

1 **ROCKY MOUNTAIN CENTER FOR OCCUPATIONAL AND**
2 **ENVIRONMENTAL HEALTH AMENDMENTS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Karen Mayne**

6 House Sponsor: Val L. Peterson

8 **LONG TITLE**

9 **General Description:**

10 This bill relates to the Rocky Mountain Center for Occupational and Environmental
11 Health (center).

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ modifies definitions;
- 15 ▶ modifies the amount a self-insured employer or a workers' compensation insurer
16 may offset against certain workers' compensation-related assessments if the amount
17 is greater than certain donations by the employer or insurer to the center;
- 18 ▶ requires the University of Utah and Weber State University to:
 - 19 • jointly operate the center;
 - 20 • jointly create the Rocky Mountain Center for Occupational and Environmental
21 Health Advisory Board (board) and bylaws for operation of the board; and
 - 22 • each appoint a representative to assist with an application for certain federal
23 funding for the center;
- 24 ▶ requires the University of Utah senior vice president for health sciences to develop
25 an annual budget for the center;
- 26 ▶ modifies the process for appointment of the director of the center;
- 27 ▶ requires the board to:
 - 28 • advise the director of the center regarding certain public and private funding;
 - 29 • promote undergraduate training and other education regarding occupational

30 health and safety; and

31 • provide a report to the president of the University of Utah, the president of
32 Weber State University, and the Education Interim Committee; and

33 ▶ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 This bill provides retrospective operation.

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **34A-2-202.5**, as last amended by Laws of Utah 2019, Chapter 324

41 **53B-1-301**, as last amended by Laws of Utah 2020, Chapters 365 and 403

42 **59-9-102.5**, as last amended by Laws of Utah 2019, Chapter 324

43 ENACTS:

44 **53B-30-101**, Utah Code Annotated 1953

45 **53B-30-201**, Utah Code Annotated 1953

46 RENUMBERS AND AMENDS:

47 **53B-30-202**, (Renumbered from 53B-17-801, as enacted by Laws of Utah 2007,
48 Chapter 232)

49 **53B-30-203**, (Renumbered from 53B-17-802, as enacted by Laws of Utah 2007,
50 Chapter 232)

51 **53B-30-204**, (Renumbered from 53B-17-803, as last amended by Laws of Utah 2010,
52 Chapter 286)

53 **53B-30-205**, (Renumbered from 53B-17-805, as enacted by Laws of Utah 2007,
54 Chapter 232)

55 **53B-30-206**, (Renumbered from 53B-17-804, as last amended by Laws of Utah 2019,
56 Chapter 324)

57

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

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

60 **34A-2-202.5. Offset for occupational health and safety related donations.**

61 (1) As used in this section:

62 (a) "Occupational health and safety center" means the Rocky Mountain Center for
63 Occupational and Environmental Health created in [~~Title 53B, Chapter 17, Part 8,~~] Title 53B,
64 Chapter 30, Part 2, Rocky Mountain Center for Occupational and Environmental Health.

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

66 (i) cash;

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

68 (iii) given exclusively for the purpose of:

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

70 (I) safety and ergonomics;

71 (II) industrial hygiene;

72 (III) occupational health nursing; [~~and~~]

73 (IV) occupational injury prevention; and

74 [~~(IV)~~] (V) occupational medicine;

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

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

79 (c) "Self-insured employer" is a self-insured employer as defined in Section

80 **34A-2-201.5** that is required to pay the assessment imposed under Section **34A-2-202**.

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

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

85 (ii) [~~.10%~~] .20% of the self-insured employer's total calculated premium calculated

86 under Subsection [34A-2-202\(1\)\(d\)](#) for the calendar year for which the assessment is calculated.

87 (b) The offset provided under this Subsection (2) shall be allocated in proportion to the
88 percentages provided in Subsection [59-9-101\(2\)\(c\)](#).

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

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

92 (b) expend money received by a qualified donation:

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

94 (ii) in a manner that can be audited to ensure that the money is expended for the
95 purposes described in Subsection (1)(b)(iii); and

96 (c) in conjunction with the report required by Section [59-9-102.5](#), report to the Office
97 of the Legislative Fiscal Analyst for review by the Higher Education Appropriations
98 Subcommittee by no later than August 15 of each year:

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

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

103 Section 2. Section **53B-1-301** is amended to read:

104 **53B-1-301. Reports to and actions of the Higher Education Appropriations**
105 **Subcommittee.**

106 (1) In accordance with applicable provisions and Section [68-3-14](#), the following
107 recurring reports are due to the Higher Education Appropriations Subcommittee:

