

1           **CANDIDATE AND OFFICEHOLDER DISCLOSURE MODIFICATIONS**  
2024 GENERAL SESSION  
STATE OF UTAH  
**Chief Sponsor: Paul A. Cutler**  
Senate Sponsor: Jerry W Stevenson

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3 **LONG TITLE**

4 **General Description:**

5       This bill modifies provisions related to conflicts of interest and campaign finance disclosure  
6 statements.

7 **Highlighted Provisions:**

8       This bill:

- 9       ▶ requires an elected officer of a political subdivision and a member of a state land use  
10 authority to annually file a conflict of interest disclosure statement;
- 11       ▶ requires the clerk of the political subdivision or state land use authority described above  
12 to:
  - 13           • post an electronic copy of the conflict of interest disclosure statement on the political  
14 subdivision's or state land use authority's website; and
  - 15           • provide the lieutenant governor's office with a link to the electronic posting described  
16 above;
- 17       ▶ requires the lieutenant governor to post the link described above on the state conflict of  
18 interest disclosure website;
- 19       ▶ standardizes the monetary amount that triggers an elected officer's disclosure obligation;
- 20       ▶ establishes penalties for an elected officer or a member of a state land use authority who  
21 fails to file a conflict of interest disclosure statement;
- 22       ▶ requires a municipal or county clerk to provide the lieutenant governor with an  
23 electronic link to the campaign finance statement filed by a candidate for municipal or county  
24 office;
- 25       ▶ requires the lieutenant governor to post the link described above on the lieutenant  
26 governor's website; and
- 27       ▶ makes technical and conforming changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **10-3-208**, as last amended by Laws of Utah 2023, Chapter 4535 **10-3-1303**, as last amended by Laws of Utah 2016, Chapter 35036 **10-3-1304**, as last amended by Laws of Utah 2013, Chapter 44537 **10-3-1305**, as last amended by Laws of Utah 2013, Chapter 44538 **10-3-1306**, as last amended by Laws of Utah 2010, Chapter 37839 **10-3-1307**, as last amended by Laws of Utah 1989, Chapter 14740 **10-3-1308**, as last amended by Laws of Utah 1989, Chapter 14741 **10-3-1309**, as last amended by Laws of Utah 1991, Chapter 24142 **10-3-1311**, as last amended by Laws of Utah 2018, Chapter 46143 **10-3-1312**, as last amended by Laws of Utah 1989, Chapter 14744 **11-58-304**, as last amended by Laws of Utah 2022, Chapter 8245 **11-59-306**, as last amended by Laws of Utah 2022, Chapter 23746 **11-65-304**, as enacted by Laws of Utah 2022, Chapter 5947 **17-16-6.5**, as last amended by Laws of Utah 2023, Chapter 4548 **17-16a-3**, as last amended by Laws of Utah 2011, Chapter 29749 **17-16a-4**, as last amended by Laws of Utah 2013, Chapters 142, 44550 **17-16a-5**, as last amended by Laws of Utah 1993, Chapter 22751 **17-16a-6**, as last amended by Laws of Utah 2011, Chapter 29752 **17-16a-7**, as enacted by Laws of Utah 1983, Chapter 4653 **17-16a-8**, as enacted by Laws of Utah 1983, Chapter 4654 **17-16a-9**, as enacted by Laws of Utah 1983, Chapter 4655 **17-16a-10**, as last amended by Laws of Utah 1991, Chapter 24156 **17-16a-12**, as enacted by Laws of Utah 1983, Chapter 4657 **20A-11-103**, as last amended by Laws of Utah 2016, Chapter 1658 **20A-11-1602**, as last amended by Laws of Utah 2021, Chapter 2059 **20A-11-1602.5**, as last amended by Laws of Utah 2021, Chapter 2060 **53C-1-202**, as last amended by Laws of Utah 2020, Chapters 352, 37361 **63H-4-102**, as last amended by Laws of Utah 2021, Chapter 280

- 62 **63H-8-201**, as last amended by Laws of Utah 2020, Chapters 352, 373
- 63 **63M-14-202**, as last amended by Laws of Utah 2022, Chapter 98
- 64 **67-16-3**, as last amended by Laws of Utah 2018, Chapter 415
- 65 **67-16-6**, as last amended by Laws of Utah 2014, Chapter 196
- 66 **67-16-7**, as last amended by Laws of Utah 2018, Chapter 59
- 67 **73-32-302**, as last amended by Laws of Utah 2023, Chapter 34 and renumbered and
- 68 amended by Laws of Utah 2023, Chapter 205

