

1 AN ACT relating to the Kentucky Occupational Safety and Health Standards Board
2 and declaring an emergency.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. KRS 12.020 is amended to read as follows:

5 Departments, program cabinets and their departments, and the respective major
6 administrative bodies that they include are enumerated in this section. It is not intended
7 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
8 bureau, interstate compact, commission, committee, conference, council, office, or any
9 other form of organization shall be included in or attached to the department or program
10 cabinet in which they are included or to which they are attached by statute or statutorily
11 authorized executive order; except in the case of the Personnel Board and where the
12 attached department or administrative body is headed by a constitutionally elected officer,
13 the attachment shall be solely for the purpose of dissemination of information and
14 coordination of activities and shall not include any authority over the functions,
15 personnel, funds, equipment, facilities, or records of the department or administrative
16 body.

17 I. Cabinet for General Government - Departments headed by elected officers:

- 18 (1) The Governor.
19 (2) Lieutenant Governor.
20 (3) Department of State.
21 (a) Secretary of State.
22 (b) Board of Elections.
23 (c) Registry of Election Finance.
24 (4) Department of Law.
25 (a) Attorney General.
26 (5) Department of the Treasury.
27 (a) Treasurer.

- 1 (6) Department of Agriculture.
- 2 (a) Commissioner of Agriculture.
- 3 (b) Kentucky Council on Agriculture.
- 4 (7) Auditor of Public Accounts.
- 5 II. Program cabinets headed by appointed officers:
- 6 (1) Justice and Public Safety Cabinet:
- 7 (a) Department of Kentucky State Police.
- 8 (b) Department of Criminal Justice Training.
- 9 (c) Department of Corrections.
- 10 (d) Department of Juvenile Justice.
- 11 (e) Office of the Secretary.
- 12 (f) Office of Drug Control Policy.
- 13 (g) Office of Legal Services.
- 14 (h) Office of the Kentucky State Medical Examiner.
- 15 (i) Parole Board.
- 16 (j) Kentucky State Corrections Commission.
- 17 (k) Office of Legislative and Intergovernmental Services.
- 18 (l) Office of Management and Administrative Services.
- 19 (m) Department of Public Advocacy.
- 20 (2) Education and Workforce Development Cabinet:
- 21 (a) Office of the Secretary.
- 22 1. Governor's Scholars Program.
- 23 2. Governor's School for Entrepreneurs Program.
- 24 (b) Office of Legal and Legislative Services.
- 25 1. Client Assistance Program.
- 26 (c) Office of Communication.
- 27 (d) Office of Budget and Administration.

- 1 1. Division of Human Resources.
- 2 2. Division of Administrative Services.
- 3 (e) Office of Technology Services.
- 4 (f) Office of Educational Programs.
- 5 (g) Office for Education and Workforce Statistics.
- 6 (h) Board of the Kentucky Center for Education and Workforce Statistics.
- 7 (i) Board of Directors for the Center for School Safety.
- 8 (j) Department of Education.
 - 9 1. Kentucky Board of Education.
 - 10 2. Kentucky Technical Education Personnel Board.
- 11 (k) Department for Libraries and Archives.
- 12 (l) Department of Workforce Investment.
 - 13 1. Office for the Blind.
 - 14 2. Office of Vocational Rehabilitation.
 - 15 3. Office of Employment and Training.
 - 16 a. Division of Grant Management and Support.
 - 17 b. Division of Workforce and Employment Services.
 - 18 c. Division of Unemployment Insurance.
- 19 (m) Foundation for Workforce Development.
- 20 (n) Kentucky Office for the Blind State Rehabilitation Council.
- 21 (o) Kentucky Workforce Investment Board.
- 22 (p) Statewide Council for Vocational Rehabilitation.
- 23 (q) Unemployment Insurance Commission.
- 24 (r) Education Professional Standards Board.
 - 25 1. Division of Educator Preparation.
 - 26 2. Division of Certification.
 - 27 3. Division of Professional Learning and Assessment.

