

BUSINESS AND LABOR REPORTING REQUIREMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel Ferry

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill removes expired reporting requirements.

Highlighted Provisions:

This bill:

▶ removes expired reporting requirements related to:

- the Inland Port Authority community enhancement program;
 - the cost of insulin manufacturing and factors that determine the price of insulin;
 - hospital costs and workers' compensation;
 - the effectiveness of the Labor Commission and state law in addressing discrimination in matters of compensation; and
 - education and training standards for state plumber and electrician apprenticeship programs; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

[11-58-202](#), as last amended by Laws of Utah 2020, Chapters 126 and 263

[34A-2-107](#), as last amended by Laws of Utah 2020, Chapter 156

[34A-2-705](#), as last amended by Laws of Utah 2018, Chapters 268 and 319

30 **34A-5-104**, as last amended by Laws of Utah 2018, Chapter 317

31 **58-55-201**, as last amended by Laws of Utah 2020, Chapters 154 and 339

32 REPEALS:

33 **31A-22-626.5**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

34

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

36 Section 1. Section **11-58-202** is amended to read:

37 **11-58-202. Port authority powers and duties.**

38 (1) The authority has exclusive jurisdiction, responsibility, and power to coordinate the
39 efforts of all applicable state and local government entities, property owners and other private
40 parties, and other stakeholders to:

41 (a) develop and implement a business plan for the authority jurisdictional land, to
42 include an environmental sustainability component, developed in conjunction with the Utah
43 Department of Environmental Quality, incorporating policies and best practices to meet or
44 exceed applicable federal and state standards, including:

45 (i) emissions monitoring and reporting; and
46 (ii) strategies that use the best available technology to mitigate environmental impacts
47 from development and uses on the authority jurisdictional land;

48 (b) plan and facilitate the development of inland port uses on authority jurisdictional
49 land and on land in other authority project areas;

50 (c) manage any inland port located on land owned or leased by the authority; and

51 (d) establish a foreign trade zone, as provided under federal law, covering some or all
52 of the authority jurisdictional land or land in other authority project areas.

53 (2) The authority may:

54 (a) facilitate and bring about the development of inland port uses on land that is part of
55 the authority jurisdictional land or that is in other authority project areas, including engaging in
56 marketing and business recruitment activities and efforts to encourage and facilitate:

57 (i) the development of an inland port on the authority jurisdictional land; and

58 (ii) other development of the authority jurisdictional land consistent with the policies
59 and objectives described in Subsection 11-58-203(1);

60 (b) facilitate and provide funding for the development of the authority jurisdictional
61 land and land in other authority project areas, including the development of publicly owned
62 infrastructure and improvements and other infrastructure and improvements on or related to the
63 authority jurisdictional land;

64 (c) engage in marketing and business recruitment activities and efforts to encourage
65 and facilitate development of the authority jurisdictional land;

66 (d) apply for and take all other necessary actions for the establishment of a foreign
67 trade zone, as provided under federal law, covering some or all of the authority jurisdictional
68 land;

69 (e) as the authority considers necessary or advisable to carry out any of its duties or
70 responsibilities under this chapter:

71 (i) buy, obtain an option upon, or otherwise acquire any interest in real or personal
72 property;

73 (ii) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
74 personal property; or

75 (iii) enter into a lease agreement on real or personal property, either as lessee or lessor;

76 (f) sue and be sued;

77 (g) enter into contracts generally;

78 (h) provide funding for the development of publicly owned infrastructure and
79 improvements or other infrastructure and improvements on or related to the authority
80 jurisdictional land or other authority project areas;

81 (i) exercise powers and perform functions under a contract, as authorized in the
82 contract;

83 (j) receive the property tax differential, as provided in this chapter;

84 (k) accept financial or other assistance from any public or private source for the
85 authority's activities, powers, and duties, and expend any funds so received for any of the

86 purposes of this chapter;

87 (l) borrow money, contract with, or accept financial or other assistance from the federal
88 government, a public entity, or any other source for any of the purposes of this chapter and
89 comply with any conditions of the loan, contract, or assistance;

90 (m) issue bonds to finance the undertaking of any development objectives of the
91 authority, including bonds under Chapter 17, Utah Industrial Facilities and Development Act,
92 bonds under Chapter 42, Assessment Area Act, and bonds under Chapter 42a, Commercial
93 Property Assessed Clean Energy Act;

94 (n) hire employees, including contract employees;

95 (o) transact other business and exercise all other powers provided for in this chapter;

96 (p) engage one or more consultants to advise or assist the authority in the performance
97 of the authority's duties and responsibilities;

98 (q) work with other political subdivisions and neighboring property owners and
99 communities to mitigate potential negative impacts from the development of authority
100 jurisdictional land;

101 (r) own and operate an intermodal facility if the authority considers the authority's
102 ownership and operation of an intermodal facility to be necessary or desirable;

103 (s) own and operate publicly owned infrastructure and improvements in a project area
104 outside the authority jurisdictional land; and

105 (t) exercise powers and perform functions that the authority is authorized by statute to
106 exercise or perform.

