



Subject State Boards  
Grain Inspection

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STATE OF KANSAS

*Office of the Attorney General*

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

VERN MILLER  
Attorney General

July 11, 1974

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



STATE OF KANSAS

*Office of the Attorney General*

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

VERN MILLER  
Attorney General

June 17, 1974

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

RE: Your letter of June 13, 1974.

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