WORKERS' COMPENSATION PREMIUM
ASSESSMENT AND RELATED
FUNDING
2009 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Karen Mayne
House Sponsor: Michael T. Morley

LONG TITLE
General Description:
This bill modifies provisions concerning funding related to workers' compensation and workplace safety programs through the workers' compensation premium assessments.

Highlighted Provisions:
This bill:
- requires a report of the workers' compensation advisory council and Labor Commission;
- creates the Industrial Accident Restricted Account;
- modifies the purposes for which monies may be appropriated from and other aspects of the Workplace Safety Account;
- names the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program;
- caps the amount that may be appropriated under the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program;
- requires study and reporting;
- addresses premium assessments;
- provides for the repeal of the Industrial Accident Restricted Account; and
- makes technical and conforming changes.

Monies Appropriated in this Bill:
This bill appropriates:
as an ongoing appropriation subject to future budget constraints, from the Workplace Safety Account for fiscal year 2009-10, $150,000 to the University of Utah to be used by the Rocky Mountain Center for Occupational and Environmental Health.

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

34A-2-107, as last amended by Laws of Utah 2001, Chapter 114
34A-2-202.5, as last amended by Laws of Utah 2007, Chapter 232
34A-2-701, as last amended by Laws of Utah 2006, Chapter 259
53B-17-804, as enacted by Laws of Utah 2007, Chapter 232
59-9-101, as last amended by Laws of Utah 2006, Chapter 44
59-9-102.5, as last amended by Laws of Utah 2007, Chapter 232
63I-1-234, as renumbered and amended by Laws of Utah 2008, Chapter 382

ENACTS:

34A-2-705, Utah Code Annotated 1953

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

Section 1. Section 34A-2-107 is amended to read:


(1) The commissioner shall appoint a workers' compensation advisory council composed of:

(a) the following voting members:

(i) five employer representatives; and

(ii) five employee representatives; and

(b) the following nonvoting members:
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58 (i) a representative of the Workers’ Compensation Fund;
59 (ii) a representative of a private insurance carrier;
60 (iii) a representative of health care providers;
61 (iv) the Utah insurance commissioner or the insurance commissioner's designee; and
62 (v) the commissioner or the commissioner's designee.
63
(2) Employers and employees shall consider nominating members of groups who
64 historically may have been excluded from the council, such as women, minorities, and
65 individuals with disabilities.
66
(3) (a) Except as required by Subsection (3)(b), as terms of current council members
67 expire, the commissioner shall appoint each new member or reappointed member to a two-year
68 term beginning July 1 and ending June 30.
69
(b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
70 the time of appointment or reappointment, adjust the length of terms to ensure that the terms
71 of council members are staggered so that approximately half of the council is appointed every
72 two years.
73
(4) (a) When a vacancy occurs in the membership for any reason, the replacement
74 shall be appointed for the unexpired term.
75
(b) The commissioner shall terminate the term of any council member who ceases
76 to be representative as designated by the member's original appointment.
77
(5) (a) The council shall confer at least quarterly for the purpose of advising the
78 commission, the division, and the Legislature on:
79 [(a)] (i) the Utah workers' compensation and occupational disease laws;
80 [(b)] (ii) the administration of the laws described in Subsection (5)(a)(i); [and]
81 [(c)] (iii) rules related to the laws described in Subsection (5)(a)[(i)]; and
82 (iv) advising the Legislature in accordance with Subsection (5)(b).
83
(b) (i) The council and the commission shall jointly study during 2009 the premium
84 assessment under Section 59-9-101 on an admitted insurer writing workers’ compensation
85 insurance in this state and on a self-insured employer under Section 34A-2-202 as to:
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(A) whether or not the premium assessment should be changed; or

(B) whether or not changes should be made to how the premium assessment is used.

(ii) The council and commission shall jointly report the results of the study described in this Subsection (5)(b) to the Business and Labor Interim Committee by no later than the 2009 November interim meeting.

(6) Regarding workers' compensation, rehabilitation, and reemployment of employees who are disabled because of an industrial injury or occupational disease the council shall:

(a) offer advice on issues requested by:

(i) the commission;

(ii) the division; and

(iii) the Legislature; and

(b) make recommendations to:

(i) the commission; and

(ii) the division.

(7) The commissioner or the commissioner's designee shall serve as the chair of the council and call the necessary meetings.

(8) The commission shall provide staff support to the council.

