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OPINION NO. 41  
OPINION NO. 293 (1968)  
Answered by letter-Bach

Honorable W. E. Sears, Director  
State Board of Training Schools  
P. O. Box 447  
Jefferson City, Missouri 65101

Dear Mr. Sears:

This office is in receipt of your opinion request which desired the following questions to be answered:

"The inquiry for clarification is as follows: Is it within the power of the Board of Training Schools to adopt reasonable rules or regulations concerning labor union activities on Training School grounds (Training School for Girls and Training School for Boys)? Within the responsibility of the Board to administer the Training Schools, is the attached Departmental policy reasonable? If so, what steps are available for enforcement of the policy should it be disregarded by any unauthorized persons entering the premises contrary to the established rule or regulation?"

In general, an administrative agency has the power to make any reasonable rule or regulation, which it is expressly authorized to make by statute or which is authorized by necessary and reasonable implication of the statute.

This general rule is stated at 1 Am. Jur. 2d, Administrative Law, §97, p. 894:

"The power of administrative agencies to make rules and regulations does not depend for its existence solely upon express grant. The authority of an administrative agency to adopt

Honorable W. E. Sears, Director

reasonable rules and regulations, which are deemed necessary to the due and efficient exercise of the powers expressly granted, cannot be questioned. This authority is implied from the power granted."

Sections 105.500 to 105.530, RSMo Supp. 1967, provide that employees of public bodies with certain exception, have the right to form and join labor organizations and present proposals relative to salaries and other conditions of employment through representatives of their own choosing.

It is clear that the Board of Training Schools does have authority to promulgate reasonable rules and regulations relating to the procedure to be followed by unions in presenting proposals as provided by law because such is necessary to the due and efficient exercise of the statutory power granted to the Board of Training Schools.

The Missouri legislature has granted the State Board of Training Schools broad powers and duties. Section 219.020, RSMo, provides that the State Board of Training Schools " \* \* \* shall provide for the reception, classification, care, activities, correction, education and rehabilitation of all juveniles committed by law to its charge or to any institution under its control."

It is our view that the rules and regulations concerning labor union activities on Training School grounds promulgated February 2, 1967 by the Board of Training Schools are valid and within the Board's authority.

Any employees of the State Training Schools violating these rules and regulations are, of course, subject to disciplinary action as if they had violated any other Board rule or regulation. Furthermore, non-employees violating these rules and regulations are subject to legal sanctions, e.g., one entering the premises of the State Training Schools, without authority and in violation of the above rules, could be prosecuted for trespassing.

Yours very truly,

NORMAN H. ANDERSON  
Attorney General