1 # REPEAL OF REPORTING REQUIREMENTS
2 2013 GENERAL SESSION
3 STATE OF UTAH
4 ---
5 **LONG TITLE**
6 **General Description:**
7 This bill modifies provisions of the Utah Code related to reports made to interim
8 committees.
9 **Highlighted Provisions:**
10 This bill:
11 ▸ repeals outdated reports including:
12 • repealing a reporting requirement for a program related to prescription opiate
13 use;
14 • repealing reporting requirements by the Insurance Commissioner related to
15 coordination with other states;
16 • repealing reporting requirement related to a study of premium assessments; and
17 • repealing a report related to collecting information related to tracking effects of
18 abuse of alcoholic products;
19 ▸ repeals reporting requirement related to complaint information related to title
20 insurance;
21 ▸ repeals reporting requirement related to the Rocky Mountain Center for
22 Occupational and Environmental Health;
23 ▸ repeals reporting requirement related to the nationwide database and mortgage
24 related licensing
25 ▸ repeals reporting requirement related to the Department of Financial Institutions and
26 consumer credit education efforts; and
27 ▸ makes technical and conforming amendments.
28 **Money Appropriated in this Bill:**
29 None
30 **Other Special Clauses:**
31 None
32 **Utah Code Sections Affected:**

33 AMENDS:
34 **26-1-36**, as last amended by Laws of Utah 2010, Chapter 287
35 **31A-2-217**, as last amended by Laws of Utah 2008, Chapter 382
36 **31A-2-404**, as last amended by Laws of Utah 2012, Chapter 253
37 **34A-2-107**, as last amended by Laws of Utah 2011, Chapter 366
38 **53-1-119**, as enacted by Laws of Utah 2012, Chapter 357
39 **53B-17-804**, as last amended by Laws of Utah 2010, Chapter 323
40 **61-2c-103**, as last amended by Laws of Utah 2012, Chapter 166
41 **70C-8-102**, as last amended by Laws of Utah 2002, Chapter 65
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43 *Be it enacted by the Legislature of the state of Utah:*
44 Section 1. Section **26-1-36** is amended to read:
45 **26-1-36. Duty to establish program to reduce deaths and other harm from**
46 **prescription opiates used for chronic noncancer pain.**
47 (1) As used in this section, "opiate" means any drug or other substance having an
48 addiction-forming or addiction-sustaining liability similar to morphine or being capable of
49 conversion into a drug having addiction-forming or addiction-sustaining liability.
50 (2) In addition to the duties listed in Section 26-1-30, the department shall develop and
51 implement a two-year program in coordination with the Division of Professional Licensing, the
52 Utah Labor Commission, and the Utah attorney general, to:
53 (a) investigate the causes of and risk factors for death and nonfatal complications of
54 prescription opiate use and misuse in Utah for chronic pain by utilizing the Utah Controlled
55 Substance Database created in Section 58-37f-201;
56 (b) study the risks, warning signs, and solutions to the risks associated with
57 prescription opiate medications for chronic pain, including risks and prevention of misuse and
58 diversion of those medications;
59 (c) provide education to health care providers, patients, insurers, and the general public
60 on the appropriate management of chronic pain, including the effective use of medical
61 treatment and quality care guidelines that are scientifically based and peer reviewed; and
62 (d) educate the public regarding:
63 (i) the purpose of the Controlled Substance Database established in Section

