

1 **CONFLICT OF INTEREST DISCLOSURE MODIFICATIONS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul A. Cutler**

5 Senate Sponsor: _____

6

LONG TITLE

7 **Committee Note:**

8 The Political Subdivisions Interim Committee recommended this bill.

9 Legislative Vote: 12 voting for 2 voting against 2 absent

10 **General Description:**

11 This bill modifies provisions related to conflicts of interest.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ requires an elected official of a political subdivision and a member of a state land
- 15 use authority to annually file a conflict of interest disclosure on the state's conflict of
- 16 interest disclosure website;
- 17 ▶ requires an elected official described above to amend the disclosure if the elected
- 18 official has a conflict of interest that is otherwise required to be disclosed under the
- 19 municipal, county, or public officers' ethics acts;
- 20 ▶ establishes penalties for an elected official or member of a state land use authority
- 21 who fails to file, amend, or disclose a conflict of interest on the website described
- 22 above;
- 23 ▶ standardizes the monetary amount that triggers an elected official's disclosure
- 24 obligation;
- 25 ▶ clarifies provisions related to conflicts of interest; and
- 26 ▶ makes technical and conforming changes.
- 27



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **10-3-1303**, as last amended by Laws of Utah 2016, Chapter 350
- 35 **10-3-1304**, as last amended by Laws of Utah 2013, Chapter 445
- 36 **10-3-1305**, as last amended by Laws of Utah 2013, Chapter 445
- 37 **10-3-1306**, as last amended by Laws of Utah 2010, Chapter 378
- 38 **10-3-1307**, as last amended by Laws of Utah 1989, Chapter 147
- 39 **10-3-1308**, as last amended by Laws of Utah 1989, Chapter 147
- 40 **10-3-1309**, as last amended by Laws of Utah 1991, Chapter 241
- 41 **10-3-1311**, as last amended by Laws of Utah 2018, Chapter 461
- 42 **10-3-1312**, as last amended by Laws of Utah 1989, Chapter 147
- 43 **17-16a-3**, as last amended by Laws of Utah 2011, Chapter 297
- 44 **17-16a-4**, as last amended by Laws of Utah 2013, Chapters 142, 445
- 45 **17-16a-5**, as last amended by Laws of Utah 1993, Chapter 227
- 46 **17-16a-6**, as last amended by Laws of Utah 2011, Chapter 297
- 47 **17-16a-7**, as enacted by Laws of Utah 1983, Chapter 46
- 48 **17-16a-8**, as enacted by Laws of Utah 1983, Chapter 46
- 49 **17-16a-9**, as enacted by Laws of Utah 1983, Chapter 46
- 50 **17-16a-10**, as last amended by Laws of Utah 1991, Chapter 241
- 51 **17-16a-12**, as enacted by Laws of Utah 1983, Chapter 46
- 52 **20A-11-1602**, as last amended by Laws of Utah 2021, Chapter 20
- 53 **20A-11-1602.5**, as last amended by Laws of Utah 2021, Chapter 20
- 54 **20A-11-1604**, as last amended by Laws of Utah 2022, Chapter 170
- 55 **20A-11-1605**, as last amended by Laws of Utah 2021, Chapter 20
- 56 **67-16-3**, as last amended by Laws of Utah 2018, Chapter 415
- 57 **67-16-6**, as last amended by Laws of Utah 2014, Chapter 196
- 58 **67-16-7**, as last amended by Laws of Utah 2018, Chapter 59

59 ENACTS:

60 **10-3-1303.5**, Utah Code Annotated 1953

61 **17-16a-3.5**, Utah Code Annotated 1953

62 **20A-11-1603.5**, Utah Code Annotated 1953



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

65 Section 1. Section **10-3-1303** is amended to read:

66 **10-3-1303. Definitions.**

67 As used in this part:

68 (1) (a) "Appointed officer" means ~~[any person]~~ an individual appointed to:

69 (i) ~~[any]~~ a statutory office or position; or

70 (ii) ~~[any other person appointed to any]~~ a position of employment with a city or with a
71 community reinvestment agency under Title 17C, Limited Purpose Local Government Entities
72 - Community Reinvestment Agency Act.

73 ~~(b) [Appointed officers include, but are not limited to, persons serving on]~~ "Appointed
74 officer" includes an individual serving on a special, regular, or full-time [committees, agencies,
75 or boards whether or not such persons are compensated for their] committee, agency, or board,
76 regardless of whether the individual is compensated for the individual's services. [The use of
77 the word "officer" in this part is not intended to make appointed persons or employees
78 "officers" of the municipality.]

79 (c) "Appointed officer" does not include an elected officer.

80 (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,
81 aid, advise, furnish information to, or otherwise provide assistance to a person or business
82 entity, believing that such action is of help, aid, advice, or assistance to such person or business
83 entity and with the intent to assist such person or business entity.

84 (3) "Business entity" means a sole proprietorship, partnership, association, joint
85 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
86 a business.

87 (4) "Compensation" means anything of economic value, however designated, which is
88 paid, loaned, granted, given, donated, or transferred to ~~[any]~~ a person or business entity by
89 anyone other than the governmental employer for or in consideration of personal services,

90 materials, property, or any other thing whatsoever.

91 (5) "Conflict of interest disclosure website" means the Candidate and Officeholder
92 Conflict of Interest Disclosure Website described in Section [20A-11-1602.5](#).

93 ~~[(5)]~~ (6) "Elected officer" means ~~[a person]~~:

94 (a) an individual elected or appointed to fill a vacancy in the office of mayor,
95 commissioner, or council member; or

96 (b) an individual who is considered to be elected to the office of mayor, commissioner,
97 or council member by a municipal legislative body in accordance with Section [20A-1-206](#).

98 ~~[(6)]~~ (7) "Improper disclosure" means the disclosure of private, controlled, or protected
99 information to ~~[any]~~ a person who does not have both the right and the need to receive the
100 information.

101 ~~[(7)]~~ (8) "Municipal employee" means ~~[a person who is not an elected or appointed~~
102 ~~officer]~~ an individual who is employed on a full[=] or part-time basis by a municipality or by a
103 community reinvestment agency under Title 17C, Limited Purpose Local Government Entities
104 - Community Reinvestment Agency Act.

105 (9) "Officer" means an appointed officer or an elected officer.

106 ~~[(8)]~~ (10) "Private, controlled, or protected information" means information classified
107 as private, controlled, or protected under Title 63G, Chapter 2, Government Records Access
108 and Management Act, or ~~[other]~~ another applicable provision of law.

109 ~~[(9)]~~ (11) "Substantial interest" means the ownership, either legally or equitably, by an
110 individual, the individual's spouse, or the individual's minor children, of at least 10% of the
111 outstanding shares of a corporation or 10% interest in any other business entity.

112 Section 2. Section **10-3-1303.5** is enacted to read:

113 **10-3-1303.5. Statutory construction.**

114 The definition of appointed officer in Section [10-3-1303](#) does not have the effect of
115 making an appointed individual or employee an officer of the municipality.

