

1                                   **WORKERS' COMPENSATION PREMIUM**  
2                                   **ASSESSMENT AND RELATED**  
3                                   **FUNDING**

4                                   2009 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Chief Sponsor: Karen Mayne**

7                                   House Sponsor: Michael T. Morley

---

---

8  
9                                   **LONG TITLE**

10                                  **General Description:**

11                                  This bill modifies provisions concerning funding related to workers' compensation and  
12                                  workplace safety programs through the workers' compensation premium assessments.

13                                  **Highlighted Provisions:**

14                                  This bill:

- 15                                  ▶ requires a report of the workers' compensation advisory council and Labor  
16                                  Commission;
- 17                                  ▶ creates the Industrial Accident Restricted Account;
- 18                                  ▶ modifies the purposes for which monies may be appropriated from and other  
19                                  aspects of the Workplace Safety Account;
- 20                                  ▶ names the Eddie P. Mayne Workplace Safety and Occupational Health Funding  
21                                  Program;
- 22                                  ▶ caps the amount that may be appropriated under the Eddie P. Mayne Workplace  
23                                  Safety and Occupational Health Funding Program;
- 24                                  ▶ requires study and reporting;
- 25                                  ▶ addresses premium assessments;
- 26                                  ▶ provides for the repeal of the Industrial Accident Restricted Account; and  
27                                  ▶ makes technical and conforming changes.

28                                  **Monies Appropriated in this Bill:**

29                                  This bill appropriates:

30           ▶ as an ongoing appropriation subject to future budget constraints, from the  
31 Workplace Safety Account for fiscal year 2009-10, \$150,000 to the University of  
32 Utah to be used by the Rocky Mountain Center for Occupational and  
33 Environmental Health.

34 **Other Special Clauses:**

35           This bill provides an immediate effective date.

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38           **34A-2-107**, as last amended by Laws of Utah 2001, Chapter 114
- 39           **34A-2-202.5**, as last amended by Laws of Utah 2007, Chapter 232
- 40           **34A-2-701**, as last amended by Laws of Utah 2006, Chapter 259
- 41           **53B-17-804**, as enacted by Laws of Utah 2007, Chapter 232
- 42           **59-9-101**, as last amended by Laws of Utah 2006, Chapter 44
- 43           **59-9-102.5**, as last amended by Laws of Utah 2007, Chapter 232
- 44           **63I-1-234**, as renumbered and amended by Laws of Utah 2008, Chapter 382

45 ENACTS:

46           **34A-2-705**, Utah Code Annotated 1953



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

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

50           **34A-2-107. Appointment of workers' compensation advisory council --**

51 **Composition -- Terms of members -- Duties -- Compensation.**

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

- 54           (a) the following voting members:
  - 55           (i) five employer representatives; and
  - 56           (ii) five employee representatives; and
- 57           (b) the following nonvoting members:

- 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~~ a 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:

86           (A) whether or not the premium assessment should be changed; or  
87           (B) whether or not changes should be made to how the premium assessment is used.  
88           (ii) The council and commission shall jointly report the results of the study described  
89 in this Subsection (5)(b) to the Business and Labor Interim Committee by no later than the  
90 2009 November interim meeting.

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

93           (a) offer advice on issues requested by:

94           (i) the commission;

95           (ii) the division; and

96           (iii) the Legislature; and

97           (b) make recommendations to:

98           (i) the commission; and

99           (ii) the division.

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

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

103           (9) (a) (i) ~~[Members who are]~~ A member who is not a government [employees]  
104 employee may not receive compensation or benefits for [their services] the member's service,  
105 but may receive per diem and expenses incurred in the performance of the member's official  
106 duties at the rates established by the Division of Finance under Sections 63A-3-106 and  
107 63A-3-107.

108           (ii) ~~[Members]~~ A member may decline to receive per diem and expenses for ~~[their] the~~  
109 member's service.

110           (b) (i) ~~[State]~~ A state government officer ~~[and] or~~ employee ~~[members]~~ member who  
111 ~~[do] does~~ not receive salary, per diem, or expenses from ~~[their] the member's~~ agency for ~~[their]~~  
112 the member's service may receive per diem and expenses incurred in the performance of ~~[their]~~  
113 the member's official duties from the council at the rates established by the Division of

114 Finance under Sections 63A-3-106 and 63A-3-107.

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

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

118 **34A-2-202.5. Offset for occupational health and safety related donations.**

119 (1) As used in this section:

120 (a) "Occupational health and safety center" means the Rocky Mountain Center for  
121 Occupational and Environmental Health created in Title 53B, Chapter 17, Part 8, Rocky  
122 Mountain Center for Occupational and Environmental Health.

