

**Senator Karen Mayne** proposes the following substitute bill:

**WORKER CLASSIFICATION COORDINATED ENFORCEMENT**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: Todd E. Kiser

Cosponsor: John L. Valentine

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**LONG TITLE**

**General Description:**

This bill modifies labor provisions to address worker classification and related issues of enforcement.

**Highlighted Provisions:**

This bill:

▶ changes the Independent Contractor Database Enforcement Council to the Worker Classification Coordinated Enforcement Council, including:

- addressing membership;
- modifying the duties of the council; and
- addressing the sharing of information; ~~§~~ **→ and**

~~[→ addresses closing of meetings; and] ←§~~

▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

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26 AMENDS:

27 ~~§→ [52-4-205, as last amended by Laws of Utah 2010, Chapters 35, 60, and 239] ←§~~

28 **63I-1-213**, as last amended by Laws of Utah 2008, Chapter 273 and renumbered and  
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31 ENACTS:

32 **34-47-101**, Utah Code Annotated 1953

33 **34-47-102**, Utah Code Annotated 1953

34 **34-47-201**, Utah Code Annotated 1953

35 **34-47-202**, Utah Code Annotated 1953

36 REPEALS:

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

47 Section 1. Section **34-47-101** is enacted to read:

48 **CHAPTER 47. WORKER CLASSIFICATION COORDINATED ENFORCEMENT**

49 **ACT**

50 **Part 1. General Provisions**

51 **34-47-101. Title.**

52 This chapter is known as the "Worker Classification Coordinated Enforcement Act."

53 Section 2. Section **34-47-102** is enacted to read:

54 **34-47-102. Definitions.**

55 As used in this chapter:

56 (1) "Commission" means the Labor Commission.

- 57 (2) "Commissioner" means the commissioner of the Labor Commission.
- 58 (3) "Council" means the Worker Classification Coordinated Enforcement Council
- 59 created in Section 34-47-201.
- 60 (4) "Member agency" means an agency that is represented on the council.
- 61 (5) "Misclassification" means to classify an individual as something other than an
- 62 employee, if under the relevant law the individual is required to be classified as an employee.

63 Section 3. Section **34-47-201** is enacted to read:

64 **Part 2. Worker Classification Coordinated Enforcement Council**

65 **34-47-201. Creation.**

66 (1) (a) There is created within the commission the Worker Classification Coordinated

67 Enforcement Council consisting of the following four members:

- 68 (i) the commissioner, or the commissioner's designee;
- 69 (ii) the executive director of the Department of Commerce, or the executive director's
- 70 designee;
- 71 (iii) the executive director of the Department of Workforce Services, or the executive
- 72 director's designee; and
- 73 (iv) the chair of the State Tax Commission, or the chair's designee.

74 (b) The Office of the Attorney General shall work cooperatively with the council.

75 (2) The commissioner, or the commissioner's designee, is chair of the council.

76 (3) (a) A majority of the council members constitutes a quorum.

77 (b) A vote of the majority of the council members present when a quorum is present is

78 an action of the council.

79 (c) Subject to Section 34-47-202, the council shall meet at the call of the chair, except

80 that the chair shall call a meeting at least quarterly.

81 (d) The council may adopt additional procedures or requirements for:

- 82 (i) voting, when there is a tie of the council members;
- 83 (ii) how meetings are to be called; and
- 84 (iii) the frequency of meetings.

85 ~~§→ [(4) The council may close a meeting of the council in accordance with Title 52,~~

86 ~~Chapter 4, Open and Public Meetings Act.] ←§~~

87 Section 4. Section **34-47-202** is enacted to read:

119 otherwise classified as private or controlled under Title 63G, Chapter 2.

120 (b) Notwithstanding Subsection (5)(a), the commission or council may disclose the  
121 record to the extent:

122 (i) necessary to take an administrative action by a member agency;

123 (ii) necessary to prosecute a criminal act; or

124 (iii) that the record is:

125 (A) obtainable from a source other than the member agency that provides the record to  
126 the commission or council; or

127 (B) public information or permitted to be disclosed by a law other than this chapter.