69 ENACTS:

- 70 **10-3-1303.5**, Utah Code Annotated 1953
- 71 **10-3-1313**, Utah Code Annotated 1953
- 72 **17-16a-3.5**, Utah Code Annotated 1953
- 73 **17-16a-13**, Utah Code Annotated 1953
- 74 **63H-1-304**, Utah Code Annotated 1953
- 75 **67-16-16**, Utah Code Annotated 1953

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

78 Section 1. Section **10-3-208** is amended to read:

79 **10-3-208 . Campaign finance disclosure in municipal election.**

80 (1) Unless a municipality adopts by ordinance more stringent definitions, the following are  
 81 defined terms for purposes of this section:

82 (a) "Agent of a candidate" means:

- 83 (i) a person acting on behalf of a candidate at the direction of the reporting entity;
- 84 (ii) a person employed by a candidate in the candidate's capacity as a candidate;
- 85 (iii) the personal campaign committee of a candidate;
- 86 (iv) a member of the personal campaign committee of a candidate in the member's  
 87 capacity as a member of the personal campaign committee of the candidate; or
- 88 (v) a political consultant of a candidate.

89 (b) "Anonymous contribution limit" means for each calendar year:

- 90 (i) \$50; or
- 91 (ii) an amount less than \$50 that is specified in an ordinance of the municipality.

92 (c) (i) "Candidate" means a person who:

- 93 (A) files a declaration of candidacy for municipal office; or
- 94 (B) receives contributions, makes expenditures, or gives consent for any other  
 95 person to receive contributions or make expenditures to bring about the

- 96 person's nomination or election to a municipal office.
- 97 (ii) "Candidate" does not mean a person who files for the office of judge.
- 98 (d) (i) "Contribution" means any of the following when done for political purposes:
- 99 (A) a gift, subscription, donation, loan, advance, or deposit of money or anything
- 100 of value given to a candidate;
- 101 (B) an express, legally enforceable contract, promise, or agreement to make a gift,
- 102 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of
- 103 money or anything of value to the candidate;
- 104 (C) any transfer of funds from another reporting entity to the candidate;
- 105 (D) compensation paid by any person or reporting entity other than the candidate
- 106 for personal services provided without charge to the candidate;
- 107 (E) a loan made by a candidate deposited to the candidate's own campaign; and
- 108 (F) an in-kind contribution.
- 109 (ii) "Contribution" does not include:
- 110 (A) services provided by an individual volunteering a portion or all of the
- 111 individual's time on behalf of the candidate if the services are provided without
- 112 compensation by the candidate or any other person;
- 113 (B) money lent to the candidate by a financial institution in the ordinary course of
- 114 business; or
- 115 (C) goods or services provided for the benefit of a candidate at less than fair
- 116 market value that are not authorized by or coordinated with the candidate.
- 117 (e) "Coordinated with" means that goods or services provided for the benefit of a
- 118 candidate are provided:
- 119 (i) with the candidate's prior knowledge, if the candidate does not object;
- 120 (ii) by agreement with the candidate;
- 121 (iii) in coordination with the candidate; or
- 122 (iv) using official logos, slogans, and similar elements belonging to a candidate.
- 123 (f) (i) "Expenditure" means any of the following made by a candidate or an agent of
- 124 the candidate on behalf of the candidate:
- 125 (A) any disbursement from contributions, receipts, or from an account described
- 126 in Subsection (3)(a);
- 127 (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of
- 128 money, or anything of value made for political purposes;
- 129 (C) an express, legally enforceable contract, promise, or agreement to make any

