

FILE

Subject

*State Board
Grain Inspection*

Copy to



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

October 18, 1974

Opinion No. 74-344

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

Dear Mr. Reda:

You inquire whether monies derived from charges to warehousemen for amending a license, e.g., name change or the like, would constitute fees subject to K.S.A. 34-228, which provides in pertinent part:

"The director shall remit all moneys received by or for him from fees, charges or penalties to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent (20%) of each such deposit shall be credited to the state general fund and the balance shall be credited to the grain inspection fee fund, except that the entire amount of moneys received under K.S.A. 34-101c, as amended, shall be credited to the grain inspection fee funds." [Emphasis supplied.]

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K.S.A. 34-101c provides:

"Such contracts may provide for reimbursement to the state grain inspection department by the commodity credit corporation for such services so performed and furnished, and any money received pursuant to the terms of such contracts shall be deposited in the grain inspection fee fund."

After review of the above statutes it is our opinion that a fee charged to warehousemen to amend a license does not come within the exception to K.S.A. 34-228 as set forth in K.S.A. 34-101c, and as a result, such a fee must be deemed a part of "all moneys received by or for" the director and thereby subject to the twenty percent (20%) remittance requirement.

Very truly yours,



VERN MILLER
Attorney General