- 1 4. Division of Legal Services.
- 2 (s) Kentucky Commission on the Deaf and Hard of Hearing.
- 3 (t) Kentucky Educational Television.
- 4 (u) Kentucky Environmental Education Council.
- 5 (3) Energy and Environment Cabinet:
- 6 (a) Office of the Secretary.
- 7 1. Office of Legislative and Intergovernmental Affairs.
- 8 2. Office of General Counsel.
- 9 3. Office of Administrative Hearings.
- 10 4. Mine Safety Review Commission.
- 11 5. Kentucky State Nature Preserves Commission.
- 12 6. Kentucky Public Service Commission.
- 13 (b) Department for Environmental Protection.
- 14 1. Office of the Commissioner.
- 15 2. Division for Air Quality.
- 16 3. Division of Water.
- 17 4. Division of Environmental Program Support.
- 18 5. Division of Waste Management.
- 19 6. Division of Enforcement.
- 20 7. Division of Compliance Assistance.
- 21 (c) Department for Natural Resources.
- 22 1. Office of the Commissioner.
- 23 2. Division of Technical and Administrative Support.
- 24 3. Division of Mine Permits.
- 25 4. Division of Mine Reclamation and Enforcement.
- 26 5. Division of Abandoned Mine Lands.
- 27 6. Division of Oil and Gas.

- 1 7. Division of Mine Safety.
- 2 8. Division of Forestry.
- 3 9. Division of Conservation.
- 4 10. Office of the Reclamation Guaranty Fund.
- 5 (d) Department for Energy Development and Independence.
- 6 1. Division of Efficiency and Conservation.
- 7 2. Division of Renewable Energy.
- 8 3. Division of Biofuels.
- 9 4. Division of Energy Generation Transmission and Distribution.
- 10 5. Division of Carbon Management.
- 11 6. Division of Fossil Energy Development.
- 12 (4) Public Protection Cabinet.
- 13 (a) Office of the Secretary.
- 14 1. Office of Communications and Public Outreach.
- 15 2. Office of Legal Services.
- 16 a. Insurance Legal Division.
- 17 b. Charitable Gaming Legal Division.
- 18 c. Alcoholic Beverage Control Legal Division.
- 19 d. Housing, Buildings and Construction Legal Division.
- 20 e. Financial Institutions Legal Division.
- 21 (b) Kentucky Claims Commission.
- 22 (c) Kentucky Boxing and Wrestling Commission.
- 23 (d) Kentucky Horse Racing Commission.
- 24 1. Office of Executive Director.
- 25 a. Division of Pari-mutuel Wagering and Compliance.
- 26 b. Division of Stewards.
- 27 c. Division of Licensing.

- 1 d. Division of Enforcement.
- 2 e. Division of Incentives and Development.
- 3 f. Division of Veterinary Services.
- 4 (e) Department of Alcoholic Beverage Control.
- 5 1. Division of Distilled Spirits.
- 6 2. Division of Malt Beverages.
- 7 3. Division of Enforcement.
- 8 (f) Department of Charitable Gaming.
- 9 1. Division of Licensing and Compliance.
- 10 2. Division of Enforcement.
- 11 (g) Department of Financial Institutions.
- 12 1. Division of Depository Institutions.
- 13 2. Division of Non-Depository Institutions.
- 14 3. Division of Securities.
- 15 (h) Department of Housing, Buildings and Construction.
- 16 1. Division of Fire Prevention.
- 17 2. Division of Plumbing.
- 18 3. Division of Heating, Ventilation, and Air Conditioning.
- 19 4. Division of Building Code Enforcement.
- 20 (i) Department of Insurance.
- 21 1. Division of Insurance Product Regulation.
- 22 2. Division of Administrative Services.
- 23 3. Division of Financial Standards and Examination.
- 24 4. Division of Agent Licensing.
- 25 5. Division of Insurance Fraud Investigation.
- 26 6. Division of Consumer Protection.
- 27 7. Division of Kentucky Access.

