

LABOR COMMISSIONER:

Section 13218, R. S. Mo. 1929, does not give Commissioner authorization to make inspections of radio broadcasting stations.

February 24, 1938.



Honorable Mary Edna Cruzen
Commissioner of Labor
Jefferson City, Missouri

Dear Mrs. Cruzen:

This Department is in receipt of your letter of February 28th, wherein you make the following inquiry:

"A question has arisen regarding the rights of this Department to make inspections of radio broadcasting stations. We have considered commercial radio broadcasting stations as coming under or within the scope of the meaning of the word 'workshops.'

"Will you please advise if this Department has any authorization, under Section 13218 of R. S. of Missouri 1929, to make inspections of radio broadcasting stations who accept paid commercial advertising?"

We quote the pertinent part of Section 13218, R. S. Mo. 1929, referred to in your letter, as follows:

"* * * It shall be the duty of the commissioner, his assistants or deputy inspectors, to make not less than two inspections during each year of all factories, warehouses, office buildings, freight depots,

machine shops, garages, laundries, tenement workshops, bake shops, restaurants, bowling alleys, pool halls, theaters, concert halls, moving picture houses, or places of public amusement, and all other manufacturing, mechanical and mercantile establishments and workshops. * * *

We are not exactly familiar with the operations and the mechanics of a broadcasting station. However, we are convinced from our limited knowledge of the same that they do not constitute or cannot be classified under the statute as "workshops." We think the definition of a "workshop" is contained in a statute of long standing in the State of Illinois in the case of *Kitchie v. The People*, 155 Ill. 102, is sufficient to dispose of the question, as follows:

"The present prosecution, as is conceded by counsel on both sides, is for an alleged violation of section 5 of said Act. That section is as follows: 'No female shall be employed in any factory or workshop more than eight hours in any one day or forty-eight hours in any one week.'

'Factory' or 'workshop' is defined in section 7 of the Act as follows: 'The words, "manufacturing establishment," "factory," or "workshop," wherever used in this act, shall be construed to mean any place where goods or products are manufactured or repaired, cleaned or sorted, in whole or in part, for sale or for wages.'

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If the broadcasting stations are to be included within the terms of the statute then we think it is necessary for the statute to be more definite in its terms. Radio broadcasting stations being comparatively modern, with respect to the other enumerated things in the statute, we are of the opinion that before you can assume jurisdiction of the stations, as Commissioner of Labor, it will be necessary for the Legislature to specifically include the same.

Yours very truly

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Assistant Attorney-General

APPROVED:

J. E. TAYLOR
(Acting) Attorney-General

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