

**OCCUPATIONAL AND ENVIRONMENTAL
HEALTH AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ed Mayne

House Sponsor: _____

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:

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

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 broad policy 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) (i) The director shall appoint the initial members of the board in consultation with
- 144 the university's dean for graduate schools.
- 145 (ii) After the initial appointments, a member of the board shall be:
- 146 (A) nominated by the board; and
- 147 (B) appointed by the director in consultation with the dean for graduate schools.
- 148 (c) (i) Except as required by Subsection (2)(c)(ii), the director shall appoint each new
- 149 member or reappointed member to the board to a four-year term.
- 150 (ii) The director shall, at the time of appointment or reappointment, adjust the length of
- 151 terms to ensure that the terms of board members are staggered so that approximately 1/4 of the

152 board members' terms expire every year.

153 (d) A member of the board may serve three terms.

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

156 (4) (a) The board shall elect a board chair and vice chair from among the board
157 members by a vote of the members.

158 (b) The board chair and the board vice chair shall serve two-year terms as chair or vice
159 chair and be eligible for reelection.

160 (c) The board vice chair shall serve as chair of board meetings in the absence of the
161 board chair.

162 (5) (a) The board shall have an executive committee consisting of:

163 (i) the board chair;

164 (ii) the board vice chair; and

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

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

169 (c) (i) Three members of the executive committee constitute a quorum of the executive
170 committee.

171 (ii) The action of the majority of the quorum of the executive committee constitutes
172 action of the executive committee.

173 (6) The board chair, in consultation with the director, shall call board meetings at least
174 two times each calendar year.

175 (7) (a) A quorum of the board shall consist of 40% of the members of the board.

176 (b) The vote of a majority of a quorum is an action of the board.

177 (c) The university shall comply with Title 52, Chapter 4, Open and Public Meetings
178 Act, to allow for the board or executive committee to hold electronic meetings.

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

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

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

184 **53B-17-804. Reporting.**

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

187 (a) the president of the university; and

188 (b) the Business and Labor Interim Committee.

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

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

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

194 (i) improve workplace health and safety; and

195 (ii) contribute to economic growth and development in Utah and the surrounding
196 region.

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

198 **53B-17-805. Appointment and removal of director.**

199 (1) Subject to Subsection (2), the following shall jointly appoint and may jointly
200 remove the director:

201 (a) the dean for graduate schools;

202 (b) the dean for the school of medicine; and

203 (c) the dean for the college of engineering.

204 (2) The appointment or removal of the director may be made only after consultation
205 with the board through the board chair.

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

207 **59-9-102.5. Offset for occupational health and safety related donations.**

208 (1) As used in this section:

209 (a) "Occupational health and safety center" means ~~[an entity:]~~ the Rocky Mountain

210 Center for Occupational and Environmental Health created in Title 53B, Chapter 17, Part 8,

211 Rocky Mountain Center for Occupational and Environmental Health.

212 ~~[(i) affiliated with an institution within the state system of higher education as defined~~

213 ~~in Section 53B-1-102; and]~~

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

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

217 (i) cash;

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

219 (iii) given exclusively for the purpose of:

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

221 (I) safety and ergonomics;

222 (II) industrial hygiene;

223 (III) occupational health nursing; and

224 (IV) occupational medicine;

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

226 workplace safety; and

227 (C) paying reasonable administrative, personnel, equipment, and overhead costs of the

228 occupational health and safety center.

229 (c) "Workers' compensation insurer" means an admitted insurer writing workers'

230 compensation insurance in this state that is required to pay the premium assessment imposed

231 under Subsection 59-9-101(2).

232 (2) (a) A workers' compensation insurer may offset against the premium assessment

233 imposed under Subsection 59-9-101(2) an amount equal to the lesser of:

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

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

237 income as defined in Subsection 59-9-101(2)(b) in the calendar year for which the premium

238 assessment is calculated.

239 (b) The offset provided under this Subsection (2) shall be allocated to the restricted

240 account and funds described in Subsection 59-9-101(2)(c) in proportion to the rates provided in

241 Subsection 59-9-101(2)(c).

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

243 (a) provide a workers' compensation insurer a receipt for any qualified donation made

244 by the workers' compensation insurer to the occupational health and safety center;

- 245 (b) expend monies received by a qualified donation:
246 (i) for the purposes described in Subsection (1)(b)(iii); and
247 (ii) in a manner that can be audited to ensure that the monies are expended for the
248 purposes described in Subsection (1)(b)(iii); and
249 (c) in conjunction with the report required by Section 34A-2-202.5, report to the
250 Legislature through the Office of the Legislative Fiscal Analyst by no later than July 1 of each
251 year:
252 (i) the qualified donations received by the occupational health and safety center in the
253 previous calendar year; and
254 (ii) the expenditures during the previous calendar year of qualified donations received
255 by the occupational health and safety center.

Legislative Review Note
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Office of Legislative Research and General Counsel