128 **§→ [Section 5. Section 52-4-205 is amended to read:]**

129 **[52-4-205. Purposes of closed meetings.**

130 ~~—— (1) A closed meeting described under Section 52-4-204 may only be held for:~~

131 ~~—— (a) discussion of the character, professional competence, or physical or mental health~~  
132 ~~of an individual;~~

133 ~~—— (b) strategy sessions to discuss collective bargaining;~~

134 ~~—— (c) strategy sessions to discuss pending or reasonably imminent litigation;~~

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136 ~~including any form of a water right or water shares, if public discussion of the transaction~~  
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139 ~~—— (ii) prevent the public body from completing the transaction on the best possible terms;~~

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154           ~~Subsection 52-4-204(1)(a)(iii)(B);~~  
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158           ~~in Section 34-47-201, discussing a specific civil, criminal, or administrative action or audit if~~  
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170           ~~—— (2) The following meetings shall be closed:~~  
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172           ~~review report described in Subsection 62A-16-301(1)(a), and the responses to the report~~  
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174           ~~—— (b) a meeting of the Child Welfare Legislative Oversight Panel to:~~  
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**1st Sub. S.B. 11**

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**Senator Karen Mayne** proposes the following substitute bill:

**WORKER CLASSIFICATION COORDINATED ENFORCEMENT**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: Todd E. Kiser

Cosponsor: John L. Valentine

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**LONG TITLE**

**General Description:**

This bill modifies labor provisions to address worker classification and related issues of enforcement.

**Highlighted Provisions:**

This bill:

▶ changes the Independent Contractor Database Enforcement Council to the Worker Classification Coordinated Enforcement Council, including:

- addressing membership;
- modifying the duties of the council; and
- addressing the sharing of information; ~~§→~~ **and**

~~[→ addresses closing of meetings; and] ←§~~

▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**





26 AMENDS:

27 ~~§~~ → [—~~52-4-205, as last amended by Laws of Utah 2010, Chapters 35, 60, and 239~~] ← ~~§~~

28 **63I-1-213**, as last amended by Laws of Utah 2008, Chapter 273 and renumbered and  
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31 ENACTS:

32 **34-47-101**, Utah Code Annotated 1953

33 **34-47-102**, Utah Code Annotated 1953

34 **34-47-201**, Utah Code Annotated 1953

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36 REPEALS:

37 **13-46-101**, as enacted by Laws of Utah 2008, Chapter 273

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43 **13-46-302**, as enacted by Laws of Utah 2008, Chapter 273

44 **13-46-303**, as enacted by Laws of Utah 2008, Chapter 273



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

47 Section 1. Section **34-47-101** is enacted to read:

48 **CHAPTER 47. WORKER CLASSIFICATION COORDINATED ENFORCEMENT**

49 **ACT**

50 **Part 1. General Provisions**

51 **34-47-101. Title.**

52 This chapter is known as the "Worker Classification Coordinated Enforcement Act."

53 Section 2. Section **34-47-102** is enacted to read:

54 **34-47-102. Definitions.**

55 As used in this chapter:

56 (1) "Commission" means the Labor Commission.

- 57 (2) "Commissioner" means the commissioner of the Labor Commission.
- 58 (3) "Council" means the Worker Classification Coordinated Enforcement Council
- 59 created in Section 34-47-201.
- 60 (4) "Member agency" means an agency that is represented on the council.
- 61 (5) "Misclassification" means to classify an individual as something other than an
- 62 employee, if under the relevant law the individual is required to be classified as an employee.

63 Section 3. Section **34-47-201** is enacted to read:

64 **Part 2. Worker Classification Coordinated Enforcement Council**

65 **34-47-201. Creation.**

66 (1) (a) There is created within the commission the Worker Classification Coordinated

67 Enforcement Council consisting of the following four members:

- 68 (i) the commissioner, or the commissioner's designee;
- 69 (ii) the executive director of the Department of Commerce, or the executive director's
- 70 designee;

71 (iii) the executive director of the Department of Workforce Services, or the executive

72 director's designee; and

73 (iv) the chair of the State Tax Commission, or the chair's designee.

