

**REPEAL OF REPORTING REQUIREMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: James A. Dunnigan**

Senate Sponsor: John L. Valentine

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**LONG TITLE**

**Committee Note:**

The Business and Labor Interim Committee recommended this bill.

**General Description:**

This bill modifies provisions of the Utah Code related to reports made to interim committees.

**Highlighted Provisions:**

This bill:

▶ repeals outdated reports including:

- a reporting requirement for a program related to prescription opiate use;
- reporting requirements by the Insurance Commissioner related to coordination with other states;
- a reporting requirement related to a study of premium assessments; and
- a report related to collecting information related to tracking effects of abuse of alcoholic products;

▶ repeals reporting requirement related to complaint information related to title insurance;

▶ repeals reporting requirement related to the Rocky Mountain Center for Occupational and Environmental Health;

▶ repeals reporting requirement related to the nationwide database and mortgage related licensing;



- 28           ▶ repeals reporting requirement related to the Department of Financial Institutions and
- 29 consumer credit education efforts; and
- 30           ▶ makes technical and conforming amendments.

31 **Money Appropriated in this Bill:**

32           None

33 **Other Special Clauses:**

34           None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37           **26-1-36**, as last amended by Laws of Utah 2010, Chapter 287
- 38           **31A-2-217**, as last amended by Laws of Utah 2008, Chapter 382
- 39           **31A-2-404**, as last amended by Laws of Utah 2012, Chapter 253
- 40           **34A-2-107**, as last amended by Laws of Utah 2011, Chapter 366
- 41           **53-1-119**, as enacted by Laws of Utah 2012, Chapter 357
- 42           **53B-17-804**, as last amended by Laws of Utah 2010, Chapter 323
- 43           **61-2c-103**, as last amended by Laws of Utah 2012, Chapter 166
- 44           **70C-8-102**, as last amended by Laws of Utah 2002, Chapter 65



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

47           Section 1. Section **26-1-36** is amended to read:

48           **26-1-36. Duty to establish program to reduce deaths and other harm from**  
49 **prescription opiates used for chronic noncancer pain.**

50           (1) As used in this section, "opiate" means any drug or other substance having an  
51 addiction-forming or addiction-sustaining liability similar to morphine or being capable of  
52 conversion into a drug having addiction-forming or addiction-sustaining liability.

53           (2) In addition to the duties listed in Section 26-1-30, the department shall develop and  
54 implement a two-year program in coordination with the Division of Professional Licensing, the  
55 Utah Labor Commission, and the Utah attorney general, to:

56           (a) investigate the causes of and risk factors for death and nonfatal complications of  
57 prescription opiate use and misuse in Utah for chronic pain by utilizing the Utah Controlled  
58 Substance Database created in Section 58-37f-201;

59 (b) study the risks, warning signs, and solutions to the risks associated with  
60 prescription opiate medications for chronic pain, including risks and prevention of misuse and  
61 diversion of those medications;

62 (c) provide education to health care providers, patients, insurers, and the general public  
63 on the appropriate management of chronic pain, including the effective use of medical  
64 treatment and quality care guidelines that are scientifically based and peer reviewed; and

65 (d) educate the public regarding:

66 (i) the purpose of the Controlled Substance Database established in Section  
67 58-37f-201; and

68 (ii) the requirement that a person's name and prescription information be recorded on  
69 the database when the person fills a prescription for a schedule II, III, IV, or V controlled  
70 substance.

71 ~~[(3) The department shall report on the development and implementation of the~~  
72 ~~program required in Subsection (2) to the legislative Health and Human Services Interim~~  
73 ~~Committee and the legislative Business and Labor Interim Committee no later than the~~  
74 ~~November interim meetings in 2008 and 2009. Each report shall include:]~~

75 ~~[(a) recommendations on:]~~

76 ~~[(i) use of the Utah Controlled Substance Database created in Section 58-37f-201 to~~  
77 ~~identify and prevent:]~~

78 ~~[(A) misuse of opiates;]~~

79 ~~[(B) inappropriate prescribing; and]~~

80 ~~[(C) adverse outcomes of prescription opiate medications;]~~

81 ~~[(ii) interventions to prevent the diversion of prescription opiate medications; and]~~

