

Opinion No. 55-6201

June 23, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Gerald R. Clark, M. D., Director, New Mexico Department of Public Health, Santa Fe, New Mexico

Replying to your letter of June 17, 1955, requesting a definition of "processors" as used in Section 2, Chapter 244, Laws of 1955, we submit to you the following definition:

"A processor is one who or that which processes; specifically, one who is in the business of converting any agricultural commodity to a marketable form." Kenney vs. State Board of Assessment & Review, Iowa, 276 N.W. 205.

Under this definition, it is our opinion that the operators of restaurants would in effect come under the provisions of processors. However, we do not mean to imply by this that such operators of restaurants would be entitled to a certificate in order to come within the exemption provided in Section 2, Chapter 244, Laws of 1955.

We call your attention to Section 4 of Chapter 244, Laws of 1955, reading as follows:

"The board is hereby charged with the duty of enforcing the provisions of this act and it is hereby authorized and directed to make, amend or rescind rules, regulations and orders for the efficient enforcement of this act."

It is our opinion that under this particular section, the Board could set up the rules and regulations as to the persons or companies which would be entitled to this exemption certificate. One of the requirements for a processor should be, having the equipment to enrich the bulk flour so that it will comply with the requirements of Chapter 244, Laws of 1955. Since you are charged with the duty of providing such rules and regulations as may be necessary for the efficient enforcement of this Act, this would be a reasonable regulation, particularly in view of the fact as indicated by your letter, that the problem of enforcement, should such operators of restaurants be given a certificate of exemption, would be costly and extremely complicated.

By: Paul L. Billhymer

Assistant Attorney General