

SECOND REGULAR SESSION

HOUSE BILL NO. 1629

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SANDER (Sponsor), SMITH (118), PORTWOOD,
STEVENSON AND SATER (Co-sponsors).

Read 1st time February 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4691L.011

AN ACT

To repeal sections 105.525, 286.005, 287.812, 287.815, 295.020, 295.030, 295.040, 295.050, 295.060, 295.070, 295.080, 295.090, 295.100, 295.110, 295.120, 295.160, 295.170, and 295.200, RSMo, and section 286.060 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 286.060 as enacted by senate committee substitute for house committee substitute for house bills nos. 300 & 95, eighty-eighth general assembly, first regular session, and to enact in lieu thereof sixteen new sections relating to the duties of the labor and industrial relations commission.

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

Section A. Sections 105.525, 286.005, 287.812, 287.815, 295.020, 295.030, 295.040,
2 295.050, 295.060, 295.070, 295.080, 295.090, 295.100, 295.110, 295.120, 295.160, 295.170, and
3 295.200, RSMo, and section 286.060 as enacted by house committee substitute for senate
4 substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section
5 286.060 as enacted by senate committee substitute for house committee substitute for house bills
6 nos. 300 & 95, eighty-eighth general assembly, first regular session, are repealed and sixteen new
7 sections enacted in lieu thereof, to be known as sections 105.525, 286.005, 286.060, 287.812,
8 287.815, 295.020, 295.050, 295.070, 295.080, 295.090, 295.100, 295.110, 295.120, 295.160,
9 295.170, and 295.200, to read as follows:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

105.525. Issues with respect to appropriateness of bargaining units and majority
2 representative status shall be resolved by the [state board of mediation] **labor and industrial**
3 **relations commission**. In the event that the appropriate administrative body or any of the
4 bargaining units shall be aggrieved by the decision of the [state board of mediation] **labor and**
5 **industrial relations commission**, an appeal may be had to the circuit court of the county where
6 the administrative body is located or in the circuit court of Cole County. [The state board of
7 mediation shall use the services of the state hearing officer in all contested cases.]

286.005. 1. There is hereby created a "Department of Labor and Industrial Relations"
2 to be headed by a labor and industrial relations commission as provided by section 49, article IV,
3 Constitution of Missouri. All the powers, duties and functions of the industrial commission are
4 transferred by type I transfer to the labor and industrial relations commission and the industrial
5 commission is abolished. The commission shall nominate and the governor shall appoint, with
6 the advice and consent of the senate, the director of the department to be the chief administrative
7 officer of the department. Members of the industrial commission on May 2, 1974, shall become
8 members of the commission and the terms of the commission members shall be the same as
9 provided by law for the industrial commission. Individuals appointed as members of the
10 industrial commission shall serve the remainder of the term to which they were appointed as
11 members of the commission. The members of the commission shall receive an annual salary of
12 seventy-two thousand seven hundred thirty-five dollars plus any salary adjustment provided
13 pursuant to section 105.005, RSMo, payable out of the state treasury. The board of rehabilitation
14 is abolished as hereinafter set out and on May 2, 1974, no compensation shall be paid to any
15 person as a member of the board of rehabilitation, other provisions of the law notwithstanding.
16 The director of the department shall appoint other division heads in the department. For the
17 purposes of subsections 6, 7, 8 and 9 of section 1 of the reorganization act of 1974, the director
18 of the department shall be construed as the head of the department of labor and industrial
19 relations.

20 2. All powers, duties, and functions vested by law in the division of employment
21 security, chapter 288, RSMo, and others, are transferred by type II transfer to the department.

22 3. All powers, duties, and functions vested by law in the division of workers'
23 compensation, chapter 287, RSMo, and others, are transferred by type II transfer to the
24 department.

25 4. All the powers, duties, and functions of the board of rehabilitation, chapter 287,
26 RSMo, and others, are transferred by type I transfer to the division of workers' compensation of
27 the department and the board of rehabilitation is abolished.