- 130 purchase, payment, donation, distribution, loan, advance, deposit, gift of  
131 money, or anything of value for a political purpose;
- 132 (D) compensation paid by a candidate for personal services rendered by a person  
133 without charge to a reporting entity;
- 134 (E) a transfer of funds between the candidate and a candidate's personal campaign  
135 committee as defined in Section 20A-11-101; or
- 136 (F) goods or services provided by a reporting entity to or for the benefit of the  
137 candidate for political purposes at less than fair market value.
- 138 (ii) "Expenditure" does not include:
- 139 (A) services provided without compensation by an individual volunteering a  
140 portion or all of the individual's time on behalf of a candidate; or
- 141 (B) money lent to a candidate by a financial institution in the ordinary course of  
142 business.
- 143 (g) "In-kind contribution" means anything of value other than money, that is accepted by  
144 or coordinated with a candidate.
- 145 (h) (i) "Political consultant" means a person who is paid by a candidate, or paid by  
146 another person on behalf of and with the knowledge of the candidate, to provide  
147 political advice to the candidate.
- 148 (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i),  
149 where the person:
- 150 (A) has already been paid, with money or other consideration;
- 151 (B) expects to be paid in the future, with money or other consideration; or
- 152 (C) understands that the person may, in the discretion of the candidate or another  
153 person on behalf of and with the knowledge of the candidate, be paid in the  
154 future, with money or other consideration.
- 155 (i) "Political purposes" means an act done with the intent or in a way to influence or tend  
156 to influence, directly or indirectly, any person to refrain from voting or to vote for or  
157 against any candidate or a person seeking a municipal office at any caucus, political  
158 convention, or election.
- 159 (j) "Reporting entity" means:
- 160 (i) a candidate;
- 161 (ii) a committee appointed by a candidate to act for the candidate;
- 162 (iii) a person who holds an elected municipal office;
- 163 (iv) a party committee as defined in Section 20A-11-101;

- 164 (v) a political action committee as defined in Section 20A-11-101;
- 165 (vi) a political issues committee as defined in Section 20A-11-101;
- 166 (vii) a corporation as defined in Section 20A-11-101; or
- 167 (viii) a labor organization as defined in Section 20A-11-1501.
- 168 (2) (a) A municipality may adopt an ordinance establishing campaign finance disclosure  
169 requirements for a candidate that are more stringent than the requirements provided  
170 in Subsections (3) through (7).
- 171 (b) The municipality may adopt definitions that are more stringent than those provided  
172 in Subsection (1).
- 173 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in  
174 Subsection (2)(a), a candidate shall comply with financial reporting requirements  
175 contained in Subsections (3) through (7).
- 176 (3) Each candidate:
- 177 (a) shall deposit a contribution in a separate campaign account in a financial institution;  
178 and
- 179 (b) may not deposit or mingle any campaign contributions received into a personal or  
180 business account.
- 181 (4) (a) In a year in which a municipal primary is held, each candidate who will  
182 participate in the municipal primary shall file a campaign finance statement with the  
183 municipal clerk or recorder no later than seven days before the day described in  
184 Subsection 20A-1-201.5(2).
- 185 (b) Each candidate who is not eliminated at a municipal primary election shall file a  
186 campaign finance statement with the municipal clerk or recorder no later than:
- 187 (i) 28 days before the day on which the municipal general election is held;
- 188 (ii) seven days before the day on which the municipal general election is held; and
- 189 (iii) 30 days after the day on which the municipal general election is held.
- 190 (c) Each candidate for municipal office who is eliminated at a municipal primary  
191 election shall file with the municipal clerk or recorder a campaign finance statement  
192 within 30 days after the day on which the municipal primary election is held.
- 193 (5) If a municipality does not conduct a primary election for a race, each candidate who will  
194 participate in that race shall file a campaign finance statement with the municipal clerk  
195 or recorder no later than:
- 196 (a) 28 days before the day on which the municipal general election is held;
- 197 (b) seven days before the day on which the municipal general election is held; and