64 58-37f-201; and
65 (ii) the requirement that a person's name and prescription information be recorded on
66 the database when the person fills a prescription for a schedule II, III, IV, or V controlled
67 substance.
68 [~~(3) The department shall report on the development and implementation of the~~
69 ~~program required in Subsection (2) to the legislative Health and Human Services Interim~~
70 ~~Committee and the legislative Business and Labor Interim Committee no later than the~~
71 ~~November interim meetings in 2008 and 2009. Each report shall include:~~]
72 [~~(a) recommendations on:~~]
73 [~~(i) use of the Utah Controlled Substance Database created in Section 58-37f-201 to~~
74 ~~identify and prevent:~~]
75 [~~(A) misuse of opiates;~~]
76 [~~(B) inappropriate prescribing; and~~]
77 [~~(C) adverse outcomes of prescription opiate medications;~~]
78 [~~(ii) interventions to prevent the diversion of prescription opiate medications; and~~]
79 [~~(iii) medical treatment and quality care guidelines that are:~~]
80 [~~(A) scientifically based; and~~]
81 [~~(B) peer reviewed; and~~]
82 [~~(b) (i) a measure of results against expectations under the program as of the date of the~~
83 ~~report; and~~]
84 [~~(ii) an analysis of the application of the program, use of the appropriated funds, and~~
85 ~~the impact and results of the use of the funds.~~]
86 [~~(4) The report provided under Subsection (3) for the 2008 interim shall also provide a~~
87 ~~final cumulative analysis of the measurable effectiveness of the program implemented under~~
88 ~~this section.~~]
89 Section 2. Section **31A-2-217** is amended to read:
90 **31A-2-217. Coordination with other states.**
91 (1) (a) Subject to Subsection (1)(b), the commissioner, by rule, may adopt one or more
92 agreements with another governmental regulatory agency, within and outside of this state, or
93 with the National Association of Insurance Commissioners to address:
94 (i) licensing of insurance companies;

95 (ii) licensing of agents;
96 (iii) regulation of premium rates and policy forms; and
97 (iv) regulation of insurer insolvency and insurance receiverships.
98 (b) An agreement described in Subsection (1)(a), may authorize the commissioner to
99 modify a requirement of this title if the commissioner determines that the requirements under
100 the agreement provide protections similar to or greater than the requirements under this title.
101 (2) (a) The commissioner may negotiate an interstate compact that addresses issuing
102 certificates of authority, if the commissioner determines that:
103 (i) each state participating in the compact has requirements for issuing certificates of
104 authority that provide protections similar to or greater than the requirements of this title; or
105 (ii) the interstate compact contains requirements for issuing certificates of authority
106 that provide protections similar to or greater than the requirements of this title.
107 (b) If an interstate compact described in Subsection (2)(a) is adopted by the
108 Legislature, the commissioner may issue certificates of authority to insurers in accordance with
109 the terms of the interstate compact.
110 (3) If any provision of this title conflicts with a provision of the annual statement
111 instructions or the National Association of Insurance Commissioners Accounting Practices and
112 Procedures Manual, the commissioner may, by rule, resolve the conflict in favor of the annual
113 statement instructions or the National Association of Insurance Commissioners Accounting
114 Practices and Procedures Manual.
115 (4) The commissioner may, by rule, accept the information prescribed by the National
116 Association of Insurance Commissioners instead of the documents required to be filed with an
117 application for a certificate of authority under:
118 (a) Section 31A-4-103, 31A-5-204, 31A-8-205, or 31A-14-201; or
119 (b) rules made by the commissioner.
120 [~~(5) Before November 30, 2001, the commissioner shall report to the Business and~~
121 ~~Labor Interim Committee regarding the status of:~~]
122 [~~(a) any agreements entered into under Subsection (1);~~]
123 [~~(b) any interstate compact entered into under Subsection (2); and~~]
124 [~~(c) any rule made under Subsections (3) and (4).~~]
125 [~~(6)~~] (5) This section shall be repealed in accordance with Section 63I-1-231.

126 Section 3. Section **31A-2-404** is amended to read:
127 **31A-2-404. Duties of the commissioner and Title and Escrow Commission.**
128 (1) Notwithstanding the other provisions of this chapter, to the extent provided in this
129 part, the commissioner shall administer and enforce the provisions in this title related to:
130 (a) title insurance; and
131 (b) escrow conducted by a title licensee or title insurer.
132 (2) The commission shall:
133 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
134 subject to Subsection (3), make rules for the administration of the provisions in this title related
135 to title insurance including rules related to:
136 (i) rating standards and rating methods for a title licensee, as provided in Section
137 31A-19a-209;
138 (ii) the licensing for a title licensee, including the licensing requirements of Section
139 31A-23a-204;
140 (iii) continuing education requirements of Section 31A-23a-202;
141 (iv) examination procedures, after consultation with the commissioner and the
142 commissioner's test administrator when required by Section 31A-23a-204; and
143 (v) standards of conduct for a title licensee;
144 (b) concur in the issuance and renewal of a license in accordance with Section
145 31A-23a-105 or 31A-26-203;
146 (c) in accordance with Section 31A-3-103, establish, with the concurrence of the
147 commissioner, the fees imposed by this title on a title licensee;
148 (d) in accordance with Section 31A-23a-415 determine, after consulting with the
149 commissioner, the assessment on a title insurer as defined in Section 31A-23a-415;
150 (e) conduct an administrative hearing not delegated by the commission to an
151 administrative law judge related to the:
152 (i) licensing of an applicant;
153 (ii) conduct of a title licensee; or
154 (iii) approval of a continuing education program required by Section 31A-23a-202;
155 (f) with the concurrence of the commissioner, approve a continuing education program
156 required by Section 31A-23a-202;