116 Section 3. Section **10-3-1304** is amended to read:

117 **10-3-1304. Use of office for personal benefit prohibited.**

118 (1) As used in this section, "economic benefit tantamount to a gift" includes:

119 (a) a loan at an interest rate that is substantially lower than the commercial rate then
120 currently prevalent for similar loans; ~~[and]~~ or

121 (b) compensation received for [~~private services~~] a private service rendered at a rate
122 substantially exceeding the fair market value of the [~~services~~] service.

123 (2) Except as provided in Subsection (4), it is an offense for an [~~elected or appointed~~]
124 officer or municipal employee to:

125 (a) disclose or improperly use private, controlled, or protected information acquired by
126 reason of the officer's or municipal employee's official position or in the course of official
127 duties in order to further substantially the officer's or municipal employee's personal economic
128 interest or to secure special privileges or exemptions for the officer or municipal employee or
129 for others;

130 (b) use or attempt to use the officer's or municipal employee's official position to:

131 (i) further substantially the officer's or municipal employee's personal economic
132 interest; or

133 (ii) secure special privileges for the officer or municipal employee or for others; or

134 (c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer
135 or municipal employee or for another, a gift of substantial value or a substantial economic
136 benefit tantamount to a gift that:

137 (i) would tend improperly to influence a reasonable person in the person's position to
138 depart from the faithful and impartial discharge of the person's public duties; or

139 (ii) the person knows or that a reasonable person in that position should know under
140 the circumstances is primarily for the purpose of rewarding the person for official action taken.

141 (3) Subsection (2)(c) does not apply to:

142 (a) an occasional nonpecuniary gift having a value of less than \$50;

143 (b) an award publicly presented in recognition of public services;

144 (c) any bona fide loan made in the ordinary course of business; or

145 (d) a political campaign contribution.

146 (4) This section does not apply to an [~~elected or appointed~~] officer or municipal
147 employee who engages in conduct that constitutes a violation of this section to the extent that
148 the [~~elected or appointed~~] officer or municipal employee is chargeable, for the same conduct,
149 under Section [76-8-105](#).

150 Section 4. Section **10-3-1305** is amended to read:

151 **10-3-1305. Compensation for assistance in transaction involving municipality --**

152 **Public disclosure and filing required.**

153 (1) As used in this section, "municipal body" means any public board, commission,
154 committee, or other public group organized to make public policy decisions or to advise
155 persons who make public policy decisions.

156 (2) Except as provided in Subsection (6), it is an offense for an [~~elected officer, or an~~
157 ~~appointed officer,~~] officer who is a member of a [~~public~~] municipal body to receive or agree to
158 receive compensation for assisting [~~any~~] a person or business entity in [~~any~~] a transaction
159 involving the [~~municipality in which the member is an officer unless the member~~] municipality
160 of which the officer is elected or appointed unless the officer:

161 (a) files with the mayor a sworn statement [~~giving the information required by this~~
162 ~~section~~] disclosing the information described in Subsection (5); [and]

163 (b) discloses the information [~~required by~~] described in Subsection (5) in an open
164 meeting to the members of the municipal body of which the officer is a member immediately
165 before the discussion[-]; and

166 (c) for an officer who is an elected officer, discloses the information described in
167 Subsection (5) on the conflict of interest disclosure website.

168 (3) It is an offense for an appointed officer who is not a member of a [~~public~~]
169 municipal body or a municipal employee to receive or agree to receive compensation for
170 assisting [~~any~~] a person or business entity in [~~any~~] a transaction involving the municipality by
171 which the [~~person is employed~~] appointed officer or municipal employee is employed unless
172 the appointed officer or employee:

173 (a) files with the mayor a sworn statement [~~giving the information required by this~~
174 ~~section~~] disclosing information described in Subsection (5); and

175 (b) discloses the information [~~required by~~] described in Subsection (5) to:

176 (i) the [~~officer~~] appointed officer's or municipal employee's immediate supervisor; and

177 (ii) any other municipal officer or employee who may rely [~~upon the employee's~~] on the
178 appointed officer's or municipal employee's representations in evaluating or approving the
179 transaction.

180 (4) (a) [~~The officer or employee shall file the statement required to be filed by this~~
181 ~~section~~] An officer or municipal employee shall file the sworn statement described in
182 Subsections (2)(a) and (3)(a), as applicable, on or before the earlier of:

183 ~~(i) 10 days before the date [of any agreement between the elected or appointed officer~~
 184 ~~or municipal employee and the person or business entity being assisted or]~~ on which the officer
 185 or municipal employee and the person or business entity being assisted enter into an agreement;
 186 or

187 (ii) 10 days before [the receipt of compensation by the officer or employee, whichever
 188 is earlier] the date on which the officer or municipal employee receives compensation.

189 (b) An elected officer shall make the website disclosure described in Subsection (2)(c)
 190 on or before the earlier of the deadlines described in Subsections (4)(a)(i) and (ii).

191 ~~[(b)]~~ (c) The [statement] sworn statement described in Subsections (2)(a) and (3)(a) is
 192 public information and shall be available for examination by the public.

193 (5) The [statement and disclosure] disclosures described in Subsections (2) and (3)
 194 shall contain:

195 (a) the name and address of the officer or municipal employee;

196 (b) the name and address of the person or business entity being or to be assisted or in
 197 which the [appointed or elected official or municipal employee] officer or municipal employee
 198 has a substantial interest; and

199 (c) a brief description of the transaction as to which service is rendered or is to be
 200 rendered and of the nature of the service performed or to be performed.

201 (6) This section does not apply to an [elected officer, or an appointed officer,] officer
 202 who is a member of a [public] municipal body and who engages in conduct that constitutes a
 203 violation of this section to the extent that the [elected officer or appointed] officer is
 204 chargeable, for the same conduct, under Section 76-8-105.

205 Section 5. Section **10-3-1306** is amended to read:

206 **10-3-1306. Interest in business entity regulated by municipality -- Disclosure**
 207 **statement required.**

208 ~~(1) [Every appointed or elected officer or]~~ An officer under this part, or a municipal
 209 employee, who is an officer, director, agent, or employee or the owner of a substantial interest
 210 in [any] a business entity [which] that is subject to the regulation of the municipality [in which
 211 he is an elected or appointed officer or municipal employee] in which the officer or municipal
 212 employee is elected, appointed, or employed, shall disclose the position held and the nature and
 213 value of [his] the officer's or employee's interest;

214 (a) upon first becoming appointed, elected, or employed by the municipality[;]; and

215 (b) ~~[again at any time thereafter if the elected or appointed officer's or municipal~~
 216 ~~employee's position in the business entity has changed significantly or if the value of his~~
 217 ~~interest in the entity has increased significantly since the last disclosure]~~ when the officer's or
 218 municipal employee's position in the business entity changes significantly or when the value of
 219 the officer's or municipal employee's interest in the entity significantly increases above the
 220 officer's or municipal employee's most recent disclosure.

221 (2) ~~[The disclosure shall be made]~~ An officer or municipal employee shall make the
 222 disclosure:

223 (a) in a sworn statement filed with the mayor[;]; and

224 (b) for an officer who is an elected officer, on the conflict of interest disclosure
 225 website.