28 5. All powers, duties and functions vested by law in the division of industrial
29 inspections and the division of mine inspections, chapters 286, 290, 291, 292, 293, 294 and 444,

30 RSMo, which were previously transferred by type I transfer to the inspection section of the
31 department, are transferred to the division of labor standards of the department. Employees of
32 the division performing duties related to the mine safety and health act and the occupational
33 safety health act shall be selected in accord with chapter 36, RSMo.

34 6. All the powers, duties, and functions vested by law in the state board of mediation
35 under chapter 295, RSMo, and others, are transferred by type [II] I transfer to the [department]
36 **commission.**

37 7. All employees of the division of employment security shall be selected in accord with
38 chapter 36, RSMo.

39 8. The Missouri commission on human rights, and all the authority, powers, duties,
40 functions, records, personnel, property, matters pending and other pertinent vestiges thereof
41 vested in the Missouri commission on human rights under chapters 213, 296, 314, and others,
42 RSMo, are transferred by type III transfer to the department. Members of the Missouri
43 commission on human rights shall be nominated by the director for appointment by the governor,
44 by and with the advice and consent of the senate.

45 9. The department shall act as the administrative entity for the governor's council on
46 disability. The federal and state funds necessary for the administration and implementation of
47 the programs and services provided by the governor's council on disability shall be appropriated
48 through the department.

286.060. 1. It shall be the duty of the labor and industrial relations commission, and it
2 shall have power, jurisdiction and authority:

3 (1) To sue and be sued in its official name;

4 (2) To have and use an official seal bearing the following inscription: "The Labor and
5 Industrial Relations Commission of the State of Missouri", which shall be judicially noticed;

6 (3) To have all powers, duties and responsibilities conferred or imposed upon it by the
7 workers' compensation law (chapter 287, RSMo) and by the unemployment compensation law
8 (chapter 288, RSMo);

9 (4) To approve or disapprove all rules or regulations promulgated by any division within
10 the department. Such rules or regulations shall not become effective until ten days after their
11 approval by the commission and copies thereof have been filed in the office of the secretary of
12 state;

13 (5) To establish and maintain as far as practicable a central system of collecting,
14 preparing, compiling and reporting all material for statistical use in all divisions of the
15 department of labor and industrial relations, and to this end the department shall have access to
16 the books and records of all state departments, except those which are required by law to be kept
17 confidential. The commission may by regulation permit employers or other persons to file

18 combined reports of information required by law to be reported to the several divisions within
19 the department whenever it finds that same or similar information is required by law to be
20 reported by such employers or persons to more than one division within the department;

21 (6) To maintain, as far as practicable, a central system for payroll and other accounting
22 for the several divisions in the department;

23 (7) To compile and publish, in printed form, the laws under which the commission and
24 the various divisions in the department operate, together with all rules and regulations (except
25 such rules and regulations which relate to the internal management of the department) which
26 have been adopted by or with the approval of the commission, and to furnish copies thereof to
27 any citizen of the state upon request;

28 (8) To adopt all regulations necessary to the efficient internal management of the
29 department, not inconsistent with any provisions of law, and such regulations shall become
30 effective immediately upon adoption, unless the commission shall otherwise order; to adopt
31 regulations governing its proceedings in connection with the exercise of its quasi-judicial
32 functions, and such regulations shall become effective ten days after copies thereof are filed in
33 the office of the secretary of state;

34 (9) The commission or any member thereof may hold hearings, require the attendance
35 of witnesses, administer oaths and take testimony;

36 (10) Each of the commissioners shall have power to certify to official acts;

37 (11) To prepare and submit to each regular session of the general assembly and to the
38 governor at the beginning of each session of the general assembly, a complete and detailed report
39 of the activities of the department, including the activities of each division within the department,
40 during the preceding biennial period. Such report shall include a balance sheet of the moneys
41 in the various administrative funds under its jurisdiction as well as all information required to
42 be reported by the various laws under its jurisdiction, which reports shall be in lieu of any report
43 to the general assembly now required by law for any department or office, the powers and duties
44 of which are by this chapter vested in a division in the department of labor and industrial
45 relations;

46 (12) To require the division of employment security to furnish it with a stenographer or
47 clerk to file, process and keep records of all cases appealed from that division to the labor and
48 industrial relations commission; and

49 (13) **To perform all the duties and responsibilities previously performed by the state**
50 **board of mediation.**

51 **14.** To have and perform such other powers and duties as may be conferred or imposed
52 upon it by law.