(9) (a) (i) [Members who are] A member who is not a government [employees]

employee may not receive compensation or benefits for [their services] the member's service, but may receive per diem and expenses incurred in the performance of the member’s official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(ii) [Members] A member may decline to receive per diem and expenses for [their] the

member's service.

(b) (i) [State] A state government officer [and] or employee [members] member who [do] does not receive salary, per diem, or expenses from [their] the member's agency for [their]

the member's service may receive per diem and expenses incurred in the performance of [their]

the member's official duties from the council at the rates established by the Division of
Finance under Sections 63A-3-106 and 63A-3-107.

(ii) [State] A state government officer [and] or employee [members] member may decline to receive per diem and expenses for [their] the member's service.

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


(1) As used in this section:

(a) "Occupational health and safety center" means 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.

(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)(e) in proportion to the percentages
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 3. Section 34A-2-701 is amended to read:
34A-2-701. Premium assessment restricted account for safety.
(1) There is created in the General Fund a restricted account known as the "Workplace
Safety Account."
(2) (a) An amount equal to 0.25% of the premium income remitted to the state
treasurer pursuant to Subsection 59-9-101(2)(c)(ii) shall be deposited in the Workplace Safety
Account in the General Fund for use by the commission to promote Utah workplace safety as
provided in this section.
(b) Beginning with fiscal year 2008-09, if the balance in the Workplace Safety
Account exceeds $500,000 at the close of a fiscal year, the excess shall be transferred to the Employers' Reinsurance Fund, created under Subsection 34A-2-702(1).

(3) [Monies shall be appropriated by the] The Legislature shall appropriate from the restricted account monies to one or both of the following:

(a) monies to the commission for use by the commission to:

(α) (i) improve safety consultation services available to Utah employers; or

(β) (ii) provide for electronic or print media advertising campaigns designed to promote workplace safety; [or] and

(γ) contract for studies of workplace safety issues such as whether or not there is scientific support for a presumption that for certain occupations some occupational diseases are medically caused or aggravated by employment.]

(b) subject to Subsection (7), monies known as the "Eddie P. Mayne Workplace Safety and Occupational Health Funding Program":

(i) to an institution within the state system of higher education, as defined in Section 53B-1-102; and

(ii) to be expended by an education and research center that is:

(A) affiliated with the institution described in Subsection (3)(b)(i); and

(B) designated as an education and research center by the National Institute for Occupational Safety and Health.

(4) From monies appropriated by the Legislature from the restricted account to the commission for use by the commission, the commission may fund other safety programs or initiatives recommended to it by its state workers' compensation advisory council created under Section 34A-2-107.

(5) (a) The commission shall annually report to the governor, the Legislature, and its state council regarding:

(α) (i) the use of the monies appropriated to the commission under Subsection (3) or (4); and

(β) (ii) the [use] impact of the use of the monies on the safety of Utah's workplaces.
(b) By no later than August 15 following a fiscal year in which an education and research center receives monies from an appropriation under Subsection (3)(b), the education and research center shall report:

(i) to:
(A) the governor;
(B) the Legislature;
(C) the commission; and
(D) the state workers’ compensation advisory council created under Section 34A-2-107; and

(ii) regarding:
(A) the use of the monies appropriated under Subsection (3)(b); and
(B) the impact of the use of the monies on the safety of Utah’s workplaces.

(6) The monies deposited in the restricted account:

(a) shall be:
(i) used only for the activities described in Subsection (3) or (4); and
(ii) expended according to processes that can be verified by audit; and

(b) may not be used by the commission for:
(i) administrative costs unrelated to the restricted account; or
(ii) any activity of the commission other than the activities of the commission described in Subsection (3) or (4).

(7) The total of appropriations under Subsection (3)(b) may not exceed for a fiscal year an amount equal to 20% of the premium income remitted to the state treasurer pursuant to Subsection 59-9-101(2)(c) and deposited in the Workplace Safety Account during the previous fiscal year.

Section 4. Section 34A-2-705 is enacted to read:

34A-2-705. Industrial Accident Restricted Account.

(1) As used in this section:

(a) "Account" means the Industrial Accident Restricted Account created by this
(b) "Advisory council" means the state workers' compensation advisory council created under Section 34A-2-107.

(2) There is created in the General Fund a restricted account known as the "Industrial Accident Restricted Account."