226 (3) The mayor shall:

227 (a) report the substance of ~~[all such disclosure statements]~~ the sworn statement to the
 228 members of the governing body[;]; or

229 (b) ~~[may provide to the members of the governing body copies of the disclosure~~
 230 ~~statement within 30 days after the statement is received by him]~~ provide a copy of the sworn
 231 statement to the members of the governing body no later than 30 days after the date on which
 232 the mayor receives the statement.

233 ~~[(3)]~~ (4) (a) This section does not apply to ~~[instances]~~ an instance where the value of
 234 the interest does not exceed ~~[\$2,000]~~ \$5,000.

235 (b) ~~[Life insurance policies and annuities]~~ A life insurance policy or an annuity may
 236 not be considered in determining the value of [any such] the interest.

237 Section 6. Section **10-3-1307** is amended to read:

238 **10-3-1307. Interest in business entity doing business with municipality --**
 239 **Disclosure.**

240 (1) ~~[Every appointed or elected officer]~~ An officer under this part, or municipal
 241 employee, who is an officer, director, agent, employee, or owner of a substantial interest in
 242 [any] a business entity [which] that does or anticipates doing business with the municipality in
 243 which [he is an appointed or elected officer or municipal employee,] the officer or municipal
 244 employee is appointed, elected, or employed, shall:

245 (a) publicly disclose to the members of the body of which ~~[he]~~ the officer is a member
 246 or by which ~~[he]~~ the municipal employee is employed, immediately ~~[prior to]~~ before any
 247 discussion by ~~[such]~~ the municipal body concerning matters relating to ~~[such]~~ the business
 248 entity, the nature of ~~[his]~~ the officer's or municipal employee's interest in ~~[that]~~ the business
 249 entity[-]; and

250 (b) for an officer who is an elected officer, disclose the conflict described in this
 251 Subsection (1) on the conflict of interest disclosure website.

252 (2) The ~~[disclosure statement]~~ public disclosure described in Subsection (1)(a) shall be
 253 entered in the minutes of the meeting.

254 (3) Disclosure by a municipal employee under this section is satisfied if the municipal
 255 employee makes the disclosure in the manner ~~[required by Sections]~~ described in Section
 256 10-3-1305 ~~[and]~~ or Section 10-3-1306.

257 Section 7. Section **10-3-1308** is amended to read:

258 **10-3-1308. Investment creating conflict of interest with duties -- Disclosure.**

259 ~~[Any personal interest or investment by a municipal employee or by any elected or~~
 260 ~~appointed official of a municipality which creates a conflict between the employee's or~~
 261 ~~official's personal interests and his public duties shall be disclosed in open meeting to the~~
 262 ~~members of the body in the manner required by Section 10-3-1306]~~ An officer or municipal
 263 employee who has a personal interest or investment that creates a conflict between the officer's
 264 or municipal employee's personal interests and the officer's or municipal employee's public
 265 duties shall disclose the conflict in the manner described in Section 10-3-1306.

266 Section 8. Section **10-3-1309** is amended to read:

267 **10-3-1309. Inducing officer or employee to violate part prohibited.**

268 It is a class A misdemeanor for any person to induce or seek to induce ~~[any appointed or~~
 269 ~~elected officer or]~~ an officer or a municipal employee to violate any of the provisions of this
 270 part.

271 Section 9. Section **10-3-1311** is amended to read:

272 **10-3-1311. Municipal ethics commission -- Complaints charging violations.**

273 (1) A municipality may establish by ordinance an ethics commission to review a
 274 complaint against an officer or a municipal employee subject to this part for a violation of a
 275 provision of this part.

276 (2) (a) A person filing a complaint for a violation of this part shall file the complaint:

277 (i) with the municipal ethics commission, if a municipality has established a municipal
278 ethics commission in accordance with Subsection (1); or

279 (ii) with the Political Subdivisions Ethics Review Commission in accordance with
280 Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission, if the municipality
281 has not established a municipal ethics commission.

282 (b) A municipality that receives a complaint described in Subsection (2)(a) may:

283 (i) accept the complaint if the municipality has established a municipal ethics
284 commission in accordance with Subsection (1); or

285 (ii) forward the complaint to the Political Subdivisions Ethics Review Commission
286 established in Section 63A-15-201:

287 (A) regardless of whether the municipality has established a municipal ethics
288 commission; or

289 (B) if the municipality has not established a municipal ethics commission.

290 (3) If the alleged ethics complaint is against a person who is a member of the municipal
291 ethics commission, the complaint shall be filed with or forwarded to the Political Subdivisions
292 Ethics Review Commission.

293 Section 10. Section 10-3-1312 is amended to read:

294 **10-3-1312. Violation of disclosure requirements -- Penalties -- Rescission of**
295 **prohibited transaction.**

296 If ~~any~~ a transaction is entered into in connection with a violation of Section
297 10-3-1305, 10-3-1306, 10-3-1307, or 10-3-1308, the municipality:

298 (1) shall dismiss or remove the ~~appointed or elected~~ officer or municipal employee
299 who knowingly and intentionally violates this part from employment or office; and

300 (2) may rescind or void ~~any~~ a contract or subcontract entered into pursuant to that
301 transaction without returning any part of the consideration received by the municipality.

302 Section 11. Section 17-16a-3 is amended to read:

303 **17-16a-3. Definitions.**

304 As used in this part:

305 (1) (a) "Appointed officer" means ~~any person~~ an individual appointed to:

306 (i) ~~any~~ a statutory office or position; or

307 ~~(ii) [any other person appointed to any position of employment with a county, except~~
 308 ~~special employees] a position of employment with a county, except a special employee.~~

309 ~~(b) [Appointed officers include, but are not limited to persons serving on] "Appointed~~
 310 ~~officer" includes an individual serving on a special, regular or full-time [committees, agencies,~~
 311 ~~or boards whether or not such persons are compensated for their] committee, agency, or board,~~
 312 ~~regardless of whether the individual is compensated for the individual's services. [The use of~~
 313 ~~the word "officer" in this part is not intended to make appointed persons or employees~~
 314 ~~"officers" of the county.]~~

315 ~~(c) "Appointed officer" does not include an elected officer.~~

316 (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,
 317 aid, advise, furnish information to, or otherwise provide assistance to a person or business
 318 entity, believing that such action is of help, aid, advice, or assistance to such person or business
 319 entity and with the intent to so assist such person or business entity.

320 (3) "Business entity" means a sole proprietorship, partnership, association, joint
 321 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
 322 a business.

323 (4) "Compensation" means anything of economic value, however designated, which is
 324 paid, loaned, granted, given, donated or transferred to any person or business entity for or in
 325 consideration of personal services, materials, property, or any other thing whatsoever.

326 (5) "Conflict of interest disclosure website" means the Candidate and Officeholder
 327 Conflict of Interest Disclosure Website described in Section [20A-11-1602.5](#).

328 ~~[(5)]~~ (6) "Elected officer" means ~~[any person]~~ an individual elected or appointed to
 329 ~~[any]~~ an office in the county.

330 ~~[(6)]~~ (7) "Governmental action" means ~~[any]~~ an action on the part of a county
 331 including:

332 (a) ~~[any]~~ a decision, determination, finding, ruling, or order; ~~[and]~~

333 (b) ~~[any]~~ a grant, payment, award, license, contract, subcontract, transaction, decision,
 334 sanction, or approval~~[-or];~~ or

335 ~~(c) [the denial thereof, or the failure to act in respect to]~~ the denial of, or failure to act
 336 upon, a matter described in Subsection (7)(a) or (b).