107 (3) (a) Beginning April 1, 2020, the authority shall:

108 (i) be the repository of the official delineation of the boundary of the authority
109 jurisdictional land, identical to the boundary as delineated in the shapefile that is the electronic
110 component of H.B. 2001, Utah Inland Port Authority Amendments, 2018 Second Special
111 Session, subject to Subsection (3)(b) and any later changes to the boundary enacted by the
112 Legislature; and

113 (ii) maintain an accurate digital file of the boundary that is easily accessible by the

114 public.

115 (b) (i) As used in this Subsection (3)(b), "split property" means a piece of land:

116 (A) with a single tax identification number; and

117 (B) that is partly included within and partly excluded from the authority jurisdictional
118 land by the boundary delineated in the shapefile described in Subsection 11-58-102(2).

119 (ii) With the consent of the mayor of the municipality in which the split property is
120 located, the executive director may adjust the boundary of the authority jurisdictional land to
121 include an excluded portion of a split property or exclude an included portion of a split
122 property.

123 (iii) In adjusting the boundary under Subsection (3)(b)(ii), the executive director shall
124 consult with the county assessor, the county surveyor, the owner of the split property, and the
125 municipality in which the split property is located.

126 (iv) A boundary adjustment under this Subsection (3)(b) affecting the northwest
127 boundary of the authority jurisdictional land shall maintain the buffer area between authority
128 jurisdictional land intended for development and land outside the boundary of the authority
129 jurisdictional land to be preserved from development.

130 (v) Upon completing boundary adjustments under this Subsection (3)(b), the executive
131 director shall cause to be recorded in the county recorder's office a map or other description,
132 sufficient for purposes of the county recorder, of the adjusted boundary of the authority
133 jurisdictional land.

134 (vi) The authority shall modify the official delineation of the boundary of the authority
135 jurisdictional land under Subsection (3)(a) to reflect a boundary adjustment under this
136 Subsection (3)(b).

137 (4) (a) The authority may establish a community enhancement program designed to
138 address the impacts that development or inland port uses within project areas have on adjacent
139 communities.

140 (b) (i) The authority may use authority money to support the community enhancement
141 program and to pay for efforts to address the impacts described in Subsection (4)(a).

142 (ii) Authority money designated for use under Subsection (4)(b)(i) is exempt from
143 execution or any other process in the collection of a judgment against or debt or other
144 obligation of the authority arising out of the authority's activities with respect to the community
145 enhancement program.

146 ~~[(c) On or before October 31, 2020, the authority shall report on the authority's actions~~
147 ~~under this Subsection (4) to:]~~

148 ~~[(i) the Business, Economic Development, and Labor Appropriations Subcommittee of~~
149 ~~the Legislature;]~~

150 ~~[(ii) the Economic Development and Workforce Services Interim Committee of the~~
151 ~~Legislature; and]~~

152 ~~[(iii) the Business and Labor Interim Committee of the Legislature.]~~

153 (5) An intermodal facility owned by the authority is subject to a privilege tax under
154 Title 59, Chapter 4, Privilege Tax.

155 Section 2. Section **34A-2-107** is amended to read:

156 **34A-2-107. Appointment of workers' compensation advisory council --**

157 **Composition -- Terms of members -- Duties -- Compensation.**

158 (1) There is created a workers' compensation advisory council composed of:

159 (a) the following voting members whom the commissioner shall appoint:

160 (i) five employer representatives; and

161 (ii) five employee representatives;

162 (b) the following nonvoting members whom the commissioner shall appoint:

163 (i) a representative of the workers' compensation insurance carrier that provides

164 workers' compensation insurance under Section [31A-22-1001](#);

165 (ii) a representative of a workers' compensation insurance carrier different from the

166 workers' compensation insurance carrier listed in Subsection (1)(b)(i);

167 (iii) a representative of health care providers;

168 (iv) the Utah insurance commissioner or the insurance commissioner's designee;

169 (v) the commissioner or the commissioner's designee; and

170 (vi) a representative of hospitals; and
171 (c) the following nonvoting members:
172 (i) a member of the Senate whom the president of the Senate shall appoint; and
173 (ii) a member of the House of Representatives whom the speaker of the House of
174 Representatives shall appoint.