157 (g) with the concurrence of the commissioner, impose a penalty:
158 (i) under this title related to:
159 (A) title insurance; or
160 (B) escrow conducted by a title licensee;
161 (ii) after investigation by the commissioner in accordance with Part 3, Procedures and
162 Enforcement; and
163 (iii) that is enforced by the commissioner;
164 (h) advise the commissioner on the administration and enforcement of any matter
165 affecting the title insurance industry;
166 (i) advise the commissioner on matters affecting the commissioner's budget related to
167 title insurance; and
168 (j) perform other duties as provided in this title.
169 (3) The commission may make a rule under this title only if at the time the commission
170 files its proposed rule and rule analysis with the Division of Administrative Rules in
171 accordance with Section 63G-3-301, the commission provides the Real Estate Commission that
172 same information.
173 (4) (a) The commissioner shall annually report the information described in Subsection
174 (4)(b) in writing to[~~: (i)~~] the commission[~~; and~~].
175 [~~(ii) the Business and Labor Interim Committee.~~]
176 (b) The information required to be reported under this Subsection (4):
177 (i) may not identify a person; and
178 (ii) shall include:
179 (A) the number of complaints the commissioner receives with regard to transactions
180 involving title insurance or a title licensee during the calendar year immediately proceeding the
181 report;
182 (B) the type of complaints described in Subsection (4)(b)(ii)(A); and
183 (C) for each complaint described in Subsection (4)(b)(ii)(A):
184 (I) any action taken by the commissioner with regard to the complaint; and
185 (II) the time-period beginning the day on which a complaint is made and ending the
186 day on which the commissioner determines it will take no further action with regard to the
187 complaint.

188 Section 4. Section **34A-2-107** is amended to read:

189 **34A-2-107. Appointment of workers' compensation advisory council --**
190 **Composition -- Terms of members -- Duties -- Compensation.**

191 (1) The commissioner shall appoint a workers' compensation advisory council
192 composed of:

193 (a) the following voting members:

194 (i) five employer representatives; and

195 (ii) five employee representatives; and

196 (b) the following nonvoting members:

197 (i) a representative of the Workers' Compensation Fund;

198 (ii) a representative of a private insurance carrier;

199 (iii) a representative of health care providers;

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

201 (v) the commissioner or the commissioner's designee.

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

205 (3) (a) Except as required by Subsection (3)(b), as terms of current council members
206 expire, the commissioner shall appoint each new member or reappointed member to a two-year
207 term beginning July 1 and ending June 30.

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

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

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

216 (5) [~~(a)~~] The council shall confer at least quarterly for the purpose of advising the
217 commission, the division, and the Legislature on:

218 [~~(i)~~] (a) the Utah workers' compensation and occupational disease laws;

