

**Senator Karen Mayne** proposes the following substitute bill:

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

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: Val L. Peterson

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**LONG TITLE**

**General Description:**

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

**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 center;
- ▶ requires the University of Utah and Weber State University to:
  - jointly operate the center;
  - jointly create the Rocky Mountain Center for Occupational and Environmental Health Advisory Board (board) and bylaws for operation of the board; and
  - each appoint a representative to assist with an application for certain federal funding for the center;
- ▶ requires the University of Utah senior vice president for health sciences to develop 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           None

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)

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

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

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

(1) As used in this section:

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

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

(i) cash;

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

(iii) given exclusively for the purpose of:

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

(I) safety and ergonomics;

(II) industrial hygiene;

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

(IV) occupational injury prevention; and

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

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

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

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

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

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

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

(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 created.  
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;



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 [~~(IV)~~] (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.