

IN RE: WOULD AN AGREEMENT ENTERED INTO BY BUSINESS MEN AS TO TIME FOR OPENING AND CLOSING OF STORES; ALSO NUMBER OF EMPLOYEE WORK HOURS PER WEEK BE CONTRARY TO EXISTING STATE LAWS?

8-2  
August 1, 1933.

FILED  
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Mr. L. E. Slate, Secretary,  
The Columbia Chamber of Commerce, Inc.  
Columbia, Missouri.

Dear Sir:

You have submitted to this department the following inquiry:

"Some of the business men of Columbia are discussing the possibility of forming a local business men's code of fair practice that will conform to the requirements of the National Industrial Recovery Act and at the same time keep in harmony with existing state laws.

"Before going further with the matter, however, we would like to know if an agreement entered into by business men of Columbia in which (1) all business concerns agree to open and close their stores at the same time, (2) all enter into an agreement concerning the number of employee hours work per week, would be contrary to any existing state laws? In the event we are not prohibited from making such an agreement voluntarily, do we have the power under the state laws to enforce such an agreement?"

It is the opinion of this department that if the business firms of Columbia agree to open and close their stores and at the same time agree concerning the number of employee hours work per week and nothing more, the Anti-Trust Laws of Missouri would not be violated.

It is the position of this department that the National Industrial Recovery Act does not repeal the Anti-Trust Laws of Missouri.

Mr. L. E. Slate

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Aug. 1, 1933.

This department has not challenged the right of business men so far to join in the movement of the Federal government under the National Industrial Recovery Act for code of fair practices in business. This department declines to pass upon any specific code or to advise in advance whether same would or would not violate the laws of the State of Missouri.

The National Industrial Recovery Act provides that no code shall make discrimination against small dealers or operators and shall not oppress same and shall make discrimination against no one and shall not create a monopoly nor approve of monopolistic practices. The spirit of N. I. R. A. seems to be opposed to monopolies and combinations and trusts which stifle trade and business; but, how these codes may work out in actual operation, no one can tell in advance.

It is the opinion of this department that it is doubtful if an agreement as to opening and closing time and limiting hours of employee's work would be enforced by court.

Very respectfully yours,

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EDWARD C. CROW  
Assistant Attorney General

APPROVED:

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ROY McKITTRICK  
Attorney General.

EGC/AJ