74 (b) The Office of the Attorney General shall work cooperatively with the council.

75 (2) The commissioner, or the commissioner's designee, is chair of the council.

76 (3) (a) A majority of the council members constitutes a quorum.

77 (b) A vote of the majority of the council members present when a quorum is present is

78 an action of the council.

79 (c) Subject to Section 34-47-202, the council shall meet at the call of the chair, except

80 that the chair shall call a meeting at least quarterly.

81 (d) The council may adopt additional procedures or requirements for:

- 82 (i) voting, when there is a tie of the council members;
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- 84 (iii) the frequency of meetings.

85 ~~§→ [(4) The council may close a meeting of the council in accordance with Title 52,~~

86 ~~Chapter 4, Open and Public Meetings Act.] ←§~~

87 Section 4. Section **34-47-202** is enacted to read:

119 otherwise classified as private or controlled under Title 63G, Chapter 2.

120 (b) Notwithstanding Subsection (5)(a), the commission or council may disclose the  
121 record to the extent:

122 (i) necessary to take an administrative action by a member agency;

123 (ii) necessary to prosecute a criminal act; or

124 (iii) that the record is:

125 (A) obtainable from a source other than the member agency that provides the record to  
126 the commission or council; or

127 (B) public information or permitted to be disclosed by a law other than this chapter.

128 **§→ [Section 5. Section 52-4-205 is amended to read:]**

129 **[52-4-205. Purposes of closed meetings.**

130 ~~—— (1) A closed meeting described under Section 52-4-204 may only be held for:~~

131 ~~—— (a) discussion of the character, professional competence, or physical or mental health~~  
132 ~~of an individual;~~

133 ~~—— (b) strategy sessions to discuss collective bargaining;~~

134 ~~—— (c) strategy sessions to discuss pending or reasonably imminent litigation;~~

135 ~~—— (d) strategy sessions to discuss the purchase, exchange, or lease of real property,~~  
136 ~~including any form of a water right or water shares, if public discussion of the transaction~~  
137 ~~would:~~

138 ~~—— (i) disclose the appraisal or estimated value of the property under consideration; or~~

139 ~~—— (ii) prevent the public body from completing the transaction on the best possible terms;~~

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143 ~~—— (A) disclose the appraisal or estimated value of the property under consideration; or~~

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148 ~~sale;~~

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150           ~~§→ [(g) investigative proceedings regarding allegations of criminal misconduct;~~  
151           ~~—— (h) as relates to the Independent Legislative Ethics Commission, conducting business~~  
152           ~~relating to the receipt or review of ethics complaints;~~  
153           ~~—— (i) as relates to an ethics committee of the Legislature, a purpose permitted under~~  
154           ~~Subsection 52-4-204(1)(a)(iii)(B);~~  
155           ~~—— (j) as relates to a county legislative body, discussing commercial information as~~  
156           ~~defined in Section 59-1-404; [or]~~  
157           ~~—— (k) as relates to the Worker Classification Coordinated Enforcement Council, created~~  
158           ~~in Section 34-47-201, discussing a specific civil, criminal, or administrative action or audit if~~  
159           ~~discussing the action or audit in an open meeting could reasonably be expected to:~~  
160           ~~—— (i) interfere with an investigation undertaken for purposes of enforcement, discipline,~~  
161           ~~licensing, certification, or registration;~~  
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163           ~~—— (iii) create a danger of depriving a person of a right to a fair trial or impartial hearing;~~  
164           ~~—— (iv) disclose the identity of a source who is not generally known outside of government~~  
165           ~~if disclosure would compromise the source; or~~  
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169           ~~—— [(k)] (1) a purpose for which a meeting is required to be closed under Subsection (2);~~  
170           ~~—— (2) The following meetings shall be closed:~~  
171           ~~—— (a) a meeting of the Health and Human Services Interim Committee to review a fatality~~  
172           ~~review report described in Subsection 62A-16-301(1)(a), and the responses to the report~~  
173           ~~described in Subsections 62A-16-301(2) and (4); and~~  
174           ~~—— (b) a meeting of the Child Welfare Legislative Oversight Panel to:~~  
175           ~~—— (i) review a fatality review report described in Subsection 62A-16-301(1)(a), and the~~  
176           ~~responses to the report described in Subsections 62A-16-301(2) and (4); or~~  
177           ~~—— (ii) review and discuss an individual case, as described in Subsection 62A-4a-207(5).~~  
178           ~~—— (3) A public body may not interview a person applying to fill an elected position in a~~  
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2011 GENERAL SESSION