- 1 (j) Department of Professional Licensing.
- 2 1. Real Estate Authority.
- 3 (5) Labor Cabinet.
- 4 (a) Office of the Secretary.
- 5 1. Division of Management Services.
- 6 2. Office of General Counsel.
- 7 a. Workplace Standards Legal Division.
- 8 b. Workers' Claims Legal Division.
- 9 (b) Office of General Administration and Program Support for Shared
- 10 Services.
- 11 1. Division of Human Resource Management.
- 12 2. Division of Fiscal Management.
- 13 3. Division of Budgets.
- 14 4. Division of Information Services.
- 15 (c) Office of Inspector General for Shared Services.
- 16 (d) Department of Workplace Standards.
- 17 1. Division of Apprenticeship.
- 18 2. Division of Occupational Safety and Health Compliance.
- 19 3. Division of Occupational Safety and Health Education and
- 20 Training.
- 21 4. Division of Wages and Hours.
- 22 (e) Department of Workers' Claims.
- 23 1. Division of Workers' Compensation Funds.
- 24 2. Office of Administrative Law Judges.
- 25 3. Division of Claims Processing.
- 26 4. Division of Security and Compliance.
- 27 5. Division of Information Services.

- 1 6. Division of Ombudsman and Workers' Compensation Specialist
2 Services.
- 3 7. Workers' Compensation Board.
- 4 (f) Workers' Compensation Funding Commission.
- 5 (g) ~~Occupational Safety and Health Standards Board.~~
- 6 ~~(h)~~—Apprenticeship and Training Council.
- 7 (h)~~(i)~~ State Labor Relations Board.
- 8 (i)~~(j)~~ Employers' Mutual Insurance Authority.
- 9 (j)~~(k)~~ Kentucky Occupational Safety and Health Review Commission.
- 10 (k)~~(l)~~ Workers' Compensation Nominating Committee.
- 11 (6) Transportation Cabinet:
- 12 (a) Department of Highways.
- 13 1. Office of Project Development.
- 14 2. Office of Project Delivery and Preservation.
- 15 3. Office of Highway Safety.
- 16 4. Highway District Offices One through Twelve.
- 17 (b) Department of Vehicle Regulation.
- 18 (c) Department of Aviation.
- 19 (d) Department of Rural and Municipal Aid.
- 20 1. Office of Local Programs.
- 21 2. Office of Rural and Secondary Roads.
- 22 (e) Office of the Secretary.
- 23 1. Office of Public Affairs.
- 24 2. Office for Civil Rights and Small Business Development.
- 25 3. Office of Budget and Fiscal Management.
- 26 4. Office of Inspector General.
- 27 (f) Office of Support Services.

- 1 (g) Office of Transportation Delivery.
- 2 (h) Office of Audits.
- 3 (i) Office of Human Resource Management.
- 4 (j) Office of Information Technology.
- 5 (k) Office of Legal Services.
- 6 (7) Cabinet for Economic Development:
- 7 (a) Office of the Secretary.
- 8 1. Office of Legal Services.
- 9 2. Department for Business Development.
- 10 a. Office of Entrepreneurship.
- 11 i. Commission on Small Business Advocacy.
- 12 b. Office of Research and Public Affairs.
- 13 c. Bluegrass State Skills Corporation.
- 14 3. Office of Financial Services.
- 15 a. Kentucky Economic Development Finance Authority.
- 16 b. Division of Finance and Personnel.
- 17 c. Division of Network Administration.
- 18 d. Compliance Division.
- 19 e. Incentive Assistance Division.
- 20 (8) Cabinet for Health and Family Services:
- 21 (a) Office of the Secretary.
- 22 (b) Office of Health Policy.
- 23 (c) Office of Legal Services.
- 24 (d) Office of Inspector General.
- 25 (e) Office of Communications and Administrative Review.
- 26 (f) Office of the Ombudsman.
- 27 (g) Office of Finance and Budget.

