Opinion No. 74-221

Mr. S. J. Reda
Chief, Warehouse Division
Kansas Grain Inspection Department
801 Harrison
Topeka, Kansas 66612

RE: Your letter of June 24, 1974

Dear Mr. Reda:

This is in answer to your request for a written opinion as to whether your office, under our present statute, can license and issue Negotiable Warehouse Receipts to elevators wishing to store "Processed Soybean Meal". Please refer to the attached letter to Mr. Nicholas P. Fabac, Assistant Director, Grain Inspection Department.

Consistent with our opinion as expressed in the above referenced letter that only unprocessed grains are intended to be within the authority of the State Grain Inspection Department to weigh, it is our opinion that under existing statutes (K.S.A. 34-223, et. seq.) the State Grain Inspection Department, Warehouse Division, does not have the authority to issue Negotiable Warehouse Receipts to elevators for storage of "Processed Soybean Meal".

Very truly yours,

VERN MILLER
Attorney General

WHW:sm
June 17, 1974

Mr. Nicholas P. Fabac
Assistant Director
Grain Inspection Department
801 Harrison
Topeka, Kansas 66612


Dear Mr. Fabac:

You have inquired whether "soybean meal," which is a process grain, is within the definition of "grain" as contained in K.S.A. 34-101 so that the Grain Inspection Department can issue official weights.

"Grain" is not defined in K.S.A. 34-101 as such, although it is defined in K.S.A. 34-223 as "wheat, corn, oats, barley, rye, soybeans, grain sorghums and any grains upon which federal grain standards are established, also seeds generally stored by warehouses." A general rule of interpretation in Kansas is that statutes in pari materia should be construed together. Therefore, it is our opinion the "soybean meal" is not "grain" within the definition of the above statutes.

Such an interpretation is consistent with the definition of "grain" found in Webster's Seventh New Collegiate Dictionary, which defines it basically as a "hard seed." Therefore, the normal and usual meaning of the word "grain" would imply that only unprocessed grains are intended to be within the authority of the State Grain Inspection Department to weigh. Such authority must be obtained before official weights can be given.

Very truly yours,

CURT T. SCHNEIDER
Assistant Attorney General
Chief, Litigation

CTS:bw