(3) (a) The account is funded from .5% of the premium income remitted to the state treasurer and credited to the account pursuant to Subsection 59-9-101(2)(c)(iv).

(b) If the balance in the account exceeds $500,000 at the close of a fiscal year, the excess shall be transferred to the Uninsured Employers' Fund created under Section 34A-2-704.

(4) (a) From monies appropriated by the Legislature from the account to the commission and subject to the requirements of this section, the commission may fund:

(i) the activities of the Division of Industrial Accidents described in Section 34A-1-202; and

(ii) the activities of the Division of Adjudication described in Section 34A-1-202.

(b) The monies deposited in the account may not be used for a purpose other than a purpose described in this Subsection (4), including an administrative cost or another activity of the commission unrelated to the account.

(5) (a) Each year before the public hearing required by Subsection 59-9-101(2)(d)(i), the commission shall report to the advisory council regarding:

(i) the commission's budget request to the governor for the next fiscal year related to:

(A) the Division of Industrial Accidents; and

(B) the Division of Adjudication;

(ii) the expenditures of the commission for the fiscal year in which the commission is reporting related to:

(A) the Division of Industrial Accidents; and

(B) the Division of Adjudication; and

(iii) revenues generated from the premium assessment under Section 59-9-101 on an
admitted insurer writing workers' compensation insurance in this state and on a self-insured employer under Section 34A-2-202.

(b) The commission shall annually report to the governor and the Legislature regarding:

(i) the use of the monies appropriated to the commission under this section; and

(ii) revenues generated from the premium assessment under Section 59-9-101 on an admitted insurer writing workers' compensation insurance in this state and on a self-insured employer under Section 34A-2-202.

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

53B-17-804. Reporting.

(1) (a) 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) (i)] (i) the president of the university; and

[(b) (ii)] (ii) the Business and Labor Interim Committee.

[(2) (b)] (b) The report required by this [section] Subsection (1) shall:

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

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

[(A)] (A) improve workplace health and safety; and

[(B)] (B) contribute to economic growth and development in Utah and the surrounding region.

(2) (a) If the center receives in a fiscal year monies from the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program provided for in Section 34A-2-201, the center shall provide a written report:

(i) by no later than the August 15 following the fiscal year;

(ii) to the Office of the Legislative Fiscal Analyst;

(iii) for review by the one or more appropriations subcommittees designated by the
Executive Appropriations Committee;

(iv) that accounts for the expenditure of monies received in the fiscal year by the center from the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program including impact on workplace safety in Utah; and

(v) that includes a preliminary statement as to monies the center will request from the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program for the fiscal year following the day on which the report is provided.

(b) A report provided under this Subsection (2) meets the reporting requirements under Subsection 34A-2-701(5)(b)(i)(B).

Section 6. Section 59-9-101 is amended to read:


(1) (a) Except as provided in Subsection (1)(b), (1)(d), or (5), every admitted insurer shall pay to the commission on or before March 31 in each year, a tax of 2-1/4% of the total premiums received by it during the preceding calendar year from insurance covering property or risks located in this state.

(b) This Subsection (1) does not apply to:

(i) workers' compensation insurance, assessed under Subsection (2);

(ii) title insurance premiums taxed under Subsection (3);

(iii) annuity considerations;

(iv) insurance premiums paid by an institution within the state system of higher education as specified in Section 53B-1-102; and

(v) ocean marine insurance.

(c) The taxable premium under this Subsection (1) shall be reduced by:

(i) all premiums returned or credited to policyholders on direct business subject to tax in this state;

(ii) all premiums received for reinsurance of property or risks located in this state; and

(iii) the dividends, including premium reduction benefits maturing within the year:

(A) paid or credited to policyholders in this state; or
(B) applied in abatement or reduction of premiums due during the preceding calendar year.

(d) (i) For purposes of this Subsection (1)(d):

(A) "Utah variable life insurance premium" means an insurance premium paid:

(I) by:

(Aa) a corporation; or

(Bb) a trust established or funded by a corporation; and

(II) for variable life insurance covering risks located within the state.

(B) "Variable life insurance" means an insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of one or more separate accounts that are established and maintained by the insurer pursuant to Title 31A, Insurance Code.