- 1 (h) Office of Human Resource Management.
- 2 (i) Office of Administrative and Technology Services.
- 3 (j) Department for Public Health.
- 4 (k) Department for Medicaid Services.
- 5 (l) Department for Behavioral Health, Developmental and Intellectual
- 6 Disabilities.
- 7 (m) Department for Aging and Independent Living.
- 8 (n) Department for Community Based Services.
- 9 (o) Department for Income Support.
- 10 (p) Department for Family Resource Centers and Volunteer Services.
- 11 (q) Kentucky Commission on Community Volunteerism and Service.
- 12 (r) Kentucky Commission for Children with Special Health Care Needs.
- 13 (s) Governor's Office of Electronic Health Information.
- 14 (t) Office of Legislative and Regulatory Affairs.
- 15 (9) Finance and Administration Cabinet:
- 16 (a) Office of the Secretary.
- 17 (b) Office of the Inspector General.
- 18 (c) Office of Legislative and Intergovernmental Affairs.
- 19 (d) Office of General Counsel.
- 20 (e) Office of the Controller.
- 21 (f) Office of Administrative Services.
- 22 (g) Office of Policy and Audit.
- 23 (h) Department for Facilities and Support Services.
- 24 (i) Department of Revenue.
- 25 (j) Commonwealth Office of Technology.
- 26 (k) State Property and Buildings Commission.
- 27 (l) Office of Equal Employment Opportunity and Contract Compliance.

- 1 (m) Kentucky Employees Retirement Systems.
- 2 (n) Commonwealth Credit Union.
- 3 (o) State Investment Commission.
- 4 (p) Kentucky Housing Corporation.
- 5 (q) Kentucky Local Correctional Facilities Construction Authority.
- 6 (r) Kentucky Turnpike Authority.
- 7 (s) Historic Properties Advisory Commission.
- 8 (t) Kentucky Tobacco Settlement Trust Corporation.
- 9 (u) Kentucky Higher Education Assistance Authority.
- 10 (v) Kentucky River Authority.
- 11 (w) Kentucky Teachers' Retirement System Board of Trustees.
- 12 (x) Executive Branch Ethics Commission.
- 13 (10) Tourism, Arts and Heritage Cabinet:
- 14 (a) Kentucky Department of Tourism.
- 15 1. Division of Tourism Services.
- 16 2. Division of Marketing and Administration.
- 17 3. Division of Communications and Promotions.
- 18 (b) Kentucky Department of Parks.
- 19 1. Division of Information Technology.
- 20 2. Division of Human Resources.
- 21 3. Division of Financial Operations.
- 22 4. Division of Facilities Management.
- 23 5. Division of Facilities Maintenance.
- 24 6. Division of Customer Services.
- 25 7. Division of Recreation.
- 26 8. Division of Golf Courses.
- 27 9. Division of Food Services.

- 1 10. Division of Rangers.
- 2 11. Division of Resort Parks.
- 3 12. Division of Recreational Parks and Historic Sites.
- 4 (c) Department of Fish and Wildlife Resources.
- 5 1. Division of Law Enforcement.
- 6 2. Division of Administrative Services.
- 7 3. Division of Engineering, Infrastructure, and Technology.
- 8 4. Division of Fisheries.
- 9 5. Division of Information and Education.
- 10 6. Division of Wildlife.
- 11 7. Division of Marketing.
- 12 (d) Kentucky Horse Park.
- 13 1. Division of Support Services.
- 14 2. Division of Buildings and Grounds.
- 15 3. Division of Operational Services.
- 16 (e) Kentucky State Fair Board.
- 17 1. Office of Administrative and Information Technology Services.
- 18 2. Office of Human Resources and Access Control.
- 19 3. Division of Expositions.
- 20 4. Division of Kentucky Exposition Center Operations.
- 21 5. Division of Kentucky International Convention Center.
- 22 6. Division of Public Relations and Media.
- 23 7. Division of Venue Services.
- 24 8. Division of Personnel Management and Staff Development.
- 25 9. Division of Sales.
- 26 10. Division of Security and Traffic Control.
- 27 11. Division of Information Technology.