337 (8) "Officer" means an appointed officer or an elected officer.

338 ~~[(7)]~~ (9) "Special employee" means ~~[any person]~~ an individual hired on the basis of a
339 contract to perform a special service for the county pursuant to an award of a contract
340 following a public bid.

341 ~~[(8)]~~ (10) "Substantial interest" means the ownership, either legally or equitably, by an
342 individual, the individual's spouse, and the individual's minor children, of at least 10% of the
343 outstanding shares of a corporation or 10% interest in any other business entity.

344 Section 12. Section **17-16a-3.5** is enacted to read:

345 **17-16a-3.5. Statutory construction.**

346 The definition of appointed officer in Section 17-16a-3 does not have the effect of
347 making an appointed individual or employee an officer of the county.

348 Section 13. Section **17-16a-4** is amended to read:

349 **17-16a-4. Prohibited use of official position -- Exception.**

350 (1) Except as provided in Subsection (3) or (5), it is an offense for an ~~[elected or~~
351 ~~appointed]~~ officer to:

352 (a) disclose confidential information acquired by reason of the officer's official position
353 or use that information to secure special privileges or exemptions for ~~[himself]~~ the officer or
354 others;

355 (b) use or attempt to use the officer's official position to secure special privileges for
356 the officer or for others; or

357 (c) knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or
358 loan for the officer or for another, if the gift or loan tends to influence the officer in the
359 discharge of the officer's official duties.

360 (2) This section ~~[is inapplicable]~~ does not apply to:

361 (a) an occasional nonpecuniary gift having a value of less than \$50;

362 (b) an award publicly presented;

363 (c) any bona fide loan made in the ordinary course of business; or

364 (d) political campaign contributions subject to Section **17-16-6.5**.

365 (3) A member of a county legislative body who is also a member of the governing
366 board of a provider of mental health or substance abuse services under contract with the county
367 does not commit an offense under Subsection (1)(a) or (b) by discharging, in good faith, the
368 duties and responsibilities of each position, if the county legislative body member does not

369 participate in the process of selecting the mental health or substance abuse service provider.

370 (4) Notwithstanding the provisions of this section, a county or county official may
371 encourage support from a public or private individual or institution, whether in financial
372 contributions or by other means, on behalf of an organization or activity that benefits the
373 community.

374 (5) This section does not apply to an ~~[elected or appointed]~~ officer who engages in
375 conduct that constitutes a violation of this section to the extent that the ~~[elected or appointed]~~
376 officer is chargeable, for the same conduct, under Section 76-8-105.

377 Section 14. Section 17-16a-5 is amended to read:

378 **17-16a-5. Compensation for assistance in transaction involving county -- Public**
379 **disclosure and filing required.**

380 (1) ~~[No elected or appointed officer may]~~ An officer may not receive or agree to
381 receive compensation for assisting ~~[any]~~ a person or business entity in ~~[any]~~ a transaction
382 involving the county in which ~~[he is an officer unless he]~~ the officer is elected or appointed
383 unless the officer:

384 (a) ~~[files with the county legislative body a sworn statement giving the information~~
385 ~~required by this section, and]~~ files with the county legislative body a sworn statement
386 disclosing the information described in Subsection (5);

387 (b) discloses in open meeting to the members of the body of which [he] the officer is a
388 member, immediately [prior to] before the discussion, the information [required by Subsection
389 (3)-] described in Subsection (5); and

390 (c) for an officer who is an elected officer, discloses the information described in
391 Subsection (5) on the conflict of interest disclosure website.

392 (2) ~~[The statement required to be filed by this section shall be filed]~~ An officer shall
393 file the sworn statement described in Subsection (1)(a) on or before the earlier of:

394 (a) 10 days [prior to the date of any agreement between the elected or appointed officer
395 and the person or business entity being assisted or] before the date on which the officer and the
396 person or business entity being assisted enter into an agreement; or

397 (b) 10 days [prior to the receipt of compensation by the business entity] before the date
398 on which the officer receives compensation.

399 (3) An officer shall make the website disclosure described in Subsection (1)(c) on or

400 before the earlier of the deadlines described in Subsections (2)(a) and (b).

401 (4) The ~~[statement]~~ sworn statement described in Subsection (1)(a) is public
402 information and is available for examination by the public.

403 ~~[(3)]~~ (5) The ~~[statement and disclosure]~~ disclosures described in Subsection (1) shall
404 contain the following information:

405 (a) the name and address of the officer;

406 (b) the name and address of the person or business entity being or to be assisted, or in
407 which the ~~[appointed or elected official]~~ officer has a substantial interest; and

408 (c) a brief description of the transaction as to which service is rendered or is to be
409 rendered and of the nature of the service performed or to be performed.

410 Section 15. Section ~~17-16a-6~~ is amended to read:

411 **17-16a-6. Interest in business entity regulated by county -- Disclosure.**

412 (1) ~~[Every appointed or elected officer]~~ An officer under this part who is an officer,
413 director, agent, or employee or the owner of a substantial interest in any business entity ~~[which]~~
414 that is subject to the regulation of the county ~~[in which the officer is an elected or appointed~~
415 ~~officer]~~ in which the officer is appointed or elected shall disclose the position held and the
416 precise nature and value of the officer's interest:

417 (a) upon first becoming appointed or elected~~[-];~~ and

418 (b) ~~[again]~~ during January of each year ~~[thereafter]~~ during which the officer continues
419 to be an appointed or elected officer.

420 (2) ~~[The disclosure shall be made]~~ An officer shall make the disclosure:

421 (a) in a sworn statement filed with the county legislative body~~[-];~~ and

422 (b) if the officer is an elected officer, on the conflict of interest disclosure website
423 described in Section [20A-11-1602.5](#).

424 (3) The commission shall:

425 (a) report the substance of ~~[all such disclosure statements]~~ the sworn statement to the
426 members of the governing body; or

427 (b) ~~[may provide to the members of the governing body, copies of the disclosure~~
428 ~~statement within 30 days after the statement is received]~~ provide a copy of the sworn statement
429 to the members of the governing body no later than 30 days after the day on which the
430 commission receives the statement.

431 (4) (a) This section does not apply to instances where the value of the interest does not
432 exceed ~~[\$2,000, and]~~ \$5,000.

433 (b) A life insurance ~~[policies and annuities]~~ policy or an annuity may not be considered
434 in determining the value of the interest.

435 Section 16. Section **17-16a-7** is amended to read:

436 **17-16a-7. Interest in business entity doing business with county -- Disclosure.**

437 (1) ~~[Every appointed or elected officer]~~ An officer under this part who is an officer,
438 director, agent, or employee, or owner of a substantial interest in ~~[any]~~ a business entity
439 ~~[which] that~~ does or anticipates doing business with the county ~~[in which he is an appointed or~~
440 ~~elected officer,]~~ in which the officer is appointed or elected shall:

441 (a) publicly disclose to the members of the body ~~[on which he]~~ of which the officer is a
442 member, immediately ~~[prior to any]~~ before a discussion by ~~[such]~~ the body on matters relating
443 to ~~[such]~~ the business entity, the nature of ~~[his]~~ the officer's interest in ~~[that]~~ the business
444 entity~~[-]; and~~

445 (b) for an officer who is an elected officer, disclose the conflict described in Subsection
446 (1) on the conflict of interest disclosure website.

