

LEGISLATIVE COMMITTEE NAMES

REVISIONS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Peter C. Knudson

This act changes references to interim committees to reflect the current committee structure.

This act also modifies the Utah Code to make technical corrections to interim committee names.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

9-2-1603, as last amended by Chapter 13, Laws of Utah 1998

9-4-708, as last amended by Chapter 181, Laws of Utah 2001

9-4-1204, as last amended by Chapter 117, Laws of Utah 1998

9-7-217, as enacted by Chapter 172, Laws of Utah 2001

31A-2-217, as enacted by Chapter 116, Laws of Utah 2001

36-12-5, as last amended by Chapters 104 and 225, Laws of Utah 2000

70C-8-102, as last amended by Chapter 208, Laws of Utah 1999

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

Section 1. Section **9-2-1603** is amended to read:

9-2-1603. Powers of the department.

The department shall:

(1) facilitate recycling development zones through state support of county incentives which encourage development of manufacturing enterprises that use recycling materials currently collected;

(2) evaluate an application from a county or municipality executive authority to be designated as a recycling market development zone and determine if the county or municipality qualifies for that designation;

(3) provide technical assistance to municipalities and counties in developing applications for designation as a recycling market development zone;

(4) assist counties and municipalities designated as recycling market development zones in obtaining assistance from the federal government and agencies of the state;

(5) assist any qualified business in obtaining the benefits of any incentive or inducement program authorized by this part;

(6) monitor the implementation and operation of this part and conduct a continuing evaluation of the progress made in the recycling market development zone; and

(7) submit an annual written report evaluating the effectiveness of the program and providing

recommendations for legislation to the [~~Business, Labor,~~] Workforce Services and Economic Development Interim Committee and Natural Resources, Agriculture, and Environment Interim Committee not later than November 1 of each year.

Section 2. Section **9-4-708** is amended to read:

9-4-708. Annual accounting.

(1) The executive director shall monitor the activities of recipients of grants and loans issued under this part on a yearly basis to ensure compliance with the terms and conditions imposed on the recipient by the director with the approval of the board or by this part.

(2) The entities receiving grants or loans shall provide the executive director with an annual accounting of how the moneys they received from the fund have been spent.

(3) The executive director shall make an annual report to the board accounting for the expenditures authorized by the board.

(4) The board shall submit an annual written report accounting for expenditures authorized by the board and evaluating the effectiveness of the program to the [~~Business, Labor,~~] Workforce Services and Economic Development Interim Committee before December 1 of each year.

Section 3. Section **9-4-1204** is amended to read:

9-4-1204. Technical assistance to political subdivisions for housing plan.

(1) Within appropriations from the Legislature, the division shall establish a program to assist municipalities to meet the requirements of Section 10-9-307 and counties to meet the requirements of Section 17-27-307. Assistance under this section may include:

(a) financial assistance for the cost of developing a plan for low and moderate income

housing;

(b) information on how to meet present and prospective needs for low and moderate income housing; and

(c) technical advice and consultation on how to facilitate the creation of low and moderate income housing.

(2) The division shall annually report to the [~~Legislature's Business, Labor,~~] Workforce Services and Community and Economic Development Interim Committee, and to the Health and Human Services Interim [~~Committees~~] Committee regarding the scope, amount, and type of assistance provided to municipalities and counties under this section, including the number of low and moderate income housing units constructed or rehabilitated within the state.

Section 4. Section **9-7-217** is amended to read:

9-7-217. Reporting.

The division shall make a report to the [~~Business, Labor,~~] Workforce Services and Community and Economic Development Interim Committee [~~of the Legislature~~] at least once every three years regarding the compliance of library boards with Section 9-7-215.

Section 5. Section **31A-2-217** is amended to read:

31A-2-217. Coordination with other states.

(1) (a) Subject to Subsection (1)(b), the commissioner, by rule, may adopt one or more agreements with another governmental regulatory agency, within and outside of this state, or with the National Association of Insurance Commissioners to address:

- (i) licensing of insurance companies;
- (ii) licensing of agents;
- (iii) regulation of premium rates and policy forms; and
- (iv) regulation of insurer insolvency and insurance receiverships.

(b) An agreement described in Subsection (1)(a), may authorize the commissioner to modify a requirement of this title if the commissioner determines that the requirements under the agreement provide protections similar to or greater than the requirements under this title.

(2) (a) The commissioner may negotiate an interstate compact that addresses issuing

certificates of authority, if the commissioner determines that:

(i) each state participating in the compact has requirements for issuing certificates of authority that provide protections similar to or greater than the requirements of this title; or

(ii) the interstate compact contains requirements for issuing certificates of authority that provide protections similar to or greater than the requirements of this title.

(b) If an interstate compact described in Subsection (2)(a) is adopted by the Legislature, the commissioner may issue certificates of authority to insurers in accordance with the terms of the interstate compact.

(3) If any provision of this title conflicts with a provision of the annual statement instructions or the National Association of Insurance Commissioners Accounting Practices and Procedures Manual, the commissioner may, by rule, resolve the conflict in favor of the annual statement instructions or the National Association of Insurance Commissioners Accounting Practices and Procedures Manual.