- 1 12. Division of the Louisville Arena.
- 2 13. Division of Fiscal and Contract Management.
- 3 14. Division of Access Control.
- 4 (f) Office of the Secretary.
 - 5 1. Office of Finance.
 - 6 2. Office of Government Relations and Administration.
 - 7 3. Office of Film and Tourism Development.
 - 8 4. Kentucky Sports Authority.
- 9 (g) Office of Legal Affairs.
- 10 (h) Office of Human Resources.
- 11 (i) Office of Public Affairs and Constituent Services.
- 12 (j) Office of Creative Services.
- 13 (k) Office of Capital Plaza Operations.
- 14 (l) Office of Arts and Cultural Heritage.
- 15 (m) Kentucky African-American Heritage Commission.
- 16 (n) Kentucky Foundation for the Arts.
- 17 (o) Kentucky Humanities Council.
- 18 (p) Kentucky Heritage Council.
- 19 (q) Kentucky Arts Council.
- 20 (r) Kentucky Historical Society.
 - 21 1. Division of Museums.
 - 22 2. Division of Oral History and Educational Outreach.
 - 23 3. Division of Research and Publications.
 - 24 4. Division of Administration.
- 25 (s) Kentucky Center for the Arts.
 - 26 1. Division of Governor's School for the Arts.
- 27 (t) Kentucky Artisans Center at Berea.

- 1 (u) Northern Kentucky Convention Center.
- 2 (v) Eastern Kentucky Exposition Center.
- 3 (11) Personnel Cabinet:
 - 4 (a) Office of the Secretary.
 - 5 (b) Department of Human Resources Administration.
 - 6 (c) Office of Employee Relations.
 - 7 (d) Kentucky Public Employees Deferred Compensation Authority.
 - 8 (e) Office of Administrative Services.
 - 9 (f) Office of Legal Services.
 - 10 (g) Governmental Services Center.
 - 11 (h) Department of Employee Insurance.
 - 12 (i) Office of Diversity, Equality, and Training.
 - 13 (j) Office of Public Affairs.

14 III. Other departments headed by appointed officers:

- 15 (1) Council on Postsecondary Education.
- 16 (2) Department of Military Affairs.
- 17 (3) Department for Local Government.
- 18 (4) Kentucky Commission on Human Rights.
- 19 (5) Kentucky Commission on Women.
- 20 (6) Department of Veterans' Affairs.
- 21 (7) Kentucky Commission on Military Affairs.
- 22 (8) Office of Minority Empowerment.
- 23 (9) Governor's Council on Wellness and Physical Activity.
- 24 (10) Kentucky Communications Network Authority.

25 ➔Section 2. KRS 224.20-320 is amended to read as follows:

26 Notwithstanding any statute or regulation to the contrary, the facilities of those entities
27 defined in KRS 278.010(3) shall be required to comply solely with the National Emission

1 Standards for Asbestos, of the United States Environmental Protection Agency and
 2 applicable rules and regulations of the United States Occupational Safety and Health
 3 Administration, and the Kentucky Labor Cabinet~~[Kentucky Occupational Safety and
 4 Health Standards Board]~~, for purposes of asbestos abatement or removal.

5 ➔Section 3. KRS 336.015 is amended to read as follows:

- 6 (1) The secretary of the Labor Cabinet shall have the duties, responsibilities, power,
 7 and authority relating to labor, wages and hours, occupational safety and health of
 8 employees, child labor, apprenticeship, workers' compensation, and all other matters
 9 previously under the jurisdiction of the Department of Labor.
- 10 (2) The Labor Cabinet shall consist of the Office of the Secretary, the Department of
 11 Workers' Claims, and the Department of Workplace Standards.
- 12 (3) The following agencies are attached to the cabinet for administrative purposes only:
- 13 (a) Kentucky Occupational Safety and Health Review Commission;
- 14 (b) State Labor Relations Board;
- 15 (c) Workers' Compensation Funding Commission;
- 16 ~~(d) [Occupational Safety and Health Standards Board;~~
- 17 ~~(e)]~~Apprenticeship and Training Council;
- 18 (e)~~(f)~~ Employers' Mutual Insurance Authority;
- 19 (f)~~(g)~~ Office of General Administration and Program Support for Shared
 20 Services, which shall be headed by an executive director appointed by the
 21 Governor in accordance with KRS 12.040 upon recommendation from the
 22 secretaries of the Energy and Environment Cabinet, the Labor Cabinet, and
 23 the Public Protection Cabinet. The office is composed of the following
 24 divisions:
- 25 1. Division of Human Resource Management;
- 26 2. Division of Fiscal Management;
- 27 3. Division of Budgets; and

