

July 11, 1969



Opinion Letter No. 291
Answered by L. J. Gardner

Honorable Dexter D. Davis
Commissioner
Department of Agriculture
Jefferson Building
Jefferson City, Missouri 65101

Dear Commissioner Davis:

This is in reply to your question whether the Department of Agriculture may charge subscribers for the cost of publishing the Daily Market Summary, a bulletin which sets forth the market prices for livestock, poultry, eggs, meat and grain.

The legislature has authorized you to publish this bulletin in Section 261.030, RSMo, wherein it provided:

"* * * The commissioner of agriculture may publish bulletins containing information useful to the producer and consumer; * * *"

However, there is no statutory provision which allows you to make a charge for supplying copies of this bulletin. In the absence of such a statutory provision you are not empowered to require the persons who receive the bulletin to pay all or part of the cost of publishing it.

Enclosed please find a copy of Opinion No. 81 dated January 16, 1951, to the Honorable H. G. Shaffner, Commissioner of Finance, Department of Business and Administration, Jefferson City, Missouri, holding that in the absence of a statutory provision authorizing him to do so, the Commissioner does not have power to charge and collect

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a fee for the performance of official duties. Also enclosed is a copy of an opinion dated November 17, 1949, to Mrs. Lucile Gregory, Executive Secretary, State Board of Cosmetology, holding that a rule requiring payment of a fee for certification of certain records was beyond the powers granted to the Board by the legislature.

Yours very truly,

JOHN C. DANFORTH
Attorney General

enclosures:

Op. No. 81, Shaffner, 1-16-51
Opinion, Gregory, 11-17-49