
Selected Utah Code Provisions Related to the Rocky Mountain Center for Occupational and Environmental Health

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, 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 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% 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 to the restricted account and funds described in Subsection 59-9-101(2)(c) in proportion to the rates 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 monies 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 monies are 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 Legislature through the Office of the Legislative Fiscal Analyst by no later than July 1 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.

Amended by Chapter 232, 2007 General Session

53B-17-801. Title -- Definitions.

- (1) This part is known as "Rocky Mountain Center for Occupational and Environmental Health."
- (2) As used in this part:
 - (a) "Affected populations" include:
 - (i) employees;
 - (ii) employers;
 - (iii) insurers;
 - (iv) professionals or professional organizations related to occupational and environmental health;
 - (v) government agencies; and
 - (vi) outside academic institutions.
 - (b) "Board" means the Rocky Mountain Center for Occupational and Environmental Health Advisory Board created in Section 53B-17-803.
 - (c) "Center" means the Rocky Mountain Center for Occupational and Environmental Health.
 - (d) "Director" means the director of the center.
 - (e) "University" means the University of Utah.

Enacted by Chapter 232, 2007 General Session

53B-17-802 Rocky Mountain Center for Occupational and Environmental Health at the university.

- (1) There is established at the University of Utah the Rocky Mountain Center for Occupational and Environmental Health, to be an occupational health and safety center for education and research.
- (2) The university shall operate the center in a manner so that the center is:
 - (a) 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) a resource for affected populations to:
 - (i) improve workplace health and safety; and
 - (ii) contribute to economic growth and development in Utah and the surrounding region.

Enacted by Chapter 232, 2007 General Session

53B-17-803 Advisory board created.

- (1) The university 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 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;
 - (c) advise the director on the expenditure by the center of public funds including:
 - (i) funds appropriated by the Legislature;
 - (ii) donations; and
 - (iii) federal or other grants; and
 - (d) develop recommendations for the long-term operation of the center consistent with Section 53B-17-802.
- (2) (a) The board shall consist of no fewer than 15 and no more than 18 persons who represent the affected populations.
- (b) The university 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) A board member may not receive compensation or per diem for the member's services, but may receive expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Section 63A-3-107.
- (b) A board member may decline to receive expenses for the member's service.

Enacted by Chapter 232, 2007 General Session

53B-17-804 Reporting.

- (1) The board, through the director and the board chair, shall provide by no later than July 1 of each year, a written report to:
- (a) the president of the university; and
 - (b) the Business and Labor Interim Committee.
- (2) The report required by this section shall:
- (a) summarize the center's activities and accomplishments in the immediate preceding calendar year; and
 - (b) provide information and the board's advice and recommendations on how the state, university, and the center can:
 - (i) improve workplace health and safety; and
 - (ii) contribute to economic growth and development in Utah and the surrounding region.

Enacted by Chapter 232, 2007 General Session

53B-17-805 Appointment and removal of director.

- (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 shall appoint and may 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;
 - (c) the dean of the college of engineering or the dean's designee; and
 - (d) the board through the board chair.

Enacted by Chapter 232, 2007 General Session

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, 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 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% 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 to the restricted account and funds described in Subsection 59-9-101(2)(c) in proportion to the rates 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 monies 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 monies are 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 Legislature through the Office of the Legislative Fiscal Analyst by no later than July 1 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.

Amended by Chapter 232, 2007 General Session

631-1-234. Repeal dates, Title 34A.

(1) Section 34A-2-202.5 is repealed December 31, 2010.

(2) Title 34A, Chapter 8, Utah Injured Worker Reemployment Act, is repealed July 1, 2009.

Renumbered and Amended by Chapter 382, 2008 General Session

631-1-259. Repeal dates, Title 59.

Section 59-9-102.5 is repealed December 31, 2010.

Renumbered and Amended by Chapter 382, 2008 General Session