108 (a) the reports described in Sections [34A-2-202.5](#), [~~[53B-17-804](#)~~] [53B-30-206](#), and
109 [59-9-102.5](#) by the Rocky Mountain Center for Occupational and Environmental Health;

110 (b) the report described in Section [53B-7-101](#) by the board on recommended
111 appropriations for higher education institutions, including the report described in Section
112 [53B-8-104](#) by the board on the effects of offering nonresident partial tuition scholarships;

113 (c) the report described in Section [53B-7-704](#) by the Department of Workforce

- 114 Services and the Governor's Office of Economic Development on targeted jobs;
- 115 (d) the reports described in Section 53B-7-705 by the board on performance;
- 116 (e) the report described in Section 53B-8-201 by the board on the Regents' Scholarship
117 Program;
- 118 (f) the report described in Section 53B-8-303 by the board regarding Access Utah
119 promise scholarships;
- 120 (g) the report described in Section 53B-8d-104 by the Division of Child and Family
121 Services on tuition waivers for wards of the state;
- 122 (h) the report described in Section 53B-12-107 by the Utah Higher Education
123 Assistance Authority;
- 124 (i) the report described in Section 53B-13a-104 by the board on the Success Stipend
125 Program;
- 126 (j) the report described in Section 53B-17-201 by the University of Utah regarding the
127 Miners' Hospital for Disabled Miners;
- 128 (k) the report described in Section 53B-26-103 by the Governor's Office of Economic
129 Development on high demand technical jobs projected to support economic growth;
- 130 (l) the report described in Section 53B-26-202 by the Medical Education Council on
131 projected demand for nursing professionals; and
- 132 (m) the report described in Section 53E-10-308 by the State Board of Education and
133 board on student participation in the concurrent enrollment program.
- 134 (2) In accordance with applicable provisions and Section 68-3-14, the following
135 occasional reports are due to the Higher Education Appropriations Subcommittee:
- 136 (a) upon request, the information described in Section 53B-8a-111 submitted by the
137 Utah Educational Savings Plan;
- 138 (b) as described in Section 53B-26-103, a proposal by an eligible partnership related to
139 workforce needs for technical jobs projected to support economic growth;
- 140 (c) a proposal described in Section 53B-26-202 by an eligible program to respond to
141 projected demand for nursing professionals;

142 (d) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board
143 on the fire and rescue training program described in Section 53B-29-202; and

144 (e) the reports described in Section 63C-19-202 by the Higher Education Strategic
145 Planning Commission on the commission's progress.

146 (3) In accordance with applicable provisions, the Higher Education Appropriations
147 Subcommittee shall complete the following:

148 (a) as required by Section 53B-7-703, the review of performance funding described in
149 Section 53B-7-703;

150 (b) the review described in Section 53B-7-705 of the implementation of performance
151 funding;

152 (c) an appropriation recommendation described in Section 53B-26-103 to fund a
153 proposal responding to workforce needs of a strategic industry cluster;

154 (d) an appropriation recommendation described in Section 53B-26-202 to fund a
155 proposal responding to projected demand for nursing professionals; and

156 (e) review of the report described in Section 63B-10-301 by the University of Utah on
157 the status of a bond and bond payments specified in Section 63B-10-301.

158 Section 3. Section 53B-30-101 is enacted to read:

159 **CHAPTER 30. MULTI-UNIVERSITY PROGRAMS**

160 **Part 1. General Provisions**

161 **53B-30-101. Title.**

162 This chapter is known as "Multi-University Programs."

163 Section 4. Section 53B-30-201 is enacted to read:

164 **Part 2. Rocky Mountain Center for Occupational and Environmental Health**

165 **53B-30-201. Title.**

166 This part is known as "Rocky Mountain Center for Occupational and Environmental
167 Health."

168 Section 5. Section 53B-30-202, which is renumbered from Section 53B-17-801 is
169 renumbered and amended to read:

170 ~~[53B-17-801].~~ **53B-30-202. Definitions.**

171 ~~[(1) This part is known as "Rocky Mountain Center for Occupational and~~
172 ~~Environmental Health."]~~

173 ~~[(2)]~~ As used in this part:

174 ~~[(a)]~~ (1) "Affected populations" include:

175 ~~[(i)]~~ (a) employees;

176 ~~[(ii)]~~ (b) employers;

177 ~~[(iii)]~~ (c) insurers;

178 ~~[(iv)]~~ (d) professionals or professional organizations related to occupational and
179 environmental health;

180 ~~[(v)]~~ (e) government agencies; and

181 ~~[(vi)]~~ (f) outside academic institutions.

