

House Concurrent Resolution No. 35

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REIBOLDT.

2292H.011

2 **WHEREAS**, Article I, Section 8, Clause 3 of the United States Constitution, also known
3 as the Commerce Clause, was designed to ensure free trade between the states by preventing any
4 state from imposing a tariff or other restriction on goods from another state; and

5 **WHEREAS**, the Commerce Clause is an enumerated power granted to Congress and is
6 also a restriction imposed on states from enacting legislation that places an undue burden on
7 interstate commerce; and

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9 **WHEREAS**, California voters adopted Proposition 2 to their state constitution in 2008,
10 requiring the state’s egg producers to switch to “enriched cages” or nonconfinement operations
11 in a campaign led and funded by the Humane Society of the United States (HSUS); and

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13 **WHEREAS**, HSUS is a national animal rights group that has aggressively pursued an
14 agenda intended to decrease and eventually eliminate the public’s consumption of animal
15 protein; and

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17 **WHEREAS**, forcing egg producers to switch to “enriched cages” or nonconfinement
18 operations drove up the cost of eggs in the European Union while also leading to food shortages
19 and the closure of countless farms; and

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21 **WHEREAS**, forcing egg farmers in America to utilize “enriched cages” or
22 nonconfinement operations will lead to the same impacts on the U.S. economy and food supply;
23 and

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25 **WHEREAS**, in 2010, at the behest of HSUS, the California legislature passed AB 1437,
26 which was signed into law by Governor Jerry Brown, prohibiting the sale of eggs from other
27 states that do not meet the requirements of Proposition 2 of 2008; and

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29 **WHEREAS**, together, California’s Proposition 2 and AB 1437 violate the Commerce
30 Clause of the U.S. Constitution by preventing free trade among the states; and

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32 **WHEREAS**, together, California’s Proposition 2 and AB 1437 have artificially increased
33 egg prices and restricted the availability of affordable eggs and vital animal protein to
34 Californians, especially low-income citizens:

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36 **NOW THEREFORE BE IT RESOLVED** that the members of the House of
37 Representatives of the Ninety-eighth General Assembly, First Regular Session, the Senate
38 concurring therein, hereby condemn California’s anti-trade actions and call on the California
39 legislature to repeal AB 1437 and urge the voters of California to reconsider and repeal
40 Proposition 2.

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42 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
43 Representatives be instructed to prepare a properly inscribed copy of this resolution for the
44 majority and minority leaders of the California General Assembly, the Governor of California,
45 and the Attorney General of California.

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