STATE OF UTAH

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**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

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26 AMENDS:

27 ~~§→ [—52-4-205, as last amended by Laws of Utah 2010, Chapters 35, 60, and 239] ←§~~

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

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72 director's designee; and

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78 an action of the council.

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80 that the chair shall call a meeting at least quarterly.

81 (d) The council may adopt additional procedures or requirements for:

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2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: Todd E. Kiser

Cosponsor: John L. Valentine

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**LONG TITLE**

**General Description:**

This bill modifies labor provisions to address worker classification and related issues of enforcement.

**Highlighted Provisions:**

This bill:

▶ changes the Independent Contractor Database Enforcement Council to the Worker Classification Coordinated Enforcement Council, including:

- addressing membership;
- modifying the duties of the council; and
- addressing the sharing of information; ~~§~~ **→ and**

~~[→ addresses closing of meetings; and] ←§~~

▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

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**1st Sub. S.B. 11**

26 AMENDS:

27 ~~§→ [52-4-205, as last amended by Laws of Utah 2010, Chapters 35, 60, and 239] ←§~~

28 **63I-1-213**, as last amended by Laws of Utah 2008, Chapter 273 and renumbered and  
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31 ENACTS:

32 **34-47-101**, Utah Code Annotated 1953

33 **34-47-102**, Utah Code Annotated 1953

34 **34-47-201**, Utah Code Annotated 1953

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36 REPEALS:

37 **13-46-101**, as enacted by Laws of Utah 2008, Chapter 273

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

47 Section 1. Section **34-47-101** is enacted to read:

48 **CHAPTER 47. WORKER CLASSIFICATION COORDINATED ENFORCEMENT**

49 **ACT**

50 **Part 1. General Provisions**

51 **34-47-101. Title.**

52 This chapter is known as the "Worker Classification Coordinated Enforcement Act."

53 Section 2. Section **34-47-102** is enacted to read:

54 **34-47-102. Definitions.**

55 As used in this chapter:

56 (1) "Commission" means the Labor Commission.



- 57 (2) "Commissioner" means the commissioner of the Labor Commission.
- 58 (3) "Council" means the Worker Classification Coordinated Enforcement Council
- 59 created in Section 34-47-201.
- 60 (4) "Member agency" means an agency that is represented on the council.
- 61 (5) "Misclassification" means to classify an individual as something other than an
- 62 employee, if under the relevant law the individual is required to be classified as an employee.

63 Section 3. Section **34-47-201** is enacted to read:

64 **Part 2. Worker Classification Coordinated Enforcement Council**

65 **34-47-201. Creation.**

66 (1) (a) There is created within the commission the Worker Classification Coordinated

67 Enforcement Council consisting of the following four members:

- 68 (i) the commissioner, or the commissioner's designee;
- 69 (ii) the executive director of the Department of Commerce, or the executive director's
- 70 designee;

71 (iii) the executive director of the Department of Workforce Services, or the executive

72 director's designee; and

73 (iv) the chair of the State Tax Commission, or the chair's designee.

74 (b) The Office of the Attorney General shall work cooperatively with the council.

75 (2) The commissioner, or the commissioner's designee, is chair of the council.

76 (3) (a) A majority of the council members constitutes a quorum.

77 (b) A vote of the majority of the council members present when a quorum is present is

78 an action of the council.

79 (c) Subject to Section 34-47-202, the council shall meet at the call of the chair, except

80 that the chair shall call a meeting at least quarterly.

81 (d) The council may adopt additional procedures or requirements for:

- 82 (i) voting, when there is a tie of the council members;
- 83 (ii) how meetings are to be called; and
- 84 (iii) the frequency of meetings.