53 2. No rule or portion of a rule promulgated under the authority of this chapter shall
54 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
55 RSMo.

 287.812. As used in sections 287.812 to 287.855, unless the context clearly requires
2 otherwise, the following terms shall mean:

3 (1) "Administrative law judge", any person appointed pursuant to section 287.610 or
4 section 621.015, RSMo, or any person who hereafter may have by law all of the powers now
5 vested by law in administrative law judges appointed under the provisions of the workers'
6 compensation law;

7 (2) "Beneficiary", a surviving spouse married to the deceased administrative law judge
8 or legal advisor of the division of workers' compensation continuously for a period of at least two
9 years immediately preceding the administrative law judge's or legal advisor's death and also on
10 the day of the last termination of such person's employment as an administrative law judge or
11 legal advisor for the division of workers' compensation, or if there is no surviving spouse eligible
12 to receive benefits, any minor child of the deceased administrative law judge or legal advisor,
13 or any child of the deceased administrative law judge or legal advisor who, regardless of age, is
14 unable to support himself because of mental retardation, disease or disability, or any physical
15 handicap or disability, who shall share in the benefits on an equal basis with all other
16 beneficiaries;

17 (3) "Benefit", a series of equal monthly payments payable during the life of an
18 administrative law judge or legal advisor of the division of workers' compensation retiring
19 pursuant to the provisions of sections 287.812 to 287.855 or payable to a beneficiary as provided
20 in sections 287.812 to 287.850;

21 (4) "Board", the board of trustees of the Missouri state employees' retirement system;

22 (5) "Chief legal counsel", any person appointed or employed under section 287.615 to
23 serve in the capacity of legal counsel to the division;

24 (6) "Division", the division of workers' compensation of the state of Missouri;

25 (7) "Legal advisor", any person appointed or employed pursuant to section 287.600,
26 287.615, or 287.616 to serve in the capacity as a legal advisor or an associate administrative law
27 judge and any person appointed pursuant to section 286.010, RSMo, [or pursuant to section
28 295.030, RSMo,] and any attorney or legal counsel appointed or employed pursuant to section
29 286.070, RSMo;

30 (8) "Salary", the total annual compensation paid for personal services as an
31 administrative law judge or legal advisor, or both, of the division of workers' compensation by
32 the state or any of its political subdivisions.

287.815. 1. Effective August 28, 1999, any person, sixty-two years of age or older, who
2 has served or who has creditable service in this state for an aggregate of at least twelve years, or
3 any person, sixty years of age or older, who has served or who has creditable service in this state
4 for an aggregate of at least fifteen years or any person, fifty-five years of age or older, who has
5 served or who has creditable service in this state for an aggregate of twenty years, continuously
6 or otherwise, as an administrative law judge or legal advisor, or both, of the division, and who,
7 on or after August 13, 1984, ceases to hold office by reason of the expiration of his or her term,
8 voluntary resignation, retirement pursuant to the provisions of sections 287.812 to 287.856, or
9 removal by the governor for any nondisciplinary reason, shall receive benefits as provided in
10 sections 287.812 to 287.856. The twelve years', fifteen years' or twenty years' requirement of this
11 section may be fulfilled by service as an administrative law judge or legal advisor, or both, of the
12 division at any time prior to or after August 13, 1984. If a person appointed pursuant to section
13 286.010, RSMo, [or a chairman appointed pursuant to section 295.030, RSMo,] does not have
14 twelve years' or fifteen years' service, as required pursuant to this subsection, as an administrative
15 law judge or legal advisor, or both, but the person has served in the general assembly, each
16 biennial assembly or partial biennial assembly either served or purchased shall be deemed and
17 credited as two full years of creditable service as an administrative law judge or legal advisor if
18 the person waives in writing all right to any other retirement benefit provided by his or her
19 service as a member of the general assembly.