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

124 (i) cash;

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

126 (iii) given exclusively for the purpose of:

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

128 (I) safety and ergonomics;

129 (II) industrial hygiene;

130 (III) occupational health nursing; and

131 (IV) occupational medicine;

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

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

136 (c) "Self-insured employer" is a self-insured employer as defined in Section  
137 34A-2-201.5 that is required to pay the assessment imposed under Section 34A-2-202.

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

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

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

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

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

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

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

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

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

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

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

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

161 Section 3. Section **34A-2-701** is amended to read:

162 **34A-2-701. Premium assessment restricted account for safety.**

163 (1) There is created in the General Fund a restricted account known as the "Workplace  
164 Safety Account."

165 (2) (a) An amount equal to 0.25% of the premium income remitted to the state  
166 treasurer pursuant to Subsection 59-9-101(2)(c)(~~ii~~) shall be deposited in the Workplace Safety  
167 Account in the General Fund for use [~~by the commission to promote Utah workplace safety]~~ as  
168 provided in this section.

169 (b) Beginning with fiscal year 2008-09, if the balance in the Workplace Safety

170 Account exceeds \$500,000 at the close of a fiscal year, the excess shall be transferred to the  
171 Employers' Reinsurance Fund, created under Subsection 34A-2-702(1).

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

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

175 [~~(a)~~] (i) improve safety consultation services available to Utah employers; or

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

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

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

183 (i) to an institution within the state system of higher education, as defined in Section  
184 53B-1-102; and

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

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

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

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

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

195 [~~(a)~~] (i) the use of the monies appropriated to the commission under Subsection (3) or  
196 (4); and

197 [~~(b)~~] (ii) the [~~use~~] impact of the use of the monies on the safety of Utah's workplaces.

198           **(b) By no later than August 15 following a fiscal year in which an education and**  
199 **research center receives monies from an appropriation under Subsection (3)(b), the education**  
200 **and research center shall report:**

201           **(i) to:**

202           **(A) the governor;**

203           **(B) the Legislature;**

204           **(C) the commission; and**

205           **(D) the state workers' compensation advisory council created under Section**  
206 **34A-2-107; and**

207           **(ii) regarding:**

208           **(A) the use of the monies appropriated under Subsection (3)(b); and**

209           **(B) the impact of the use of the monies on the safety of Utah's workplaces.**

210           **(6) The monies deposited in the restricted account:**

211           **(a) shall be:**

212           **(i) used only for the activities described in Subsection (3) or (4); and**

213           **(ii) expended according to processes that can be verified by audit; and**

214           **(b) may not be used by the commission for:**

215           **(i) administrative costs unrelated to the restricted account; or**

216           **(ii) any activity of the commission other than the activities of the commission**  
217 **described in Subsection (3) or (4).**

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

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

223           **34A-2-705. Industrial Accident Restricted Account.**

224           **(1) As used in this section:**

225           **(a) "Account" means the Industrial Accident Restricted Account created by this**

226 section.

227 (b) "Advisory council" means the state workers' compensation advisory council  
228 created under Section 34A-2-107.

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

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

233 (b) If the balance in the account exceeds \$500,000 at the close of a fiscal year, the  
234 excess shall be transferred to the Uninsured Employers' Fund created under Section  
235 34A-2-704.

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

238 (i) the activities of the Division of Industrial Accidents described in Section  
239 34A-1-202; and

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

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

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

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

247 (A) the Division of Industrial Accidents; and

248 (B) the Division of Adjudication;

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

251 (A) the Division of Industrial Accidents; and

252 (B) the Division of Adjudication; and

253 (iii) revenues generated from the premium assessment under Section 59-9-101 on an

254 admitted insurer writing workers' compensation insurance in this state and on a self-insured  
255 employer under Section 34A-2-202.

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

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

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

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

263 **53B-17-804. Reporting.**

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

266 [~~(a)~~] (i) the president of the university; and

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

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

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

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

273 [~~(i)~~] (A) improve workplace health and safety; and

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

276 (2) (a) If the center receives in a fiscal year monies from the Eddie P. Mayne  
277 Workplace Safety and Occupational Health Funding Program provided for in Section  
278 34A-2-701, the center shall provide a written report:

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

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

281 (iii) for review by the one or more appropriations subcommittees designated by the

282 Executive Appropriations Committee;

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

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

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

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

292 **59-9-101. Tax basis -- Rates -- Exemptions -- Rate reductions.**

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

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

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

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

300 (iii) annuity considerations;

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

303 (v) ocean marine insurance.

