

SENATE BILL NO. 1017

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

4310S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 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, relating to repealing provisions of law regulating industrial inspections.

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

Section A. Sections 291.010, 291.020, 291.030, 291.040,
2 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130,
3 291.140, and 291.150, RSMo, are repealed, to read as follows:

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

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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 the name of the director any act which the
16 director himself might perform, subject however
17 to the supervision and approval of said director
18 of the inspection section.]

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

10 2. Any person employed by the inspection
11 section more than six months prior to August 13,
12 1972, shall be admitted to the qualifying
13 examination covering the position held by him
14 and may be retained at the discretion of the
15 director provided that he attains a passing
16 grade in such examination. Any employee
17 appointed within six months prior to August 13,
18 1972, and any employee appointed from and after
19 August 13, 1972, shall be appointed subject to
the merit system law.]

2 [291.040. The salaries and compensation of
3 the subordinate officials and employees provided
4 for in section 291.030, shall be paid in like
5 manner and from the same source as the salary of
6 the director of the inspection section, upon
7 vouchers approved by the director. The salaries
8 and compensation shall be as follows: Assistant
9 director of the inspection section, not
10 exceeding six thousand six hundred dollars per
11 annum each; chief clerk, not exceeding six
12 thousand six hundred dollars per annum;
13 administrative secretary, not exceeding four
14 thousand eight hundred dollars per annum; three
15 special safety inspectors, not to exceed five
16 thousand four hundred dollars per annum each;
17 inspectors, not to exceed five thousand four
18 hundred dollars per annum; secretary, not
19 exceeding four thousand two hundred dollars per
20 annum; and stenographer, not to exceed four
21 thousand two hundred dollars per annum, except
22 that the two stenographers who act as office
23 managers in the two branches shall receive a
24 salary not to exceed four thousand five hundred
25 dollars per annum; statistician, not to exceed
26 six thousand six hundred dollars per annum.
27 Such compensation shall be paid the janitor as
28 is fixed by the director, not to exceed the sum
29 of two hundred dollars per month for the time
employed.]

2 [291.050. The director of the inspection
3 section, his deputies, inspectors and other
assistants and appointees shall be entitled to

4 their actual traveling expenses when traveling
5 within the state of Missouri on necessary
6 business of the inspection section, which said
7 expenses shall be paid on itemized accounts,
8 approved by the director as other sectional
9 expenses are approved and paid.]

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

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

28 3. The director, his assistants and deputy
29 inspectors, may administer oaths and take
30 affidavits in matters concerning the enforcement
31 of the various inspection laws relating to these
32 establishments; provided, that the provisions of
33 this section shall not apply to mercantile
34 establishments that employ less than ten persons
35 that are located in towns and cities that have
three thousand inhabitants or less.]

2 [291.065. The director may adopt, amend or
3 rescind rules and regulations necessary to
4 implement any of the provisions of this law;
5 provided, however, that no such rule or
6 regulation shall be adopted except after a
7 public hearing before the labor and industrial
8 relations commission to be held after thirty
9 days prior notice by public advertisement of the
10 date, time and place of the hearing and
11 opportunity given to the public to be heard.
12 Thereafter, subject to the provisions of chapter
13 536, such rules and regulations are to become
14 effective ten days after their approval by the
15 commission, and after copies thereof have been
filed in the office of the secretary of state.]

16 The adoption, amending or rescinding of rules
17 and regulations relating to the internal
18 management of the section shall not require
19 prior approval of the labor and industrial
20 relations commission, nor public hearing to
21 become effective.]

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

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

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

2 [291.130. 1. The owner, superintendent,
3 manager or other person in charge of every
4 establishment inspected as provided by law shall
5 pay to the state director of revenue the
6 following fee for each inspection made in
7 accordance with the provisions of sections
8 196.270 to 196.305, and chapters 292 and 421, or
9 elsewhere authorized or required of said
10 inspector by law to be made:

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

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

18 (3) For the inspection of every building
19 or shop in which more than fifteen and less than
20 twenty-five persons are employed, the sum of
21 four dollars;

22 (4) For the inspection of every building
23 or shop in which more than twenty-five persons
24 and less than fifty persons are employed, the
25 sum of five dollars; and

26 (5) In every building or shop in which
27 more than fifty persons are employed an
28 additional fee of one dollar shall be charged
29 and collected for every fifty additional persons
30 employed, or any additional fraction thereof,
31 and the fee herein provided for shall be due
32 immediately upon completion of the inspection.

33 2. The owner, superintendent, manager or
34 other person in charge of any establishment at
35 the time of inspection shall furnish the
36 inspector making the inspection a true statement
37 of the number of persons employed in the
38 establishment at the time of inspection, and any
39 owner, superintendent, manager or other person
40 in charge who fails or refuses to furnish such
41 statement, or understates the number of persons
42 employed in the establishment at the time of
43 inspection, is guilty of a misdemeanor, and,
44 upon conviction thereof, shall be fined not less
45 than twenty-five dollars nor more than one
46 hundred dollars for each offense.

47 3. Any person, firm or corporation, agent
48 or manager, superintendent or foreman of any
49 firm or corporation, whether acting for himself
50 or for the firm or corporation, or by himself or
51 through subagents or foreman, superintendent or
52 manager, who refuses or attempts to prevent the
53 admission of any inspector authorized by this
54 chapter, upon or within the premises or building
55 of any establishments or place which he is
56 required by law to inspect at any reasonable
57 business hour, or during working hours or in any
58 manner interferes with the performance of the
59 official duties of the inspector, or neglects or
60 refuses to pay the inspection fee upon the
61 completion of the inspection, is guilty of a
62 misdemeanor, and, upon conviction thereof, shall
63 be fined not less than twenty-five dollars nor
64 more than one hundred dollars for each offense;
65 except, that the owner or manager of any
66 establishment inspected shall not be required to
67 pay for more than two inspections between the
68 first day of October of one year and thirtieth
69 day of September of the next year, unless
70 through noncompliance with the written orders of
71 the inspector, additional inspections are
72 necessary.]

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

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

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