(ii) Notwithstanding Subsection (1)(a), beginning on January 1, 2006, the tax on that portion of the total premiums subject to a tax under Subsection (1)(a) that is a Utah variable life insurance premium shall be calculated as follows:

(A) 2-1/4% of the first $100,000 of Utah variable life insurance premiums:

(I) paid for each variable life insurance policy; and

(II) received by the admitted insurer in the preceding calendar year; and

(B) 0.08% of the Utah variable life insurance premiums that exceed $100,000:

(I) paid for the policy described in Subsection (1)(d)(ii)(A); and

(II) received by the admitted insurer in the preceding calendar year.

(iii) (A) On or before October 1, 2009, and every three years after October 1, 2009, the Revenue and Taxation Interim Committee shall study the rate reduction contained in this Subsection (1)(d).

(B) As part of the study required by Subsection (1)(d)(iii)(A) the Revenue and Taxation Interim Committee shall:

(I) hear testimony from the commission and industry representatives;

(II) make recommendations concerning whether the rate reduction should be
continued, modified, or repealed; and

(III) make findings regarding:

(A) the cost of the rate reduction;

(B) the purpose and effectiveness of the rate reduction; and

(C) any benefits of the rate reduction to the state.

(2) (a) [Every] An admitted insurer writing workers' compensation insurance in this
state, including the Workers' Compensation Fund created under Title 31A, Chapter 33,
Workers' Compensation Fund, shall pay to the tax commission, on or before March 31 in each
year, a premium assessment [of between 1% and 8%] on the basis of the total workers'
compensation premium income received by the insurer from workers' compensation insurance
in this state during the preceding calendar year[.] as follows:

(i) on or before December 31, 2010, an amount of equal to or greater than 1%, but
equal to or less than 5.75% of the total workers' compensation premium income described in
this Subsection (2)(a);

(ii) on and after January 1, 2011, but on or before December 31, 2011, an amount of
equal to or greater than 1%, but equal to or less than 4.25% of the total workers' compensation
premium income described in this Subsection (2)(a);

(iii) on and after January 1, 2012, but on or before December 31, 2012, an amount of
equal to or greater than 1%, but equal to or less than 2.25% of the total workers' compensation
premium income described in this Subsection (2)(a); and

(iv) on and after January 1, 2013, an amount of equal to or greater than 1%, but equal
to or less than 1.25% of the total workers' compensation premium income described in this
Subsection (2)(a).

(b) Total workers' compensation premium income means the net written premium as
calculated before any premium reduction for any insured employer's deductible, retention, or
reimbursement amounts and also those amounts equivalent to premiums as provided in
Section 34A-2-202.

(c) The percentage of premium assessment applicable for a calendar year shall be
The total premium income shall be reduced in the same manner as provided in Subsections (1)(c)(i) and (1)(c)(ii), but not as provided in Subsection (1)(c)(iii). The tax commission shall promptly remit from the premium assessment collected under this Subsection (2):

(i) [an amount of up to 7.25% of the premium income] to the state treasurer for credit to the Employers' Reinsurance Fund created under Subsection 34A-2-702(1); as follows:

(A) on or before December 31, 2009, an amount of up to 5% of the premium income;

(B) on and after January 1, 2010, but on or before December 31, 2010, an amount of up to 4.5% of the premium income;

(C) on and after January 1, 2011, but on or before December 31, 2011, an amount of up to 3% of the premium income;

(D) on and after January 1, 2012, but on or before December 31, 2012, an amount of up to 1% of the premium income; and

(E) on and after January 1, 2013, and a subsequent fiscal year, no portion of the premium income;

(ii) an amount equal to 0.25% of the premium income to the state treasurer for credit to the Workplace Safety Account created by Section 34A-2-701; and

(iii) an amount of up to 0.5% and any remaining assessed percentage of the premium income to the state treasurer for credit to the Uninsured Employers' Fund created under Section 34A-2-704; and

(iv) beginning on January 1, 2010, 0.5% of the premium income to the state treasurer for credit to the Industrial Accident Restricted Account created in Section 34A-2-705.

(d) (i) The Labor Commission shall determine the amount of the premium assessment for each year on or before each October 15 of the preceding year. The Labor Commission shall make this determination following a public hearing. The determination shall be based upon the recommendations of a qualified actuary.

(ii) The actuary shall recommend a premium assessment rate sufficient to provide
payments of benefits and expenses from the Employers' Reinsurance Fund and to project a funded condition with assets greater than liabilities by no later than June 30, 2025.

