

1573.

MINNOW DEALERS—LICENSE FEES CREDITED TO GENERAL FUND
IN STATE TREASURY.

SYLLABUS:

Fees collected for licenses from minnow dealers as provided by Section 1414-1, General Code, should be paid into the state treasury and credited to the general fund.

COLUMBUS, OHIO, March 1, 1930.

HON. HARRY D. SILVER, *Director of Finance, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date which is as follows:

“According to the General Code of Ohio, minnow license collections are referred to as follows:

Section 1414-1. Minnow dealer’s permit. ‘Each person, firm, partnership, association or corporation who buys, sells or deals in minnows is required to obtain, annually, from the director of agriculture a permit, and operate under such rules and regulations as the Director of Agriculture is hereby empowered to prescribe. Such permit shall be issued upon application and the payment of a fee of five dollars. It is further provided that such dealers shall not have in possession more than four thousand minnows at any one time, nor sell to any one person more than one hundred minnows in any one day.’

To what fund should these collections be credited?”

Your attention is directed to the fact that Section 1414-1 of the General Code, was amended by the 88th General Assembly, (Amended Senate Bill No. 131) so that it now reads as follows:

“Each person, firm, partnership, association or corporation who buys, sells or deals in minnows is required to obtain, annually, from the conservation commissioner a permit and operate under such rules and regulations as the conservation council is hereby empowered to prescribe. Such permit shall be issued upon application and the payment of a fee of five dollars. It is further provided that such dealers shall not have in possession more than four thousand minnows at any one time, nor sell to any one person more than one hundred minnows in any one day.”

Section 270 of the General Code, which is pertinent to your inquiry, provides in part as follows:

“All moneys paid into the state treasury, the disposition of which is not otherwise provided for by law, shall be credited by the Auditor of State to the general revenue fund. * * * ”

An examination of Amended Senate Bill No. 131, passed by the 88th General Assembly, which includes Section 1414-1 of the General Code and other sections pertaining to the powers, duties and functions of the Department of Conservation, discloses that there are sections which provide that certain license fees, fines, penalties and forfeitures shall be credited to a special fund.

Section 1430 of the General Code provides that all moneys derived from licenses

issued to persons engaged in fishing with reel and rod are appropriated for the use of the Conservation Council for the protection, propagation and preservation of fish, including the establishment, operation and maintenance of fish hatcheries, the leasing, purchasing or otherwise acquiring title to land for said hatcheries, constructing fish chutes and dams and other methods of fish propagation and fish culture.

Section 1433 of the General Code, provides that hunters and trappers license fees shall be paid into the state treasury to the credit of a fund which is appropriated for the use of the Conservation Council in the preservation and protection of birds, game birds, game and furbearing animals.

Section 1445 of the General Code provides that all fines, penalties and forfeitures arising from prosecutions, convictions or confiscations, unless otherwise directed by the Conservation Council, shall be paid to the Conservation Commissioner who shall pay the same into the state treasury to the credit of a fund which shall be appropriated biennially for the use of the Conservation Commission. Section 1445 of the General Code also provides that all moneys collected as license on nets in the Lake Erie fishing district shall be paid by the Conservation Commissioner into the state treasury as a special fund to be used in the betterment and the propagation of fish in the Lake Erie fishing district and that the fund shall be appropriated biennially for that purpose.

There are no provisions in this act that fees collected for licenses as provided in Section 1414-1 of the General Code, shall be paid into any special fund. Therefore the provisions of Section 270 of the General Code are applicable and the fees so collected are to be paid into the state treasury and credited to the general fund.

In specific answer to your inquiry, I am of the opinion that fees collected for licenses as provided by Section 1414-1, General Code, should be paid into the state treasury and credited to the general fund.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1574.

APPROVAL, ABSTRACT OF TITLE TO LAND OF VOLNEY S. TAYLOR
AND C. W. MILLER IN NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, March 1, 1930.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication, submitting for my examination and approval, corrected warranty deed and encumbrance estimate relating to the proposed purchase of a tract of 300 acres of land in Nile

In the former opinion of this office, above referred to, the title of said Volney S. Taylor and C. W. Miller, and which is more particularly described in Opinion No. 1435 of this office, directed to you under date of January 21, 1930.

In the former opinion of this office, above referred to, the title of said Volney S. Taylor and C. W. Miller, in and to the property here in question was approved, subject to certain minor exceptions therein noted, and subject to certain reservations of mineral rights contained in former deeds in the chain of title to this property, which reservations are likewise referred to in said former opinion.

In said Opinion No. 1435, the warranty deed of Volney S. Taylor and C. W.