82 ~~[(iii) medical treatment and quality care guidelines that are:]~~

83 ~~[(A) scientifically based; and]~~

84 ~~[(B) peer reviewed; and]~~

85 ~~[(b) (i) a measure of results against expectations under the program as of the date of the~~  
86 ~~report; and]~~

87 ~~[(ii) an analysis of the application of the program, use of the appropriated funds, and~~  
88 ~~the impact and results of the use of the funds.]~~

89 ~~[(4) The report provided under Subsection (3) for the 2008 interim shall also provide a~~

90 ~~final cumulative analysis of the measurable effectiveness of the program implemented under~~  
91 ~~this section.]~~

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

93 **31A-2-217. Coordination with other states.**

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

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

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

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

- 106 (i) each state participating in the compact has requirements for issuing certificates of  
107 authority that provide protections similar to or greater than the requirements of this title; or
- 108 (ii) the interstate compact contains requirements for issuing certificates of authority  
109 that provide protections similar to or greater than the requirements of this title.

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

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

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

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

122 (b) rules made by the commissioner.

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

125 [~~(a) any agreements entered into under Subsection (1);]~~

126 [~~(b) any interstate compact entered into under Subsection (2); and]~~

127 [~~(c) any rule made under Subsections (3) and (4).]~~

128 [~~(6)~~ (5) This section shall be repealed in accordance with Section 63I-1-231.

129 Section 3. Section **31A-2-404** is amended to read:

130 **31A-2-404. Duties of the commissioner and Title and Escrow Commission.**

131 (1) Notwithstanding the other provisions of this chapter, to the extent provided in this  
132 part, the commissioner shall administer and enforce the provisions in this title related to:

133 (a) title insurance; and

134 (b) escrow conducted by a title licensee or title insurer.

135 (2) The commission shall:

136 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
137 subject to Subsection (3), make rules for the administration of the provisions in this title related  
138 to title insurance including rules related to:

139 (i) rating standards and rating methods for a title licensee, as provided in Section  
140 31A-19a-209;

141 (ii) the licensing for a title licensee, including the licensing requirements of Section  
142 31A-23a-204;

143 (iii) continuing education requirements of Section 31A-23a-202;

144 (iv) examination procedures, after consultation with the commissioner and the  
145 commissioner's test administrator when required by Section 31A-23a-204; and

146 (v) standards of conduct for a title licensee;

147 (b) concur in the issuance and renewal of a license in accordance with Section  
148 31A-23a-105 or 31A-26-203;

149 (c) in accordance with Section 31A-3-103, establish, with the concurrence of the  
150 commissioner, the fees imposed by this title on a title licensee;

151 (d) in accordance with Section 31A-23a-415 determine, after consulting with the

152 commissioner, the assessment on a title insurer as defined in Section 31A-23a-415;

153 (e) conduct an administrative hearing not delegated by the commission to an

154 administrative law judge related to the:

155 (i) licensing of an applicant;

156 (ii) conduct of a title licensee; or

157 (iii) approval of a continuing education program required by Section 31A-23a-202;

158 (f) with the concurrence of the commissioner, approve a continuing education program

159 required by Section 31A-23a-202;

160 (g) with the concurrence of the commissioner, impose a penalty:

161 (i) under this title related to:

162 (A) title insurance; or

163 (B) escrow conducted by a title licensee;

164 (ii) after investigation by the commissioner in accordance with Part 3, Procedures and

165 Enforcement; and

166 (iii) that is enforced by the commissioner;

167 (h) advise the commissioner on the administration and enforcement of any matter

168 affecting the title insurance industry;

169 (i) advise the commissioner on matters affecting the commissioner's budget related to

170 title insurance; and

171 (j) perform other duties as provided in this title.

172 (3) The commission may make a rule under this title only if at the time the commission

173 files its proposed rule and rule analysis with the Division of Administrative Rules in

174 accordance with Section 63G-3-301, the commission provides the Real Estate Commission that

175 same information.