182 ~~[(b)]~~ (2) "Board" means the Rocky Mountain Center for Occupational and
183 Environmental Health Advisory Board created in Section ~~[53B-17-803]~~ [53B-30-204](#).

184 ~~[(c)]~~ (3) "Center" means the Rocky Mountain Center for Occupational and
185 Environmental Health established in Section [53B-30-203](#).

186 ~~[(d)]~~ (4) "Director" means the director of the center.

187 ~~[(e) "University" means the University of Utah.]~~

188 Section 6. Section **53B-30-203**, which is renumbered from Section 53B-17-802 is
189 renumbered and amended to read:

190 ~~[53B-17-802].~~ **53B-30-203. Rocky Mountain Center for Occupational and**
191 **Environmental Health.**

192 (1) There is established at the University of Utah and Weber State University the
193 Rocky Mountain Center for Occupational and Environmental Health, to be ~~[an occupational~~
194 ~~health and safety]~~ a center for occupational health, safety, and environment education and
195 research.

196 (2) ~~[The university]~~ The University of Utah and Weber State University shall:

197 (a) jointly operate the center in a manner so that the center is:

198 ~~[(a)]~~ (i) eligible to be designated as an education and research center by the National
199 Institute for Occupational Safety and Health in the United States Department of Health and
200 Human Services; and

201 ~~[(b)]~~ (ii) a resource for affected populations to:

202 ~~[(i)]~~ (A) improve workplace health ~~[and]~~, safety~~[-and (ii)]~~, and environment; and

203 (B) contribute to economic growth and development in Utah and the surrounding
204 region~~[-]~~; and

205 (b) each appoint a co-principal investigator upon application for the designation
206 described in Subsection (2)(a)(i).

207 (3) The University of Utah senior vice president for health sciences and the Weber
208 State University provost and vice president of academic affairs shall jointly develop an annual
209 budget for the center that considers funding from all available sources.

210 Section 7. Section **53B-30-204**, which is renumbered from Section 53B-17-803 is
211 renumbered and amended to read:

212 ~~**[53B-17-803].**~~ **53B-30-204. Advisory board.**

213 (1) ~~[The university]~~ In consultation with the director appointed under Section
214 53B-30-205, the president of the University of Utah and the president of Weber State
215 University, or the presidents' designees, shall create an advisory board known as the "Rocky
216 Mountain Center for Occupational and Environmental Health Advisory Board" to:

217 (a) promote occupational health and safety in Utah and the surrounding region;

218 (b) promote the development of undergraduate training in occupational health and
219 safety;

220 (c) engage other higher education institutions in the state to participate in improving
221 occupational health and safety education and programs for undergraduate students and other
222 affected populations, including the industrial hygiene program offered at Utah State University;

223 ~~[(b)]~~ (d) promote the interests and mission of the center by advising the director on
224 issues including:

225 (i) operation of the center as a multidisciplinary, state-of-the-art program at the

226 university;

227 (ii) developing and maintaining state and institutional support;

228 (iii) emerging local or regional, occupational health and safety education and research

229 needs;

230 (iv) continuing education and outreach to local and regional occupational health and

231 safety professionals;

232 (v) coordinating with other local or regional entities that promote occupational health

233 and safety in a manner that meets the needs of both employers and employees; and

234 (vi) grant requirements and renewal;

235 ~~[(e)]~~ (e) advise the director on the expenditure by the center of public and private funds

236 including:

237 (i) funds appropriated by the Legislature;

238 (ii) donations; ~~[and]~~

239 ~~[(iii) federal or other grants; and]~~

240 (iii) the proportionate amount of administrative funds available to each university upon

241 the center's designation as described in Subsection 53B-30-203(2)(a)(i), consistent with federal

242 guidelines; and

243 (iv) the proportionate amount of funds available to each university for the center from

244 public and private grants and contracts; and

245 ~~[(d)]~~ (f) develop recommendations for the long-term operation of the center consistent

246 with Section ~~[53B-17-802]~~ 53B-30-203.

247 (2) (a) The board shall consist of no fewer than 15 and no more than 18 ~~[persons]~~

248 individuals who represent the affected populations.

249 (b) ~~[The university]~~ In consultation with the director appointed under Section

250 53B-30-205, the president of the University of Utah and the president of Weber State

251 University, or the presidents' designees, shall establish reasonable bylaws for the operation of

252 the board including:

253 (i) the selection of board members;

254 (ii) quorum requirements; and

255 (iii) voting requirements.

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

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

259 (i) the board chair;

260 (ii) the board vice chair; and

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

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

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

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

269 (7) A board member may not receive compensation or benefits for the member's
270 service, but may receive per diem and travel expenses in accordance with:

271 (a) Section 63A-3-106;

272 (b) Section 63A-3-107; and

273 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
274 63A-3-107.

275 Section 8. Section 53B-30-205, which is renumbered from Section 53B-17-805 is
276 renumbered and amended to read:

277 ~~[53B-17-805].~~ **53B-30-205. Appointment and removal of director.**

278 (1) ~~[Subject to the advice and consent of the senior vice president for health sciences
279 and after consultation with the individuals listed in Subsection (2), one of the following
280 specified by the senior vice president for health sciences]~~ Subject to Subsection (2), the
281 University of Utah senior vice president for health sciences and the Weber State University

282 provost and vice president of academic affairs shall jointly appoint and may jointly remove the
283 director[: ~~(a) the chair of the department within the university where the center resides; or (b)~~
284 ~~a designee of the senior vice president for health sciences].~~

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

287 [~~(a) the senior vice president for academic affairs or the dean of the graduate school;~~]

288 [~~(b) the dean of the school of medicine or the dean's designee;~~]

289 (a) the president of the University of Utah or the president's designee;

290 (b) the president of Weber State University or the president's designee;

291 (c) the dean of the University of Utah college of engineering or the dean's designee;

292 and

293 (d) the board through the board chair.

294 Section 9. Section **53B-30-206**, which is renumbered from Section 53B-17-804 is
295 renumbered and amended to read:

296 ~~[53B-17-804].~~ **53B-30-206. Reporting requirements.**

297 (1) (a) The board, through the director and the board chair, shall provide by no later
298 than July 1 of each year, a written report to the president of the [~~university~~] University of Utah,
299 the president of Weber State University, and the Education Interim Committee.

300 (b) The report required [~~by~~] under this Subsection (1) shall:

301 (i) summarize the center's activities and accomplishments in the immediate proceeding
302 calendar year; and

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

305 (A) improve workplace health and safety; and

306 (B) contribute to economic growth and development in Utah and the surrounding
307 region.

308 (2) (a) If the center receives in a fiscal year money from the Eddie P. Mayne
309 Workplace Safety and Occupational Health Funding Program provided for in Section

310 34A-2-701, the center shall provide a written report:

311 (i) in conjunction with the reports described in Sections 34A-2-202.5 and 59-9-102.5;

312 (ii) that accounts for the expenditure of money received in the fiscal year by the center

313 from the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program

314 including impact on workplace safety in Utah; and

315 (iii) that includes a preliminary statement as to money the center will request from the

316 Eddie P. Mayne Workplace Safety and Occupational Health Funding Program for the fiscal

317 year following the day on which the report is provided.

318 (b) A report provided under this Subsection (2) meets the reporting requirements under

319 Subsection 34A-2-701(5)(b)(i)(B).

320 Section 10. Section 59-9-102.5 is amended to read:

321 **59-9-102.5. Offset for occupational health and safety related donations.**

322 (1) As used in this section:

323 (a) "Occupational health and safety center" means the Rocky Mountain Center for

324 Occupational and Environmental Health created in [~~Title 53B, Chapter 17, Part 8~~] Title 53B,

325 Chapter 30, Part 2, Rocky Mountain Center for Occupational and Environmental Health.

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

327 (i) cash;

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

329 (iii) given exclusively for the purpose of:

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

331 (I) safety and ergonomics;

332 (II) industrial hygiene;

333 (III) occupational health nursing; [~~and~~]

334 (IV) occupational injury prevention; and

335 [~~(V)] (V) occupational medicine;~~

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

337 workplace safety; and

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

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

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

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

347 (ii) [~~10%~~] .20% of the workers' compensation insurer's total workers' compensation
348 premium income as defined in Subsection 59-9-101(2)(b) in the calendar year for which the
349 premium assessment is calculated.

350 (b) The offset provided under this Subsection (2) shall be allocated in proportion to the
351 percentages provided in Subsection 59-9-101(2)(c).

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

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

355 (b) expend money received by a qualified donation:

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

357 (ii) in a manner that can be audited to ensure that the money is expended for the
358 purposes described in Subsection (1)(b)(iii); and

359 (c) in conjunction with the report required by Section 34A-2-202.5, report to the Office
360 of the Legislative Fiscal Analyst for review by the Higher Education Appropriations
361 Subcommittee by no later than August 15 of each year:

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

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

366 Section 11. **Retrospective operation.**

367 The following sections have retrospective operation for a taxable year beginning on or

368 after January 1, 2021:

369 (1) Section [34A-2-202.5](#); and

370 (2) Section [59-9-102.5](#).