85 ~~§→ [(4) The council may close a meeting of the council in accordance with Title 52,~~

86 ~~Chapter 4, Open and Public Meetings Act.] ←§~~

87 Section 4. Section **34-47-202** is enacted to read:

119 otherwise classified as private or controlled under Title 63G, Chapter 2.

120 (b) Notwithstanding Subsection (5)(a), the commission or council may disclose the  
 121 record to the extent:

122 (i) necessary to take an administrative action by a member agency;

123 (ii) necessary to prosecute a criminal act; or

124 (iii) that the record is:

125 (A) obtainable from a source other than the member agency that provides the record to  
 126 the commission or council; or

127 (B) public information or permitted to be disclosed by a law other than this chapter.

128 **§→ [Section 5. Section 52-4-205 is amended to read:]**

129 **[52-4-205. Purposes of closed meetings.**

130 ~~—— (1) A closed meeting described under Section 52-4-204 may only be held for:~~

131 ~~—— (a) discussion of the character, professional competence, or physical or mental health~~  
 132 ~~of an individual;~~

133 ~~—— (b) strategy sessions to discuss collective bargaining;~~

134 ~~—— (c) strategy sessions to discuss pending or reasonably imminent litigation;~~

135 ~~—— (d) strategy sessions to discuss the purchase, exchange, or lease of real property,~~  
 136 ~~including any form of a water right or water shares, if public discussion of the transaction~~  
 137 ~~would:~~

138 ~~—— (i) disclose the appraisal or estimated value of the property under consideration; or~~

139 ~~—— (ii) prevent the public body from completing the transaction on the best possible terms;~~

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 151           ~~—— (h) as relates to the Independent Legislative Ethics Commission, conducting business~~  
 152 ~~relating to the receipt or review of ethics complaints;~~  
 153           ~~—— (i) as relates to an ethics committee of the Legislature, a purpose permitted under~~  
 154 ~~Subsection 52-4-204(1)(a)(iii)(B);~~  
 155           ~~—— (j) as relates to a county legislative body, discussing commercial information as~~  
 156 ~~defined in Section 59-1-404; [or]~~  
 157           ~~—— (k) as relates to the Worker Classification Coordinated Enforcement Council, created~~  
 158 ~~in Section 34-47-201, discussing a specific civil, criminal, or administrative action or audit if~~  
 159 ~~discussing the action or audit in an open meeting could reasonably be expected to:~~  
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 169           ~~—— [(k)] (1) a purpose for which a meeting is required to be closed under Subsection (2);~~  
 170           ~~—— (2) The following meetings shall be closed:~~  
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 172 ~~review report described in Subsection 62A-16-301(1)(a), and the responses to the report~~  
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 174           ~~—— (b) a meeting of the Child Welfare Legislative Oversight Panel to:~~  
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 179 ~~closed meeting.] ←§~~

180           Section ~~§→~~ [6] ~~5~~ ←§ . Section 63I-1-213 is amended to read:

**Senator Karen Mayne** proposes the following substitute bill:

**WORKER CLASSIFICATION COORDINATED ENFORCEMENT**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

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67 Enforcement Council consisting of the following four members:

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78 an action of the council.

79 (c) Subject to Section 34-47-202, the council shall meet at the call of the chair, except

80 that the chair shall call a meeting at least quarterly.

81 (d) The council may adopt additional procedures or requirements for:

- 82 (i) voting, when there is a tie of the council members;
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**LONG TITLE**

**General Description:**

This bill modifies labor provisions to address worker classification and related issues of enforcement.

**Highlighted Provisions:**

This bill:

▶ changes the Independent Contractor Database Enforcement Council to the Worker Classification Coordinated Enforcement Council, including:

- addressing membership;
- modifying the duties of the council; and
- addressing the sharing of information; ~~§→ and~~

~~[→ addresses closing of meetings; and] ←§~~

▶ makes technical and conforming amendments.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**



26 AMENDS:

27 ~~§→ [52-4-205, as last amended by Laws of Utah 2010, Chapters 35, 60, and 239] ←§~~

28 **63I-1-213**, as last amended by Laws of Utah 2008, Chapter 273 and renumbered and  
29 amended by Laws of Utah 2008, Chapter 382

