

FIRST REGULAR SESSION

# HOUSE BILL NO. 1018

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DEATON.

2039H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 286.005, 286.147, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, and 291.150, RSMo, and to enact in lieu thereof two new sections relating to the section of industrial inspection of the department of labor and industrial relations.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 286.005, 286.147, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, and 291.150, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 286.005 and 286.147, to read as follows:

286.005. 1. There is hereby created a "Department of Labor and Industrial Relations" to be headed by a labor and industrial relations commission as provided by Section 49, Article IV, Constitution of Missouri. All the powers, duties and functions of the industrial commission are transferred by type I transfer to the labor and industrial relations commission and the industrial commission is abolished. The commission shall nominate and the governor shall appoint, with the advice and consent of the senate, the director of the department to be the chief administrative officer of the department. Members of the industrial commission on May 2, 1974, shall become members of the commission and the terms of the commission members shall be the same as provided by law for the industrial commission. Individuals appointed as members of the industrial commission shall serve the remainder of the term to which they were appointed as members of the commission. The members of the commission shall receive an annual salary of seventy-two thousand seven hundred thirty-five dollars plus any salary adjustment provided pursuant to section 105.005 payable out of the state treasury.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 The board of rehabilitation is abolished as hereinafter set out and on May 2, 1974, no  
15 compensation shall be paid to any person as a member of the board of rehabilitation, other  
16 provisions of the law notwithstanding. The director of the department shall appoint other  
17 division heads in the department. For the purposes of subsections 6, 7, 8 and 9 of section 1 of  
18 the reorganization act of 1974, the director of the department shall be construed as the head of  
19 the department of labor and industrial relations.

20         2. All powers, duties, and functions vested by law in the division of employment  
21 security, chapter 288, and others, are transferred by type II transfer to the department.

22         3. All powers, duties, and functions vested by law in the division of workers'  
23 compensation, chapter 287, and others, are transferred by type II transfer to the department.

24         4. All the powers, duties, and functions of the board of rehabilitation, chapter 287,  
25 and others, are transferred by type I transfer to the division of workers' compensation of the  
26 department and the board of rehabilitation is abolished.

27         5. All powers, duties and functions vested by law in the division of industrial  
28 inspections and the division of mine inspections, chapters 286, 290, [291,] 292, 293, 294 and  
29 444, which were previously transferred by type I transfer to the inspection section of the  
30 department, are transferred to the division of labor standards of the department. Employees  
31 of the division performing duties related to the mine safety and health act and the  
32 occupational safety health act shall be selected in accord with chapter 36.

33         6. All the powers, duties, and functions vested by law in the state board of mediation  
34 under chapter 295, and others, are transferred by type II transfer to the department.

35         7. All employees of the division of employment security shall be selected in accord  
36 with chapter 36.

37         8. The Missouri commission on human rights, and all the authority, powers, duties,  
38 functions, records, personnel, property, matters pending and other pertinent vestiges thereof  
39 vested in the Missouri commission on human rights under chapters 213, 296, 314, and others,  
40 are transferred by type III transfer to the department. Members of the Missouri commission  
41 on human rights shall be nominated by the director for appointment by the governor, by and  
42 with the advice and consent of the senate.

286.147. The division of labor standards shall be supervised by a division director  
2 who shall be appointed by and report to the director of the department of labor and industrial  
3 relations. The division director shall exercise such powers, duties and responsibilities as  
4 deemed necessary and as prescribed by the director of the department of labor and industrial  
5 relations in connection with the administration of the provisions of chapters 286, 290, [291,]  
6 292, 293, 294 and 444 that pertain to the division of labor standards. The division director  
7 shall make an investigation of all accidents, occurring in occupations under the statutory  
8 jurisdiction of the division, which result in death and file a written report in the office of the

9 division of labor standards and in the office of the department director and make safety  
10 recommendations to the employer where the accident occurred.

2 ~~[291.010. Before the director of the inspection section shall enter upon~~  
3 ~~the duties of his office, he shall give a good and sufficient bond to the state of~~  
4 ~~Missouri in the penal sum of twenty thousand dollars, to be approved by the~~  
5 ~~attorney general as to form, and by the governor as to sufficiency, conditioned~~  
6 ~~upon the faithful performance of the duties of his office, and that he will render~~  
7 ~~an honest and accurate accounting of all funds which may come into his hands~~  
8 ~~through the performance of his official duties, and said director shall be held~~  
9 ~~liable on his official bond for any defalcations of any of his deputies, agents,~~  
~~assistants or other employees.]~~

2 ~~[291.020. The principal office of the section shall be kept and~~  
3 ~~maintained in Jefferson City, Missouri. In addition to the principal office in~~  
4 ~~Jefferson City there shall be kept and maintained one branch office in the city~~  
5 ~~of St. Louis, Missouri, and one branch office in Kansas City, Missouri, located~~  
6 ~~in such quarters as may be designated by the director with the approval of the~~  
7 ~~secretary of the labor and industrial relations commission of Missouri. Each of~~  
8 ~~such branch offices shall be in charge of an assistant director of the inspection~~  
9 ~~section and each such assistant director shall be empowered to do and perform~~  
10 ~~in the name of the director any act which the director himself might perform,~~  
11 ~~subject however to the supervision and approval of said director of the~~  
~~inspection section.]~~

