

✓ FEES: Under Senate Bill No. 124 funds collected prior to Bill going into effect not required to be transmitted to State Treasury. At stated intervals means with reasonable promptitude. Certain exceptions in the Bill.

Doc 1 SB 124 Law 1933

7-26  
July 13, 1933



Honorable Eugene Fair  
President State Teachers College  
Kirksville, Missouri

Dear Mr. Fair:

This Department acknowledges receipt of your letter dated July 11, 1933, as follows:

"I have been asked as secretary of the Teachers College group of presidents, to write you and ask whether we should need to turn in the fees from the various State Teachers Colleges which we have collected previous to the going into effect of the "Fee Bill" July 24; also to ask you when we should begin to turn in the moneys which we collect after July 24.

One of our number is also taking the matter up with Treasurer Macy and State Auditor, Smith, but we thought that you were the proper authority to consult about when we should begin complying with the new law. We have every desire to comply with the law, but hardly know when to begin to do so.

I will thank you for an opinion on this matter, and I will relay your opinion on to the other presidents".

We assume your letter refers to Senate Bill No. 124 which provides as follows:

"Sec. 1. 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 or fund for which collected, and shall be subject to appropriation by the General Assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated. The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected and expended by virtue of the provisions of the Constitution of this State), 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. Any official or other person who shall willfully fail to comply with any of the provisions of this section, and any person who shall willfully violate any provision hereof, shall be deemed guilty of a misdemeanor; 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".

July 13, 1933

We are of the opinion that Senate Bill No. 124 applies to and effects fees, funds and moneys received after and if and when such Bill goes into effect, otherwise the Bill would be retrospective in its operation.

The official authorized to receive the moneys affected by the above Bill is required at stated intervals to place such money in the state treasury. As to what is meant by the words "at stated intervals" or as to who shall say what is to be considered stated intervals, the Bill is silent. We think the words "at stated intervals" should be construed as meaning with reasonable promptitude and as to what would be reasonable promptitude might depend somewhat on the amount of the collections of the department or institution of the state required to remit same. However, the State Treasurer being in charge of the State finances, is the one best qualified to apply this term to the particular institution involved.

You will note that from the operation of Senate Bill No. 124 are certain exceptions, for instance if your college receives moneys from gifts, trust funds, appropriations or funds from student activities, farm or housing activities, when such activities are in connection with your school, you would not be required to place such money in the state treasury.

Yours very truly

GILBERT LAMB  
Assistant Attorney General,

APPROVED;

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Acting Attorney General

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