219 [~~(ii)~~] (b) the administration of the laws described in Subsection (5)(a)[~~(i)~~]; and
220 [~~(iii)~~] (c) rules related to the laws described in Subsection (5)(a)[~~(i); and~~].
221 [~~(iv) advising the Legislature in accordance with Subsection (5)(b).~~]
222 [~~(b) (i) The council and the commission shall jointly study during 2009 the premium~~
223 ~~assessment under Section 59-9-101 on an admitted insurer writing workers' compensation~~
224 ~~insurance in this state and on a self-insured employer under Section 34A-2-202 as to:~~]
225 [~~(A) whether or not the premium assessment should be changed; or~~]
226 [~~(B) whether or not changes should be made to how the premium assessment is used.~~]
227 [~~(ii) The council and commission shall jointly report the results of the study described~~
228 ~~in this Subsection (5)(b) to the Business and Labor Interim Committee by no later than the~~
229 ~~2009 November interim meeting.~~]
230 (6) Regarding workers' compensation, rehabilitation, and reemployment of employees
231 who acquire a disability because of an industrial injury or occupational disease the council
232 shall:
233 (a) offer advice on issues requested by:
234 (i) the commission;
235 (ii) the division; and
236 (iii) the Legislature; and
237 (b) make recommendations to:
238 (i) the commission; and
239 (ii) the division.
240 (7) The commissioner or the commissioner's designee shall serve as the chair of the
241 council and call the necessary meetings.
242 (8) The commission shall provide staff support to the council.
243 (9) A member may not receive compensation or benefits for the member's service, but
244 may receive per diem and travel expenses in accordance with:
245 (a) Section 63A-3-106;
246 (b) Section 63A-3-107; and
247 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
248 63A-3-107.
249 Section 5. Section **53-1-119** is amended to read:

250 **53-1-119. Tracking effects of abuse of alcoholic products.**
251 (1) There is created a committee within the department known as the "Alcohol Abuse
252 Tracking Committee" that consists of:
253 (a) the commissioner, or the commissioner's designee;
254 (b) the executive director of the Department of Health, or the executive director's
255 designee;
256 (c) the executive director of the Department of Human Services, or the executive
257 director's designee;
258 (d) the director of the Department of Alcoholic Beverage Control, or the director's
259 designee;
260 (e) the executive director of the Department of Workforce Services, or the executive
261 director's designee;
262 (f) the chair of the Utah Substance Abuse Advisory Council, or the chair's designee;
263 (g) the state court administrator or the state court administrator's designee; and
264 (h) the executive director of the Department of Technology Services, or the executive
265 director's designee.
266 (2) The commissioner, or the commissioner's designee, shall chair the committee.
267 (3) (a) Four members of the committee constitute a quorum.
268 (b) A vote of the majority of the committee members present when a quorum is present
269 is an action of the committee.
270 (4) The committee shall meet at the call of the chair, except that the chair shall call a
271 meeting at least quarterly.
272 (5) The committee may adopt additional procedures or requirements for:
273 (a) voting, when there is a tie of the committee members;
274 (b) how meetings are to be called; and
275 (c) the frequency of meetings.
276 (6) The committee shall establish a process to collect for each fiscal year the following
277 information:
278 (a) the number of individuals statewide who are convicted of, plead guilty to, plead no
279 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a
280 violation related to underage drinking of alcohol;

281 (b) the number of individuals statewide who are convicted of, plead guilty to, plead no
282 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a
283 violation related to driving under the influence of alcohol;
284 (c) the number of violations statewide of Title 32B, Alcoholic Beverage Control Act,
285 related to over-serving or over-consumption of an alcoholic product;
286 (d) the cost of social services provided by the state related to abuse of alcohol,
287 including services provided by the Division of Child and Family Services within the
288 Department of Human Services;
289 (e) where the alcoholic products are obtained that results in the violations or costs
290 described in Subsections (6)(a) through (d); and
291 (f) any information the committee determines can be collected and relates to the abuse
292 of alcoholic products.
293 (7) (a) The committee shall begin to collect the information described in Subsection (6)
294 by January 1, 2013. For fiscal year 2012-13, the committee is required only to report the
295 information collected between January 1, 2013 and June 30, 2013.
296 (b) Beginning December 31, 2013, the committee shall report the information collected
297 under Subsection (6) annually to the governor and Legislature by no later than the December
298 31 immediately following the fiscal year for which the information is collected.
299 [~~(8) Prior to the October 2012 Interim meeting of the Business and Labor Interim~~
300 ~~Committee, the committee shall report to the Business and Labor Interim Committee:~~]
301 [~~(a) a list of information to be collected;~~]
302 [~~(b) standards to be used in collecting the information;~~]
303 [~~(c) criteria to be used in determining the level and extent that alcohol is related or~~
304 ~~contributed to the activities for which data is to be collected; and~~]
305 [~~(d) how the collection of data will verify the presence of alcohol, blood alcohol levels,~~
306 ~~and differentiate between persons using other substances of impairment and persons consuming~~
307 ~~alcoholic beverages.~~]
308 Section 6. Section **53B-17-804** is amended to read:
309 **53B-17-804. Reporting.**
310 (1) (a) The board, through the director and the board chair, shall provide by no later
311 than July 1 of each year, a written report to[~~: (i)~~] the president of the university[~~; and~~].