20 2. Any aggregate of twelve years or more of such service shall entitle the person to
21 retirement benefits provided in sections 287.812 to 287.856 regardless of whether or not the
22 person was so employed upon reaching the age of eligibility as described in subsection 1 of this
23 section. However, the retirement benefits shall not be paid to the person until that person attains
24 the age of eligibility as described in subsection 1 of this section.

25 3. If a person appointed pursuant to section 286.010, RSMo, [or pursuant to section
26 295.030, RSMo,] or pursuant to section 621.015, RSMo, or an attorney or legal counsel
27 appointed or employed pursuant to section 286.070, RSMo, does not have twelve years' service
28 as an administrative law judge or legal advisor, or both, but the person has creditable service
29 under the Missouri state employees' retirement system, such person may elect that such service
30 be credited as service as an administrative law judge or legal advisor if the person waives in
31 writing all right to any other retirement benefit provided for other service. Persons appointed
32 pursuant to section 621.015, RSMo, shall be required to have served a majority of a term in order
33 to qualify for benefits pursuant to sections 287.812 to 287.856.

34 4. Any person who has been appointed and has served pursuant to section 621.015,
35 RSMo, prior to August 28, 1999, who is receiving or thereafter is qualified to receive retirement
36 benefits pursuant to section 104.374, RSMo, shall upon application be made, constituted,

37 appointed and employed by the board of trustees of the Missouri state employees' retirement
38 system as a special consultant on the problems of retirement, aging and other state matters for
39 the remainder of the person's life. Upon request of the board or the administrative hearing
40 commission, the consultant shall give opinions or be available to give opinions in writing or
41 orally in response to such requests. As compensation for such services and in lieu of receiving
42 benefits pursuant to section 104.374, RSMo, each such special consultant shall be eligible for
43 all benefits payable pursuant to sections 287.812 to 287.856, effective upon the later of August
44 28, 1999, or the date retirement benefits become payable. In no event shall retroactive benefits
45 be paid.

295.020. 1. The term ["board"] "**commission**" shall mean the [state board of mediation]
2 **labor and industrial relations commission.**

3 2. The term "collective bargaining" shall be understood to embody the philosophy of
4 bargaining by employees through representatives of their own choosing, and shall include the
5 right of representatives of employees' units to be consulted and to bargain upon the exceptional
6 as well as the routine wages, hours, rules, and working conditions.

7 3. The term "employee" shall refer to anyone in the service of another, actually engaged
8 in or connected with the operation of any public utility throughout the state.

9 4. The term "labor dispute" shall involve any controversy between employer and
10 employees as to hours, wages, and working conditions. The fact that employees have amicable
11 relations with their employers shall not preclude the existence of a dispute among them
12 concerning their representative for collective bargaining purposes.

13 5. The term "person" means any individual, firm, copartnership, corporation, municipal
14 corporation, company, association, or joint-stock association; and includes any trustee, receiver,
15 assignee, or personal representative thereof.

16 6. The term "public utility" shall include any person engaged in the business of
17 producing, distributing, selling or otherwise furnishing electric light or power, heat, gas, steam,
18 water, sewer service, transportation excepting railroads, communication, or any one or more of
19 them to the people of Missouri.

20 7. The term "representative" means any person or persons, labor union, organization, or
21 corporation designated either by a utility or group of utilities or by its or their employees to act
22 or do for them.

295.050. The chairman of the [board] **commission** shall [devote his full time to his
2 duties and shall have charge of the office of the board. He shall] keep all records of the
3 proceedings of the [board] **commission**, and shall supervise the work of the employees of the
4 [board] **commission**, and shall have such other powers and duties as may be conferred, or
5 imposed upon him by the [board] **commission**.