176 (4) (a) The commissioner shall annually report the information described in Subsection

177 (4)(b) in writing to~~[-(i)]~~ the commission~~[-and]~~.

178 ~~[(ii) the Business and Labor Interim Committee.]~~

179 (b) The information required to be reported under this Subsection (4):

180 (i) may not identify a person; and

181 (ii) shall include:

182 (A) the number of complaints the commissioner receives with regard to transactions

183 involving title insurance or a title licensee during the calendar year immediately proceeding the  
184 report;

185 (B) the type of complaints described in Subsection (4)(b)(ii)(A); and

186 (C) for each complaint described in Subsection (4)(b)(ii)(A):

187 (I) any action taken by the commissioner with regard to the complaint; and

188 (II) the time-period beginning the day on which a complaint is made and ending the  
189 day on which the commissioner determines it will take no further action with regard to the  
190 complaint.

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

192 **34A-2-107. Appointment of workers' compensation advisory council --**

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

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

196 (a) the following voting members:

197 (i) five employer representatives; and

198 (ii) five employee representatives; and

199 (b) the following nonvoting members:

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

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

202 (iii) a representative of health care providers;

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

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

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

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

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

214 years.

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

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

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

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

222 ~~[(ii)]~~ (b) the administration of the laws described in Subsection (5)(a)~~[(i)]~~; and

223 ~~[(iii)]~~ (c) rules related to the laws described in Subsection (5)(a)~~[(i); and]~~.

224 ~~[(iv)]~~ ~~advising the Legislature in accordance with Subsection (5)(b):]~~

225 ~~[(b) (i)]~~ ~~The council and the commission shall jointly study during 2009 the premium~~  
226 ~~assessment under Section 59-9-101 on an admitted insurer writing workers' compensation~~  
227 ~~insurance in this state and on a self-insured employer under Section 34A-2-202 as to:]~~

228 ~~[(A)]~~ ~~whether or not the premium assessment should be changed; or]~~

229 ~~[(B)]~~ ~~whether or not changes should be made to how the premium assessment is used:]~~

230 ~~[(ii)]~~ ~~The council and commission shall jointly report the results of the study described~~  
231 ~~in this Subsection (5)(b) to the Business and Labor Interim Committee by no later than the~~  
232 ~~2009 November interim meeting:]~~

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

236 (a) offer advice on issues requested by:

237 (i) the commission;

238 (ii) the division; and

239 (iii) the Legislature; and

240 (b) make recommendations to:

241 (i) the commission; and

242 (ii) the division.

243 (7) The commissioner or the commissioner's designee shall serve as the chair of the  
244 council and call the necessary meetings.



245 (8) The commission shall provide staff support to the council.

246 (9) A member may not receive compensation or benefits for the member's service, but  
247 may receive per diem and travel expenses in accordance with:

248 (a) Section 63A-3-106;

249 (b) Section 63A-3-107; and

250 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
251 63A-3-107.

252 Section 5. Section **53-1-119** is amended to read:

253 **53-1-119. Tracking effects of abuse of alcoholic products.**

254 (1) There is created a committee within the department known as the "Alcohol Abuse  
255 Tracking Committee" that consists of:

256 (a) the commissioner, or the commissioner's designee;

257 (b) the executive director of the Department of Health, or the executive director's  
258 designee;

259 (c) the executive director of the Department of Human Services, or the executive  
260 director's designee;

261 (d) the director of the Department of Alcoholic Beverage Control, or the director's  
262 designee;

263 (e) the executive director of the Department of Workforce Services, or the executive  
264 director's designee;

265 (f) the chair of the Utah Substance Abuse Advisory Council, or the chair's designee;

266 (g) the state court administrator or the state court administrator's designee; and

267 (h) the executive director of the Department of Technology Services, or the executive  
268 director's designee.

269 (2) The commissioner, or the commissioner's designee, shall chair the committee.

270 (3) (a) Four members of the committee constitute a quorum.

271 (b) A vote of the majority of the committee members present when a quorum is present  
272 is an action of the committee.

273 (4) The committee shall meet at the call of the chair, except that the chair shall call a  
274 meeting at least quarterly.

