

LABOR:

Person remaking bedding consisting of sterilized feathers not required to obtain a permit or pay fee.

December 21, 1939



Honorable Earl H. Shackelford
Commissioner of Labor
Labor and Industrial Inspection Dept.
Jefferson City, Missouri

Dear Sir:

This department is in receipt of your request for an official opinion which reads as follows:

"A question has arisen with reference to the authority of this department in the issuance of bedding permits as required under section 13307 of the Revised Statutes of Missouri, 1929. Section 13300 Revised Statutes of Missouri, 1929 defining 'mattresses' excepts bedding 'where the filling consists exclusively of sterilized feathers.' The question: Is an individual firm or corporation accepting feather bedding, pillows, etc., from the owner for the purpose of renovating, remaking and sterilizing required to pay a fee and secure a permit under the provisions of the bedding act of Missouri?"

Chapter 95, R. S. Missouri 1929, deals with the Department of Labor and Industrial Inspection and Article 12 of such chapter relates to the jurisdiction and the duties of such department in regard to the manufacturing or renovating of mattresses. Section 13300, R. S. Missouri 1929, which is a part of Article 12, provides in part as follows:

"(1) The term, 'bedding,' as used in this article shall be construed to mean any mattress, upholstered spring, comforter, pad, cushion or pillow designed and made for use in sleeping or reclining purposes, except where the filling consists exclusively of sterilized feathers."

Section 13307, R. S. Missouri 1929, provides as follows:

"When the state commissioner of labor and industrial inspection has inspected any factory in the state of Missouri where bedding is being made or is to be made, remade or renovated, and has found that the factory conforms to the sanitary conditions prescribed by the state commissioner of labor and industrial inspection, then it shall be the duty of said commissioner to issue to the person operating such factory a permit showing that it has been inspected and declared a proper place in which to make, remake or renovate bedding; and assign it a registry number by which said factory shall thereafter be known and designated in applying and enforcing the labeling and inspection provisions of this article. Said permit shall be posted by the person to whom it is so issued in a conspicuous place in said factory or office thereof."

Section 13308, R. S. Missouri 1929, provides:

"No person shall make, remake or renovate bedding, except a person

making, remaking or renovating bedding for his own use, until he has secured a permit from the state commissioner of labor and industrial inspection and has paid to the state commissioner of labor and industrial inspection an inspection and permit fee of twenty dollars, which such payment or charge shall constitute a factory inspection charge for the purpose of enforcing this article. The permit so issued by the state commissioner of labor and industrial inspection shall remain in force and effect until the end of the calendar year in which it was issued or until voided by the state commissioner of labor and industrial inspection for failure to maintain the required sanitary conditions in and around a factory in which bedding is made, remade or renovated or for failure to sterilize and disinfect properly all previously used materials used in making, remaking or renovating bedding."

From a reading of the above statutes, it will be seen that only a person who makes, remakes or renovates "bedding" is required to obtain a permit and pay an inspection fee.

Section 13300, supra, explicitly excepts from the term, "bedding," a filling consisting exclusively of sterilized feathers.

It is a rule of statutory construction that where the language of a statute is plain and admits of but one meaning, there is no room for construction. *Cummins v. Kansas City Public Service Co.*, 66 S. W. (2d) 920, 324 Mo. 672. As was said in *State v. Shain*, 106 S. W. (2d) 898, 341 Mo. 19:

"* * * * if the intention is clearly

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expressed, and the language used is without ambiguity, all technical rules of interpretation should be rejected."

While we are unable to see the reason for excepting a filling consisting of sterilized feather, from the purview of the statute, still the Legislature in its wisdom has seen fit to do so, and to quote the words of Shakespeare--"It is not fit to ask the reason why."

CONCLUSION.

It is, therefore, the opinion of this department that an individual, firm or corporation accepting bedding whose filling consists exclusively of sterilized feathers for the purpose of remaking or renovating the same are not required to obtain the permit nor to pay the fee mentioned in Sections 13307 and 13308, R. S. Missouri 1929.

Respectfully submitted,

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APPROVED:

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