295.070. 1. The [state board of mediation] **commission** shall have power to employ and
2 fix the compensation of conciliators and other assistants and to delegate to such assistants such
3 powers as may be necessary to carry out [its] **the** duties under this chapter. The [board]
4 **commission** shall by regulation prescribe the methods of procedure before it.

5 2. The [board] **commission** shall have power to issue subpoenas requiring the attendance
6 and testimony of witnesses and the production of evidence which relates to any matter under
7 investigation by the [board] **commission**. In cases of refusal to obey a subpoena issued by the
8 [board] **commission** the circuit court of Cole County or of any county where the person refusing
9 to obey such subpoena may be found, on application by the [board] **commission**, shall have
10 power to issue an order requiring such person to appear before the [board] **commission** and to
11 testify and produce evidence ordered touching the matter under investigation, and any failure to
12 obey such order shall be punished by the court as a contempt thereof.

295.080. 1. Upon receipt of notice of any labor dispute between parties subject to this
2 chapter, the [board] **commission** shall require such parties to keep it advised as to the progress
3 of negotiations therein.

4 2. Upon application of either party to a labor dispute or upon its own motion the [board]
5 **commission** may fix a time and place for a conference between the parties to the dispute and the
6 [board] **commission** or its representative, upon the issues involved in the labor dispute and shall
7 take whatever steps it deems expedient to bring about a settlement of the dispute including
8 assisting in negotiating and drafting a settlement agreement.

9 3. It shall be the duty of all parties to a labor dispute to respond to the summons of the
10 [board] **commission** for joint or several conferences with it or with its representatives and to
11 continue in such conference until excused by the [board] **commission** or its representative.

295.090. All collective bargaining labor agreements hereafter entered into between the
2 management of a utility and its employees or any craft or class of employees shall be reduced to
3 writing and continue for a period of not less than one year from the date of the expiration of the
4 previous agreement entered into between the management of the utility and its employees or if
5 there has been no such previous agreement then for a period of not less than one year from the
6 date of the actual execution of the agreement. Such agreement shall be presumed to continue in
7 force and effect from year to year after the date fixed for its original termination unless either or
8 both parties thereto inform the other, in writing, of the specific changes desired to be made
9 therein and shall also file a copy of such demands with the [state board of mediation]
10 **commission**, at least sixty days before the original termination date or sixty days before the end
11 of any yearly renewal period, or sixty days before any termination date desired thereafter.

295.100. 1. In the case of all existing labor contracts, agreements or understandings
2 which do not provide for at least a sixty-day notice of desired changes and which contracts,

3 agreements or understandings terminate after seventy days following the effective date of this
4 chapter, the parties thereto shall nevertheless inform, in writing, the other party or parties of any
5 specific changes desired to be made in said contract, agreement or understanding and file a copy
6 of such desired changes with the [state board of mediation] **commission** at least sixty days before
7 the date fixed for the termination of said contract, agreement or understanding.

8 2. In the case of labor contracts, agreements or understandings terminating within
9 seventy days after this chapter shall become effective, the parties thereto shall forthwith, or not
10 later than ten days after the effective date of this chapter, inform the other party, in writing, of
11 the specific changes desired to be made in said contract, agreement or understanding and
12 promptly file a copy of such demands with the [state board of mediation] **commission**.

295.110. Whenever, after the effective date of this chapter, a situation exists in any
2 utility whereby employees are rendering services under terms and conditions which were not at
3 the time this chapter becomes effective and which have not heretofore been the subject of the
4 contract, and said employees desire to effectuate a change in the terms of employment or a utility
5 desires to effectuate a change in said terms of employment then and in that event, it shall be the
6 duty of the party desiring such change, not less than sixty days prior to the desired effective date
7 thereof, to inform the other party in writing of the specific changes so desired in the manner in
8 which they are desired, either by written contract or otherwise and to file a copy of such terms
9 with the [state board of mediation] **commission**.