275 (5) The committee may adopt additional procedures or requirements for:

- 276 (a) voting, when there is a tie of the committee members;
- 277 (b) how meetings are to be called; and
- 278 (c) the frequency of meetings.

279 (6) The committee shall establish a process to collect for each fiscal year the following  
280 information:

281 (a) 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 underage drinking of alcohol;

284 (b) the number of individuals statewide who are convicted of, plead guilty to, plead no  
285 contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a  
286 violation related to driving under the influence of alcohol;

287 (c) the number of violations statewide of Title 32B, Alcoholic Beverage Control Act,  
288 related to over-serving or over-consumption of an alcoholic product;

289 (d) the cost of social services provided by the state related to abuse of alcohol,  
290 including services provided by the Division of Child and Family Services within the  
291 Department of Human Services;

292 (e) where the alcoholic products are obtained that results in the violations or costs  
293 described in Subsections (6)(a) through (d); and

294 (f) any information the committee determines can be collected and relates to the abuse  
295 of alcoholic products.

296 (7) (a) The committee shall begin to collect the information described in Subsection (6)  
297 by January 1, 2013. For fiscal year 2012-13, the committee is required only to report the  
298 information collected between January 1, 2013 and June 30, 2013.

299 (b) Beginning December 31, 2013, the committee shall report the information collected  
300 under Subsection (6) annually to the governor and Legislature by no later than the December  
301 31 immediately following the fiscal year for which the information is collected.

302 ~~[(8) Prior to the October 2012 Interim meeting of the Business and Labor Interim~~  
303 ~~Committee, the committee shall report to the Business and Labor Interim Committee:]~~

304 ~~[(a) a list of information to be collected;]~~

305 ~~[(b) standards to be used in collecting the information;]~~

306 ~~[(c) criteria to be used in determining the level and extent that alcohol is related or~~

307 ~~contributed to the activities for which data is to be collected; and]~~

308 ~~[(d) how the collection of data will verify the presence of alcohol, blood alcohol levels,~~  
309 ~~and differentiate between persons using other substances of impairment and persons consuming~~  
310 ~~alcoholic beverages.]~~

311 Section 6. Section **53B-17-804** is amended to read:

312 **53B-17-804. Reporting.**

313 (1) (a) The board, through the director and the board chair, shall provide by no later  
314 than July 1 of each year, a written report to~~[-(i)]~~ the president of the university~~[-and]~~.

315 ~~[(ii) the Business and Labor Interim Committee.]~~

316 (b) The report required by this Subsection (1) shall:

317 (i) summarize the center's activities and accomplishments in the immediate proceeding  
318 calendar year; and

319 (ii) provide information and the board's advice and recommendations on how the state,  
320 university, and the center can:

321 (A) improve workplace health and safety; and

322 (B) contribute to economic growth and development in Utah and the surrounding  
323 region.

324 (2) (a) If the center receives in a fiscal year money from the Eddie P. Mayne  
325 Workplace Safety and Occupational Health Funding Program provided for in Section  
326 34A-2-701, the center shall provide a written report:

327 (i) by no later than the August 15 following the fiscal year;

328 (ii) to the Office of the Legislative Fiscal Analyst;

329 (iii) for review by the Higher Education Appropriations Subcommittee;

330 (iv) that accounts for the expenditure of money received in the fiscal year by the center  
331 from the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program  
332 including impact on workplace safety in Utah; and

333 (v) that includes a preliminary statement as to money the center will request from the  
334 Eddie P. Mayne Workplace Safety and Occupational Health Funding Program for the fiscal  
335 year following the day on which the report is provided.

336 (b) A report provided under this Subsection (2) meets the reporting requirements under  
337 Subsection 34A-2-701(5)(b)(i)(B).

338 Section 7. Section **61-2c-103** is amended to read:

339 **61-2c-103. Powers and duties of the division.**

340 (1) The division shall administer this chapter.