2 ~~[291.030. 1. Subject to the provisions of the merit system law, chapter~~  
3 ~~36, the director of the department of labor and industrial relations shall employ~~  
4 ~~and prescribe the duties and powers of such persons as may be required and~~  
5 ~~may make expenditures within the appropriation therefor as may be necessary~~  
6 ~~to carry out the purposes of the law.~~

7 ~~2. Any person employed by the inspection section more than six~~  
8 ~~months prior to August 13, 1972, shall be admitted to the qualifying~~  
9 ~~examination covering the position held by him and may be retained at the~~  
10 ~~discretion of the director provided that he attains a passing grade in such~~  
11 ~~examination. Any employee appointed within six months prior to August 13,~~  
12 ~~1972, and any employee appointed from and after August 13, 1972, shall be~~  
~~appointed subject to the merit system law.]~~

2 ~~[291.040. The salaries and compensation of the subordinate officials~~  
3 ~~and employees provided for in section 291.030, shall be paid in like manner~~  
4 ~~and from the same source as the salary of the director of the inspection section,~~  
5 ~~upon vouchers approved by the director. The salaries and compensation shall~~  
6 ~~be as follows: Assistant director of the inspection section, not exceeding six~~  
7 ~~thousand six hundred dollars per annum each; chief clerk, not exceeding six~~  
8 ~~thousand six hundred dollars per annum; administrative secretary, not~~  
9 ~~exceeding four thousand eight hundred dollars per annum; three special~~  
10 ~~safety inspectors, not to exceed five thousand four hundred dollars per annum~~  
~~each; inspectors, not to exceed five thousand four hundred dollars per annum;~~

11 ~~secretary, not exceeding four thousand two hundred dollars per annum; and~~  
12 ~~stenographer, not to exceed four thousand two hundred dollars per annum,~~  
13 ~~except that the two stenographers who act as office managers in the two~~  
14 ~~branches shall receive a salary not to exceed four thousand five hundred~~  
15 ~~dollars per annum; statistician, not to exceed six thousand six hundred dollars~~  
16 ~~per annum. Such compensation shall be paid the janitor as is fixed by the~~  
17 ~~director, not to exceed the sum of two hundred dollars per month for the time~~  
18 ~~employed.]~~

2 ~~[291.050. The director of the inspection section, his deputies,~~  
3 ~~inspectors and other assistants and appointees shall be entitled to their~~  
4 ~~actual traveling expenses when traveling within the state of Missouri on~~  
5 ~~necessary business of the inspection section, which said expenses shall be paid~~  
6 ~~on itemized accounts, approved by the director as other sectional expenses are~~  
~~approved and paid.]~~

2 ~~[291.060. 1. The director of the inspection section may divide the~~  
3 ~~state into districts, assign one or more deputy inspectors to each district, and~~  
4 ~~may, at his discretion, change or transfer them from one district to another.~~

4 ~~2. It shall be the duty of the director, his assistants or deputy~~  
5 ~~inspectors, to make not less than two inspections during each year of all~~  
6 ~~factories, warehouses, office buildings, freight depots, machine shops,~~  
7 ~~garages, laundries, tenement workshops, bakeshops, restaurants, bowling~~  
8 ~~alleys, pool halls, theaters, concert halls, moving picture houses, or places of~~  
9 ~~public amusement, and all other manufacturing, mechanical and mercantile~~  
10 ~~establishments and workshops. The last inspection shall be completed on or~~  
11 ~~before the first day of October of each year, and the director shall enforce all~~  
12 ~~laws relating to the inspection of the establishments enumerated heretofore in~~  
13 ~~this section, and prosecute all persons for violating the same. Any municipal~~  
14 ~~ordinance relating to said establishments or their inspection shall be enforced~~  
15 ~~by the director.~~

16 ~~3. The director, his assistants and deputy inspectors, may administer~~  
17 ~~oaths and take affidavits in matters concerning the enforcement of the various~~  
18 ~~inspection laws relating to these establishments; provided, that the provisions~~  
19 ~~of this section shall not apply to mercantile establishments that employ less~~  
20 ~~than ten persons that are located in towns and cities that have three thousand~~  
21 ~~inhabitants or less.]~~

2 ~~[291.065. The director may adopt, amend or rescind rules and~~  
3 ~~regulations necessary to implement any of the provisions of this law; provided,~~  
4 ~~however, that no such rule or regulation shall be adopted except after a public~~  
5 ~~hearing before the labor and industrial relations commission to be held after~~  
6 ~~thirty days prior notice by public advertisement of the date, time and place of~~  
7 ~~the hearing and opportunity given to the public to be heard. Thereafter, subject~~  
8 ~~to the provisions of chapter 536, such rules and regulations are to become~~  
9 ~~effective ten days after their approval by the commission, and after copies~~  
10 ~~thereof have been filed in the office of the secretary of state. The adoption,~~  
~~amending or rescinding of rules and regulations relating to the internal~~

11 management of the section shall not require prior approval of the labor and  
12 industrial relations commission, nor public hearing to become effective.]