- 1 4. Division of Information Services;
- 2 ~~(g)~~~~(h)~~ Office of Inspector General for Shared Services, which shall be headed
- 3 by an executive director appointed by the Governor in accordance with KRS
- 4 12.040 upon recommendation from the secretaries of the Energy and
- 5 Environment Cabinet, the Labor Cabinet, and the Public Protection Cabinet;
- 6 and
- 7 ~~(h)~~~~(i)~~ Workers' Compensation Nominating Committee.

8 ➔Section 4. KRS 338.015 is amended to read as follows:

9 As used in this chapter:

- 10 (1) "Employer" shall mean any entity for whom a person is employed except those
- 11 employers excluded in KRS 338.021;
- 12 (2) "Employee" shall mean any person employed except those employees excluded in
- 13 KRS 338.021;
- 14 (3) The term "occupational safety and health standard" means a standard which requires
- 15 conditions, or the adoption or use of one (1) or more practices, means, methods,
- 16 operations, or processes, reasonably necessary or appropriate to provide safe or
- 17 healthful employment and places of employment. "Standard" has the same meaning
- 18 as and includes the words "regulation" and "rule";
- 19 (4) "Occupational safety and health hazard" means any practice or condition in a place
- 20 of employment which may be deemed detrimental to the safety and health of
- 21 employees;
- 22 (5) "Occupational injury or illness" means any abnormal condition or disorder of an
- 23 employee caused by exposure to factors associated with his or her employment;
- 24 (6) ~~["Board" means the Kentucky Occupational Safety and Health Standards Board~~
- 25 ~~established under this chapter;~~
- 26 ~~(7)~~—"Commissioner" means the commissioner of the Department of Workplace
- 27 Standards under the direction and supervision of the secretary of the Labor Cabinet;

1 ~~(7)~~~~(8)~~ "Review commission" means the Kentucky Occupational Safety and Health
 2 Review Commission established under this chapter;

3 ~~(8)~~~~(9)~~ The term "national consensus standard" means any occupational safety and
 4 health standard or modification thereof which has been adopted and promulgated by
 5 a nationally recognized standards-producing organization;

6 ~~(9)~~~~(10)~~ The term "established federal standard" means any operative occupational
 7 safety and health standard established by any agency of the United States
 8 government;

9 ~~(10)~~~~(11)~~ "Department" means the Department of Workplace Standards; and

10 ~~(11)~~~~(12)~~ "Secretary" means the secretary of the Labor Cabinet.

11 ➔Section 5. KRS 338.061 is amended to read as follows:

12 (1) Occupational safety and health standards may be adopted, modified, or repealed by
 13 the ~~secretary~~~~board~~ **through the administrative regulation process of KRS**
 14 **Chapter 13A** as ~~he or she~~~~it~~ shall deem necessary, **except that the secretary may**
 15 **through an administrative order suspend or delay enforcement of a promulgated**
 16 **occupational safety and health administrative regulation if the federal**
 17 **government has suspended, delayed, or enjoined the corresponding federal**
 18 **regulation.**

19 (2) Established federal standards and national consensus standards may be adopted by
 20 reference.

21 ➔Section 6. The following KRS section is repealed:

22 338.051 Kentucky Occupational Safety and Health Standards Board -- Membership --
 23 Terms -- Chairman -- Meetings -- Quorum -- Regulations -- Compensation.

24 ➔Section 7. Whereas without the enactment of this legislation the Labor Cabinet
 25 cannot amend or change an administrative regulation in a timely manner to correspond
 26 with the immediate actions taken by the U.S. Department of Labor concerning
 27 occupational health and safety regulations, an emergency is declared to exist, and this Act

- 1 shall take effect upon on its passage and approval by the Governor or upon its otherwise
- 2 becoming a law.