

SENATE BILL No. 212

By Committee on Assessment and Taxation

2-23

1 AN ACT concerning workplace safety; directing the secretary of labor to
2 enter into an agreement regarding state enforcement of federal
3 occupational safety and health act standards.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) In accordance with the provisions of §18 of the federal
7 occupational safety and health act of 1970, 29 U.S.C. § 667, the secretary
8 of labor is hereby directed to:

9 (1) No later than September 1, 2017, submit to the United States
10 secretary of labor a plan for the state to assume responsibility for
11 development and enforcement of occupational safety and health standards.
12 Such plan shall provide for safe and healthful employment in Kansas by
13 the adoption of standards and the means for enforcement of such standards
14 that are at least as effective as those standards and means for enforcement
15 as are provided by the federal occupational safety and health act of 1970,
16 compiled in 29 U.S.C. §§ 651-678, and shall otherwise meet the
17 requirements for submission of a plan to the United States secretary of
18 labor;

19 (2) obtain the approval of the United States secretary of labor for the
20 plan and prepare and negotiate an executable cooperative agreement with
21 the United States secretary of labor implementing the plan;

22 (3) enter into agreements necessary to carry out the purposes of this
23 subsection;

24 (4) make agreements with other states and with the United States
25 government, or its agencies, and to accept funds from the federal
26 government, or its agencies, or any other source for research studies,
27 investigation, planning and other purposes related to the duties of the
28 secretary pursuant to this subsection; and any funds so received shall be
29 remitted to the state treasurer in accordance with the provisions of K.S.A.
30 75-4215, and amendments thereto. Upon receipt of each such remittance,
31 the state treasurer shall deposit the entire amount in the state treasury to
32 the credit of the occupational health and safety – federal fund.
33 Expenditures from such fund may be made for any purpose in keeping
34 with the responsibilities, functions and authority of the secretary. Funds
35 received from federal agencies shall be used in accordance with or at the
36 direction of the contributing federal agencies; and

1 (5) cooperate with the federal government in ways that are reasonably
2 designed to carry out the purposes of this subsection.

3 (b) The secretary of labor shall submit to the president of the senate
4 and to the speaker of the house of representatives on or before January 8,
5 2018, and on or before the second Monday of January of each subsequent
6 year until a cooperative agreement contemplated by subsections (a)(1) and
7 (a)(2) that is ready to be executed has been submitted to the legislature by
8 the secretary of labor for approval as provided by section 2, and
9 amendments thereto, a report including the following information
10 pertaining to the state plan referenced in subsection (a):

11 (1) The state plan submitted pursuant to subsection (a) and any terms
12 of the cooperative agreement contemplated by subsection (a) negotiated by
13 the secretary of labor;

14 (2) a list of changes in statutes and rules and regulations required by
15 the federal government as part of the state plan;

16 (3) a list of additional staff and positions required to implement the
17 state plan;

18 (4) a projected date by which a cooperative agreement contemplated
19 by subsections (a)(1) and (a)(2) will be ready to be executed;

20 (5) receipts and expenditures of funds pursuant to subsection (a)(4);

21 (6) an update on progress made toward the cooperative agreement
22 contemplated by subsections (a)(1) and (a)(2); and

23 (7) any agreements entered into by the secretary of labor pursuant to
24 subsection (a).

25 Sec. 2. No cooperative agreement contemplated by section 1(a)(1)
26 and (a)(2), and amendments thereto, shall be executed except upon the
27 express approval of the legislature pursuant to a bill duly enacted into law
28 at such time as the cooperative agreement is ready to be executed.

29 Sec. 3. This act shall take effect and be in force from and after its
30 publication in the statute book.