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

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

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

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

309 (A) paid or credited to policyholders in this state; or

310 (B) applied in abatement or reduction of premiums due during the preceding calendar  
311 year.

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

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

314 (I) by:

315 (Aa) a corporation; or

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

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

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

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

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

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

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

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

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

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

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

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

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

337 (II) make recommendations concerning whether the rate reduction should be

338 continued, modified, or repealed; and

339 (III) make findings regarding:

340 (Aa) the cost of the rate reduction;

341 (Bb) the purpose and effectiveness of the rate reduction; and

342 (Cc) any benefits of the rate reduction to the state.

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

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

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

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

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

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

365 (c) The percentage of premium assessment applicable for a calendar year shall be

366 determined by the Labor Commission under Subsection (2)(d). The total premium income  
367 shall be reduced in the same manner as provided in Subsections (1)(c)(i) and (1)(c)(ii), but not  
368 as provided in Subsection (1)(c)(iii). The tax commission shall promptly remit from the  
369 premium assessment collected under this Subsection (2):

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

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

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

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

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

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

381 (ii) an amount equal to 0.25% of the premium income to the state treasurer for credit  
382 to the ~~[restricted account in the General Fund,]~~ Workplace Safety Account created by Section  
383 34A-2-701; ~~[and]~~

384 (iii) an amount of up to ~~[0.50%]~~ 0.5% and any remaining assessed percentage of the  
385 premium income to the state treasurer for credit to the Uninsured Employers' Fund created  
386 under Section 34A-2-704[;]; and

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

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

393 (ii) The actuary shall recommend a premium assessment rate sufficient to provide

394 payments of benefits and expenses from the Employers' Reinsurance Fund and to project a  
395 funded condition with assets greater than liabilities by no later than June 30, 2025.

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

399 (iv) At the end of each fiscal year the minimum approximate assets in the Employers'  
400 Reinsurance Fund shall be \$5,000,000 which amount shall be adjusted each year beginning in  
401 1990 by multiplying by the ratio that the total workers' compensation premium income for the  
402 preceding calendar year bears to the total workers' compensation premium income for the  
403 calendar year 1988.

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

409 (vi) At the end of each fiscal year the minimum approximate assets in the Uninsured  
410 Employers' Fund shall be \$2,000,000, which amount shall be adjusted each year beginning in  
411 1990 by multiplying by the ratio that the total workers' compensation premium income for the  
412 preceding calendar year bears to the total workers' compensation premium income for the  
413 calendar year 1988.

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

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

422 (a) the assumption by the title insurer of the risks assumed by the issuance of the  
423 policy or contract of title insurance; and

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

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

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

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

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

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

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

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

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

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

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

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

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

451 **59-9-102.5. Offset for occupational health and safety related donations.**

452 (1) As used in this section:

453 (a) "Occupational health and safety center" means the Rocky Mountain Center for  
454 Occupational and Environmental Health created in Title 53B, Chapter 17, Part 8, Rocky  
455 Mountain Center for Occupational and Environmental Health.

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

457 (i) cash;

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

459 (iii) given exclusively for the purpose of:

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

461 (I) safety and ergonomics;

462 (II) industrial hygiene;

463 (III) occupational health nursing; and

464 (IV) occupational medicine;

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

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

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

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

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

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

478 assessment is calculated.

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

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

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

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

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

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

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

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

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

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

497 **63I-1-234. Repeal dates, Title 34A.**

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

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

500 ~~[(2)]~~ (3) Title 34A, Chapter 8, Utah Injured Worker Reemployment Act, is repealed  
501 July 1, 2009.

502 Section 9. **Appropriation.**

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

505 (1) as part of the Eddie P. Mayne Workplace Safety and Occupational Health Funding

506 Program provided for in Section 34A-2-701;

507 (2) to the University of Utah; and

508 (3) to be used by the Rocky Mountain Center for Occupational and Environmental

509 Health, to fund activities provided for in Title 53B, Chapter 17, Part 8, Rocky Mountain

510 Center for Occupational and Environmental Health.

511 Section 10. **Effective date.**

512 If approved by two-thirds of all the members elected to each house, this bill takes effect

513 upon approval by the governor, or the day following the constitutional time limit of Utah

514 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,

515 the date of veto override.