175 (2) Employers and employees shall consider nominating members of groups who
176 historically may have been excluded from the council, such as women, minorities, and
177 individuals with disabilities.

178 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
179 expire, the commissioner, the president of the Senate, or the speaker of the House of
180 Representatives shall appoint in accordance with Subsection (1) each new member or
181 reappointed member to a two-year term beginning July 1 and ending June 30.

182 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at
183 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
184 council members are staggered so that approximately half of the council is appointed every two
185 years.

186 (4) (a) When a vacancy occurs in the membership for any reason, the replacement shall
187 be appointed for the unexpired term.

188 (b) The commissioner shall terminate the term of a council member who ceases to be
189 representative as designated by the member's original appointment.

190 (5) The council shall confer at least quarterly for the purpose of advising the
191 commission, the division, and the Legislature on:

- 192 (a) the Utah workers' compensation and occupational disease laws;
- 193 (b) the administration of the laws described in Subsection (5)(a); and
- 194 (c) rules related to the laws described in Subsection (5)(a).

195 (6) Regarding workers' compensation, rehabilitation, and reemployment of employees
196 who acquire a disability because of an industrial injury or occupational disease the council
197 shall:

198 (a) offer advice on issues requested by:
199 (i) the commission;
200 (ii) the division; and
201 (iii) the Legislature; and
202 (b) make recommendations to:
203 (i) the commission; and
204 (ii) the division.
205 [~~(7) (a) The council shall:~~]
206 [~~(i) study how to reduce hospital costs for purposes of medical benefits for workers'~~
207 ~~compensation;~~]
208 [~~(ii) study hospital billing and payment trends in the state;~~]
209 [~~(iii) study hospital fee schedules used in other states; and~~]
210 [~~(iv) collect information from third-party hospital bill review companies in the state or~~
211 ~~region, to identify an average reimbursement rate that represents the approximate rate at which~~
212 ~~a workers' compensation insurance carrier or self-insured employer should expect to reimburse~~
213 ~~a hospital for billed hospital fees for covered medical services in the state.]~~
214 [~~(b) In accordance with Section 68-3-14, the council shall submit a written report to the~~
215 ~~Business and Labor Interim Committee no later than September 1, 2019, 2020, and 2021. Each~~
216 ~~written report shall include:~~]
217 [~~(i) recommendations on how to reduce hospital costs for purposes of medical benefits~~
218 ~~for workers' compensation;~~]
219 [~~(ii) aggregate data on hospital billing and payment trends in the state;~~]
220 [~~(iii) the results of the council's study of hospital fee schedules from other states; and~~]
221 [~~(iv) the approximate rate at which a workers' compensation insurance carrier or~~
222 ~~self-insured employer should expect to reimburse a hospital for billed hospital fees for covered~~
223 ~~medical services, calculated in accordance with Subsection (7)(a)(iv).]~~
224 [~~(c) For each report described in Subsection (7)(b), the commission may contract with~~
225 ~~a third-party expert to assist with the council's duties described in Subsections (7)(a) and (b).]~~

226 ~~[(8)]~~ (7) The commissioner or the commissioner's designee shall serve as the chair of
227 the council and call the necessary meetings.

228 ~~[(9)]~~ (8) The commission shall provide staff support to the council.

229 ~~[(10)]~~ (9) (a) Except as provided in Subsections ~~[(10)]~~ (9)(b) and ~~[(10)]~~(c), a member
230 may not receive compensation or benefits for the member's service.

231 (b) A member who is not a legislator may receive per diem and travel expenses in
232 accordance with:

233 (i) Section 63A-3-106;

234 (ii) Section 63A-3-107; and

235 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
236 63A-3-107.

237 (c) A member who is a legislator may receive compensation and travel expenses in
238 accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation
239 and Expenses.

240 Section 3. Section 34A-2-705 is amended to read:

241 **34A-2-705. Industrial Accident Restricted Account.**

242 (1) As used in this section:

243 (a) "Account" means the Industrial Accident Restricted Account created by this
244 section.

245 (b) "Advisory council" means the state workers' compensation advisory council created
246 under Section 34A-2-107.

247 (2) There is created in the General Fund a restricted account known as the "Industrial
248 Accident Restricted Account."

249 (3) (a) The account is funded from:

250 (i) .5% of the premium income remitted to the state treasurer and credited to the
251 account pursuant to Subsection 59-9-101(2)(c)(iv); and

252 (ii) amounts deposited under Section 34A-2-1003.

