

MINUTES OF THE HOUSE COMMERCE, LABOR AND ECONOMIC DEVELOPMENT
COMMITTEE

The meeting was called to order by Chairperson Les Mason at 1:30 pm on Thursday, January 15, 2015, 346-S of the Capitol.

All members were present except:

Representative Mark Hutton – Excused

Committee staff present:

Reed Holwegner, Legislative Research Department

Linda Herrick, Kansas Legislative Committee Assistant

Chris Courtwright, Legislative Research Department

Jason Thompson, Office of Revisor of Statutes

Conferees appearing before the Committee:

Brad Burke, Deputy Secretary and Chief Attorney, Kansas Department of Labor

Others in attendance:

[See Attached List](#)

Introduction of Committee Members

Vice Chairperson Les Mason called the meeting to order. The Committee and staff introduced themselves.

Introduction of bills

Vice Chairperson Mason asked if there were any bills to be introduced. There were none.

Presentation on:

OSHA Study Report

Brad Burke, Deputy Secretary and Chief Attorney, Kansas Department of Labor, gave a report ([Attachment 1](#)) to the Committee as is required by Section 1 of **Senate Sub. for 2014 HB 2616**, which directed the Labor Department to study the feasibility of having the State enforce safety standards rather than the federal Occupational Safety and Health Administration (OSHA). A State plan would need to be authorized by enacted state legislation. The plan then would need to be approved and monitored by OSHA. If federally approved, OSHA would provide up to 50% of a state's operating costs.

Representative Ruiz asked how many inspectors were employed for OSHA activities. Terry Sanchez, Department of Labor, replied there are 20 people employed in the OSHA area and 15 are inspectors.

Representative KleeB asked about the cost of a State plan. Mr. Burke noted the cost to make this change from OSHA to a State plan is \$1.6 million. Representative KleeB also asked if any states have dropped OSHA. Mr. Burke said states have dropped OSHA because they have been placed on probation but have not had their State plan pulled. He added there are currently twenty-five states that are operating

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approved State plans.

Ms. Sanchez said OSHA would perform an audit every year to make sure the safety standards of the State plan are effective.

In response to another question, Mr. Burke and Ms. Sanchez noted that all employees of a State plan would state employees hired on a merit basis rather than contracted employees. In response to a question of confirmation by Representative Tietze, Mr. Burke said it could be conceivable for state OSHA personnel to be hired via a third party contractor, but the human resources and employment standards for the contracting employer would need to be equal to the standards of the federal government.

Mr. Burke explained OSHA regulations are the minimum safety standards required and OSHA would not allow less stringent regulation enforcement by the states.

Committee and Conferee Rules

Vice Chairperson Mason called attention to the House Commerce, Labor and Economic Development Committee rules and the conferee rules ([Attachment 2](#)) and asked that those be followed this session.

Adjournment

The meeting adjourned at 1:50 p.m.

The next meeting will be Tuesday, January 20.