447 (2) The ~~[disclosure statement]~~ public disclosure described in Subsection (1)(a) shall be
448 entered in the minutes of the meeting.

449 Section 17. Section **17-16a-8** is amended to read:

450 **17-16a-8. Investment creating conflict of interest with duties -- Disclosure.**

451 ~~[Any personal interest of or investment by any elected or appointed official of a county~~
452 ~~which creates a potential or actual conflict between the official's personal interests and his~~
453 ~~public duties shall be disclosed in open meeting to the members of the body in the manner~~
454 ~~required by Section 17-16a-6]~~ An officer who has a personal interest or investment that creates
455 a potential or actual conflict between the officer's personal interests and the officer's public
456 duties shall disclose the conflict in the manner described in Section 17-16a-6.

457 Section 18. Section **17-16a-9** is amended to read:

458 **17-16a-9. Inducing officer to violate provisions prohibited.**

459 No person shall induce or seek to induce ~~[any appointed or elected]~~ an officer to violate
460 any of the provisions of this part.

461 Section 19. Section **17-16a-10** is amended to read:

462 **17-16a-10. Violation a misdemeanor -- Removal from office.**

463 In addition to any penalty contained in any other provision of law, [any] a person who
464 knowingly and intentionally violates this part is guilty of a class A misdemeanor and shall be
465 dismissed from employment or removed from office.

466 Section 20. Section **17-16a-12** is amended to read:

467 **17-16a-12. Rescission of prohibited transaction.**

468 If [any] a transaction is entered into in connection with a violation of Section **17-16a-6**,
469 the county may rescind or void [any] a contract or subcontract entered into pursuant to that
470 transaction without returning any part of the consideration received by the county.

471 Section 21. Section **20A-11-1602** is amended to read:

472 **20A-11-1602. Definitions.**

473 As used in this part:

474 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that
475 the officeholder reasonably believes may cause direct financial benefit or detriment to the
476 officeholder, a member of the officeholder's immediate family, or an individual or entity that
477 the officeholder is required to disclose under the provisions of this section, if that benefit or
478 detriment is distinguishable from the effects of that action on the public or on the officeholder's
479 profession, occupation, or association generally.

480 (2) "Conflict of interest disclosure" means a disclosure, on the website, of all
481 information required under Section **20A-11-1604**.

482 (3) "Entity" means a corporation, a partnership, a limited liability company, a limited
483 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint
484 venture, a governmental entity, an unincorporated organization, or any other legal entity,
485 regardless of whether it is established primarily for the purpose of gain or economic profit.

486 (4) "Filing officer" means:

487 (a) the lieutenant governor, for the office of a state constitutional officer or State Board
488 of Education member; or

489 (b) the lieutenant governor or the county clerk in the county of the candidate's
490 residence, for a state legislative office.

491 (5) "Immediate family" means the regulated officeholder's spouse, a child living in the
492 regulated officeholder's immediate household, or an individual claimed as a dependent for state

493 or federal income tax purposes by the regulated officeholder.

494 (6) "Income" means earnings, compensation, or any other payment made to an
495 individual for gain, regardless of source, whether denominated as wages, salary, commission,
496 pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,
497 reimbursement, dividends, or otherwise.

498 (7) (a) "Local official" means an individual who holds an office on the legislative body
499 of a political subdivision.

500 (b) "Local official" includes an individual who:

501 (i) is elected to an office described in Subsection (7)(a);

502 (ii) is appointed to fill a vacancy in an office described in Subsection (7)(a); or

503 (iii) is appointed to serve as a member of the governing body of a special district.

504 ~~(7)~~ (8) (a) "Owner or officer" means an individual who owns an ownership interest in
505 an entity or holds a position where the person has authority to manage, direct, control, or make
506 decisions for:

507 (i) the entity or a portion of the entity; or

508 (ii) an employee, agent, or independent contractor of the entity.

509 (b) "Owner or officer" includes:

510 (i) a member of a board of directors or other governing body of an entity; or

511 (ii) a partner in any type of partnership.

512 (9) "Political subdivision" means a county, city, town, metro township, school district,
513 or special district.

514 ~~(8)~~ (10) "Preceding year" means the year immediately preceding the day on which the
515 regulated officeholder makes a conflict of interest disclosure.

516 ~~(9)~~ (11) "Regulated officeholder" means an individual who is required to make a
517 conflict of interest disclosure under the provisions of this part.

518 (12) "Special filing officer" means:

519 (a) the lieutenant governor, for the office of a state constitutional officer, state
520 legislator, or State Board of Education member;

521 (b) the county clerk, for a local official who holds an office on the legislative body of a
522 county;

523 (c) the city recorder or town clerk, for a local official who holds an office on a

524 municipal legislative body;

525 (d) the special district clerk, for a local official who holds an office on the governing
526 body of a special district;

527 (e) the school district administrator, for a local official who holds an office on a local
528 school board; or

529 (f) the administrator or clerk of a state land use authority, for a state board member.

530 (13) (a) "State board member" means an individual appointed to the board of a state
531 land use authority.

532 (b) "State board member" includes a nonvoting member of a board described in
533 Subsection (12)(a).

534 ~~[(10)]~~ (14) "State constitutional officer" means the governor, the lieutenant governor,
535 the state auditor, the state treasurer, or the attorney general.

536 (15) "State land use authority" means:

537 (a) the Utah Inland Port Authority created in Section [11-58-201](#);

538 (b) the Point of the Mountain State Land Authority created in Section [11-59-201](#); or

539 (c) the Military Installation Development Authority created in Section [63H-1-201](#).

540 ~~[(11)]~~ (16) "Website" means the Candidate and Officeholder Conflict of Interest
541 Disclosure Website described in Section [20A-11-1602.5](#).

542 Section 22. Section **20A-11-1602.5** is amended to read:

543 **20A-11-1602.5. Candidate and Officeholder Conflict of Interest Disclosure**
544 **Website.**

545 (1) The lieutenant governor shall, in cooperation with the county clerks and other
546 special filing officers, establish and administer a Candidate and Officeholder Conflict of
547 Interest Disclosure Website.

548 (2) The website shall:

549 (a) permit a candidate or officeholder to securely access the website for the purpose of:

550 (i) complying with the conflict of interest disclosure requirements described in this
551 part; and

552 (ii) editing conflict of interest disclosures;

553 (b) contain a record of all conflict of interest disclosures and edits made by the
554 candidate or officeholder for at least the preceding four years; and

555 (c) permit any person to view a conflict of interest disclosure made by a candidate or
556 officeholder.

557 Section 23. Section **20A-11-1603.5** is enacted to read:

558 **20A-11-1603.5. Conflict of interest disclosure -- Required after election or**
559 **appointment of local official or state board member -- Public availability.**

560 (1) Except as provided in Subsection (3), a local official shall make the local official's
561 first conflict of interest disclosure on the website no sooner than January 1, and before January
562 11, the year after the year in which the local official is appointed or elected.