- 198 (c) 30 days after the day on which the municipal general election is held.
- 199 (6) Each campaign finance statement described in Subsection (4) or (5) shall:
- 200 (a) except as provided in Subsection (6)(b):
- 201 (i) report all of the candidate's itemized and total:
- 202 (A) contributions, including in-kind and other nonmonetary contributions,
- 203 received up to and including five days before the campaign finance statement
- 204 is due, excluding a contribution previously reported; and
- 205 (B) expenditures made up to and including five days before the campaign finance
- 206 statement is due, excluding an expenditure previously reported; and
- 207 (ii) identify:
- 208 (A) for each contribution, the amount of the contribution and the name of the
- 209 donor, if known; and
- 210 (B) for each expenditure, the amount of the expenditure and the name of the
- 211 recipient of the expenditure; or
- 212 (b) report the total amount of all contributions and expenditures if the candidate receives
- 213 \$500 or less in contributions and spends \$500 or less on the candidate's campaign.
- 214 (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
- 215 exceeds the anonymous contribution limit, and is from a donor whose name is unknown,
- 216 a candidate shall disburse the amount of the contribution to:
- 217 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 218 political subdivision's general fund; or
- 219 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
- 220 Internal Revenue Code.
- 221 (8) (a) A municipality may, by ordinance:
- 222 (i) provide an anonymous contribution limit less than \$50;
- 223 (ii) require greater disclosure of contributions or expenditures than is required in this
- 224 section; and
- 225 (iii) impose additional penalties on candidates who fail to comply with the applicable
- 226 requirements beyond those imposed by this section.
- 227 (b) A candidate is subject to the provisions of this section and not the provisions of an
- 228 ordinance adopted by the municipality under Subsection (8)(a) if:
- 229 (i) the municipal ordinance establishes requirements or penalties that differ from
- 230 those established in this section; and
- 231 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of

- 232 the ordinance as required in Subsection (9).
- 233 (9) Each municipal clerk or recorder shall, at the time the candidate for municipal office  
234 files a declaration of candidacy, and again 35 days before each municipal general  
235 election, notify the candidate in writing of:
- 236 (a) the provisions of statute or municipal ordinance governing the disclosure of  
237 contributions and expenditures;
- 238 (b) the dates when the candidate's campaign finance statement is required to be filed; and
- 239 (c) the penalties that apply for failure to file a timely campaign finance statement,  
240 including the statutory provision that requires removal of the candidate's name from  
241 the ballot for failure to file the required campaign finance statement when required.
- 242 (10) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access  
243 and Management Act, the municipal clerk or recorder shall:
- 244 (a) make each campaign finance statement filed by a candidate available for public  
245 inspection and copying no later than one business day after the statement is filed; and
- 246 (b) make the campaign finance statement filed by a candidate available for public  
247 inspection by:
- 248 (i) ~~[(A)]~~ posting an electronic copy or the contents of the statement on the  
249 municipality's website no later than seven business days after the day on which  
250 the statement is filed; and
- 251 ~~[(B) verifying that the address of the municipality's website has been provided to~~  
252 ~~the lieutenant governor in order to meet the requirements of Subsection~~  
253 ~~20A-11-103(5); or]~~
- 254 (ii) ~~[submitting a copy of the statement to the lieutenant governor for posting on the~~  
255 ~~website established by the lieutenant governor under Section 20A-11-103 no later~~  
256 ~~than two business days after the statement is filed.]~~ in order to comply with the  
257 requirements of Subsection 20A-11-103(4)(b)(ii), providing the lieutenant  
258 governor with a link to the electronic posting described in Subsection (10)(b)(i) no  
259 later than two business days after the day on which the statement is filed.
- 260 (11) (a) If a candidate fails to timely file a campaign finance statement required under  
261 Subsection (4) or (5), the municipal clerk or recorder:
- 262 (i) may send an electronic notice to the candidate that states:
- 263 (A) that the candidate failed to timely file the campaign finance statement; and
- 264 (B) that, if the candidate fails to file the report within 24 hours after the deadline  
265 for filing the report, the candidate will be disqualified; and