341 (2) In addition to a power or duty expressly provided in this chapter, the division may:

342 (a) receive and act on a complaint including:

343 (i) taking action designed to obtain voluntary compliance with this chapter; or

344 (ii) commencing an administrative or judicial proceeding on the division's own  
345 initiative;

346 (b) establish one or more programs for the education of consumers with respect to  
347 residential mortgage loans;

348 (c) (i) make one or more studies appropriate to effectuate the purposes and policies of  
349 this chapter; and

350 (ii) make the results of the studies described in Subsection (2)(c)(i) available to the  
351 public;

352 (d) visit and investigate a person licensed under this chapter, regardless of whether the  
353 person is located in Utah;

354 (e) employ one or more necessary hearing examiners, investigators, clerks, and other  
355 employees and agents; and

356 (f) establish fees under Section 63J-1-504 for:

357 (i) processing an application for licensing or certification; and

358 (ii) any other function required or permitted by this chapter.

359 (3) The division shall make rules for the administration of this chapter in accordance  
360 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including:

361 (a) licensure procedures for:

362 (i) a person required by this chapter to obtain a license with the division; and

363 (ii) the establishment of a branch office by an entity;

364 (b) proper handling of money received by a licensee;

365 (c) record-keeping requirements by a licensee, including proper disposal of a record;

366 (d) certification procedures for certifying an education provider; and

367 (e) standards of conduct for a licensee or certified education provider.

368 (4) The division may by rule made in accordance with Title 63G, Chapter 3, Utah

369 Administrative Rulemaking Act, require as a condition of maintaining a license or certification  
370 under this chapter that a person comply with a requirement of the nationwide database if:

371 (a) required for uniformity amongst states; and

372 (b) not inconsistent with this chapter.

373 (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah

374 Administrative Rulemaking Act, provide a process under which an individual may challenge  
375 information contained in the nationwide database.

376 ~~[(6) The division shall annually:]~~

377 ~~[(a) review the requirements related to the nationwide database imposed by federal  
378 licensing requirements or the nationwide database on:]~~

379 ~~[(i) the division;]~~

380 ~~[(ii) a licensee under this chapter;]~~

381 ~~[(iii) a certified education provider; or]~~

382 ~~[(iv) an approved examination provider; and]~~

383 ~~[(b) after the review required by Subsection (6)(a):]~~

384 ~~[(i) report to the Business and Labor Interim Committee the impact of the requirements  
385 on the implementation by the division of this chapter; and]~~

386 ~~[(ii) recommend legislation, if any, to the Business and Labor Interim Committee  
387 related to how the division should coordinate with the nationwide database:]~~

388 ~~[(7)]~~ (6) The division may enter into a relationship or contract with the nationwide  
389 database or another entity designated by the nationwide database to do the following related to  
390 a licensee or other person subject to this chapter:

391 (a) collect or maintain a record; and

392 (b) process a transaction fee or other fee.

393 ~~[(8)]~~ (7) The division shall regularly report the following to the nationwide database:

394 (a) a violation of this chapter;

395 (b) licensing or disciplinary action under this chapter; and

396 (c) other information relevant to this chapter.

397 ~~[(9)]~~ (8) If a person pays a fee or costs to the division with a negotiable instrument or  
398 any other method that is not honored for payment:

399 (a) the transaction for which the payment is submitted is voidable by the division;

400 (b) the division may reverse the transaction if payment of the applicable fee or costs is  
401 not received in full; and

402 (c) the person's license, certification, or registration is automatically suspended:

403 (i) beginning the day on which the payment is due; and

404 (ii) ending the day on which payment is made in full.

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

406 **70C-8-102. Powers of department -- Conformity with federal law -- Reliance on**  
407 **rules -- Consumer education.**

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

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

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

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

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

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

419 (f) maintain offices within this state; and

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

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

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

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

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

430 (4) A rule or any part of a rule adopted by the department under this title may not be

431 determined by any judicial or other authority to be invalid in whole or in part unless such  
432 judicial or other authority expressly finds that the rule or part of the rule is arbitrary, capricious,  
433 and constitutes an abuse of discretion, or exceeds the authority granted to the department by  
434 this title, or is otherwise unlawful.

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

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

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

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

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

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

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

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

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**Legislative Review Note**  
as of 11-15-12 2:50 PM

**Office of Legislative Research and General Counsel**