

DEPARTMENT OF AGRICULTURE - FARM- WAREHOUSE AT-  
HOUSE BILL NO. 79: Act requires insurance to be carried  
on grain in Warehouse but may be  
waived by Federal Government.

1-22  
January 18, 1934

Honorable J. C. Breshears  
Commissioner of Agriculture  
Jefferson City, Missouri



Dear Mr. Breshears:

This Department acknowledges receipt of  
your letter dated December 30, 1933, as follows:

"This is a request for rush  
opinion on Sections 10 and 11  
of House Bill No. 79, the Farm  
Warehouse Act, which became  
law with emergency clause when  
signed by the Governor, December  
22, 1933.

We have been notified by the  
United States Government that  
their officers do not desire fire-  
tornado-windstorm insurance on  
Missouri corn, having expressed the  
hope that Section 10 is not operative,  
or at least not mandatory to the Com-  
missioner of Agriculture.

We earnestly beseech you for imme-  
diate opinion, since everything  
about this new law is seemingly  
hanging fire until we can get this  
point settled."

Attached to your letter is copy of House Bill  
No. 79 passed by the Fifty-seventh General Assembly in Extra  
Session. Sections 10 and 11 of the Bill are as follows:

"Section 10. Any person to whom warehouse receipts are issued shall keep the grain in such warehouse or warehouses, owned or controlled by him, insured against loss by fire, tornado, and windstorm with a company authorized to do business in the state and approved by the Commissioner of Agriculture, to the extent of the full insurable value thereof, and it shall be the duty of the Sealer at the time of making his examination to determine that this provision has been complied with.

Section 11. The Commissioner of Agriculture shall have general supervision of the administration of the provisions of this act. He shall make and promulgate such rules and regulations, not inconsistent herewith, as shall be necessary or desirable to effectually carry out the purpose thereof. He shall make such reasonable regulations with respect to the construction and maintenance of granaries, cribs, bins or other receptacles as may be necessary to protect the grain to be stored therein under the provisions of this act. The Commissioner of Agriculture shall prepare and have printed the necessary blanks, forms, books and other printed matter, and furnish the clerical help necessary for administering this act, which said printing and services shall be paid from an appropriation made therefor by the General Assembly."

Section 10 is explicit in its requirements and provides it is the duty of the Sealer at the time he makes examination of the proposed warehouse to determine that Section 10 has been complied with. We assume it was thought necessary to make the provision as set out in Section 10 in

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-3-

January 18, 1934

order to procure the Federal funds mentioned in Section 17 of the act. While the requirement in Section 10 appears to be mandatory and not directory we see no reason why the taking out of insurance may not be omitted if the Federal Government sees fit to waive the same, and if the owner of the grain does not desire to carry such insurance for his own protection. The act does not make such insurance a pre-requisite to an approval of the premises as a warehouse or the sealing of the same by the Sealer.

Very truly yours,

GILBERT LAMB  
Assistant Attorney General

APPROVED:

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ROY McKITTRICK  
Attorney General.

GL:LC