30 **63I-1-234**, as last amended by Laws of Utah 2010, Chapter 319

31 ENACTS:

32 **34-47-101**, Utah Code Annotated 1953

33 **34-47-102**, Utah Code Annotated 1953

34 **34-47-201**, Utah Code Annotated 1953

35 **34-47-202**, Utah Code Annotated 1953

36 REPEALS:

37 **13-46-101**, as enacted by Laws of Utah 2008, Chapter 273

38 **13-46-102**, as enacted by Laws of Utah 2008, Chapter 273

39 **13-46-103**, as enacted by Laws of Utah 2008, Chapter 273

40 **13-46-201**, as enacted by Laws of Utah 2008, Chapter 273

41 **13-46-202**, as enacted by Laws of Utah 2008, Chapter 273

42 **13-46-301**, as enacted by Laws of Utah 2008, Chapter 273

43 **13-46-302**, as enacted by Laws of Utah 2008, Chapter 273

44 **13-46-303**, as enacted by Laws of Utah 2008, Chapter 273



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

47 Section 1. Section **34-47-101** is enacted to read:

48 **CHAPTER 47. WORKER CLASSIFICATION COORDINATED ENFORCEMENT**

49 **ACT**

50 **Part 1. General Provisions**

51 **34-47-101. Title.**

52 This chapter is known as the "Worker Classification Coordinated Enforcement Act."

53 Section 2. Section **34-47-102** is enacted to read:

54 **34-47-102. Definitions.**

55 As used in this chapter:

56 (1) "Commission" means the Labor Commission.

- 57 (2) "Commissioner" means the commissioner of the Labor Commission.
- 58 (3) "Council" means the Worker Classification Coordinated Enforcement Council
- 59 created in Section 34-47-201.
- 60 (4) "Member agency" means an agency that is represented on the council.
- 61 (5) "Misclassification" means to classify an individual as something other than an
- 62 employee, if under the relevant law the individual is required to be classified as an employee.

63 Section 3. Section **34-47-201** is enacted to read:

64 **Part 2. Worker Classification Coordinated Enforcement Council**

65 **34-47-201. Creation.**

66 (1) (a) There is created within the commission the Worker Classification Coordinated

67 Enforcement Council consisting of the following four members:

- 68 (i) the commissioner, or the commissioner's designee;
- 69 (ii) the executive director of the Department of Commerce, or the executive director's
- 70 designee;
- 71 (iii) the executive director of the Department of Workforce Services, or the executive
- 72 director's designee; and
- 73 (iv) the chair of the State Tax Commission, or the chair's designee.

74 (b) The Office of the Attorney General shall work cooperatively with the council.

75 (2) The commissioner, or the commissioner's designee, is chair of the council.

76 (3) (a) A majority of the council members constitutes a quorum.

77 (b) A vote of the majority of the council members present when a quorum is present is

78 an action of the council.

79 (c) Subject to Section 34-47-202, the council shall meet at the call of the chair, except

80 that the chair shall call a meeting at least quarterly.

81 (d) The council may adopt additional procedures or requirements for:

- 82 (i) voting, when there is a tie of the council members;
- 83 (ii) how meetings are to be called; and
- 84 (iii) the frequency of meetings.

85 ~~§→ [(4) The council may close a meeting of the council in accordance with Title 52,~~

86 ~~Chapter 4, Open and Public Meetings Act.] ←§~~

87 Section 4. Section **34-47-202** is enacted to read:



119 otherwise classified as private or controlled under Title 63G, Chapter 2.

120 (b) Notwithstanding Subsection (5)(a), the commission or council may disclose the  
121 record to the extent:

122 (i) necessary to take an administrative action by a member agency;

123 (ii) necessary to prosecute a criminal act; or

124 (iii) that the record is:

125 (A) obtainable from a source other than the member agency that provides the record to  
126 the commission or council; or

127 (B) public information or permitted to be disclosed by a law other than this chapter.

