

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

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

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

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

36 (7) submit an annual written report evaluating the effectiveness of the program and
37 providing recommendations for legislation to the [~~Business, Labor,~~] Workforce Services and
38 Economic Development Interim Committee and Natural Resources, Agriculture, and Environment
39 Interim Committee not later than November 1 of each year.

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

41 **9-4-708. Annual accounting.**

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

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

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

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

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

53 **9-4-1204. Technical assistance to political subdivisions for housing plan.**

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

57 (a) financial assistance for the cost of developing a plan for low and moderate income
58 housing;

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

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

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

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

69 **9-7-217. Reporting.**

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

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

74 **31A-2-217. Coordination with other states.**

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

78 (i) licensing of insurance companies;

79 (ii) licensing of agents;

80 (iii) regulation of premium rates and policy forms; and

81 (iv) regulation of insurer insolvency and insurance receiverships.

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

85 (2) (a) The commissioner may negotiate an interstate compact that addresses issuing
86 certificates of authority, if the commissioner determines that:

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

89 (ii) the interstate compact contains requirements for issuing certificates of authority that

90 provide protections similar to or greater than the requirements of this title.

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

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

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

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

103 (b) rules made by the commissioner.

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

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

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

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

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

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

111 **36-12-5. Duties of interim committees.**

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

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

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

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

120 (d) request research reports from the professional legislative staff pertaining to the

121 committee's agenda of study;

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

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

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

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

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

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

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

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

141 (b) The review shall include:

142 (i) the estimated fiscal impact of the provision on state and private health insurance; and

143 (ii) the purpose and effectiveness of the provision.

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

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

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

153 **70C-8-102. Powers of department -- Conformity with federal law -- Reliance on rules**
154 **-- Consumer education.**

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

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

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

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

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

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

166 (f) maintain offices within this state; and

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

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

171 (a) finds such a conflict to exist; and

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

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

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

182 (5) The department shall coordinate with representatives of education, government, and

183 the financial services industry and assist in the preparation of an initiative to develop, implement,
184 and monitor a financial services education curriculum that is:

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

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

187 (6) Beginning in 1999, the department shall report biennially by no later than November
188 30 to the Business[;] and Labor[; ~~and Economic Development~~] Interim Committee regarding:

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

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

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

195 (ii) its activities under Subsection (5).

Legislative Review Note
as of 11-14-01 8:34 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel