OCCUPATIONAL AND ENVIRONMENTAL
HEALTH AMENDMENTS
2007 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ed Mayne
House Sponsor: Roger E. Barrus

LONG TITLE
General Description:
This bill modifies provisions related to the University of Utah.

Highlighted Provisions:
This bill:
- defines terms;
- codifies the creation of the Rocky Mountain Center for Occupational and Environmental Health at the University of Utah;
- requires the creation of an advisory board;
- requires reporting by the advisory board;
- addresses the appointment of the director of the Rocky Mountain Center for Occupational and Environmental Health;
- addresses offsets related to that center; and
- makes technical and conforming amendments.

Monies Appropriated in this Bill:
None

Other Special Clauses:
None

Utah Code Sections Affected:
AMENDS:
- 34A-2-202.5, as enacted by Chapter 289, Laws of Utah 2005
- 59-9-102.5, as enacted by Chapter 289, Laws of Utah 2005
Be it enacted by the Legislature of the state of Utah:

Section 1. Section 34A-2-202.5 is amended to read:


(1) As used in this section:
(a) "Occupational health and safety center" means [an entity:] the Rocky Mountain Center for Occupational and Environmental Health created in Title 53B, Chapter 17, Part 8, Rocky Mountain Center for Occupational and Environmental Health.
[(i) affiliated with an institution within the state system of higher education as defined in Section 53B-1-102; and]
[(ii) designated as an education and research center by the National Institute for Occupational Safety and Health:]
(b) "Qualified donation" means a donation that is:
(i) cash;
(ii) given directly to an occupational health and safety center; and
(iii) given exclusively for the purpose of:
(A) supporting graduate level education and training in fields of:
(I) safety and ergonomics;
(II) industrial hygiene;
(III) occupational health nursing; and
(IV) occupational medicine;
(B) providing continuing education programs for employers designed to promote
workplace safety; and

(C) paying reasonable administrative, personnel, equipment, and overhead costs of the
occupational health and safety center.

(c) "Self-insured employer" is a self-insured employer as defined in Section
34A-2-201.5 that is required to pay the assessment imposed under Section 34A-2-202.

(2) (a) A self-insured employer may offset against the assessment imposed under
Section 34A-2-202 an amount equal to the lesser of:

(i) the total of qualified donations made by the self-insured employer in the calendar
year for which the assessment is calculated; and

(ii) .10% of the self-insured employer's total calculated premium calculated under
Subsection 34A-2-202(1)(d) for the calendar year for which the assessment is calculated.

(b) The offset provided under this Subsection (2) shall be allocated to the restricted
account and funds described in Subsection 59-9-101(2)(c) in proportion to the rates provided in
Subsection 59-9-101(2)(c).

(3) An occupational health and safety center shall:

(a) provide a self-insured employer a receipt for any qualified donation made by the
self-insured employer to the occupational health and safety center;

(b) expend monies received by a qualified donation:

(i) for the purposes described in Subsection (1)(b)(iii); and

(ii) in a manner that can be audited to ensure that the monies are expended for the
purposes described in Subsection (1)(b)(iii); and

(c) in conjunction with the report required by Section 59-9-102.5, report to the
Legislature through the Office of the Legislative Fiscal Analyst by no later than July 1 of each
year:

(i) the qualified donations received by the occupational health and safety center in the
previous calendar year; and

(ii) the expenditures during the previous calendar year of qualified donations received
by the occupational health and safety center.
Section 2. Section 53B-17-801 is enacted to read:

Part 8. Rocky Mountain Center for Occupational and Environmental Health

53B-17-801. Title -- Definitions.
(1) This part is known as "Rocky Mountain Center for Occupational and Environmental Health."
(2) As used in this part:
(a) "Affected populations" include:
(i) employees;
(ii) employers;
(iii) insurers;
(iv) professionals or professional organizations related to occupational and environmental health;
(v) government agencies; and
(vi) outside academic institutions.
(b) "Board" means the Rocky Mountain Center for Occupational and Environmental Health Advisory Board created in Section 53B-17-803.
(c) "Center" means the Rocky Mountain Center for Occupational and Environmental Health.
(d) "Director" means the director of the center.
(e) "University" means the University of Utah.

Section 3. Section 53B-17-802 is enacted to read:

53B-17-802. Rocky Mountain Center for Occupational and Environmental Health at the university.
(1) There is established at the University of Utah the Rocky Mountain Center for Occupational and Environmental Health, to be an occupational health and safety center for education and research.
(2) The university shall operate the center in a manner so that the center is:
(a) eligible to be designated as an education and research center by the National
Institute for Occupational Safety and Health in the United States Department of Health and
Human Services; and
(b) a resource for affected populations to:
(i) improve workplace health and safety; and
(ii) contribute to economic growth and development in Utah and the surrounding
region.

