

Senator Ed Mayne proposes the following substitute bill:

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:

- ▶ 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; and
- ▶ makes technical and conforming amendments.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **34A-2-202.5**, as enacted by Chapter 289, Laws of Utah 2005

27 **59-9-102.5**, as enacted by Chapter 289, Laws of Utah 2005

28 ENACTS:

29 **53B-17-801**, Utah Code Annotated 1953

30 **53B-17-802**, Utah Code Annotated 1953

31 **53B-17-803**, Utah Code Annotated 1953

32 **53B-17-804**, Utah Code Annotated 1953

33 **53B-17-805**, Utah Code Annotated 1953



35 *Be it enacted by the Legislature of the state of Utah:*

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

37 **34A-2-202.5. Offset for occupational health and safety related donations.**

38 (1) As used in this section:

39 (a) "Occupational health and safety center" means ~~[an entity:]~~ the Rocky Mountain
40 Center for Occupational and Environmental Health created in Title 53B, Chapter 17, Part 8,
41 Rocky Mountain Center for Occupational and Environmental Health.

42 ~~[(i) affiliated with an institution within the state system of higher education as defined~~
43 ~~in Section 53B-1-102; and]~~

44 ~~[(ii) designated as an education and research center by the National Institute for~~
45 ~~Occupational Safety and Health.]~~

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

47 (i) cash;

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

49 (iii) given exclusively for the purpose of:

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

51 (I) safety and ergonomics;

52 (II) industrial hygiene;

53 (III) occupational health nursing; and

54 (IV) occupational medicine;

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

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

59 (c) "Self-insured employer" is a self-insured employer as defined in Section
60 34A-2-201.5 that is required to pay the assessment imposed under Section 34A-2-202.

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

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

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

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

70 (3) An occupational health and safety center shall:

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

73 (b) expend monies received by a qualified donation:

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

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

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

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

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

84 Section 2. Section **53B-17-801** is enacted to read:

85 **Part 8. Rocky Mountain Center for Occupational and Environmental Health**
86 **53B-17-801. Title -- Definitions.**

87 (1) This part is known as "Rocky Mountain Center for Occupational and

88 Environmental Health."

89 (2) As used in this part:

90 (a) "Affected populations" include:

91 (i) employees;

92 (ii) employers;

93 (iii) insurers;

94 (iv) professionals or professional organizations related to occupational and
95 environmental health;

96 (v) government agencies; and

97 (vi) outside academic institutions.

98 (b) "Board" means the Rocky Mountain Center for Occupational and Environmental
99 Health Advisory Board created in Section 53B-17-803.

100 (c) "Center" means the Rocky Mountain Center for Occupational and Environmental
101 Health.

102 (d) "Director" means the director of the center.

103 (e) "University" means the University of Utah.

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

105 **53B-17-802. Rocky Mountain Center for Occupational and Environmental Health**
106 **at the university.**

107 (1) There is established at the University of Utah the Rocky Mountain Center for
108 Occupational and Environmental Health, to be an occupational health and safety center for
109 education and research.

110 (2) The university shall operate the center in a manner so that the center is:

111 (a) eligible to be designated as an education and research center by the National
112 Institute for Occupational Safety and Health in the United States Department of Health and
113 Human Services; and

114 (b) a resource for affected populations to:

115 (i) improve workplace health and safety; and

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

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

119 **53B-17-803. Advisory board created.**

120 (1) The university shall create an advisory board known as the "Rocky Mountain
121 Center for Occupational and Environmental Health Advisory Board" to:

122 (a) promote occupational health and safety in Utah and the surrounding region;

123 (b) promote the interests and mission of the center by advising the director on issues
124 including:

125 (i) operation of the center as a multidisciplinary, state-of-the-art program at the
126 university;

127 (ii) developing and maintaining state and institutional support;

128 (iii) emerging local or regional, occupational health and safety education and research
129 needs;

130 (iv) continuing education and outreach to local and regional occupational health and
131 safety professionals;

132 (v) coordinating with other local or regional entities that promote occupational health
133 and safety in a manner that meets the needs of both employers and employees; and

134 (vi) grant requirements and renewal;

135 (c) advise the director on the expenditure by the center of public funds including:

136 (i) funds appropriated by the Legislature;

137 (ii) donations; and

138 (iii) federal or other grants; and

139 (d) develop recommendations for the long-term operation of the center consistent with
140 Section 53B-17-802.

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

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

145 (i) the selection of board members;

146 (ii) quorum requirements; and

147 (iii) voting requirements.

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

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

151 (i) the board chair;

152 (ii) the board vice chair; and

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

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

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

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

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

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

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

166 **53B-17-804. Reporting.**

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

169 (a) the president of the university; and

170 (b) the Business and Labor Interim Committee.

171 (2) The report required by this section shall:

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

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

176 (i) improve workplace health and safety; and

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

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

180 **53B-17-805. Appointment and removal of director.**

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

- 185 (a) the chair of the department within the university where the center resides; or
- 186 (b) a designee of the senior vice president for health sciences.

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

- 189 (a) the senior vice president for academic affairs or the dean of the graduate school;
- 190 (b) the dean of the school of medicine or the dean's designee;
- 191 (c) the dean of the college of engineering or the dean's designee; and
- 192 (d) the board through the board chair.

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

194 **59-9-102.5. Offset for occupational health and safety related donations.**

195 (1) As used in this section:

196 (a) "Occupational health and safety center" means ~~[an entity:]~~ the Rocky Mountain
197 Center for Occupational and Environmental Health created in Title 53B, Chapter 17, Part 8,
198 Rocky Mountain Center for Occupational and Environmental Health.

199 ~~[(i) affiliated with an institution within the state system of higher education as defined~~
200 ~~in Section 53B-1-102; and]~~

201 ~~[(ii) designated as an education and research center by the National Institute for~~
202 ~~Occupational Safety and Health.]~~

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

- 204 (i) cash;
- 205 (ii) given directly to an occupational health and safety center; and
- 206 (iii) given exclusively for the purpose of:
 - 207 (A) supporting graduate level education and training in fields of:
 - 208 (I) safety and ergonomics;
 - 209 (II) industrial hygiene;
 - 210 (III) occupational health nursing; and
 - 211 (IV) occupational medicine;

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

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

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

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

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

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

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

229 (3) An occupational health and safety center shall:

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

232 (b) expend monies received by a qualified donation:

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

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

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

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

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