- 266 (ii) may impose a fine of \$50 on the candidate.
- 267 (b) The municipal clerk or recorder shall disqualify a candidate and inform the  
268 appropriate election official that the candidate is disqualified if the candidate fails to  
269 file a campaign finance statement described in Subsection (4) or (5) within 24 hours  
270 after the deadline for filing the report.
- 271 (c) If a candidate is disqualified under Subsection (11)(b), the election official:  
272 (i) shall:
- 273 (A) notify every opposing candidate for the municipal office that the candidate is  
274 disqualified;
- 275 (B) send an email notification to each voter who is eligible to vote in the  
276 municipal election office race for whom the election official has an email  
277 address informing the voter that the candidate is disqualified and that votes cast  
278 for the candidate will not be counted;
- 279 (C) post notice of the disqualification on a public website; and  
280 (D) if practicable, remove the candidate's name from the ballot by blacking out the  
281 candidate's name before the ballots are delivered to voters; and
- 282 (ii) may not count any votes for that candidate.
- 283 (12) An election official may fulfill the requirements described in Subsection (11)(c)(i) in  
284 relation to a mailed ballot, including a military overseas ballot, by including with the  
285 ballot a written notice:
- 286 (a) informing the voter that the candidate is disqualified; or  
287 (b) directing the voter to a public website to inform the voter whether a candidate on the  
288 ballot is disqualified.
- 289 (13) Notwithstanding Subsection (11)(b), a candidate who timely files each campaign  
290 finance statement required under Subsection (4) or (5) is not disqualified if:
- 291 (a) the statement details accurately and completely the information required under  
292 Subsection (6), except for inadvertent omissions or insignificant errors or  
293 inaccuracies; and  
294 (b) the omissions, errors, or inaccuracies are corrected in an amended report or in the  
295 next scheduled report.
- 296 (14) A candidate for municipal office who is disqualified under Subsection (11)(b) shall file  
297 with the municipal clerk or recorder a complete and accurate campaign finance  
298 statement within 30 days after the day on which the candidate is disqualified.
- 299 (15) A campaign finance statement required under this section is considered filed if it is

300 received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.

301 (16) (a) A private party in interest may bring a civil action in district court to enforce the  
302 provisions of this section or an ordinance adopted under this section.

303 (b) In a civil action under Subsection (16)(a), the court may award costs and attorney  
304 fees to the prevailing party.

305 Section 2. Section **10-3-1303** is amended to read:

306 **10-3-1303 . Definitions.**

307 As used in this part:

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

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

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

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

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

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

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

327 (4) "Compensation" means anything of economic value, however designated, which is paid,  
328 loaned, granted, given, donated, or transferred to ~~[any]~~ a person or business entity by  
329 anyone other than the governmental employer for or in consideration of personal  
330 services, materials, property, or any other thing whatsoever.

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

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

- 334 (b) an individual who is considered to be elected to the office of mayor, commissioner,  
 335 or council member by a municipal legislative body in accordance with Section  
 336 20A-1-206.
- 337 (6) "Improper disclosure" means the disclosure of private, controlled, or protected  
 338 information to [~~any~~] a person who does not have both the right and the need to receive  
 339 the information.
- 340 (7) "Municipal employee" means [~~a person who is not an elected or appointed officer~~] an  
 341 individual who is employed on a full[-] or part-time basis by a municipality or by a  
 342 community reinvestment agency under Title 17C, Limited Purpose Local Government  
 343 Entities - Community Reinvestment Agency Act.
- 344 (8) "Officer" means an appointed officer or an elected officer.
- 345 [~~(8)~~] (9) "Private, controlled, or protected information" means information classified as  
 346 private, controlled, or protected under Title 63G, Chapter 2, Government Records  
 347 Access and Management Act, or [~~other~~] another applicable provision of law.
- 348 [~~(9)~~] (10) "Substantial interest" means the ownership, either legally or equitably, by an  
 349 individual, the individual's spouse, or the individual's minor children, of at least 10% of  
 350 the outstanding shares of a corporation or 10% interest in any other business entity.

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

352 **10-3-1303.5 . Statutory construction.**

353 The definition of appointed officer in Section 10-3-1303 does not have the effect  
 354 of making an appointed individual or employee an officer of the municipality.

355 Section 4. Section **10-3-1304** is amended to read:

356 **10-3-1304 . Use of office for personal benefit prohibited.**

- 357 (1) As used in this section, "economic benefit tantamount to a gift" includes:
- 358 (a) a loan at an interest rate that is substantially lower than the commercial rate then  
 359 currently prevalent for similar loans; [~~and~~] or
- 360 (b) compensation received for [~~private services~~] a private service rendered at a rate  
 361 substantially exceeding the fair market value of the [~~services~~] service.
- 362 (2) Except as provided in Subsection (4), it is an offense for an [~~elected or appointed~~]  
 363 officer or municipal employee to:
- 364 (a) disclose or improperly use private, controlled, or protected information acquired by  
 365 reason of the officer's or municipal employee's official position or in the course of  
 366 official duties in order to further substantially the officer's or municipal employee's  
 367 personal economic interest or to secure special privileges or exemptions for the

