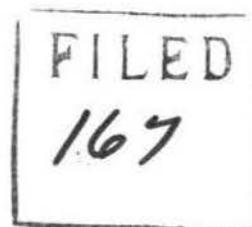


May 6, 1974

OPINION LETTER NO. 167
Answer by letter-Wieler



Honorable James I. Spainhower
State Treasurer
State Capitol Building
Jefferson City, Missouri 65101

Dear Mr. Spainhower:

This is in response to your request for an opinion as to whether or not interest earned from moneys in the Conservation Commission fund should be credited to that fund or credited to general revenue.

Article IV, Section 43 of the Missouri Constitution provides as follows:

"The fees, moneys, or funds arising from the operation and transactions of the commission and from the application and the administration of the laws and regulations pertaining to the bird, fish, game, forestry and wildlife resources of the state and from the sale of property used for said purposes, shall be expended and used by the commission for the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and wildlife resources of the state, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto, and for no other purpose."

Article IV, Section 15 of the Missouri Constitution, in pertinent part, provides:

Honorable James I. Spainhower

". . . All revenues collected and moneys received by the state from any source whatsoever shall go promptly into the state treasury, and all interest, income and returns therefrom shall belong to the state. Immediately on receipt thereof the state treasurer shall deposit all moneys in the state treasury to the credit of the state . . . and he shall hold them for the benefit of the respective funds to which they belong and disburse them as provided by law. . . ."

In our opinion, the recent case of State Highway Commission v. Spainhower, 504 S.W.2d 121 (Mo. 1973) is dispositive of the question raised. In that case, the Supreme Court of Missouri said that interest earned from the state road fund must be credited to that fund and not to general revenue. This decision was based upon a finding that the people of Missouri intended such a result by adopting Article IV, Section 30(b) of the Missouri Constitution which provides for the state road fund and directs that no use be permitted of the fund except for enumerated state highway purposes. See State Highway Commission v. Spainhower, supra at 125.

This reasoning applies equally to the question at hand. By adopting Article IV, Section 43, the people of this state have expressed a desire that all funds arising from the operations of the Conservation Commission be set aside and used only for conservation purposes. This being so, the Spainhower case would require all interest earned from moneys in the Conservation Commission fund to be transferred to that fund.

Therefore, it is our opinion that interest earned from moneys in the Conservation Commission fund should be credited by the State Treasurer to that fund rather than to the general revenue of the state.

Yours very truly,

JOHN C. DANFORTH
Attorney General