

**WORKERS' COMPENSATION ADVISORY  
COUNCIL AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ed P. Mayne**

**This act modifies the Labor Code to permit a designee of the insurance commissioner to serve on the Workers' Compensation Advisory Council instead of the insurance commissioner and to make technical changes.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**34A-2-107**, as last amended by Chapter 222, Laws of Utah 2000

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

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

**34A-2-107. Appointment of workers' compensation advisory council -- Composition -- Terms of members -- Duties -- Compensation.**

(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:

- (i) a representative of the Workers' Compensation Fund;
- (ii) a representative of a private insurance carrier;
- (iii) a representative of health care providers;
- (iv) the Utah insurance commissioner or the insurance commissioner's designee; and
- (v) the commissioner or the commissioner's designee.

(2) Employers and employees shall consider nominating members of groups who historically may have been excluded from the council, such as women, minorities, and individuals with disabilities.

(3) (a) Except as required by Subsection (3)(b), as terms of current council members expire, the commissioner shall appoint each new member or reappointed member to a two-year term beginning July 1 and ending June 30.

(b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(4) (a) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(b) The commissioner shall terminate the ~~[terms]~~ term of any council member who ceases to be representative as designated by the member's original appointment.

(5) The council shall confer at least quarterly for the purpose of advising the commission, the division, and the Legislature on:

(a) the Utah workers' compensation and occupational disease laws~~;~~;

(b) the administration of ~~[them,]~~ the laws described in Subsection (5)(a); and ~~[related]~~

(c) rules related to the laws described in Subsection (5)(a).

(6) ~~[The]~~ 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 ~~[also]~~

(b) make recommendations to:

(i) the commission; and

(ii) the division [regarding workers' compensation, rehabilitation, and reemployment of employees who are disabled because of an industrial injury or occupational disease].

(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 not government employees may not receive compensation or benefits for their services, 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 may decline to receive per diem and expenses for their service.

(b) (i) State government officer and employee members who do not receive salary, per diem, or expenses from their agency for their service may receive per diem and expenses incurred in the performance of their 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 government officer and employee members may decline to receive per diem and expenses for their service.