- 368 officer or municipal employee or for others;
- 369 (b) use or attempt to use the officer's or municipal employee's official position to:
- 370 (i) further substantially the officer's or municipal employee's personal economic
- 371 interest; or
- 372 (ii) secure special privileges for the officer or municipal employee or for others; or
- 373 (c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer
- 374 or municipal employee or for another, a gift of substantial value or a substantial
- 375 economic benefit tantamount to a gift that:
- 376 (i) would tend improperly to influence a reasonable person in the person's position to
- 377 depart from the faithful and impartial discharge of the person's public duties; or
- 378 (ii) the person knows or that a reasonable person in that position should know under
- 379 the circumstances is primarily for the purpose of rewarding the person for official
- 380 action taken.
- 381 (3) Subsection (2)(c) does not apply to:
- 382 (a) an occasional nonpecuniary gift having a value of less than \$50;
- 383 (b) an award publicly presented in recognition of public services;
- 384 (c) any bona fide loan made in the ordinary course of business; or
- 385 (d) a political campaign contribution.
- 386 (4) This section does not apply to an [~~elected or appointed~~] officer or municipal employee
- 387 who engages in conduct that constitutes a violation of this section to the extent that the [
- 388 ~~elected or appointed~~] officer or municipal employee is chargeable, for the same conduct,
- 389 under Section 76-8-105.

390 Section 5. Section **10-3-1305** is amended to read:

391 **10-3-1305 . Compensation for assistance in transaction involving municipality --**

392 **Public disclosure and filing required.**

- 393 (1) As used in this section, "municipal body" means any public board, commission,
- 394 committee, or other public group organized to make public policy decisions or to advise
- 395 persons who make public policy decisions.
- 396 (2) Except as provided in Subsection [~~(6)~~] (9), it is an offense for an [~~elected officer, or an~~
- 397 ~~appointed officer,~~] officer who is a member of a [~~public~~] municipal body to receive or
- 398 agree to receive compensation for assisting [~~any~~] a person or business entity in [~~any~~] a
- 399 transaction involving the [~~municipality in which the member is an officer unless the~~
- 400 ~~member~~] municipality of which the officer is elected or appointed unless the officer:
- 401 (a) files with the mayor a sworn statement [~~giving the information required by this~~

- 402 ~~section]~~ disclosing the information described in Subsection (8); [and]
- 403 (b) discloses the information [required by] described in Subsection [(5)] (8) in an open
- 404 meeting to the members of the municipal body of which the officer is a member
- 405 immediately before the discussion[-] ; and
- 406 (c) for an officer who is an elected officer, files the sworn statement described in
- 407 Subsection (2)(a) with the city recorder or town clerk.
- 408 (3) It is an offense for an appointed officer who is not a member of a ~~[public]~~ municipal
- 409 body or a municipal employee to receive or agree to receive compensation for assisting [
- 410 ~~any]~~ a person or business entity in [any] a transaction involving the municipality by
- 411 which the [person is employed] appointed officer or municipal employee is employed
- 412 unless the appointed officer or employee:
- 413 (a) files with the mayor a sworn statement [giving the information required by this
- 414 section] disclosing the information described in Subsection (8); and
- 415 (b) discloses the information [required by] described in Subsection [(5)] (8) to:
- 416 (i) the [officer] appointed officer's or municipal employee's immediate supervisor; and
- 417 (ii) any other municipal officer or employee who may rely [upon the employee's] on
- 418 the appointed officer's or municipal employee's representations in evaluating or
- 419 approving the transaction.
- 420 (4) (a) ~~[The officer or employee shall file the statement required to be filed by this~~
- 421 ~~section.]~~ An officer or municipal employee shall file the sworn statement described in
- 422 Subsection (2)(a) or (3)(a), as applicable, on or before the earlier of:
- 423 (i) 10 days before the date [of any agreement between the elected or appointed officer
- 424 or municipal employee and the person or business entity being assisted or ] on
- 425 which the officer or municipal employee and the person or business entity being
- 426 assisted enter into an agreement; or
- 427 (ii) 10 days before [the receipt of compensation by the officer or employee,
- 428 whichever is earlier] the date on which the officer or municipal employee receives
- 429 compensation.
- 430 (5) In accordance with Subsection (2)(c), an elected officer shall file the sworn statement
- 431 with the city recorder or town clerk on or before the earlier of the deadlines described in
- 432 Subsections (4)(a)(i) and (ii).
- 433 (6) A municipal recorder or town clerk who receives a sworn statement described in
- 434 Subsection (2)(a) shall:
- 435 (a) post a copy of the sworn statement on the municipality's website; and

436 (b) ensure that the sworn statement remains posted on the municipality's website until  
 437 the elected officer leaves office.

