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FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 234
90TH GENERAL ASSEMBLY

Reported from the Committee on Labor, April 12, 1999, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 234 Do Pass by Consent.

ANNE C. WALKER, Chief Clerk

L1006.06C

AN ACT

To repeal sections 294.011 and 294.030, RSMo Supp. 1998, relating to the department of labor and industrial relations, and to enact in lieu thereof three new sections relating to the same subject, with an emergency clause for a certain section.

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

Section A. Sections 294.011 and 294.030, RSMo Supp. 1998, are repealed and two new sections enacted in lieu thereof, to be known as sections 294.011 and 294.030, to read as follows:

294.011. As used in this chapter, the following terms mean:

- (1) "Child", an individual under sixteen years of age;
- (2) "Commission", the labor and industrial relations commission;
- (3) "Department", the department of labor and industrial relations;
- (4) "Department director", the director of the department of labor and industrial relations;
- (5) "Director", director of the division of labor standards;
- (6) "Division", the division of labor standards;
- (7) "Employ", engage a child in gainful employment for wages or other remuneration except

where the child is working under the direct control of the parent, legal custodian or guardian of the child. The term "employ" shall not include the performance of the following services by a child twelve years of age or older:

- (a) The delivery or sales of newspapers, magazines or periodicals;
- (b) Child care;

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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(c) Occasional yard or farm work performed by a child with the knowledge and consent of his or her parent, legal custodian or guardian. Such work shall include the use of lawn and garden machinery in domestic service at or around a private residence, provided that, there shall be an agreement between an occupant of the private residence and the child, and by no other person, firm or corporation, other than a parent, legal custodian or guardian of the child, for the performance of such work;

(d) Participating in a youth sporting event as a player, referee, coach or other position necessary to the sporting event; except that, this paragraph shall not include working at a concession stand. For purposes of this paragraph, "youth sporting event" means an event where all players are under the age of eighteen and the event is sponsored and supervised by a public body or a not for profit entity; or

(e) Any other part-time employment performed by a child with the knowledge and consent of his or her parent, legal custodian or guardian not specifically prohibited by section 294.040.

294.030. 1. A child under sixteen years of age shall not be employed, permitted or suffered to work at any gainful employment for more than three hours per day in any school day, more than eight hours in any nonschool day, more than six days or forty hours in any week. Normal work hours shall not begin before seven o'clock in the morning nor extend to after 9:00 p.m., except as provided in subsection 2 of this section. The provisions of this subsection may be waived by the director, in full or in part, depending upon the nature of the employment. Such waiver shall be provided in writing to the employer by the director. [The waiver shall only exempt employment described in section 294.022.]

2. On all evenings from Labor Day to June first, a child under sixteen years of age shall not be employed, permitted or suffered to work at any gainful employment after 7:00 p.m. nor after 9:00 p.m. from June first to Labor Day; except that a child who has passed his or her fourteenth birthday but is under sixteen years of age may be employed at a regional fair from June first to Labor Day, if such child does not work after 10:30 p.m., is supervised by an adult, parental consent is given and the provisions of this subsection are complied with. The provisions of this subsection shall not apply to those entities covered by the Fair Labor Standards Act. The provisions of this subsection do not apply to children who have been permanently excused from school pursuant to the provisions of chapter 167, RSMo. The provisions of this subsection may be waived by the director, in full or in part, depending upon the nature of the employment. Such waiver shall be provided in writing to the employer by the director. The waiver shall only exempt employment described in section 294.022.

Section B. Chapter 286, RSMo, is amended by adding thereto one new section, to be known as section 286.300, to read as follows:

286.300. There is hereby created within the department of labor and industrial relations a "Department of Labor and Industrial Relations Administrative Fund" which shall

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be administered by the director of the department of labor and industrial relations. Moneys in the fund shall only be expended by the department of labor and industrial relations to administer the laws under the jurisdiction of the department and to provide goods and services which relate to the administration of these laws. The fund shall consist of revenues derived from privileges, conveniences, contracts, goods or services provided by the department of labor and industrial relations or any of the department's agencies to any governmental entity, public or private entities; moneys received as gifts, grants, bequests or contributions from private, federal, county or municipal entities; or other moneys which are transferred or paid to the department of labor and industrial relations or any of the department's agencies. The state treasurer shall be the custodian of the fund and shall provide disbursement from the fund at the request of the director of the department of labor and industrial relations for the reimbursement of goods and services necessary for the administration of the laws within the jurisdiction of the department of labor and industrial relations. Quarterly transfers from departmental funds and general revenue, if appropriate, shall be made on the first day of each quarter of the state fiscal year, except that funding for one-time, extraordinary or nonoperating expenses may be transferred in the first quarter in its entire annual amount. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the fiscal year exceeds one and one quarter times the appropriations from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the fund for the preceding fiscal year. Interest accruing to the fund shall be part of the fund. The director of the department of labor and industrial relations shall include a reporting of all receipts and expenditures from the fund in the department's annual budget.

Section C. Because immediate action is necessary to allow the department of labor and industrial relations to implement the cost savings and efficiencies provided by this legislation for fiscal year 2000, section B of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section B of this act shall be in full force and effect upon its passage and approval or July 1, 1999, whichever occurs later.