(4) The commissioner may, by rule, accept the information prescribed by the National Association of Insurance Commissioners instead of the documents required to be filed with an application for a certificate of authority under:

(a) Section 31A-4-103, 31A-5-204, 31A-8-205, or 31A-14-201; or

(b) rules made by the commissioner.

(5) Before November 30, 2001, the commissioner shall report to the Business[;] and Labor[;] ~~and Economic Development~~] Interim Committee regarding the status of:

(a) any agreements entered into under Subsection (1);

(b) any interstate compact entered into under Subsection (2); and

(c) any rule made under Subsections (3) and (4).

(6) This section shall be repealed in accordance with Section 63-55-231.

Section 6. Section **36-12-5** is amended to read:

36-12-5. Duties of interim committees.

(1) Except as otherwise provided by law, each interim committee shall:

(a) receive study assignments by resolution from the Legislature;

(b) receive study assignments from the Legislative Management Committee, created under Section 36-12-6;

(c) place matters on its study agenda after requesting approval of the study from the Legislative Management Committee, which request, if not disapproved by the Legislative Management Committee within 30 days of receipt of the request, the interim committee shall consider it approved and may proceed with the requested study;

(d) request research reports from the professional legislative staff pertaining to the committee's agenda of study;

(e) investigate and study possibilities for improvement in government services within its subject area;

(f) accept reports from the professional legislative staff and make recommendations for legislative action with respect to such reports; and

(g) prepare and recommend to the Legislature a legislative program in response to the committee's study agenda.

(2) (a) In addition to the duties established pursuant to Subsection (1), the Business[;] and Labor[; and Economic Development] Interim Committee and the Health and Human Services Interim Committee shall:

(i) identify provisions in Title 31A, Insurance Code, that impose a mandatory obligation on health insurers with respect to coverage, benefits, or providers that have been in effect for five or more years and have not been reviewed during the previous ten years; and

(ii) subject to the direction of the Legislative Management Committee which may divide the provisions between the committees, review the provisions to determine whether the provisions should be continued, modified, or repealed, provided that:

(A) any provision in effect for five or more years as of July 1, 2000, shall be reviewed before November 30, 2005; and

(B) any provision enacted after July 1, 2000, shall be reviewed on the fifth year after enactment.

(b) The review shall include:

- (i) the estimated fiscal impact of the provision on state and private health insurance; and
- (ii) the purpose and effectiveness of the provision.

(c) The committee may request through, and with the approval of, the audit subcommittee that the legislative auditor general perform, or otherwise assist in the performance of, the review described in Subsection (2)(b).

(3) Except as otherwise provided by law, reports and recommendations of the interim committees shall be completed and made public prior to any legislative session at which the reports and recommendations are submitted. A copy of the reports and recommendations shall be mailed to each member or member-elect of the Legislature, to each elective state officer, and to the state library.

Section 7. Section **70C-8-102** is amended to read:

70C-8-102. Powers of department -- Conformity with federal law -- Reliance on rules -- Consumer education.

(1) In addition to other powers granted by this title, the department, within the limitations provided by law, may:

(a) receive and act on complaints, take action designed to obtain voluntary compliance with this title, or commence administrative or judicial proceedings on its own initiative;

(b) counsel persons and groups on their rights and duties under this title;

(c) establish programs for the education of consumers with respect to credit practices and problems;

(d) make studies appropriate to effectuate the purposes and policies of this title and make the results available to the public;

(e) adopt, amend, and repeal rules to supplement, interpret, or carry out the provisions of this title;

(f) maintain offices within this state; and

(g) employ any necessary hearing examiners, clerks, and other employees and agents.

(2) The department may adopt rules that supersede any provisions of this title that are or come into conflict with the Federal Credit Protection Act or its implementing Regulation Z if the

department:

(a) finds such a conflict to exist; and

(b) declares that the purpose of superseding this title is to resolve that conflict.

(3) Except for refund of an excess charge, no liability is imposed under this title for an act done or omitted in conformity with the rule of the department, notwithstanding that after the act or omission the rule may be amended or repealed or be determined by judicial or other competent authority to be invalid for any reason.

(4) A rule or any part of a rule adopted by the department under this title may not be determined by any judicial or other authority to be invalid in whole or in part unless such judicial or other authority expressly finds that the rule or part of the rule is arbitrary, capricious, and constitutes an abuse of discretion, or exceeds the authority granted to the department by this title, or is otherwise unlawful.

(5) The department shall coordinate with representatives of education, government, and the financial services industry and assist in the preparation of an initiative to develop, implement, and monitor a financial services education curriculum that is:

(a) to be made available to the public; and

(b) appropriate for use in the public schools.

(6) Beginning in 1999, the department shall report biennially by no later than November 30 to the Business[;] and Labor[~~,-and Economic Development~~] Interim Committee regarding:

(a) the need for consumer education programs administered by the department to promote prudent and beneficial use of credit by consumers; and

(b) department efforts to promote the education of consumers with respect to credit practices and problems, including:

(i) its efforts to coordinate, encourage, and assist public and private persons in developing and operating voluntary educational and debt counseling programs; and

(ii) its activities under Subsection (5).