295.120. 1. In the event that management of a utility and the representatives for
2 collective bargaining purposes of any craft or group of employees of such utility shall not have
3 reached and executed a final agreement in writing as to all conditions of employment affecting
4 such employees on or before the termination date of any existing contract, agreement or
5 understanding or any renewal thereof, or unless the parties shall have, before said date, agreed
6 to submit any and all disputes between them to arbitration, the management of such utility and
7 the representatives of such employees shall, within five days after such termination date, each
8 designate, in writing, a person as a public hearing panel member and file such designation with
9 the [state board of mediation] **commission**; the two persons so designated shall choose a third
10 disinterested and impartial person and these three shall compose and act as a panel.

11 2. The panel shall promptly proceed and within fifteen days following their designation
12 hold and complete public hearings on the specific changes so requested, to the contract,
13 agreement or understanding. Said period of fifteen days may be extended by the mutual written
14 consent of the parties. The panel shall give to each party full notice and opportunity to be heard,
15 but the failure of either party to appear before the panel at the time and place fixed by it shall not
16 deprive the panel of jurisdiction to proceed to a hearing and to make report thereon as herein
17 provided.

295.160. 1. In the event either management of the utility involved or the representatives of the employees for collective bargaining purposes shall fail or neglect to designate, as herein provided, such a person to represent it upon the panel or the two so designated shall fail to agree upon the third member of the panel, within ten days after the date fixed for the termination of such contract, agreement or understanding or upon failure to file such designations or any of them with the [state board of mediation] **commission** within said ten-day period, the [state board of mediation] **commission** shall appoint such person or persons, selecting in each case a person qualified by previous experience or employment to represent employers, employees or the public as the case may require.

2. Should both management and the representatives of the employees fail or neglect to designate representatives upon said panel within the time herein required, then the [state board of mediation] **commission** shall appoint a panel of three persons, to be selected as follows: One to represent management of the utility, giving the management forty-eight hours to select its preference from a list of five persons submitted by the [board] **commission** to the management before designating such person; one to represent the employees involved, giving their representative forty-eight hours to select their preference from a list of five persons submitted by the [board] **commission** to such representative, before designating such person; and one to act as the impartial third person. Failure on the part of either party to make such selection shall not prevent the [board] **commission** from appointing the members of the panel from the lists submitted.

295.170. Compulsory arbitration, as provided in this chapter, shall not be effective in disputes where voluntary arbitration is a part of the contract between the disputing parties. In the event that through the voluntary arbitration disputing parties cannot agree, the [state board of mediation] **commission** shall then enforce the compulsory arbitration as provided.

295.200. 1. It shall be unlawful for any person, employee, or representative as defined in this chapter to call, incite, support or participate in any strike or concerted refusal to work for any utility or for the state after any plant, equipment or facility has been taken over by the state under this chapter, as means of enforcing any demands against the utility or against the state.

2. It shall be unlawful for any public utility to employ any person or employee who has violated subsection 1 except that such person or employee may be employed only as a new employee.

3. Any labor organization or labor union which violates subsection 1 shall forfeit and pay to the state of Missouri for the use of the public school fund of the state, the sum of ten thousand dollars for each day any work stoppage resulting from any strike which it has called, incited, or supported, continues, to be recovered by civil action in the name of the state and against the labor organization or labor union in its commonly used name.

13 4. Any officer of any labor organization or labor union representing employees of public
 14 utilities who participates in calling, inciting or supporting any strike in violation of subsection
 15 1 shall forfeit and pay to the state of Missouri, for the use of the public school fund of the state,
 16 the sum of one thousand dollars to be recovered by civil action in the name of the state and
 17 against such officer.

