

January 18, 1974

OPINION LETTER NO. 83
Answer by letter-Wieler

Honorable James I. Spainhower
State Treasurer
Post Office Box 210
Jefferson City, Missouri 65101



Dear Mr. Spainhower:

This is in response to your request for an opinion as to whether moneys set aside for the payment of checks drawn upon the "agriculture emergency fund" should be transferred to general revenue when the checks in question have not been presented for payment within one year from the date of issuance as provided in Section 30.200, RSMo 1969.

Section 30.200, in pertinent part, provides that:

". . . All moneys set aside to pay any outstanding check or draft which has not been presented for payment as required by this section shall be transferred to the general revenue. . . ."

However, the funds in question are funds of a special nature. The "agriculture emergency fund" was set up pursuant to the provisions of Section 261.027, RSMo 1969. The moneys in this fund are former trust assets held by the United States as trustee on behalf of the Missouri Rural Rehabilitation Corporation which have been turned over to the state of Missouri pursuant to an agreement entered into by the United States Secretary of Agriculture and the Missouri State Commissioner of Agriculture. Under the terms of the agreement with the federal government, these funds and the interest derived therefrom are to be used only for agricultural relief and rehabilitation purposes. In accepting custody of these funds, the state as a condition of acceptance bound itself to the various restrictions

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set forth by the federal government, including a comprehensive, annual accounting of the use of all moneys in the fund to federal authorities.

In effect, the state has become the successor of the federal government as trustee of these funds on behalf of the agricultural community. Accordingly, the provisions of Section 30.200 dealing with the disposition of certain funds in an ordinary account within the treasury cannot be applied to the "agriculture emergency fund." When a check drawn upon this special fund is not presented for payment within one year from the date of issuance, the money set aside to pay it should be returned to the fund and not credited to general revenue.

Yours very truly,

JOHN C. DANFORTH
Attorney General