312 [~~(ii) the Business and Labor Interim Committee.~~]
313 (b) The report required by this Subsection (1) shall:
314 (i) summarize the center's activities and accomplishments in the immediate proceeding
315 calendar year; and
316 (ii) provide information and the board's advice and recommendations on how the state,
317 university, and the center can:
318 (A) improve workplace health and safety; and
319 (B) contribute to economic growth and development in Utah and the surrounding
320 region.
321 (2) (a) If the center receives in a fiscal year money from the Eddie P. Mayne
322 Workplace Safety and Occupational Health Funding Program provided for in Section
323 34A-2-701, the center shall provide a written report:
324 (i) by no later than the August 15 following the fiscal year;
325 (ii) to the Office of the Legislative Fiscal Analyst;
326 (iii) for review by the Higher Education Appropriations Subcommittee;
327 (iv) that accounts for the expenditure of money received in the fiscal year by the center
328 from the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program
329 including impact on workplace safety in Utah; and
330 (v) that includes a preliminary statement as to money the center will request from the
331 Eddie P. Mayne Workplace Safety and Occupational Health Funding Program for the fiscal
332 year following the day on which the report is provided.
333 (b) A report provided under this Subsection (2) meets the reporting requirements under
334 Subsection 34A-2-701(5)(b)(i)(B).
335 Section 7. Section **61-2c-103** is amended to read:
336 **61-2c-103. Powers and duties of the division.**
337 (1) The division shall administer this chapter.
338 (2) In addition to a power or duty expressly provided in this chapter, the division may:
339 (a) receive and act on a complaint including:
340 (i) taking action designed to obtain voluntary compliance with this chapter; or
341 (ii) commencing an administrative or judicial proceeding on the division's own
342 initiative;

343 (b) establish one or more programs for the education of consumers with respect to
344 residential mortgage loans;
345 (c) (i) make one or more studies appropriate to effectuate the purposes and policies of
346 this chapter; and
347 (ii) make the results of the studies described in Subsection (2)(c)(i) available to the
348 public;
349 (d) visit and investigate a person licensed under this chapter, regardless of whether the
350 person is located in Utah;
351 (e) employ one or more necessary hearing examiners, investigators, clerks, and other
352 employees and agents; and
353 (f) establish fees under Section 63J-1-504 for:
354 (i) processing an application for licensing or certification; and
355 (ii) any other function required or permitted by this chapter.
356 (3) The division shall make rules for the administration of this chapter in accordance
357 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including:
358 (a) licensure procedures for:
359 (i) a person required by this chapter to obtain a license with the division; and
360 (ii) the establishment of a branch office by an entity;
361 (b) proper handling of money received by a licensee;
362 (c) record-keeping requirements by a licensee, including proper disposal of a record;
363 (d) certification procedures for certifying an education provider; and
364 (e) standards of conduct for a licensee or certified education provider.
365 (4) The division may by rule made in accordance with Title 63G, Chapter 3, Utah
366 Administrative Rulemaking Act, require as a condition of maintaining a license or certification
367 under this chapter that a person comply with a requirement of the nationwide database if:
368 (a) required for uniformity amongst states; and
369 (b) not inconsistent with this chapter.
370 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah
371 Administrative Rulemaking Act, provide a process under which an individual may challenge
372 information contained in the nationwide database.
373 [~~(6) The division shall annually:~~]

