

February 13, 1973

OPINION LETTER NO. 102
Answer by Letter - Klaffenbach

Honorable C. F. Cline
State Representative, District 159
Room 414, State Capitol Building
Jefferson City, Missouri 65101



Dear Representative Cline:

This letter is in response to your question asking whether House Bill No. 324 of the 77th General Assembly is constitutional.

The introduced version of the bill which we have studied makes it "unlawful for any person, firm or corporation acting as a processor or distributor of farm products [as therein defined] to own, control, operate or in any manner engage in farming or agricultural production."

We have not been furnished with any legal memoranda concerning this bill nor do we find any court decisions directly in point.

The general rule with respect to such regulation is stated concisely in 3 Am.Jur.2d, Agriculture, §34, as follows:

"It is well settled that the federal government through its constitutional powers over commerce, and the states in the exercise of the police power in the interest of the public health, safety, and welfare, may, within constitutional limits, enact and enforce reasonable and appropriate regulations affecting agriculture, either directly for the protection of the public or indirectly so, through regulations which foster the improvement of the agricultural industry."

Honorable C. F. Cline

While there are patent typographical mistakes in the bill we are unable to detect any obvious constitutional infirmities.

We do not believe that we should attempt to determine, in the abstract, whether or not the bill presents any conflict with the federal government's right to regulate interstate commerce.

In view of the fact that a prompt response to your letter is required we have not undertaken to make a detailed and time consuming analysis of the questions involved.

Very truly yours,

JOHN C. DANFORTH
Attorney General