

1                                   **OCCUPATIONAL AND ENVIRONMENTAL**  
2                                   **HEALTH AMENDMENTS**

3                                   2007 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Ed Mayne**

6                                   House Sponsor: Roger E. Barrus

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8 **LONG TITLE**

9 **General Description:**

10           This bill modifies provisions related to the University of Utah.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ defines terms;
- 14           ▶ codifies the creation of the Rocky Mountain Center for Occupational and  
15 Environmental Health at the University of Utah;
- 16           ▶ requires the creation of an advisory board;
- 17           ▶ requires reporting by the advisory board;
- 18           ▶ addresses the appointment of the director of the Rocky Mountain Center for  
19 Occupational and Environmental Health;
- 20           ▶ addresses offsets related to that center; and
- 21           ▶ makes technical and conforming amendments.

22 **Monies Appropriated in this Bill:**

23           None

24 **Other Special Clauses:**

25           None

26 **Utah Code Sections Affected:**

27 **AMENDS:**

28           **34A-2-202.5**, as enacted by Chapter 289, Laws of Utah 2005

29           **59-9-102.5**, as enacted by Chapter 289, Laws of Utah 2005

30 ENACTS:

31 **53B-17-801**, Utah Code Annotated 1953

32 **53B-17-802**, Utah Code Annotated 1953

33 **53B-17-803**, Utah Code Annotated 1953

34 **53B-17-804**, Utah Code Annotated 1953

35 **53B-17-805**, Utah Code Annotated 1953



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

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

39 **34A-2-202.5. Offset for occupational health and safety related donations.**

40 (1) As used in this section:

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

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

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

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

49 (i) cash;

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

51 (iii) given exclusively for the purpose of:

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

53 (I) safety and ergonomics;

54 (II) industrial hygiene;

55 (III) occupational health nursing; and

56 (IV) occupational medicine;

57 (B) providing continuing education programs for employers designed to promote

58 workplace safety; and

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

61 (c) "Self-insured employer" is a self-insured employer as defined in Section  
62 34A-2-201.5 that is required to pay the assessment imposed under Section 34A-2-202.

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

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

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

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

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

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

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

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

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

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

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

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

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

87 **Part 8. Rocky Mountain Center for Occupational and Environmental Health**  
88 **53B-17-801. Title -- Definitions.**

89 (1) This part is known as "Rocky Mountain Center for Occupational and  
90 Environmental Health."

91 (2) As used in this part:

92 (a) "Affected populations" include:

93 (i) employees;

94 (ii) employers;

95 (iii) insurers;

96 (iv) professionals or professional organizations related to occupational and  
97 environmental health;

98 (v) government agencies; and

99 (vi) outside academic institutions.

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

102 (c) "Center" means the Rocky Mountain Center for Occupational and Environmental  
103 Health.

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

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

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

107 **53B-17-802. Rocky Mountain Center for Occupational and Environmental Health**  
108 **at the university.**

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

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

113 (a) eligible to be designated as an education and research center by the National

114 Institute for Occupational Safety and Health in the United States Department of Health and  
115 Human Services; and

- 116 (b) a resource for affected populations to:
- 117 (i) improve workplace health and safety; and
- 118 (ii) contribute to economic growth and development in Utah and the surrounding  
119 region.

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

121 **53B-17-803. Advisory board created.**

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

- 124 (a) promote occupational health and safety in Utah and the surrounding region;
- 125 (b) promote the interests and mission of the center by advising the director on issues  
126 including:

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

- 129 (ii) developing and maintaining state and institutional support;

- 130 (iii) emerging local or regional, occupational health and safety education and research  
131 needs;

- 132 (iv) continuing education and outreach to local and regional occupational health and  
133 safety professionals;

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

- 136 (vi) grant requirements and renewal;

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

- 138 (i) funds appropriated by the Legislature;

- 139 (ii) donations; and

- 140 (iii) federal or other grants; and

- 141 (d) develop recommendations for the long-term operation of the center consistent with

142 Section 53B-17-802.

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

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

147 (i) the selection of board members;

148 (ii) quorum requirements; and

149 (iii) voting requirements.

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

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

153 (i) the board chair;

154 (ii) the board vice chair; and

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

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

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

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

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

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

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

168 **53B-17-804. Reporting.**

169 (1) The board, through the director and the board chair, shall provide by no later than

170 July 1 of each year, a written report to:

171 (a) the president of the university; and

172 (b) the Business and Labor Interim Committee.

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

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

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

178 (i) improve workplace health and safety; and

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

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

182 **53B-17-805. Appointment and removal of director.**

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

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

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

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

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

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

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

194 (d) the board through the board chair.

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

196 **59-9-102.5. Offset for occupational health and safety related donations.**

197 (1) As used in this section:

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

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

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

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

206 (i) cash;

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

208 (iii) given exclusively for the purpose of:

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

210 (I) safety and ergonomics;

211 (II) industrial hygiene;

212 (III) occupational health nursing; and

213 (IV) occupational medicine;

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

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

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

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

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

225 (ii) .10% of the workers' compensation insurer's total workers' compensation premium



226 income as defined in Subsection 59-9-101(2)(b) in the calendar year for which the premium  
227 assessment is calculated.

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

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

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

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

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

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

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

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

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