

IN RE: SENATE BILL NO. 134: INTERPRETATION AS RELATING TO COLLEGE FUNDS.

SB 134 Laws 33

June 27, 1933.

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Mr. Roy Ellis, President
State Teachers College
Springfield, Missouri

Dear Sir:

This Department is in receipt of your letter of June 23, in which you request an opinion from this office on the following state of facts:

"I believe I have a fair understanding as to the disposition of most of the fees taken in by this college under Senate Bill No. 134 which requires certain fees and funds collected by state agencies to be deposited in the state treasury. There are two fees, however, about which I am doubtful.

"The first one is the cafeteria fund. This college operates a cafeteria for the convenience of its students. The cafeteria is operated largely by students and on a non-profit basis. It is in a sense a student activity. The total receipts of the cafeteria for the past biennial period were \$23,331.76. ***

"The second fund about which I am doubtful is the bookstore fund. The college operates a store in which we sell and repurchase text books, stationery, school supplies of all sorts. It is operated chiefly by students and the profits such as there are, are used to finance the

college annual and the college newspaper which are student activities. The publishing staff of each being chosen by the student council. Like the cafeteria fund there is rapid turn over in this account. Under the terms of the bill are you of opinion that this fund would be deposited in the state treasury? I should appreciate your opinion on these two points."

Senate Bill No. 134 provides that fees, funds and moneys 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 be deposited in the state treasury,****; certain exceptions are made, however, as follows:

"* * * Provided, that in the case of state educational institutions there is excepted herefrom, gifts, or trust funds from whatever source; appropriations, gifts or grants from the Federal Government; private organizations and individuals; funds for or from student activities, farm or housing activities, and other funds from which the whole or some part thereof may be liable to be repaid to the person contributing the same, and hospital fees; all of which excepted funds shall be reported in detail quarterly to the Governor and biennially to the General Assembly."

The cafeteria fund to which you refer in your letter can, in no way, come within the exceptions provided by Senate Bill No. 134. The cafeteria is owned and operated by the college. The receipts belong to the college. And while it may be "in a sense a student activity", it is in reality a part of the college itself, and can not be said to come within the exception "funds for or from student activities."

In regard to the bookstore fund, this fund would seem to be subject to the same interpretation as the cafeteria fund, since the bookstore is owned and operated

by the college itself. However, the receipts from the bookstore are used to finance the college newspaper and the college annual, both of which are student activities. This fund would therefore come within the exceptions provided by Senate Bill 134, excepting "funds for or from student activities."

Therefore, it is the opinion of this Department that the cafeteria fund comes within the provisions of Senate Bill No. 134 and should be deposited in the State Treasury; the bookstore fund, however, comes within the exceptions provided for by Senate Bill No. 134 and need not be deposited in the State Treasury. This fund, however, must be reported in detail quarterly to the Governor and biennially to the General Assembly.

Respectfully submitted,

JOHN W. HOFFMAN, JR.
Assistant Attorney General.

APPROVED:

ROY HOKITTICK,
Attorney-General.