

AGRICULTURE
COMMUNITY SALES --
REGULATIONS.

Regulations authorized by Senate
Bill 11, relating to
Community Sales.

August 25, 1943

Dr. J. W. George
State Veterinarian
Department of Agriculture
Jefferson City, Missouri

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Dear Sir:

This is in reply to yours of the 23rd inst., wherein you request an opinion on the validity of the regulations accompanying said request, consisting of seven pages and relating to community sales as provided under Senate Bill 11 of the 62nd General Assembly.

Sec. 10 of said Bill is as follows:

"The State Veterinarian shall promulgate and enforce rules and regulations for the purpose of maintaining a good state of sanitation on the premises, including livestock yards, pens or vehicles used by or for the licensee in which animals are quartered, fed or transported. The State Veterinarian shall require all licensees defined in this act to obtain such inspection of all livestock offered for sale at any community sale in such manner as he may designate. The State Veterinarian, or his deputy, may in his discretion order any stock vaccinated or quarantined or both when he thinks such action advisable; provided that the authority to require vaccination given herein shall not be construed to give the State Veterinarian power to issue a general order for the vaccination of all livestock sold in this state or sold at all community sales in this state. Such inspections shall be made by a licensed veterinarian or deputy approved by the

State Veterinarian, and in accordance with rules and regulations that may be made by the State Veterinarian not contrary to the provisions of this act. Said veterinary inspector shall be subject to dismissal by the State Veterinarian for neglect of duty in the enforcement of the provisions of this act or for misconduct while on official duty."

The lawmakers by this section have delegated to the State Veterinarian power to make certain rules and regulations. Such delegation of power has been held constitutional by our courts in a number of cases, especially in cases in which the Public Service Commission has exercised similar powers. In State ex rel. v. Public Service Commission, 270 Mo. 547, the Public Service Commission exercised its delegated powers in fixing rates and the court held that such act was authorized under the statute and not violative of the constitution.

Comparing the proposed regulations with the provisions of said Sec. 10 of Senate Bill 11, we think these regulations are within the scope of the powers granted in said section.

C O N C L U S I O N .

From the foregoing it is the opinion of this department that the proposed rules and regulations, consisting of seven pages, which accompanied your

Dr. J. W. George

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request, are valid and within the scope of authority granted under Section 10 of Senate Bill 11, of the 62nd General Assembly.

Respectfully submitted,

TYRE W. BURTON
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

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