(iii) The actuary shall recommend a premium assessment rate sufficient to provide payments of benefits and expenses from the Uninsured Employers' Fund and to maintain it at a funded condition with assets equal to or greater than liabilities.

(iv) At the end of each fiscal year the minimum approximate assets in the Employers' Reinsurance Fund shall be $5,000,000 which amount shall be adjusted each year beginning in 1990 by multiplying by the ratio that the total workers' compensation premium income for the preceding calendar year bears to the total workers' compensation premium income for the calendar year 1988.

(v) The requirements of Subsection (2)(d)(iv) cease when the future annual disbursements from the Employers' Reinsurance Fund are projected to be less than the calculations of the corresponding future minimum required assets. The Labor Commission shall, after a public hearing, determine if the future annual disbursements are less than the corresponding future minimum required assets from projections provided by the actuary.

(vi) At the end of each fiscal year the minimum approximate assets in the Uninsured Employers' Fund shall be $2,000,000, which amount shall be adjusted each year beginning in 1990 by multiplying by the ratio that the total workers' compensation premium income for the preceding calendar year bears to the total workers' compensation premium income for the calendar year 1988.

(e) A premium assessment that is to be transferred into the General Fund may be collected on premiums received from Utah public agencies.

(3) [Every] An admitted insurer writing title insurance in this state shall pay to the commission, on or before March 31 in each year, a tax of .45% of the total premium received by either the insurer or by its agents during the preceding calendar year from title insurance concerning property located in this state. In calculating this tax, "premium" includes the charges made to an insured under or to an applicant for a policy or contract of title insurance for:
(a) the assumption by the title insurer of the risks assumed by the issuance of the policy or contract of title insurance; and

(b) abstracting title, title searching, examining title, or determining the insurability of title, and every other activity, exclusive of escrow, settlement, or closing charges, whether denominated premium or otherwise, made by a title insurer, an agent of a title insurer, a title insurance producer, or any of them.

(4) Beginning July 1, 1986, a former county [mutuals] mutual and a former mutual benefit [associations] association shall pay the premium tax or assessment due under this chapter. [All premiums] Premiums received after July 1, 1986, shall be considered in determining the tax or assessment.

(5) The following insurers are not subject to the premium tax on health care insurance that would otherwise be applicable under Subsection (1):

(a) [insurers] an insurer licensed under Title 31A, Chapter 5, Domestic Stock and Mutual Insurance Corporations;

(b) [insurers] an insurer licensed under Title 31A, Chapter 7, Nonprofit Health Service Insurance Corporations;

(c) [insurers] an insurer licensed under Title 31A, Chapter 8, Health Maintenance Organizations and Limited Health Plans;

(d) [insurers] an insurer licensed under Title 31A, Chapter 9, Insurance Fraternals;

(e) [insurers] an insurer licensed under Title 31A, Chapter 11, Motor Clubs;

(f) [insurers] an insurer licensed under Title 31A, Chapter 13, Employee Welfare Funds and Plans; and

(g) [insurers] an insurer licensed under Title 31A, Chapter 14, Foreign Insurers.

(6) An insurer issuing multiple policies to an insured may not artificially allocate the premiums among the policies for purposes of reducing the aggregate premium tax or assessment applicable to the policies.

(7) The retaliatory provisions of Title 31A, Chapter 3, Department Funding, Fees, and Taxes, apply to the tax or assessment imposed under this chapter.
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 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.

(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
(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]
percentages 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.

Section 8. Section 63I-1-234 is amended to read:

63I-1-234. Repeal dates, Title 34A.

(1) Section 34A-2-202.5 is repealed December 31, 2010.

(2) Section 34A-2-705 and Subsection 59-9-101(2)(c)(iv) are repealed July 1, 2013.

(3) Title 34A, Chapter 8, Utah Injured Worker Reemployment Act, is repealed
July 1, 2009.

Section 9. Appropriation.

As an ongoing appropriation subject to future budget constraints, there is appropriated
from the Workplace Safety Account, in the General Fund, for fiscal year 2009-10, $150,000:

(1) as part of the Eddie P. Mayne Workplace Safety and Occupational Health Funding
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Program provided for in Section 34A-2-701:

(2) to the University of Utah; and

(3) to be used by the Rocky Mountain Center for Occupational and Environmental Health, to fund activities provided for in Title 53B, Chapter 17, Part 8, Rocky Mountain Center for Occupational and Environmental Health.

Section 10. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.