTABILITY AND
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GENERAL LAWS
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JOINT COMMITTEE ON
LEGISLATIVE RESEARCH

January 27, 2014

Chris Koster, Attorney General
Mo State Attorney General's Office
207 West High Street,
Jefferson City, MO 65101

Dear Attorney General Koster,

As our state's chief law enforcement officer, I know you comprehend the checks and balances between the branches of our government. Additionally, as a former Senator I know you recall the responsibility of the legislature to appropriate the expenditure of taxpayer dollars. However, yesterday in a hearing of the Senate Appropriations Committee, the Commissioner of the Office of Administration, indicated the checks and balances of the legislature to appropriate funds to pay debt may be out of balance with the Governor's ability to unilaterally issue or extend bonding debt within current Missouri Statutes.

Specifically, Mr. Nelson indicated a belief that Governor Nixon has the authority to issue bonds or extend bonds under chapter 67.657 of the Missouri Revised Statutes pertaining to a sports complex in St. Louis. As a Senator and member of the Appropriations Committee, this is extremely concerning to me. This scenario would allow the Governor to obligate the state to debt through bonds, but then leave the legislature to pay for the bonds without any prior input from the General Assembly or the voters. To clarify whether this unilateral authority to obligate the state to take on debt exists, I ask that you issue an opinion regarding the Governor's authority to issue bonds per Missouri Revised Statute 67.657.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan Silvey", written over a large, stylized flourish that extends across the bottom of the signature area.

Senator Ryan Silvey
District 17

Form to Request Attorney General Opinions

1. Information about requestor:

Name: **State Senator Ryan Silvey**

Address: **201 W. Capitol Ave., Room 331A
Jefferson City, MO 65101**

Phone: **(573) 751-5282**

Date Request Made: **1/27/15**

2. Official capacity of requestor (*See Section 27.040, RSMo*):

Missouri State Senator

3. The question of **LAW** upon which I request your **legal** opinion is as follows:
(**Note:** Make certain the phrasing of the question is complete and clearly stated because only this question will be considered for an official opinion.)

Does Missouri Revised Statute 67.657 provide the unilateral authority to the Governor to issue and/or authorize bonds without approval of the legislature or voters?

4. A complete statement of the **FACTS** giving rise to this question is as follows:
(**Note:** If **all** facts are not furnished which this office needs to respond to this question, it may be rejected as an incomplete request which this office cannot answer.)

In public testimony on January 26, 2015 the Commissioner of the Office of Administration indicated his belief that the Governor's administration has the ability to authorize bonds under Missouri Revised Statute 67.657 regarding a sports complex in St. Louis. Further, the Commissioner indicated the first opportunity for the legislature to offer insight or opinion would be after the bonds are authorized, but during the appropriations process deciding upon the approval of funding.

5. List each and every governmental entity involved in this request:

**Missouri Office of Administration
Missouri Office of the Governor**

6. Which of the entities listed in response to Question 5 have attorneys paid with public funds?

For each entity listed, attach a copy of the written **legal opinion** of each such attorney on the question involved herein.

(Note for prosecuting attorneys: Also attach a copy of your legal opinion giving Missouri statutes, significant Missouri appellate decisions and your conclusions drawn therefrom.)

**Missouri Office of Administration
Missouri Office of the Governor**

No legal opinions on such a matter have been presented or provided to the Legislature, but have likewise been requested from the Commissioner.

7. State in detail how the question of law relates to **your** official position or to the discharge of your duties.

As a legislator and member of the Senate Appropriations Committee responsible for appropriating taxpayer funds, balancing the state budget, and monitoring debt it is critical we understand or are made aware of any authority the Governor's administration has in relation to unilaterally issue or reissue bonds without legislative or voter approval.

8. Is any litigation pending involving the issues raised in your opinion request? Yes or **(No)** (circle one)

9. If the answer to Question 8 is "yes" list the name of case, court in which it is pending and docket number of case:

Name of case: _____

Court where pending: _____

Docket Number: _____