563 (2) Except as provided in Subsection (5), a state board member shall make the state
564 board member's first conflict of interest disclosure on the website no sooner than January 1,
565 and before January 11, the year after the year in which the state board member is appointed.

566 (3) A local official is not required to comply with Subsection (1) if, during the time
567 period the local official would otherwise make the conflict of interest disclosure under
568 Subsection (1):

569 (a) (i) the local official is a state board member; and

570 (ii) the local official makes a complete conflict of interest disclosure on the website in
571 the local official's capacity as a state board member, in accordance with Section [20A-11-1604](#);
572 or

573 (b) (i) the local official holds an office on the legislative body of a political subdivision
574 that is different from the legislative body to which the local official was appointed or elected;
575 and

576 (ii) the local official makes a complete conflict of interest disclosure on the website in
577 the local official's capacity as a member of the other legislative body, in accordance with
578 Section [20A-11-1604](#).

579 (4) A local official who is elected or appointed to more than one legislative body of a
580 political subdivision in the same year complies with Subsection (1) by making one complete
581 conflict of interest disclosure on the website during the time period described in Subsection (1).

582 (5) A state board member is not required to comply with Subsection (2) if:

583 (a) (i) on the day the state board member is appointed, the state board member holds
584 the office of state legislator or State Board of Education member;

585 (ii) the state board member already, that same year, filed the conflict of interest

586 disclosure for an office described in Subsection (5)(a)(i), in accordance with Section
587 20A-11-1604;

588 (iii) the state board member is seeking reelection to an office described in Subsection
589 (5)(a)(i); and

590 (iv) at the time the state board member files the declaration of candidacy for an office
591 described in Subsection (5)(a)(i), the state board member indicates, in writing, that the conflict
592 of interest disclosure described in Subsection (5)(a)(ii) is updated and accurate as of the date of
593 filing the declaration of candidacy; or

594 (b) (i) during the time period the state board member would otherwise make the
595 conflict of interest disclosure under Subsection (2), the state board member holds the office of
596 state legislator, State Board of Education member, or a local official; and

597 (ii) the state board member makes a complete conflict of interest disclosure on the
598 website in the state board member's capacity as a state legislator, State Board of Education
599 member, or a local official, in accordance with Section 20A-11-1604.

600 (6) A state board member who is appointed to a state land use authority in the same
601 year the state board member is appointed or elected to the legislative body of a political
602 subdivision complies with Subsection (2) by making one complete conflict of interest
603 disclosure on the website during the time period described in Subsection (2).

604 (7) If a local official or state board member fails to comply with Subsection (1) or (2),
605 as applicable, the special filing officer shall, no later than 21 days after the deadline described
606 in Subsection (1) or (2), as applicable, provide electronic notice to the local official or state
607 board member that the local official or state board member has not made a complete conflict of
608 interest disclosure on the website.

609 (8) The conflict of interest disclosure described in Subsections (1) and (2) shall contain
610 the same information and shall be in the same format as the conflict of interest disclosure
611 described in Section 20A-11-1604.

612 (9) The lieutenant governor shall make the complete conflict of interest disclosure
613 made by each local official or state board member available for public inspection on the
614 website.

615 Section 24. Section **20A-11-1604** is amended to read:

616 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with**

617 **reporting requirements.**

618 (1) (a) Before or during the execution of any order, settlement, declaration, contract, or
619 any other official act of office in which a state constitutional officer has actual knowledge that
620 the state constitutional officer has a conflict of interest that is not stated in the conflict of
621 interest disclosure, the state constitutional officer shall publicly declare that the state
622 constitutional officer may have a conflict of interest and what that conflict of interest is.

623 (b) Before or during any vote on legislation or any legislative matter in which a
624 legislator or local official has actual knowledge that the legislator or local official has a conflict
625 of interest that is not stated in the conflict of interest disclosure, the legislator or local official
626 shall orally declare to the committee or body before which the matter is pending that the
627 legislator or local official may have a conflict of interest and what that conflict is.

628 (c) Before or during any vote on any rule, resolution, order, or any other board matter
629 in which a member of the State Board of Education has actual knowledge that the member has
630 a conflict of interest that is not stated in the conflict of interest disclosure, the member shall
631 orally declare to the board that the member may have a conflict of interest and what that
632 conflict of interest is.

633 (d) Before or during any vote on any board matter in which a state board member has
634 actual knowledge that the state board member has a conflict of interest that is not stated in the
635 conflict of interest disclosure, the state board member shall orally declare to the board that the
636 member may have a conflict of interest and what that conflict of interest is.

637 (2) Any public declaration of a conflict of interest that is made under Subsection (1)
638 shall be noted:

639 (a) on the official record of the action taken, for a state constitutional officer;

640 (b) in the minutes of the committee meeting or in the Senate or House Journal, as
641 applicable, for a legislator; or

642 (c) in the minutes of the meeting or on the official record of the action taken, for a local
643 official, a state board member, or a member of the State Board of Education.

644 (3) A state constitutional officer shall make a complete conflict of interest disclosure
645 on the website:

646 (a) (i) no sooner than January 1 each year, and before January 11 each year; or

647 (ii) if the state constitutional officer takes office after January 10, within 10 days after

648 the day on which the state constitutional officer takes office; and

649 (b) each time the state constitutional officer changes employment.

650 (4) A legislator shall make a complete conflict of interest disclosure on the website:

651 (a) (i) no sooner than January 1 each year, and before January 11 each year; or

652 (ii) if the legislator takes office after January 10, within 10 days after the day on which
653 the legislator takes office; and

654 (b) each time the legislator changes employment.

655 (5) A member of the State Board of Education shall make a complete conflict of
656 interest disclosure on the website:

657 (a) (i) no sooner than January 1 each year, and before January 11 each year; or

658 (ii) if the member takes office after January 10, within 10 days after the day on which
659 the member takes office; and

660 (b) each time the member changes employment.

661 (6) A local official shall make a successive conflict of interest disclosure on the
662 website:

663 (a) no sooner than January 1 each year, and before January 11 each year; and

664 (b) each time the local official changes employment.

665 (7) A state board member shall make a successive conflict of interest disclosure on the
666 website:

667 (a) no sooner than January 1 each year, and before January 11 each year; and

668 (b) each time the state board member changes employment.

669 (8) (a) A local official who holds an office on more than one legislative body of a
670 political subdivision complies with Subsection (6) by making one complete conflict of interest
671 disclosure on the website during the time period described in Subsection (6)(a) or (b), as
672 applicable.

673 (b) A state board member who holds an office on the legislative body of a political
674 subdivision complies with Subsection (7) by making one complete conflict of interest
675 disclosure on the website during the time period described in Subsection (7)(a) or (b), as
676 applicable.