18 5. Any public utility that engages in a lockout which brings about a work stoppage shall
 19 forfeit and pay to the state of Missouri, for the use of the public school fund of the state, the sum
 20 of ten thousand dollars for each day of work stoppage caused by such lockout, said amount to
 21 be recovered by civil action in the name of the state and against the public utility; provided
 22 further, that if, upon any investigation, supported by competent evidence, by the [state board of
 23 mediation] **commission**, it shall appear that any public utility has refused to bargain collectively
 24 in good faith with its employees over the terms and conditions of employment, said [state board
 25 of mediation] **commission** shall certify such record and proceedings to the public service
 26 commission, and, upon consideration of the facts in such record and proceedings the public
 27 service commission shall find that the evidence justifies such action, it may revoke the certificate
 28 of convenience and necessity of such public utility, or impose such other conditions upon such
 29 public utility as may be provided by law. Any such action by said public service commission
 30 shall be subject to review in the courts of this state in the same manner as other orders or
 31 decisions of said commission.

32 6. The courts of this state shall have power to enforce by injunction or other legal or
 33 equitable remedies any provision of this chapter or any rule or regulation prescribed by the
 34 governor hereunder.

[286.060. 1. It shall be the duty of the commission, and it shall
 have power, jurisdiction and authority:

(1) To sue and be sued in its official name;

(2) To have and use an official seal bearing the following inscription:
 "The Labor and Industrial Relations Commission of the State of Missouri", which
 shall be judicially noticed;

(3) To have all powers, duties and responsibilities conferred or imposed
 upon it by the workers' compensation law (chapter 287, RSMo), the victims of
 crime law, chapter 595, RSMo, the division of labor standards law (within
 chapters 286, 290, 291, 292, 293, 294 and 444, RSMo), and the unemployment
 compensation law (chapter 288, RSMo);

(4) To approve or disapprove all rules or regulations promulgated by any
 division within the department;

(5) To establish and maintain as far as practicable a central system of
 collecting, preparing, compiling and reporting all material for statistical use in all
 divisions of the department of labor and industrial relations, and to this end the
 department shall have access to the books and records of all state departments,

18 except those which are required by law to be kept confidential. The commission
19 may by regulation permit employers or other persons to file combined reports of
20 information required by law to be reported to the several divisions within the
21 department whenever it finds that same or similar information is required by law
22 to be reported by such employers or persons to more than one division within the
23 department;

24 (6) To maintain, as far as practicable, a central system for payroll and
25 other accounting for the several divisions in the department;

26 (7) To compile and publish, in printed form, at the expense of the
27 divisions within the department all rules and regulations (except such rules and
28 regulations which relate to the internal management of the department) which
29 have been adopted by or with the approval of the commission, and to furnish
30 copies thereof to any citizen of the state upon request;

31 (8) To adopt all regulations necessary to the efficient internal
32 management of the department, not inconsistent with any provisions of law; and
33 to adopt regulations governing its proceedings in connection with the exercise of
34 its quasi-judicial functions;

35 (9) The commission or any member of the commission may hold
36 hearings, require the attendance of witnesses, administer oaths and take
37 testimony;

38 (10) Each of the commissioners shall have power to certify to official
39 acts;

40 (11) To prepare and submit to each regular session of the general
41 assembly and to the governor at the beginning of each session of the general
42 assembly, a complete and detailed report of the activities of the department,
43 including the activities of each division within the department, during the
44 preceding biennial period. Such report shall include a balance sheet of the
45 moneys in the various administrative funds under its jurisdiction as well as all
46 information required to be reported by the various laws under its jurisdiction,
47 which reports shall be in lieu of any report to the general assembly now required
48 by law for any department or office, the powers and duties of which are by this
49 chapter vested in a division in the department of labor and industrial relations;

50 (12) To require the division of employment security to furnish it with a
51 stenographer or clerk to file, process and keep records of all cases appealed from
52 that division to the labor and industrial relations commission; and

53 (13) To have and perform such other powers and duties as may be
54 conferred or imposed upon it by law.

55 2. No rule or portion of a rule promulgated under the authority of this
56 chapter shall become effective until it has been approved by the joint committee
57 on administrative rules in accordance with the procedures provided in this
58 section, and the delegation of the legislative authority to enact law by the
59 adoption of such rules is dependent upon the power of the joint committee on

60 administrative rules to review and suspend rules pending ratification by the
61 senate and the house of representatives as provided in this section.

