

FAIR )  
Appropriations)

Accounts of State Fair filed with Auditor  
and payment by state warrants on funds  
drawn therefrom.

80124 for 1 Law-33  
HB 649 for 1-2 = 3 H Law-33

September 14, 1933.

9-20



Hon. J. C. Breshears  
Commissioner  
State Department of Agriculture  
Jefferson City, Missouri

Dear Sir:

This is to acknowledge your letter of August 31st,  
1933, which issues follows:

"This is informal request for your opinion  
as to how the new State Department of  
Agriculture should henceforth handle the  
filing for payment the expenses of the  
State Fair. The State Fair has hereto-  
fore paid out both its 'general Revenue'  
and 'earned' appropriations through a  
Sedalia bank in which its State Fair  
treasurer was located. Should we now file  
accounts directly with the State Auditor  
for payment by state warrants?"

Laws of Missouri, 1933, Section 1, page 63, reads as  
follows:

"There is hereby appropriated out of the  
State Treasury, chargeable to the State  
Revenue Fund the sum of Sixty thousand  
dollars (\$60,000) to pay the salaries,  
wages, and per diem of the officers and  
employees, and other expenses of the  
Missouri State Fair, as follows: "  
(An itemization of the \$60,000 then follows,  
applying proportionate parts thereof to  
the classifications specified therein.)

Section 2 of the same act, in part reads as follows:

"There is hereby appropriated to the use and for the support of the state fair for the years 1933 and 1934 from the moneys that may be received and collected from the sale of concessions, or privileges and from entrance fees and from all other source of income of the state fair, including all gifts, donations, for special purposes and premiums, and all incomes and receipts of the state fair not to exceed the sum of three hundred and fifty thousand dollars (\$350,000.00) to be used by the commissioner of agriculture as said commissioner may deem to the best advantage, for the support, maintenance and upbuilding and improvement of the state fair; etc, \* \* \* subject to the following rules and regulations, viz.: \* \* \* Provided all funds received from the collections herein specified shall be deposited in the state treasury the day following their collection and shall be paid out for the purposes herein specified as provided by law."

Section 2a reads as follows:

"Before any such funds shall be paid out for the purposes specified herein the sum of twenty thousand dollars (\$20,000.00) in each of the years 1933 and 1934, shall first be set aside yearly to the credit of the general revenue fund of the state as a reimbursement of said sum to said fund for that amount of the appropriation provided for by Section 1 of this Act."

You will note that sixty thousand dollars is appropriated out of the State Treasury, chargeable to the State Revenue Fund (Sec. 1, page 63, supra). And, a further fund of three hundred fifty thousand dollars created (Sec. 2, page 64), which must be earned from concessions, entrance fees, etc., and to be deposited in the State Treasury the day following receipt of moneys derived from such sources. Section 2a provides that the

first twenty thousand dollars of such fund is set aside to the credit of the general revenue fund as a reimbursement to the amount appropriated by Section 1, supra.

Section 1, Laws of Missouri, 1933, page 415, provides in part as follows:

"All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, shall, by the official authorized to receive same, and at stated intervals, be placed in the state treasury to the credit of the particular purpose for fund for which collected, \* \* \* \* \*. The unexpended balance remaining in all such funds \* \* \* \* \* shall at the end of the biennium and after all warrants on same have been discharged and the appropriation thereof has lapsed, be transferred and placed to the credit of the ordinary revenue fund of the state by the state treasurer."

You state that, "The State Fair has heretofore paid out both its 'general revenue' and 'earned' appropriations through a Sedalia bank in which its State Fair Treasurer was located." The Legislature probably had this in mind when it wrote the present law, and intended to stop this practice.

From the foregoing, it is our opinion that you should file the State Fair accounts with the State Auditor and payment of same should be by state warrants drawn on the funds applicable to their payment.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General.

APPROVED: \_\_\_\_\_  
ROY McKITTRICK  
Attorney-General.