677 ~~[(6)]~~ (9) A conflict of interest disclosure described in [Subsection (3), (4), or (5)]
678 Subsections (3) through (7) shall include:

- 679 (a) the regulated officeholder's name;
- 680 (b) the name and address of each of the regulated officeholder's current employers and
681 each of the regulated officeholder's employers during the preceding year;
- 682 (c) for each employer described in Subsection [~~(6)(b)~~] (9)(b), a brief description of the
683 employment, including the regulated officeholder's occupation and, as applicable, job title;
- 684 (d) for each entity in which the regulated officeholder is an owner or officer, or was an
685 owner or officer during the preceding year:
- 686 (i) the name of the entity;
- 687 (ii) a brief description of the type of business or activity conducted by the entity; and
- 688 (iii) the regulated officeholder's position in the entity;
- 689 (e) in accordance with Subsection [~~(7)~~] (10), for each individual from whom, or entity
690 from which, the regulated officeholder has received \$5,000 or more in income during the
691 preceding year:
- 692 (i) the name of the individual or entity; and
- 693 (ii) a brief description of the type of business or activity conducted by the individual or
694 entity;
- 695 (f) for each entity in which the regulated officeholder holds any stocks or bonds having
696 a fair market value of \$5,000 or more as of the date of the disclosure form or during the
697 preceding year, but excluding funds that are managed by a third party, including blind trusts,
698 managed investment accounts, and mutual funds:
- 699 (i) the name of the entity; and
- 700 (ii) a brief description of the type of business or activity conducted by the entity;
- 701 (g) for each entity not listed in Subsections [~~(6)(d)~~] (9)(d) through (f) in which the
702 regulated officeholder currently serves, or served in the preceding year, in a paid leadership
703 capacity or in a paid or unpaid position on a board of directors:
- 704 (i) the name of the entity or organization;
- 705 (ii) a brief description of the type of business or activity conducted by the entity; and
- 706 (iii) the type of position held by the regulated officeholder;
- 707 (h) at the option of the regulated officeholder, a description of any real property in
708 which the regulated officeholder holds an ownership or other financial interest that the
709 regulated officeholder believes may constitute a conflict of interest, including a description of

710 the type of interest held by the regulated officeholder in the property;

711 (i) the name of the regulated officeholder's spouse and any other adult residing in the
712 regulated officeholder's household who is not related by blood or marriage, as applicable;

713 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
714 is required to provide under Subsection [~~(6)(b)~~] (9)(b);

715 (k) a brief description of the employment and occupation of each adult who:

716 (i) resides in the regulated officeholder's household; and

717 (ii) is not related to the regulated officeholder by blood or marriage;

718 (l) at the option of the regulated officeholder, a description of any other matter or
719 interest that the regulated officeholder believes may constitute a conflict of interest;

720 (m) the date the form was completed;

721 (n) a statement that the regulated officeholder believes that the form is true and
722 accurate to the best of the regulated officeholder's knowledge; and

723 (o) the signature of the regulated officeholder.

724 [~~(7)~~] (10) In making the disclosure described in Subsection [~~(6)(e)~~] (9)(e), a regulated
725 officeholder who provides goods or services to multiple customers or clients as part of a
726 business or a licensed profession is only required to provide the information described in
727 Subsection [~~(6)(e)~~] (9)(e) in relation to the entity or practice through which the regulated
728 officeholder provides the goods or services and is not required to provide the information
729 described in Subsection [~~(6)(e)~~] (9)(e) in relation to the regulated officeholder's individual
730 customers or clients.

731 [~~(8)~~] (11) The disclosure requirements described in this section do not prohibit a
732 regulated officeholder from voting or acting on any matter.

733 [~~(9)~~] (12) A regulated officeholder may amend a conflict of interest disclosure
734 described in this part at any time.

735 [~~(10)~~] (13) A regulated officeholder who violates the requirements of Subsection (1) is
736 guilty of a class B misdemeanor.

737 [~~(11)~~] (14) (a) A regulated officeholder who intentionally or knowingly violates a
738 provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.

739 (b) In addition to the criminal penalty described in Subsection [~~(11)(a)~~] (14)(a), the
740 [~~lieutenant governor~~] special filing officer shall impose a civil penalty of \$100 against a

741 regulated officeholder who violates a provision of this section, other than Subsection (1).

742 Section 25. Section **20A-11-1605** is amended to read:

743 **20A-11-1605. Failure to file -- Penalties.**

744 (1) Within 60 days after the day on which a regulated officeholder is required to file a
745 conflict of interest disclosure under [~~Subsection 20A-11-1604(3), (4) or (5)~~] Subsections
746 20A-11-1604(3) through (7), the [~~lieutenant governor~~] special filing officer shall review each
747 filed conflict of interest disclosure to ensure that:

748 (a) each regulated officeholder who is required to file a conflict of interest disclosure
749 has filed one; and

750 (b) each conflict of interest disclosure contains the information required under Section
751 20A-11-1604.

752 (2) The [~~lieutenant governor~~] special filing officer shall take the action described in
753 Subsection (3) if:

754 (a) a regulated officeholder has failed to timely file a conflict of interest disclosure;

755 (b) a filed conflict of interest disclosure does not comply with the requirements of
756 Section 20A-11-1604; or

757 (c) the [~~lieutenant governor~~] special filing officer receives a written complaint alleging
758 a violation of Section 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving
759 the complaint and giving the regulated officeholder notice and an opportunity to be heard, the
760 [~~lieutenant governor~~] special filing officer determines that a violation occurred.

761 (3) If a circumstance described in Subsection (2) occurs, the [~~lieutenant governor~~]
762 special filing officer shall, within five days after the day on which the [~~lieutenant governor~~] the
763 special filing officer determines that a violation occurred, notify the regulated officeholder of
764 the violation and direct the regulated officeholder to file an amended report correcting the
765 problem.

766 (4) (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict of
767 interest disclosure within seven days after the day on which the regulated officeholder receives
768 the notice described in Subsection (3).

769 (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B
770 misdemeanor.

771 (c) The [~~lieutenant governor~~] special filing officer shall report all violations of

772 Subsection (4)(a) to the attorney general.

773 (d) In addition to the criminal penalty described in Subsection (4)(b), the [~~lieutenant~~
774 ~~governor~~] special filing officer shall impose a civil fine of \$100 against a regulated officeholder
775 who violates Subsection (4)(a).

776 (5) The [~~lieutenant governor~~] special filing officer shall deposit a fine collected under
777 this part into the [~~General Fund~~] state's or political subdivision's general fund as a dedicated
778 credit to pay for the costs of administering the provisions of this part.

779 Section 26. Section **67-16-3** is amended to read:

780 **67-16-3. Definitions.**

781 As used in this chapter:

782 (1) "Agency" means:

783 (a) any department, division, agency, commission, board, council, committee,
784 authority, or any other institution of the state or any of its political subdivisions; or

785 (b) an association as defined in Section [53G-7-1101](#).

786 (2) "Agency head" means the chief executive or administrative officer of any agency.

787 (3) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,
788 aid, advise, furnish information to, or otherwise provide assistance to a person or business
789 entity, believing that such action is of help, aid, advice, or assistance to such person or business
790 entity and with the intent to assist such person or business entity.

791 (4) "Business entity" means a sole proprietorship, partnership, association, joint
792 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
793 a business.

794 (5) "Compensation" means anything of economic value, however designated, which is
795 paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone
796 other than the governmental employer for or in consideration of personal services, materials,
797 property, or any other thing whatsoever.

798 (6) "Conflict of interest disclosure website" means the Candidate and Officeholder
799 Conflict of Interest Disclosure Website described in Section [20A-11-1602.5](#).

