

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2616**

As Recommended by Senate Committee on
Commerce

Brief*

Senate Sub. for HB 2616 would require the Secretary of Labor to study and make recommendations concerning whether the State should propose a safe and healthful employment plan to the federal government that is at least as effective as the standards set by the federal Occupational Safety and Health Act (OSHA).

By January 12, 2015, the Secretary would submit a report to the President of the Senate, the Senate Committee on Commerce, the Speaker of the House, and the House Committee on Commerce, Labor and Economic Development that would include an identification of:

- Agreements which would be needed to implement the plan;
- Funding sources to finance the plan;
- Statutory and rule and regulation changes necessary for the implementation of the plan;
- An estimate of additional staff;
- Steps needed for interaction with the federal government; and
- Any other matters the Secretary would determine to be necessary.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

During the House Committee on Commerce, Labor and Economic Development hearing, a representative of the Associated General Contractors of Kansas spoke in favor of the bill, stating 26 states have implemented state OSHA plans. Many of those states attribute state OSHA control as a means to create a more business friendly environment.

Representatives of the Kansas AFL-CIO and the Kansas State Building and Construction Trades Council spoke in opposition to the bill, stating the federal government has the technical expertise to enforce OSHA standards. Also, if the State were to enforce workplace safety standards, additional funding would be necessary since federal reimbursement is less than 100 percent of expenses.

During the Senate Committee hearing, Representative Hutton and representatives of the Associated General Contractors of Kansas and the Wichita Chamber of Commerce spoke in favor of the bill, stating 26 states have implemented state OSHA plans and many of those states attribute state OSHA control as a means to create a more business friendly environment.

Representatives of the Kansas AFL-CIO, Westar Energy, the American Subcontractors Association, and the Kansas State Building and Construction Trades Council spoke in opposition to the bill, stating the federal government has the technical expertise to enforce OSHA standards. Also, if the State were to enforce workplace safety standards, additional funding would be necessary since federal reimbursement is less than 100 percent of expenses.

The Senate Committee on Commerce amended the bill by deleting language which would have authorized the Secretary of Labor to enter into OSHA agreements with the federal government. The Committee further amended the bill to require the Secretary of Labor to submit the report to the Senate Commerce Committee and the House Commerce,

Labor and Economic Development Committee. The Senate Committee then recommended a substitute bill that incorporated the amendments.

According to the fiscal note prepared by the Division of the Budget, in consultation with the Department of Labor, an estimated 150 hours would be required to research and write the plan and report. The associated costs would be negligible and covered by existing resources and staff levels.