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~~text~~ shows text that was in SB0172 but was deleted in SB0172S01.

text shows text that was not in SB0172 but was inserted into SB0172S01.

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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

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 ~~Rocky Mountain Center for Occupational and Environmental Health~~ center;

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- ▶ 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}~~center;
 - jointly create the Rocky Mountain Center for Occupational and Environmental Health Advisory Board (board) and bylaws for~~{ the }~~ 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;
- ▶ 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}~~center;
- ▶ requires the ~~{Rocky Mountain Center for Occupational and Environmental Health Advisory Board}~~board to:
 - advise the director of the ~~{Rocky Mountain Center for Occupational and Environmental Health}~~center regarding certain public and private funding;
 - promote undergraduate training and other education regarding occupational health and safety; and
 - provide a report to the president of the University of Utah, the president of Weber State University, and the Education Interim Committee; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

ENACTS:

53B-30-101, Utah Code Annotated 1953

53B-30-201, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

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

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

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

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

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

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;

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(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 percentages provided in Subsection 59-9-101(2)(c).

(3) An occupational health and safety center shall:

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

(b) expend money received by a qualified donation:

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

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

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

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

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

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

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

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

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

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

(c) the report described in Section 53B-7-704 by the Department of Workforce Services and the Governor's Office of Economic Development on targeted jobs;

(d) the reports described in Section 53B-7-705 by the board on performance;

(e) the report described in Section 53B-8-201 by the board on the Regents' Scholarship Program;

(f) the report described in Section 53B-8-303 by the board regarding Access Utah promise scholarships;

(g) the report described in Section 53B-8d-104 by the Division of Child and Family Services on tuition waivers for wards of the state;

(h) the report described in Section 53B-12-107 by the Utah Higher Education Assistance Authority;

(i) the report described in Section 53B-13a-104 by the board on the Success Stipend Program;

(j) the report described in Section 53B-17-201 by the University of Utah regarding the Miners' Hospital for Disabled Miners;

(k) the report described in Section 53B-26-103 by the Governor's Office of Economic Development on high demand technical jobs projected to support economic growth;

(l) the report described in Section 53B-26-202 by the Medical Education Council on projected demand for nursing professionals; and

(m) the report described in Section 53E-10-308 by the State Board of Education and board on student participation in the concurrent enrollment program.

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(2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Higher Education Appropriations Subcommittee:

(a) upon request, the information described in Section 53B-8a-111 submitted by the Utah Educational Savings Plan;

(b) as described in Section 53B-26-103, a proposal by an eligible partnership related to workforce needs for technical jobs projected to support economic growth;

(c) a proposal described in Section 53B-26-202 by an eligible program to respond to projected demand for nursing professionals;

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

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

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

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

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

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

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

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

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

CHAPTER 30. MULTI-UNIVERSITY PROGRAMS

Part 1. General Provisions

53B-30-101. Title.

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

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

Part 2. Rocky Mountain Center for Occupational and Environmental Health

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53B-30-201. Title.

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

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

[53B-17-801]. 53B-30-202. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~— (c) jointly operate the center;~~

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

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

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

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

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

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

~~(~~d~~) in consultation with the director appointed under Section 53B-30-205, (~~b~~)~~ each appoint a co-principal investigator upon application for the designation described in Subsection (2)(a)(i).

(3) The University of Utah senior vice president for health sciences and the Weber State University provost and vice president of academic affairs shall jointly develop an annual budget for the center that considers funding from all available sources, including the funds described in Subsection 53B-30-204(1)(c)(iii).

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

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

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

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

(b) promote the development of undergraduate training in occupational health and

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safety;

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

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

- (i) operation of the center as a multidisciplinary, state-of-the-art program at the university;
- (ii) developing and maintaining state and institutional support;
- (iii) emerging local or regional, occupational health and safety education and research needs;
- (iv) continuing education and outreach to local and regional occupational health and safety professionals;
- (v) coordinating with other local or regional entities that promote occupational health and safety in a manner that meets the needs of both employers and employees; and
- (vi) grant requirements and renewal;

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

- (i) funds appropriated by the Legislature;
- (ii) donations; ~~and~~
- ~~[(iii) federal or other grants; and]~~
- (iii) the ~~{maximum}~~ proportionate amount of administrative funds available ~~{for facility and administration costs, which are indirect costs of public and private research or training grants and contracts available to the center upon}~~ to each university upon the center's designation as described in Subsection 53B-30-203(2)(~~f~~)(c)(ii)(A), that the center may use for expenses related to:

- ~~— (A) faculty and staff;~~
- ~~— (B) facility leases and operations;~~
- ~~— (C) information technology;~~
- ~~— (D) technical writing and business or trade communication;~~
- ~~— (E) professional training and seminars;~~

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~~(F) experts and consultants; and~~

~~(G) business equipment and supplies; and~~

~~(d)}a(i), consistent with federal guidelines:~~

(iv) the proportionate amount of funds available to each university for the center from public and private grants and contracts; and

[(d)] (f) develop recommendations for the long-term operation of the center consistent with Section ~~[53B-17-802]~~ 53B-30-203.

(2) (a) The board shall consist of no fewer than 15 and no more than 18 ~~[persons]~~ individuals who represent the affected populations.

(b) ~~[The university]~~ In consultation with the director appointed under Section 53B-30-205, the president of the University of Utah and the president of Weber State University, or the presidents' designees, shall establish reasonable bylaws for the operation of the board including:

(i) the selection of board members;

(ii) quorum requirements; and

(iii) voting requirements.

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

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

(i) the board chair;

(ii) the board vice chair; and

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

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

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

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

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

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- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

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

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

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

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

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

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

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

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

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

and

(d) the board through the board chair.

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

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

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

(1) (a) The board, through the director and the board chair, shall provide by no later than July 1 of each year, a written report to the president of the [~~university]~~ University of Utah,

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the president of Weber State University, and the Education Interim Committee.

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

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

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

(A) improve workplace health and safety; and

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

(2) (a) If the center receives in a fiscal year money from the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program provided for in Section 34A-2-701, the center shall provide a written report:

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

(ii) that accounts for the expenditure of money received in the fiscal year by the center from the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program including impact on workplace safety in Utah; and

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

(b) A report provided under this Subsection (2) meets the reporting requirements under Subsection 34A-2-701(5)(b)(i)(B).

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

59-9-102.5. 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:

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(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

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

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

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

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

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

(3) An occupational health and safety center shall:

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

(b) expend money received by a qualified donation:

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

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

(c) in conjunction with the report required by Section 34A-2-202.5, report to the Office of the Legislative Fiscal Analyst for review by the Higher Education Appropriations

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Subcommittee by no later than August 15 of each year:

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

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