253 (b) If the balance in the account exceeds \$500,000 at the close of a fiscal year, the

254 excess shall be transferred to the Uninsured Employers' Fund created under Section 34A-2-704.

255 (4) (a) From money appropriated by the Legislature from the account to the
256 commission and subject to the requirements of this section, the commission may fund:

257 (i) the activities of the Division of Industrial Accidents described in Section
258 34A-1-202;

259 (ii) the activities of the Division of Adjudication described in Section 34A-1-202; and

260 (iii) the activities of the commission described in Section 34A-2-1005 [~~and~~].

261 [~~(iv) the activities of the commission described in Subsection 34A-2-107(7)(c), up to~~
262 ~~\$50,000 for each of the three reports described in Subsection 34A-2-107(7)(b).]~~

263 (b) The money deposited in the account may not be used for a purpose other than a
264 purpose described in this Subsection (4), including an administrative cost or another activity of
265 the commission unrelated to the account.

266 (5) (a) Each year before the public hearing required by Subsection 59-9-101(2)(d)(i),
267 the commission shall report to the advisory council regarding:

268 (i) the commission's budget request to the governor for the next fiscal year related to:

269 (A) the Division of Industrial Accidents; and

270 (B) the Division of Adjudication;

271 (ii) the expenditures of the commission for the fiscal year in which the commission is
272 reporting related to:

273 (A) the Division of Industrial Accidents; and

274 (B) the Division of Adjudication;

275 (iii) revenues generated from the premium assessment under Section 59-9-101 on an
276 admitted insurer writing workers' compensation insurance in this state and on a self-insured
277 employer under Section 34A-2-202; and

278 (iv) money deposited under Section 34A-2-1003.

279 (b) The commission shall annually report to the governor and the Legislature
280 regarding:

281 (i) the use of the money appropriated to the commission under this section;

282 (ii) revenues generated from the premium assessment under Section 59-9-101 on an
283 admitted insurer writing workers' compensation insurance in this state and on a self-insured
284 employer under Section 34A-2-202; and

285 (iii) money deposited under Section 34A-2-1003.

286 Section 4. Section 34A-5-104 is amended to read:

287 **34A-5-104. Powers.**

288 (1) (a) The commission has jurisdiction over the subject of employment practices and
289 discrimination made unlawful by this chapter.

290 (b) The commission may adopt, publish, amend, and rescind rules, consistent with, and
291 for the enforcement of this chapter.

292 (2) The division may:

293 (a) appoint and prescribe the duties of an investigator, other employee, or agent of the
294 commission that the commission considers necessary for the enforcement of this chapter;

295 (b) receive, reject, investigate, and pass upon complaints alleging:

296 (i) discrimination in:

297 (A) employment;

298 (B) an apprenticeship program;

299 (C) an on-the-job training program; or

300 (D) a vocational school; or

301 (ii) the existence of a discriminatory or prohibited employment practice by:

302 (A) a person;

303 (B) an employer;

304 (C) an employment agency;

305 (D) a labor organization;

306 (E) an employee or member of an employment agency or labor organization;

307 (F) a joint apprenticeship committee; and

308 (G) a vocational school;

309 (c) investigate and study the existence, character, causes, and extent of discrimination

310 in employment, apprenticeship programs, on-the-job training programs, and vocational schools
311 in this state by:

- 312 (i) employers;
- 313 (ii) employment agencies;
- 314 (iii) labor organizations;
- 315 (iv) joint apprenticeship committees; and
- 316 (v) vocational schools;
- 317 (d) formulate plans for the elimination of discrimination by educational or other
318 means;
- 319 (e) issue publications and reports of investigations and research that:
 - 320 (i) promote good will among the various racial, religious, and ethnic groups of the
321 state; and
 - 322 (ii) minimize or eliminate discrimination in employment because of race, color, sex,
323 religion, national origin, age, disability, sexual orientation, or gender identity;
- 324 (f) prepare and transmit to the governor, at least once each year, reports describing:
 - 325 (i) division proceedings and investigations;
 - 326 (ii) decisions the division renders; and
 - 327 (iii) other work performed by the division;
- 328 (g) recommend policies to the governor, and submit recommendation to employers,
329 employment agencies, and labor organizations to implement those policies;
- 330 (h) recommend legislation to the governor that the division considers necessary
331 concerning discrimination because of:
 - 332 (i) race;
 - 333 (ii) sex;
 - 334 (iii) color;
 - 335 (iv) national origin;
 - 336 (v) religion;
 - 337 (vi) age;

338 (vii) disability;
339 (viii) sexual orientation; or
340 (ix) gender identity; and
341 (i) within the limits of appropriations made for the division's operation, cooperate with
342 other agencies or organizations, both public and private, in the planning and conducting of
343 educational programs designed to eliminate discriminatory practices prohibited under this
344 chapter.