800 [~~(6)~~] (7) "Controlled, private, or protected information" means information classified
801 as controlled, private, or protected in Title 63G, Chapter 2, Government Records Access and
802 Management Act, or other applicable provision of law.

803 ~~[(7)]~~ (8) "Governmental action" means any action on the part of the state, a political
804 subdivision, or an agency, including:

805 (a) any decision, determination, finding, ruling, or order; and

806 (b) any grant, payment, award, license, contract, subcontract, transaction, decision,
807 sanction, or approval, or the denial thereof, or the failure to act in respect to.

808 ~~[(8)]~~ (9) "Improper disclosure" means disclosure of controlled, private, or protected
809 information to any person who does not have the right to receive the information.

810 ~~[(9)]~~ (10) "Legislative employee" means any officer or employee of the Legislature, or
811 any committee of the Legislature, who is appointed or employed to serve, either with or
812 without compensation, for an aggregate of less than 800 hours during any period of 365 days.

813 "Legislative employee" does not include legislators.

814 ~~[(10)]~~ (11) "Legislator" means a member or member-elect of either house of the
815 Legislature of the state of Utah.

816 ~~[(11)]~~ (12) "Political subdivision" means a district, school district, or any other
817 political subdivision of the state that is not an agency, but does not include a municipality or a
818 county.

819 ~~[(12)]~~ (13) (a) "Public employee" means a person who is not a public officer who is
820 employed on a full-time, part-time, or contract basis by:

821 (i) the state;

822 (ii) a political subdivision of the state; or

823 (iii) an association as defined in Section [53G-7-1101](#).

824 (b) "Public employee" does not include legislators or legislative employees.

825 ~~[(13)]~~ (14) (a) "Public officer" means an elected or appointed officer:

826 (i) (A) of the state;

827 (B) of a political subdivision of the state; or

828 (C) an association as defined in Section [53G-7-1101](#); and

829 (ii) who occupies a policymaking post.

830 (b) "Public officer" includes a special public officer.

831 ~~[(b)]~~ (c) "Public officer" does not include legislators or legislative employees.

832 (15) "Special public officer" means a public officer who is an elected or appointed
833 member of:

834 (a) the board of trustees of a special district;

835 (b) the administrative control board of a special service district; or

836 (c) a local school board.

837 ~~[(14)]~~ (16) "State" means the state of Utah.

838 ~~[(15)]~~ (17) "Substantial interest" means the ownership, either legally or equitably, by
839 an individual, the individual's spouse, or the individual's minor children, of at least 10% of the
840 outstanding capital stock of a corporation or a 10% interest in any other business entity.

841 Section 27. Section **67-16-6** is amended to read:

842 **67-16-6. Receiving compensation for assistance in transaction involving an**
843 **agency -- Filing sworn statement.**

844 (1) Except as provided in Subsection ~~[(5)]~~ (6), it is an offense for a public officer or
845 public employee to receive or agree to receive compensation for assisting any person or
846 business entity in any transaction involving an agency unless:

847 (a) the public officer or public employee files a sworn, written statement ~~[containing~~
848 ~~the information required by]~~ disclosing the information described in Subsection (2) with:

849 ~~[(a)]~~ (i) the head of the officer or employee's own agency;

850 ~~[(b)]~~ (ii) the agency head of the agency with which the transaction is being conducted;

851 and

852 ~~[(c)]~~ (iii) the state attorney general[-]; and

853 (b) for a public officer who is a special public officer, the public officer discloses the
854 information described in Subsection (2) on the conflict of interest disclosure website.

855 (2) The ~~[statement]~~ disclosures described in Subsection (1) shall contain:

856 (a) the name and address of the public officer or public employee involved;

857 (b) the name of the public officer's or public employee's agency;

858 (c) the name and address of the person or business entity being or to be assisted; and

859 (d) a brief description of:

860 (i) the transaction as to which service is rendered or is to be rendered; and

861 (ii) the nature of the service performed or to be performed.

862 ~~[(The statement required to be filed under Subsection (1) shall be filed within)]~~ A
863 public officer or public employee shall file the sworn statement described in Subsection (1)(a)
864 on or before the earlier of:

865 (a) 10 days after the date [~~of any agreement between the public officer or public~~
 866 ~~employee and the person or business entity being assisted]~~ on which the public officer or public
 867 employee and the person or business entity being assisted enter into an agreement; or

868 (b) the [~~receipt of compensation, whichever is earlier]~~ public officer's or public
 869 employee's receipt of compensation.

870 (4) A public officer who is a special public officer shall make the website disclosure
 871 described in Subsection (1)(b) on or before the earlier of the deadlines described in Subsections
 872 (3)(a) and (b).

873 [~~(4)~~] (5) The [~~statement is]~~ sworn statement described in Subsection (1)(a) is public
 874 information and shall be available for examination by the public.

875 [~~(5)~~] (6) This section does not apply to a public officer or public employee who
 876 engages in conduct that constitutes a violation of this section to the extent that the public
 877 officer or public employee is chargeable, for the same conduct, under Section [63G-6a-2404](#) or
 878 Section [76-8-105](#).

879 Section 28. Section **67-16-7** is amended to read:

880 **67-16-7. Disclosure of substantial interest in regulated business -- Exceptions.**

881 (1) Except as provided in Subsection (5), a public officer or public employee who is an
 882 officer, director, agent, employee, or owner of a substantial interest in any business entity that
 883 is subject to the regulation of the agency by which the public officer or public employee is
 884 employed shall disclose [~~any~~] a position held in the entity and the precise nature and value of
 885 the public officer's or public employee's interest in the entity:

886 (a) upon first becoming a public officer or public employee;

887 (b) whenever the public officer's or public employee's position in the business entity
 888 changes significantly; and

889 (c) if the value of the public officer's or public employee's interest in the entity
 890 increases significantly.

891 (2) The disclosure required under Subsection (1) shall be made:

892 (a) in a sworn statement filed with:

893 [~~(a)~~] (i) for a public officer or a public employee of the state, the attorney general;

894 [~~(b)~~] (ii) for a public officer or a public employee of a political subdivision, the chief
 895 governing body of the political subdivision;

896 ~~(c)~~ (iii) the head of the agency with which the public officer or public employee is
897 affiliated; and

898 ~~(d)~~ (iv) for a public employee, the public employee's immediate supervisor~~[-];~~ and

899 (b) for a public officer who is a special public officer, on the conflict of interest
900 disclosure website.

901 (3) (a) This section does not apply to instances where the total value of the substantial
902 interest does not exceed [~~\$2,000~~] \$5,000.

903 (b) A life insurance policy or an annuity is not required to be considered in determining
904 the value of a substantial interest under this section.

905 (4) A disclosure made under this section is a public record and a person with whom a
906 disclosure is filed under Subsection (2) shall make the disclosure available for public
907 inspection.

908 (5) A public officer, other than a special public officer, who is required to file a
909 disclosure on the conflict of interest disclosure website is not required to file ~~[a]~~ the disclosure
910 under this section if the public officer files a disclosure under Section [20A-11-1604](#).

911 Section 29. **Effective date.**

912 This bill takes effect on May 1, 2024.