

GRAIN WAREHOUSE FUND:
GENERAL REVENUE FUND:
AGRICULTURE:

Fees for services rendered under Grain Warehouse Law shall be set by Commissioner of Agriculture to produce sufficient revenues to meet the expenses of administering the law.

OPINION NO. 37
(353 1966)

February 2, 1967

Honorable Dexter D. Davis
Commissioner of Agriculture
Jefferson Building
Jefferson City, Missouri



Dear Mr. Davis:

Reference is made to your request for a formal opinion from this office as follows:

"Senate Bill No. 15 of the first regular session of the 73rd General Assembly abolished certain funds and placed balances and receipts into the General Revenue Fund. Our Grain Warehouse Fund of the Department of Agriculture was one such fund affected.

The 73rd General Assembly also enacted a new Grain Warehouse Law which went into effect October 13, 1965. Within this law, (section 411.150, paragraph 1, 2, 3), pertains to the setting of fees for the services rendered by this division. I would like to have a formal opinion as to the complete meaning of this section.

Does the abolishment of the Grain Warehouse Fee Fund supersede section 411.150 of our Grain Warehouse Law, not making it a necessity to be self-sustaining as we have been in the past?"

Senate Bill No. 15 was enacted by the 73rd General Assembly to take effect on November 1, 1965, and the provisions which are relevant to the questions you have raised are as follows:

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"Section 1. The following funds established in the state treasury are abolished:

* * *
Grain Warehouse Fund
* * *

Section 2. The balances in these funds are transferred to the general revenue fund. All appropriations from these funds shall be considered as appropriations from general revenue. All valid claims for payment from these funds shall be paid from general revenue.

Section 3. All references to these funds in the statutes of Missouri shall mean general revenue.

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Section 5. State fiscal reports shall show separately the amount of fees and receipts as reported and deposited in individual funds herein abolished.

Section 6. Provisions of law relating to the amount or limit on the appropriation or expenditures for any agency or purpose shall remain in effect."

* * * * *

Section 411.150, RSMo 1959, as amended by House Bill 716 of the 73rd General Assembly provides as follows:

"1. The commissioner shall have full power to fix the fees for sampling, inspection, weighing, protein or other chemical analysis, and moisture testing or for additional services of whatever nature consistent with the provisions of sections 411.010 to 411.701, which fees shall be regulated in such manner as will, in the judgment of the commissioner, produce sufficient revenue to meet the necessary expenses of the services of sampling, inspection, weighing, chemical analysis or moisture testing, and for administration and clerical work in connection therewith.

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2. All fees shall be paid to the collector of revenue and thereupon deposited in the state treasury to the credit of the grain warehouse fund, and from such fund appropriations may be made for the purposes of paying salaries and expenses necessary for complying with the provisions of sections 411.010 to 411.701.

3. At the end of each biennial period, all money remaining in the fund herein established in excess of one hundred thousand dollars shall be transferred by the state treasurer and become a part of the general revenue fund."

The basic rule of statutory construction is to discover the lawmakers' intention and, if possible, effectuate that intention, and thereby attain the object and purpose of the statute; *Hern v. Carpenter*, 312 S.W.2d 823.

The provisions of Section 411.150 indicate that the Legislature intended to establish the Grain Warehouse Fund for the purpose of providing funds to meet the expenses of the administration and enforcement of the Missouri Grain Warehouse Law (Chapter 411, RSMo) by the Department of Agriculture. The cited section authorized the Commissioner to fix fees for services rendered under the law in amounts sufficient to produce revenue to meet the necessary expenses of administering the law. Appropriations for the purpose of administering the law are to be made from the fund resulting from the collection of such fees. At the end of each fiscal period provision was made for the transfer of all money in the fund in excess of \$100,000 to the General Revenue Fund.

Senate Bill No. 15 abolished 35 special funds, including the Grain Warehouse Fund, and transferred the balances from these funds to the General Revenue Fund. However, statutory provisions for the collection of fees for the purpose of raising sufficient revenue to administer laws, such as the Missouri Grain Warehouse Law, were not repealed.

It appears that the sole purpose of Senate Bill 15 was to streamline the administration of the state's fiscal affairs by consolidating 35 special funds into the General Revenue Fund. The special purposes for which the funds are collected remain in the statutes and the monies remain available in the General Revenue Fund for appropriation by the Legislature to effectuate these special purposes.

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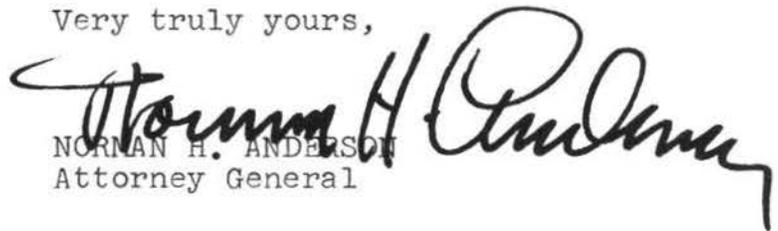
Section 411.150 manifests an intention for the Commissioner of Agriculture to set the amount of fees for services performed under Chapter 411 so that such fees shall produce sufficient revenue to meet the necessary expenses of administering Chapter 411. In prior years the fees collected were deposited in the Grain Warehouse Fund and appropriations were made from such fund for the purpose of administering the law. The only changes brought about by Senate Bill 15 are that the fees collected go directly into the General Revenue Fund and appropriations for administering the law are made directly from the General Revenue Fund. It remains the intention of Section 411.150 that the administration of the Grain Warehouse Law be self-sustaining through the collection of fees provided for by such section.

CONCLUSION

Pursuant to Section 411.150, RSMo Supp. 1965, fees for services rendered under Chapter 411 shall be set by the Commissioner of Agriculture for the purpose of producing sufficient revenue to meet the necessary expenses of administering Chapter 411. Pursuant to Senate Bill 15 of the 73rd General Assembly the fees collected shall be deposited into the General Revenue Fund and appropriations made therefrom for the necessary expenses for administering Chapter 411.

The foregoing opinion, which I hereby approve, was prepared by my Assistant Thomas J. Downey.

Very truly yours,


NORMAN H. ANDERSON
Attorney General