Section 4. Section 53B-17-803 is enacted to read:

53B-17-803. Advisory board created.
(1) The university shall create an advisory board known as the "Rocky Mountain
Center for Occupational and Environmental Health Advisory Board" to:
(a) promote occupational health and safety in Utah and the surrounding region;
(b) promote the interests and mission of the center by advising the director on issues
including:
(i) operation of the center as a multidisciplinary, state-of-the-art program at the
university;
(ii) developing and maintaining state and institutional support;
(iii) emerging local or regional, occupational health and safety education and research
needs;
(iv) continuing education and outreach to local and regional occupational health and
safety professionals;
(v) coordinating with other local or regional entities that promote occupational health
and safety in a manner that meets the needs of both employers and employees; and
(vi) grant requirements and renewal;
(c) advise the director on the expenditure by the center of public funds including:
(i) funds appropriated by the Legislature;
(ii) donations; and
(iii) federal or other grants; and
(d) develop recommendations for the long-term operation of the center consistent with
Section 53B-17-802.

(2) (a) The board shall consist of no fewer than 15 and no more than 18 persons who represent the affected populations.

(b) The university shall establish reasonable bylaws for the operation of the board including:

(i) the selection of board members;

(ii) quorum requirements; and

(iii) voting requirements.

(3) The board shall elect a board chair and vice chair from among the board members by a vote of the members.

(4) (a) The board shall have an executive committee consisting of:

(i) the board chair;

(ii) the board vice chair; and

(iii) three other board members, selected by the board chair in consultation with the director.

(b) The executive committee shall meet at least quarterly to advise the center and to plan for board meetings.

(5) The board chair, in consultation with the director, shall call board meetings at least two times each calendar year.

(6) The board and the executive committee are subject to Title 52, Chapter 4, Open and Public Meetings Act.

(7) (a) A board member may not receive compensation or per diem for the member's services, but may receive expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Section 63A-3-107.

(b) A board member may decline to receive expenses for the member's service.

Section 5. Section 53B-17-804 is enacted to read:

53B-17-804. Reporting.

(1) The board, through the director and the board chair, shall provide by no later than
July 1 of each year, a written report to:

(a) the president of the university; and

(b) the Business and Labor Interim Committee.

(2) The report required by this section shall:

(a) summarize the center's activities and accomplishments in the immediate proceeding calendar year; and

(b) provide information and the board's advice and recommendations on how the state, university, and the center can:

(i) improve workplace health and safety; and

(ii) contribute to economic growth and development in Utah and the surrounding region.

Section 6. Section 53B-17-805 is enacted to read:

53B-17-805. Appointment and removal of director.

(1) Subject to the advice and consent of the senior vice president for health sciences and after consultation with the individuals listed in Subsection (2), one of the following specified by the senior vice president for health sciences shall appoint and may remove the director:

(a) the chair of the department within the university where the center resides; or

(b) a designee of the senior vice president for health sciences.

(2) The appointment or removal of the director under Subsection (1) may be made only after consultation with:

(a) the senior vice president for academic affairs or the dean of the graduate school;

(b) the dean of the school of medicine or the dean's designee;

(c) the dean of the college of engineering or the dean's designee; and

(d) the board through the board chair.

Section 7. Section 59-9-102.5 is amended to read:

59-9-102.5. Offset for occupational health and safety related donations.

(1) As used in this section:
(a) "Occupational health and safety center" means [an entity: the Rocky Mountain Center for Occupational and Environmental Health created in Title 53B, Chapter 17, Part 8, Rocky Mountain Center for Occupational and Environmental Health. [\(i\)] affiliated with an institution within the state system of higher education as defined in Section 53B-1-102; and] [\(ii\)] designated as an education and research center by the National Institute for Occupational Safety and Health;]

(b) "Qualified donation" means a donation that is:

(i) cash;

(ii) given directly to an occupational health and safety center; and

(iii) given exclusively for the purpose of:

(A) supporting graduate level education and training in fields of:

(I) safety and ergonomics;

(II) industrial hygiene;

(III) occupational health nursing; and

(IV) occupational medicine;

(B) providing continuing education programs for employers designed to promote workplace safety; and

(C) paying reasonable administrative, personnel, equipment, and overhead costs of the occupational health and safety center.

(c) "Workers' compensation insurer" means an admitted insurer writing workers' compensation insurance in this state that is required to pay the premium assessment imposed under Subsection 59-9-101(2).

(2) (a) A workers' compensation insurer may offset against the premium assessment imposed under Subsection 59-9-101(2) an amount equal to the lesser of:

(i) the total of qualified donations made by the workers' compensation insurer in the calendar year for which the premium assessment is calculated; and

(ii) .10% of the workers' compensation insurer's total workers' compensation premium
income as defined in Subsection 59-9-101(2)(b) in the calendar year for which the premium assessment is calculated.

(b) The offset provided under this Subsection (2) shall be allocated to the restricted account and funds described in Subsection 59-9-101(2)(c) in proportion to the rates provided in Subsection 59-9-101(2)(c).

(3) An occupational health and safety center shall:

(a) provide a workers' compensation insurer a receipt for any qualified donation made by the workers' compensation insurer to the occupational health and safety center;

(b) expend monies received by a qualified donation:

(i) for the purposes described in Subsection (1)(b)(iii); and

(ii) in a manner that can be audited to ensure that the monies are expended for the purposes described in Subsection (1)(b)(iii); and

(c) in conjunction with the report required by Section 34A-2-202.5, report to the Legislature through the Office of the Legislative Fiscal Analyst by no later than July 1 of each year:

(i) the qualified donations received by the occupational health and safety center in the previous calendar year; and

(ii) the expenditures during the previous calendar year of qualified donations received by the occupational health and safety center.