345 (3) In addition to processing complaints made in accordance with this chapter, the
346 division shall investigate an alleged discriminatory practice involving an officer or employee of
347 state government when requested by the Career Service Review Office.

348 (4) (a) In an investigation held under this chapter, the division may subpoena a person
349 to compel the person to:

350 (i) cooperate and participate in an interview; or
351 (ii) produce for examination a book, paper, or other information relating to the matters
352 raised by the complaint.

353 (b) If a person fails or refuses to obey a subpoena issued by the division, the division
354 may petition the district court to enforce the subpoena.

355 (c) If a person asserts a privilege against self-incrimination, testimony and evidence
356 from the witness may be compelled pursuant to Title 77, Chapter 22b, Grants of Immunity.

357 ~~[(5) In 2018, before November 1, the division shall submit, in accordance with Section~~
358 ~~68-3-14, a written report to the Business and Labor Interim Committee on the effectiveness of~~
359 ~~the commission and state law in addressing discrimination in matters of compensation.]~~

360 Section 5. Section **58-55-201** is amended to read:

361 **58-55-201. Boards created -- Duties.**

362 (1) There is created the Plumbers Licensing Board consisting of seven members as
363 follows:

364 (a) three members shall be licensed from among the license classifications of master or
365 journeyman plumber, of whom at least one shall represent a union organization and at least one

366 shall be selected having no union affiliation;

367 (b) three members shall be licensed plumbing contractors, of whom at least one shall
368 represent a union organization and at least one shall be selected having no union affiliation;
369 and

370 (c) one member shall be from the public at large with no history of involvement in the
371 construction trades.

372 (2) (a) There is created the Alarm System Security and Licensing Board consisting of
373 five members as follows:

- 374 (i) three individuals who are officers or owners of a licensed alarm business;
- 375 (ii) one individual from among nominees of the Utah Peace Officers Association; and
- 376 (iii) one individual representing the general public.

377 (b) The Alarm System Security and Licensing Board shall designate one of its
378 members on a permanent or rotating basis to:

- 379 (i) assist the division in reviewing complaints concerning the unlawful or
380 unprofessional conduct of a licensee; and
- 381 (ii) advise the division in its investigation of these complaints.

382 (c) A board member who has, under this Subsection (2)(c), reviewed a complaint or
383 advised in its investigation is disqualified from participating with the board when the board
384 serves as a presiding officer in an adjudicative proceeding concerning the complaint.

385 (3) There is created the Electricians Licensing Board consisting of seven members as
386 follows:

387 (a) three members shall be licensed from among the license classifications of master or
388 journeyman electrician, of whom at least one shall represent a union organization and at least
389 one shall be selected having no union affiliation;

390 (b) three members shall be licensed electrical contractors, of whom at least one shall
391 represent a union organization and at least one shall be selected having no union affiliation;
392 and

393 (c) one member shall be from the public at large with no history of involvement in the

394 construction trades or union affiliation.

395 (4) The duties, functions, and responsibilities of each board described in Subsections
396 (1) through (3) include the following:

397 (a) recommending to the commission appropriate rules;

398 (b) recommending to the commission policy and budgetary matters;

399 (c) approving and establishing a passing score for applicant examinations;

400 (d) overseeing the screening of applicants for licensing, renewal, reinstatement, and
401 relicensure;

402 (e) assisting the commission in establishing standards of supervision for students or
403 persons in training to become qualified to obtain a license in the occupation or profession the
404 board represents; and

405 (f) acting as presiding officer in conducting hearings associated with the adjudicative
406 proceedings and in issuing recommended orders when so authorized by the commission.

407 ~~[(5) The division, in collaboration with the Plumbers Licensing Board and the~~
408 ~~Electricians Licensing Board, shall provide a preliminary report on or before October 1, 2019,~~
409 ~~and a final written report on or before June 1, 2020, to the Business and Labor Interim~~
410 ~~Committee and the Occupational and Professional Licensure Review Committee that provides~~
411 ~~recommendations for consistent educational and training standards for plumber and electrician~~
412 ~~apprentice programs in the state, including recommendations for education and training~~
413 ~~provided by all providers, including institutions of higher education and technical colleges.]~~

414 **Section 6. Repealer.**

415 This bill repeals:

416 Section [31A-22-626.5](#), **Affordable insulin study.**