374 [~~(a) review the requirements related to the nationwide database imposed by federal~~
375 ~~licensing requirements or the nationwide database on:~~]
376 [~~(i) the division;~~]
377 [~~(ii) a licensee under this chapter;~~]
378 [~~(iii) a certified education provider; or~~]
379 [~~(iv) an approved examination provider; and~~]
380 [~~(b) after the review required by Subsection (6)(a):~~]
381 [~~(i) report to the Business and Labor Interim Committee the impact of the requirements~~
382 ~~on the implementation by the division of this chapter; and~~]
383 [~~(ii) recommend legislation, if any, to the Business and Labor Interim Committee~~
384 ~~related to how the division should coordinate with the nationwide database.~~]
385 [~~(7)~~] (6) The division may enter into a relationship or contract with the nationwide
386 database or another entity designated by the nationwide database to do the following related to
387 a licensee or other person subject to this chapter:
388 (a) collect or maintain a record; and
389 (b) process a transaction fee or other fee.
390 [~~(8)~~] (7) The division shall regularly report the following to the nationwide database:
391 (a) a violation of this chapter;
392 (b) licensing or disciplinary action under this chapter; and
393 (c) other information relevant to this chapter.
394 [~~(9)~~] (8) If a person pays a fee or costs to the division with a negotiable instrument or
395 any other method that is not honored for payment:
396 (a) the transaction for which the payment is submitted is voidable by the division;
397 (b) the division may reverse the transaction if payment of the applicable fee or costs is
398 not received in full; and
399 (c) the person's license, certification, or registration is automatically suspended:
400 (i) beginning the day on which the payment is due; and
401 (ii) ending the day on which payment is made in full.
402 Section 8. Section **70C-8-102** is amended to read:
403 **70C-8-102. Powers of department -- Conformity with federal law -- Reliance on**
404 **rules -- Consumer education.**

405 (1) In addition to other powers granted by this title, the department, within the
406 limitations provided by law, may:
407 (a) receive and act on complaints, take action designed to obtain voluntary compliance
408 with this title, or commence administrative or judicial proceedings on its own initiative;
409 (b) counsel persons and groups on their rights and duties under this title;
410 (c) establish programs for the education of consumers with respect to credit practices
411 and problems;
412 (d) make studies appropriate to effectuate the purposes and policies of this title and
413 make the results available to the public;
414 (e) adopt, amend, and repeal rules to supplement, interpret, or carry out the provisions
415 of this title;
416 (f) maintain offices within this state; and
417 (g) employ any necessary hearing examiners, clerks, and other employees and agents.
418 (2) The department may adopt rules that supersede any provisions of this title that are
419 or come into conflict with the Federal Consumer Credit Protection Act or its implementing
420 Regulation Z if the department:
421 (a) finds such a conflict to exist; and
422 (b) declares that the purpose of superseding this title is to resolve that conflict.
423 (3) Except for refund of an excess charge, no liability is imposed under this title for an
424 act done or omitted in conformity with the rule of the department, notwithstanding that after
425 the act or omission the rule may be amended or repealed or be determined by judicial or other
426 competent authority to be invalid for any reason.
427 (4) A rule or any part of a rule adopted by the department under this title may not be
428 determined by any judicial or other authority to be invalid in whole or in part unless such
429 judicial or other authority expressly finds that the rule or part of the rule is arbitrary, capricious,
430 and constitutes an abuse of discretion, or exceeds the authority granted to the department by
431 this title, or is otherwise unlawful.
432 (5) The department shall coordinate with representatives of education, government, and
433 the financial services industry and assist in the preparation of an initiative to develop,
434 implement, and monitor a financial services education curriculum that is:
435 (a) to be made available to the public; and

436 (b) appropriate for use in the public schools.

437 [~~(6) Beginning in 1999, the department shall report biennially by no later than~~

438 ~~November 30 to the Business and Labor Interim Committee regarding:~~]

439 [~~(a) the need for consumer education programs administered by the department to~~

440 ~~promote prudent and beneficial use of credit by consumers; and~~]

441 [~~(b) department efforts to promote the education of consumers with respect to credit~~

442 ~~practices and problems, including:~~]

443 [~~(i) its efforts to coordinate, encourage, and assist public and private persons in~~

444 ~~developing and operating voluntary educational and debt counseling programs; and~~]

445 [~~(ii) its activities under Subsection (5).~~]