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STOCK LAW - May be submitted to voters for purpose of
terminating or continuing enforcement.

August 23, 1934.



Honorable Morgan M. Moulder
Prosecuting Attorney
Camden County
Camdenton, Missouri

Dear Sir:

We have your request of August 14, 1934
for an opinion upon the following facts:

"Camden County adopted the Stock
Law, as provided by statute,
several years ago, and due to the
drought and the public demand for
its repeal or change back as was
before adoption I have been re-
quested to write you as to whether
or not the provisions of the Stock
Law once adopted can be repealed
by a vote of the people, and if
possible what procedure should be
followed?"

We call your attention to the provisions of
Section 12797 to Section 12817 inclusive, being com-
monly known as the "Stock Law". The only question left
for submission to the voters in your county is whether
or not this law is to be enforced in your county. In
this connection we call your attention to that part of
Section 12805 which reads as follows:

"The county court of any county
in this state, upon the petition
of one hundred householders of

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such county, at a general election,
* * cause to be submitted to the
qualified voters of such county the
question of enforcing, in such county,
the provisions of this article. * * "

Said section also provides that the petition above referred to shall state what species of domestic animals enumerated in Section 12797 the law is to be enforced against. Further provision is made for the publication of notice and the printing of the ballots.

From a close reading of the above section, it is apparent that there may be submitted to the voters at any general election, upon proper petition of one hundred or more householders of the county, the question of whether the stock law is to be enforced in that county. If the majority of voters, voting in that election, cast their ballots against enforcement of the law, then that eliminates the stock law from enforcement in that county until it is again submitted and receives a favorable vote. In the present case it would appear that a petition as required in Section 12805 should be presented to the county court, and the same question submitted to the voters as was submitted to them when they adopted the stock law, so that the voters will have the right to say whether or not the stock law under present conditions shall be enforced.

It is, therefore, the opinion of this office that adequate provision is made under Section 12805 for submitting to the voters of your county a question of the enforcement of the present stock law. The result of such election will determine whether or not it is to be enforced in your county.

Respectfully submitted,

APPROVED:

FRANKLIN E. REAGAN
Assistant Attorney General

ROY McKITTRICK
Assistant Attorney General

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