62 3. Upon filing any proposed rule with the secretary of state, the filing
63 agency shall concurrently submit such proposed rule to the committee, which
64 may hold hearings upon any proposed rule or portion thereof at any time.

65 4. A final order of rulemaking shall not be filed with the secretary of state
66 until thirty days after such final order of rulemaking has been received by the
67 committee. The committee may hold one or more hearings upon such final order
68 of rulemaking during the thirty-day period. If the committee does not disapprove
69 such order of rulemaking within the thirty-day period, the filing agency may file
70 such order of rulemaking with the secretary of state and the order of rulemaking
71 shall be deemed approved.

72 5. The committee may, by majority vote of the members, suspend the
73 order of rulemaking or portion thereof by action taken prior to the filing of the
74 final order of rulemaking only for one or more of the following grounds:

75 (1) An absence of statutory authority for the proposed rule;

76 (2) An emergency relating to public health, safety or welfare;

77 (3) The proposed rule is in conflict with state law;

78 (4) A substantial change in circumstance since enactment of the law upon
79 which the proposed rule is based.

80 6. If the committee disapproves any rule or portion thereof, the filing
81 agency shall not file such disapproved portion of any rule with the secretary of
82 state and the secretary of state shall not publish in the Missouri Register any final
83 order of rulemaking containing the disapproved portion.

84 7. If the committee disapproves any rule or portion thereof, the
85 committee shall report its findings to the senate and the house of representatives.
86 No rule or portion thereof disapproved by the committee shall take effect so long
87 as the senate and the house of representatives ratify the act of the joint committee
88 by resolution adopted in each house within thirty legislative days after such rule
89 or portion thereof has been disapproved by the joint committee.

90 8. Upon adoption of a rule as provided in this section, any such rule or
91 portion thereof may be suspended or revoked by the general assembly either by
92 bill or, pursuant to section 8, article IV of the Constitution of Missouri, by
93 concurrent resolution upon recommendation of the joint committee on
94 administrative rules. The committee shall be authorized to hold hearings and
95 make recommendations pursuant to the provisions of section 536.037, RSMo.
96 The secretary of state shall publish in the Missouri Register, as soon as
97 practicable, notice of the suspension or revocation.]
98

2 [295.030. 1. Within thirty days after the effective date of this chapter the
3 governor, by and with the advice and consent of the senate, shall appoint five
4 competent persons to serve as a state board of mediation; two of whom shall be
employers of labor, or selected from some association representing employers of

5 labor, and two of whom shall be employees holding membership in some bona
6 fide trade or labor union; the fifth shall be some person who is neither an
7 employee nor an employer of labor and who shall be chairman of said state board
8 of mediation.

9 2. Two members of said board shall be appointed for one year, two for
10 two years, and one for three years, and all appointments thereafter shall be for
11 three years or until their respective successors are appointed in the manner herein
12 provided.

13 3. If a vacancy occurs in said board by death or otherwise, at any time,
14 the governor shall appoint some competent person having the same qualifications
15 as his predecessor to fill the unexpired term.]
16

2 [295.040. Each member of said board shall, before entering upon the
3 duties of his office, take and subscribe an oath to support the Constitution of the
4 United States and this state and to demean himself faithfully in his office. The
5 main office of the state board of mediation shall be in Jefferson City, but the
6 board may hold meetings at any time or any place in the state whenever the same
7 shall become necessary, and three members of the board shall constitute a
8 quorum for the transaction of business.]

9 [295.060. The chairman of the board shall receive a salary in an amount
10 to be determined by the director of the department of labor and industrial
11 relations and within the limits of the appropriations for the purpose. Each of the
12 other members of the state board of mediation shall receive as compensation for
13 their services an amount to be determined by the director of the department of
14 labor and industrial relations, but not to exceed fifty dollars per day; and in
15 addition thereto shall receive all necessary travel and other expenses incurred
16 while actually engaged in the performance of their duties as such members.]

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