128 **§→ [Section 5. Section 52-4-205 is amended to read:]**

129 **[52-4-205. Purposes of closed meetings.**

130 ~~—— (1) A closed meeting described under Section 52-4-204 may only be held for:~~

131 ~~—— (a) discussion of the character, professional competence, or physical or mental health~~  
132 ~~of an individual;~~

133 ~~—— (b) strategy sessions to discuss collective bargaining;~~

134 ~~—— (c) strategy sessions to discuss pending or reasonably imminent litigation;~~

135 ~~—— (d) strategy sessions to discuss the purchase, exchange, or lease of real property,~~  
136 ~~including any form of a water right or water shares, if public discussion of the transaction~~  
137 ~~would:~~

138 ~~—— (i) disclose the appraisal or estimated value of the property under consideration; or~~

139 ~~—— (ii) prevent the public body from completing the transaction on the best possible terms;~~

140 ~~—— (e) strategy sessions to discuss the sale of real property, including any form of a water~~  
141 ~~right or water shares, if:~~

142 ~~—— (i) public discussion of the transaction would:~~

143 ~~—— (A) disclose the appraisal or estimated value of the property under consideration; or~~

144 ~~—— (B) prevent the public body from completing the transaction on the best possible terms;~~

145 ~~—— (ii) the public body previously gave public notice that the property would be offered for~~  
146 ~~sale; and~~

147 ~~—— (iii) the terms of the sale are publicly disclosed before the public body approves the~~  
148 ~~sale;~~

149 ~~—— (f) discussion regarding deployment of security personnel, devices, or systems;] ←§~~

150           ~~§→ [(g) investigative proceedings regarding allegations of criminal misconduct;~~  
151           ~~—— (h) as relates to the Independent Legislative Ethics Commission, conducting business~~  
152           ~~relating to the receipt or review of ethics complaints;~~  
153           ~~—— (i) as relates to an ethics committee of the Legislature, a purpose permitted under~~  
154           ~~Subsection 52-4-204(1)(a)(iii)(B);~~  
155           ~~—— (j) as relates to a county legislative body, discussing commercial information as~~  
156           ~~defined in Section 59-1-404; [or]~~  
157           ~~—— (k) as relates to the Worker Classification Coordinated Enforcement Council, created~~  
158           ~~in Section 34-47-201, discussing a specific civil, criminal, or administrative action or audit if~~  
159           ~~discussing the action or audit in an open meeting could reasonably be expected to:~~  
160           ~~—— (i) interfere with an investigation undertaken for purposes of enforcement, discipline,~~  
161           ~~licensing, certification, or registration;~~  
162           ~~—— (ii) interfere with an audit, disciplinary, or enforcement proceeding;~~  
163           ~~—— (iii) create a danger of depriving a person of a right to a fair trial or impartial hearing;~~  
164           ~~—— (iv) disclose the identity of a source who is not generally known outside of government~~  
165           ~~if disclosure would compromise the source; or~~  
166           ~~—— (v) disclose investigative or audit techniques, procedures, policies, or orders not~~  
167           ~~generally known outside of government if disclosure would interfere with enforcement or audit~~  
168           ~~efforts; or~~  
169           ~~—— [(k)] (1) a purpose for which a meeting is required to be closed under Subsection (2).~~  
170           ~~—— (2) The following meetings shall be closed:~~  
171           ~~—— (a) a meeting of the Health and Human Services Interim Committee to review a fatality~~  
172           ~~review report described in Subsection 62A-16-301(1)(a), and the responses to the report~~  
173           ~~described in Subsections 62A-16-301(2) and (4); and~~  
174           ~~—— (b) a meeting of the Child Welfare Legislative Oversight Panel to:~~  
175           ~~—— (i) review a fatality review report described in Subsection 62A-16-301(1)(a), and the~~  
176           ~~responses to the report described in Subsections 62A-16-301(2) and (4); or~~  
177           ~~—— (ii) review and discuss an individual case, as described in Subsection 62A-4a-207(5).~~  
178           ~~—— (3) A public body may not interview a person applying to fill an elected position in a~~  
179           ~~closed meeting.] ←§~~

180           Section ~~§→~~ [6] ~~5~~ ←§ . Section 63I-1-213 is amended to read: