

ROCKY MOUNTAIN CENTER FOR OCCUPATIONAL AND ENVIRONMENTAL HEALTH AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Val L. Peterson

LONG TITLE

General Description:

This bill relates to the Rocky Mountain Center for Occupational and Environmental Health.

Highlighted Provisions:

This bill:

- ▶ modifies definitions;
- ▶ modifies the amount a self-insured employer or a workers' compensation insurer may offset against certain workers' compensation-related assessments if the amount is greater than certain donations by the employer or insurer to the Rocky Mountain Center for Occupational and Environmental Health;
- ▶ requires the University of Utah and Weber State University to:
 - each establish a department of occupational and environmental health;
 - jointly operate the Rocky Mountain Center for Occupational and Environmental Health as part of the departments; and
 - jointly create the Rocky Mountain Center for Occupational and Environmental Health Advisory Board and bylaws for the operation of the board;
- ▶ modifies the process for appointment of the director of the Rocky Mountain Center for Occupational and Environmental Health and requires the University of Utah and Weber State University to consider making the director a tenured faculty member;



- 28 ▶ requires the Rocky Mountain Center for Occupational and Environmental Health
- 29 Advisory Board to:
- 30 • advise the director of the Rocky Mountain Center for Occupational and
- 31 Environmental Health regarding certain public and private funding; and
- 32 • provide a report to the president of the University of Utah, the president of
- 33 Weber State University, and the Education Interim Committee; and
- 34 ▶ makes technical and conforming changes.

35 Money Appropriated in this Bill:

36 None

37 Other Special Clauses:

38 None

39 Utah Code Sections Affected:

40 AMENDS:

- 41 **34A-2-202.5**, as last amended by Laws of Utah 2019, Chapter 324
- 42 **53B-1-301**, as last amended by Laws of Utah 2020, Chapters 365 and 403
- 43 **59-9-102.5**, as last amended by Laws of Utah 2019, Chapter 324

44 ENACTS:

- 45 **53B-30-101**, Utah Code Annotated 1953
- 46 **53B-30-201**, Utah Code Annotated 1953

47 RENUMBERS AND AMENDS:

- 48 **53B-30-202**, (Renumbered from 53B-17-801, as enacted by Laws of Utah 2007,
- 49 Chapter 232)
- 50 **53B-30-203**, (Renumbered from 53B-17-802, as enacted by Laws of Utah 2007,
- 51 Chapter 232)
- 52 **53B-30-204**, (Renumbered from 53B-17-803, as last amended by Laws of Utah 2010,
- 53 Chapter 286)
- 54 **53B-30-205**, (Renumbered from 53B-17-805, as enacted by Laws of Utah 2007,
- 55 Chapter 232)
- 56 **53B-30-206**, (Renumbered from 53B-17-804, as last amended by Laws of Utah 2019,
- 57 Chapter 324)

58

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

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

61 **34A-2-202.5. Offset for occupational health and safety related donations.**

62 (1) As used in this section:

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

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

67 (i) cash;

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

69 (iii) given exclusively for the purpose of:

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

71 (I) safety and ergonomics;

72 (II) industrial hygiene;

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

74 (IV) occupational injury prevention; and

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

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

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

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

81 **34A-2-201.5** that is required to pay the assessment imposed under Section **34A-2-202**.

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

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

86 (ii) [~~+10%~~] .20% of the self-insured employer's total calculated premium calculated
87 under Subsection **34A-2-202(1)(d)** for the calendar year for which the assessment is calculated.

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

- 90 (3) An occupational health and safety center shall:
- 91 (a) provide a self-insured employer a receipt for any qualified donation made by the
- 92 self-insured employer to the occupational health and safety center;
- 93 (b) expend money received by a qualified donation:
- 94 (i) for the purposes described in Subsection (1)(b)(iii); and
- 95 (ii) in a manner that can be audited to ensure that the money is expended for the
- 96 purposes described in Subsection (1)(b)(iii); and
- 97 (c) in conjunction with the report required by Section 59-9-102.5, report to the Office
- 98 of the Legislative Fiscal Analyst for review by the Higher Education Appropriations
- 99 Subcommittee by no later than August 15 of each year:
- 100 (i) the qualified donations received by the occupational health and safety center in the
- 101 previous calendar year; and
- 102 (ii) the expenditures during the previous calendar year of qualified donations received
- 103 by the occupational health and safety center.

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

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

- 107 (1) In accordance with applicable provisions and Section 68-3-14, the following
- 108 recurring reports are due to the Higher Education Appropriations Subcommittee:
- 109 (a) the reports described in Sections 34A-2-202.5, [~~53B-17-804~~] 53B-30-206, and
- 110 59-9-102.5 by the Rocky Mountain Center for Occupational and Environmental Health;
- 111 (b) the report described in Section 53B-7-101 by the board on recommended
- 112 appropriations for higher education institutions, including the report described in Section
- 113 53B-8-104 by the board on the effects of offering nonresident partial tuition scholarships;
- 114 (c) the report described in Section 53B-7-704 by the Department of Workforce
- 115 Services and the Governor's Office of Economic Development on targeted jobs;
- 116 (d) the reports described in Section 53B-7-705 by the board on performance;
- 117 (e) the report described in Section 53B-8-201 by the board on the Regents' Scholarship
- 118 Program;
- 119 (f) the report described in Section 53B-8-303 by the board regarding Access Utah
- 120 promise scholarships;

- 121 (g) the report described in Section 53B-8d-104 by the Division of Child and Family
122 Services on tuition waivers for wards of the state;
- 123 (h) the report described in Section 53B-12-107 by the Utah Higher Education
124 Assistance Authority;
- 125 (i) the report described in Section 53B-13a-104 by the board on the Success Stipend
126 Program;
- 127 (j) the report described in Section 53B-17-201 by the University of Utah regarding the
128 Miners' Hospital for Disabled Miners;
- 129 (k) the report described in Section 53B-26-103 by the Governor's Office of Economic
130 Development on high demand technical jobs projected to support economic growth;
- 131 (l) the report described in Section 53B-26-202 by the Medical Education Council on
132 projected demand for nursing professionals; and
- 133 (m) the report described in Section 53E-10-308 by the State Board of Education and
134 board on student participation in the concurrent enrollment program.
- 135 (2) In accordance with applicable provisions and Section 68-3-14, the following
136 occasional reports are due to the Higher Education Appropriations Subcommittee:
- 137 (a) upon request, the information described in Section 53B-8a-111 submitted by the
138 Utah Educational Savings Plan;
- 139 (b) as described in Section 53B-26-103, a proposal by an eligible partnership related to
140 workforce needs for technical jobs projected to support economic growth;
- 141 (c) a proposal described in Section 53B-26-202 by an eligible program to respond to
142 projected demand for nursing professionals;
- 143 (d) a report in 2023 from Utah Valley University and the Utah Fire Prevention Board
144 on the fire and rescue training program described in Section 53B-29-202; and
- 145 (e) the reports described in Section 63C-19-202 by the Higher Education Strategic
146 Planning Commission on the commission's progress.
- 147 (3) In accordance with applicable provisions, the Higher Education Appropriations
148 Subcommittee shall complete the following:
- 149 (a) as required by Section 53B-7-703, the review of performance funding described in
150 Section 53B-7-703;
- 151 (b) the review described in Section 53B-7-705 of the implementation of performance

152 funding;

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

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

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

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

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

161 **Part 1. General Provisions**

162 **53B-30-101. Title.**

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

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

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

166 **53B-30-201. Title.**

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

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

171 ~~**53B-17-801.**~~ **53B-30-202. Definitions.**

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

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

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

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

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

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

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

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

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

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

185 ~~[(c)]~~ (3) "Center" means the Rocky Mountain Center for Occupational and
 186 Environmental Health.

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

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

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

191 ~~[53B-17-802]~~. **53B-30-203. Rocky Mountain Center for Occupational and**
 192 **Environmental Health -- Departments at each university.**

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

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

197 (a) each establish a department of occupational and environmental health;

198 (b) in consultation with the director appointed under Section 53B-30-205, each appoint
 199 a chair for the respective departments established under Subsection (2)(a);

200 (c) jointly operate the center;

201 (i) as part of the departments established under Subsection (2)(a); and

202 (ii) in a manner so that the center is:

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

206 ~~[(b)]~~ (B) a resource for affected populations to~~[-(i)]~~ improve workplace health and
 207 safety~~[-and (ii)]~~ and contribute to economic growth and development in Utah and the
 208 surrounding region~~[-]; and~~

209 (d) in consultation with the director appointed under Section 53B-30-205, jointly
 210 develop an annual budget for the center that considers funding from all available sources,
 211 including the funds described in Subsection 53B-30-204(1)(c)(iii).

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

214 ~~[53B-17-803].~~ **53B-30-204. Advisory board created.**

215 (1) ~~[The university]~~ In consultation with the director appointed under Section

216 53B-30-205, the president of the University of Utah and the president of Weber State

217 University, or the presidents' designees, shall create an advisory board known as the "Rocky

218 Mountain Center for Occupational and Environmental Health Advisory Board" to:

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

220 (b) promote the interests and mission of the center by advising the director on issues

221 including:

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

223 university;

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

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

226 needs;

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

228 safety professionals;

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

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

231 (vi) grant requirements and renewal;

232 (c) advise the director on the expenditure by the center of public and private funds

233 including:

234 (i) funds appropriated by the Legislature;

235 (ii) donations; and

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

237 (iii) the maximum amount of funds available for facility and administration costs,

238 which are indirect costs of public and private research or training grants and contracts available

239 to the center upon designation as described in Subsection 53B-30-203(2)(c)(ii)(A), that the

240 center may use for expenses related to:

241 (A) faculty and staff;

242 (B) facility leases and operations;

243 (C) information technology;

244 (D) technical writing and business or trade communication;

245 (E) professional training and seminars;

246 (F) experts and consultants; and

247 (G) business equipment and supplies; and

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

249 Section [~~53B-17-802~~] [53B-30-203](#).

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

251 individuals who represent the affected populations.

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

253 53B-30-205, the president of the University of Utah and the president of Weber State

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

255 the board including:

256 (i) the selection of board members;

257 (ii) quorum requirements; and

258 (iii) voting requirements.

259 (3) The board shall elect a board chair and vice chair from among the board members

260 by a vote of the members.

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

262 (i) the board chair;

263 (ii) the board vice chair; and

264 (iii) three other board members, selected by the board chair in consultation with the

265 director.

266 (b) The executive committee shall meet at least quarterly to advise the center and to

267 plan for board meetings.

268 (5) The board chair, in consultation with the director, shall call board meetings at least

269 two times each calendar year.

270 (6) The board and the executive committee are subject to Title 52, Chapter 4, Open and

271 Public Meetings Act.

272 (7) A board member may not receive compensation or benefits for the member's

273 service, but may receive per diem and travel expenses in accordance with:

274 (a) Section [63A-3-106](#);

275 (b) Section [63A-3-107](#); and

276 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
277 [63A-3-107](#).

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

280 ~~[53B-17-805].~~ **53B-30-205. Appointment and removal of director -- Tenure.**

281 (1) ~~[Subject to the advice and consent of the senior vice president for health sciences~~
282 ~~and after consultation with the individuals listed in Subsection (2), one of the following~~
283 ~~specified by the senior vice president for health sciences]~~ Subject to Subsection (2), the
284 University of Utah senior vice president for health sciences and the Weber State University
285 provost and vice president of academic affairs shall jointly appoint and may jointly remove the
286 director: ~~(a) the chair of the department within the university where the center resides; or (b)~~
287 ~~a designee of the senior vice president for health sciences].~~

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

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

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

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

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

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

295 and

296 (d) the board through the board chair.

297 (3) The University of Utah and Weber State University shall each consider making the
298 director a tenured faculty member.

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

301 ~~[53B-17-804].~~ **53B-30-206. Reporting requirements.**

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

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

306 (i) summarize the center's activities and accomplishments in the immediate proceeding

307 calendar year; and

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

310 (A) improve workplace health and safety; and

311 (B) contribute to economic growth and development in Utah and the surrounding
312 region.

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

315 [34A-2-701](#), the center shall provide a written report:

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

317 (ii) that accounts for the expenditure of money received in the fiscal year by the center
318 from the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program

319 including impact on workplace safety in Utah; and

320 (iii) that includes a preliminary statement as to money the center will request from the
321 Eddie P. Mayne Workplace Safety and Occupational Health Funding Program for the fiscal
322 year following the day on which the report is provided.

323 (b) A report provided under this Subsection (2) meets the reporting requirements under
324 Subsection [34A-2-701\(5\)\(b\)\(i\)\(B\)](#).

325 Section 10. Section [59-9-102.5](#) is amended to read:

326 **[59-9-102.5. Offset for occupational health and safety related donations.](#)**

327 (1) As used in this section:

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

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

332 (i) cash;

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

334 (iii) given exclusively for the purpose of:

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

336 (I) safety and ergonomics;

337 (II) industrial hygiene;

338 (III) occupational health nursing; ~~and~~
339 (IV) occupational injury prevention; and
340 ~~[(IV)] (V) occupational medicine;~~
341 (B) providing continuing education programs for employers designed to promote
342 workplace safety; and
343 (C) paying reasonable administrative, personnel, equipment, and overhead costs of the
344 occupational health and safety center.
345 (c) "Workers' compensation insurer" means an admitted insurer writing workers'
346 compensation insurance in this state that is required to pay the premium assessment imposed
347 under Subsection 59-9-101(2).
348 (2) (a) A workers' compensation insurer may offset against the premium assessment
349 imposed under Subsection 59-9-101(2) an amount equal to the lesser of:
350 (i) the total of qualified donations made by the workers' compensation insurer in the
351 calendar year for which the premium assessment is calculated; and
352 (ii) ~~[-10%]~~ .20% of the workers' compensation insurer's total workers' compensation
353 premium income as defined in Subsection 59-9-101(2)(b) in the calendar year for which the
354 premium assessment is calculated.
355 (b) The offset provided under this Subsection (2) shall be allocated in proportion to the
356 percentages provided in Subsection 59-9-101(2)(c).
357 (3) An occupational health and safety center shall:
358 (a) provide a workers' compensation insurer a receipt for any qualified donation made
359 by the workers' compensation insurer to the occupational health and safety center;
360 (b) expend money received by a qualified donation:
361 (i) for the purposes described in Subsection (1)(b)(iii); and
362 (ii) in a manner that can be audited to ensure that the money is expended for the
363 purposes described in Subsection (1)(b)(iii); and
364 (c) in conjunction with the report required by Section 34A-2-202.5, report to the Office
365 of the Legislative Fiscal Analyst for review by the Higher Education Appropriations
366 Subcommittee by no later than August 15 of each year:
367 (i) the qualified donations received by the occupational health and safety center in the
368 previous calendar year; and

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