

**Effective 5/10/2016**

**34-47-202 Duties and powers of the council.**

- (1) The council shall meet at least quarterly with the attorney general or a designee of the attorney general to coordinate regulatory and law enforcement efforts related to misclassification.
- (2)
  - (a) The council shall provide a written report by no later than September 1 of each year regarding the previous fiscal year to:
    - (i) the governor; and
    - (ii) the Business and Labor Interim Committee.
  - (b) The report required by this Subsection (2) shall include:
    - (i) the nature and extent of misclassification in this state;
    - (ii) the results of regulatory and law enforcement efforts related to the council;
    - (iii) the status of sharing information by member agencies; and
    - (iv) recommended legislative changes, if any.
  - (c) As part of the report required by this Subsection (2), the council shall provide an opportunity to the following to include in the report comments on the effectiveness of the council:
    - (i) the attorney general; and
    - (ii) each member agency.
- (3) The council may study:
  - (a) how to reduce costs to the state resulting from misclassification;
  - (b) how to extend outreach and education efforts regarding the nature and requirements of classifying an individual;
  - (c) how to promote efficient and effective information sharing amongst the member agencies; and
  - (d) the need, if any, to create by statute a database or other method to facilitate sharing of information related to misclassification.
- (4) A member agency shall cooperate with the commission and council to provide information related to misclassification to the extent that:
  - (a) the information is public information; or
  - (b) providing the information is otherwise permitted by law other than this chapter.
- (5)
  - (a) A record provided to the commission or council under this chapter is a protected record under Title 63G, Chapter 2, Government Records Access and Management Act, unless otherwise classified as private or controlled under Title 63G, Chapter 2, Government Records Access and Management Act.
  - (b) Notwithstanding Subsection (5)(a), the commission or council may disclose the record to the extent:
    - (i) necessary to take an administrative action by a member agency;
    - (ii) necessary to prosecute a criminal act; or
    - (iii) that the record is:
      - (A) obtainable from a source other than the member agency that provides the record to the commission or council; or
      - (B) public information or permitted to be disclosed by a law other than this chapter.

Amended by Chapter 187, 2016 General Session