2 [291.070. The inspection section shall collect, assort and systematize  
3 statistical details and information relating to the commercial, industrial, social,  
4 educational and sanitary conditions of the laboring classes of the state and to  
the permanent prosperity of the productive industries of the state.]

2 [291.080. The director of the inspection section is hereby directed to  
3 collect any information he may deem necessary to carry out the objects of the  
4 department as set forth in section 291.070, and is hereby authorized to furnish  
5 suitable blanks to managers of public service corporations, county, city and  
6 township officers, and to the officers of prisons, penal and reformatory  
7 institutions, and it shall be the duty of all such managers and officers to furnish  
8 such information as the director may require and which may be in their  
possession with the least possible delay.]

2 [291.120. The labor and industrial relations commission of Missouri,  
3 with the assistance of the director of the inspection section of the department  
4 of labor and industrial relations shall, on or before the first day of February of  
5 each year, present a report in writing to the governor, which shall contain  
6 statistical details relating to the operation of the section under sections 196.270  
7 to 196.305, and chapters 290, 292 and 421, including such information as is  
contemplated by section 291.070.]

2 [291.130. 1. The owner, superintendent, manager or other person in  
3 charge of every establishment inspected as provided by law shall pay to the  
4 state director of revenue the following fee for each inspection made in  
5 accordance with the provisions of sections 196.270 to 196.305, and chapters  
6 292 and 421, or elsewhere authorized or required of said inspector by law to be  
made:

7 (1) For the inspection of every building or shop in which ten or less  
8 persons are employed or found at work, no charge shall be made;

9 (2) For the inspection of every building or shop in which more than ten  
10 and not exceeding fifteen persons are employed, the sum of three dollars;

11 (3) For the inspection of every building or shop in which more than  
12 fifteen and less than twenty five persons are employed, the sum of four  
13 dollars;

14 (4) For the inspection of every building or shop in which more than  
15 twenty five persons and less than fifty persons are employed, the sum of five  
16 dollars; and

17 (5) In every building or shop in which more than fifty persons are  
18 employed an additional fee of one dollar shall be charged and collected for  
19 every fifty additional persons employed, or any additional fraction thereof, and  
20 the fee herein provided for shall be due immediately upon completion of the  
21 inspection.

22 2. The owner, superintendent, manager or other person in charge of  
23 any establishment at the time of inspection shall furnish the inspector making

24 ~~the inspection a true statement of the number of persons employed in the~~  
25 ~~establishment at the time of inspection, and any owner, superintendent,~~  
26 ~~manager or other person in charge who fails or refuses to furnish such~~  
27 ~~statement, or understates the number of persons employed in the establishment~~  
28 ~~at the time of inspection, is guilty of a misdemeanor, and, upon conviction~~  
29 ~~thereof, shall be fined not less than twenty five dollars nor more than one~~  
30 ~~hundred dollars for each offense.~~

31 ~~3. Any person, firm or corporation, agent or manager, superintendent~~  
32 ~~or foreman of any firm or corporation, whether acting for himself or for the~~  
33 ~~firm or corporation, or by himself or through subagents or foreman,~~  
34 ~~superintendent or manager, who refuses or attempts to prevent the~~  
35 ~~admission of any inspector authorized by this chapter, upon or within the~~  
36 ~~premises or building of any establishments or place which he is required by~~  
37 ~~law to inspect at any reasonable business hour, or during working hours or in~~  
38 ~~any manner interferes with the performance of the official duties of the~~  
39 ~~inspector, or neglects or refuses to pay the inspection fee upon the completion~~  
40 ~~of the inspection, is guilty of a misdemeanor, and, upon conviction thereof,~~  
41 ~~shall be fined not less than twenty five dollars nor more than one hundred~~  
42 ~~dollars for each offense; except, that the owner or manager of any~~  
43 ~~establishment inspected shall not be required to pay for more than two~~  
44 ~~inspections between the first day of October of one year and thirtieth day of~~  
45 ~~September of the next year, unless through noncompliance with the written~~  
46 ~~orders of the inspector, additional inspections are necessary.]~~

2 ~~[291.140. The director of the inspection section shall make an~~  
3 ~~investigation of all accidents serious enough to require physical rehabilitation,~~  
4 ~~under the provisions of the state board of rehabilitation, and make safety~~  
5 ~~recommendations to the employers of the injured employees.]~~

2 ~~[291.150. The director shall also make and submit to the governor on~~  
3 ~~or before the last Monday in January in each year, a report containing a full~~  
4 ~~and complete account of the investigations, together with any other~~  
5 ~~suggestions and recommendations he considers to be of value to the people~~  
6 ~~of the state, which shall be laid before the next succeeding general assembly.]~~

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