

LABOR - Inspection by Commissioner of Labor under R. S. Mo. 1929, Secs. 13218 and 13219, and applicability thereof to municipally owned utility companies.

7-16
July 3, 1934.



Honorable Mary Edna Cruzen,
Labor Commissioner,
Labor and Industrial Inspection Department,
Jefferson City, Missouri.

Dear Madam:

A request for an opinion has been received under date of June 21, 1934 from you, such request being in the following terms:

"Does the State Labor and Industrial Inspection Department have the authority under section 13218 and 13219 to inspect municipally owned utility companies, charging them a fee for such inspection?"

The language of Revised Statutes Missouri 1929 Sections 13218 and 13219 lacks any specific reference to municipally owned public utilities, the language used requiring inspection of "all factories", etc., and "all other manufacturing, mechanical and mercantile establishments and work shops" and provides that fees shall be paid by "the owner, superintendent, manager or other person in charge of every establishment inspected", so that the language of the statute seems broad enough to cover any type of establishment regardless of the nature or character of its owner. Furthermore, the object of Chapter 95 of R. S. Mo. 1929 dealing with the protection of laborers is stated in Section 13179, as follows:

"Sec. 13179. Object of department.-The object of this department shall be to collect, assort, systematize and present in annual report to the governor, to be by him transmitted biennially to the general assembly, statistical details and information relating to all departments of labor in the state, especially in its relations to the commercial, industrial, social, educational and sanitary condition of the laboring classes and to the permanent prosperity of the productive industries of the state."

The purpose of this chapter being for the protection of labor and for the maintenance of healthful and sanitary conditions for persons performing such labor, it would not seem that a reasonable construction of this chapter would discriminate against those persons employed by municipally owned utility companies, or that such persons should receive less protection than those employed by private companies. Perhaps it might be argued that the municipality would properly safeguard the interests of persons employed in one of its own enterprises, but the statutes under consideration do not make any exemptions and consequently it would seem that Sections 13218 and 13219 in view of the language and purpose would properly apply to municipally owned utility companies.

2. Honorable Mary Edna Cruzen

July 3, 1934.

It is our opinion that Revised Statutes Missouri 1929, Sections 13218 and 13219 apply to municipally owned utility companies, and that such companies are subject to inspection and payment of fees in the same manner as privately owned companies.

Very truly yours,
EDWARD H. MILLER

ASSISTANT ATTORNEY GENERAL.

APPROVED:

ATTORNEY GENERAL.