438 ~~[(b)]~~ (7) The ~~[statement is]~~ sworn statements described in this section are public information  
 439 and shall be available for examination by the public.

440 ~~[(5)]~~ (8) The ~~[statement and disclosure]~~ sworn statement and public disclosure described in  
 441 Subsections (2) and (3) shall contain:

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

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

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

448 ~~[(6)]~~ (9) This section does not apply to an ~~[elected officer, or an appointed officer,]~~ officer  
 449 who is a member of a [public] municipal body and who engages in conduct that  
 450 constitutes a violation of this section to the extent that the [elected officer or appointed]  
 451 officer is chargeable, for the same conduct, under Section 76-8-105.

452 Section 6. Section **10-3-1306** is amended to read:

453 **10-3-1306 . Interest in business entity regulated by municipality -- Disclosure**  
 454 **statement required.**

455 (1) ~~[Every appointed or elected officer or]~~ An officer under this part, or a municipal  
 456 employee, who is an officer, director, agent, or employee or the owner of a substantial  
 457 interest in [any] a business entity [which] that is subject to the regulation of the  
 458 municipality [in which he is an elected or appointed officer or municipal employee] in  
 459 which the officer or municipal employee is elected, appointed, or employed, shall  
 460 disclose the position held and the nature and value of [his] the officer's or employee's  
 461 interest:

462 (a) upon first becoming appointed, elected, or employed by the municipality<sup>[-]</sup>; and

463 (b) ~~[again at any time thereafter if the elected or appointed officer's or municipal~~  
 464 ~~employee's position in the business entity has changed significantly or if the value of~~  
 465 ~~his interest in the entity has increased significantly since the last disclosure-]~~ when the  
 466 officer's or municipal employee's position in the business entity changes significantly  
 467 or when the value of the officer's or municipal employee's interest in the entity  
 468 significantly increases above the officer's or municipal employee's most recent  
 469 disclosure.

- 470 (2) ~~[The disclosure shall be made in a sworn statement filed with the mayor.]~~ An officer or  
 471 municipal employee shall make the disclosure described in Subsection (1) in a sworn  
 472 statement filed with:
- 473 (a) the mayor; and  
 474 (b) for an officer who is an elected officer, the city recorder or town clerk.
- 475 (3) The mayor shall:
- 476 (a) report the substance of ~~[all such disclosure statements]~~ the sworn statement described  
 477 in Subsection (2) to the members of the governing body[;] ; or
- 478 (b) ~~[may provide to the members of the governing body copies of the disclosure~~  
 479 ~~statement within 30 days after the statement is received by him]~~ provide a copy of the  
 480 sworn statement to the members of the governing body no later than 30 days after the  
 481 date on which the mayor receives the statement.
- 482 (4) The municipal recorder or town clerk who receives the sworn statement described in  
 483 Subsection (2) shall:
- 484 (a) post a copy of the sworn statement on the municipality's website; and  
 485 (b) ensure that the sworn statement remains posted on the municipality's website until  
 486 the elected officer leaves office.
- 487 ~~[(3)]~~ (5) (a) This section does not apply to ~~[instances]~~ an instance where the value of the  
 488 interest does not exceed \$~~[2,000]~~ \$5,000.
- 489 (b) ~~[Life insurance policies and annuities]~~ A life insurance policy or an annuity may not  
 490 be considered in determining the value of [any such] the interest.
- 491 Section 7. Section **10-3-1307** is amended to read:
- 492 **10-3-1307 . Interest in business entity doing business with municipality --**  
 493 **Disclosure.**
- 494 (1) ~~[Every appointed or elected officer]~~ An officer under this part, or municipal employee,  
 495 who is an officer, director, agent, employee, or owner of a substantial interest in ~~[any]~~ a  
 496 business entity ~~[which]~~ that does or anticipates doing business with the municipality in  
 497 which ~~[he is an appointed or elected officer or municipal employee,]~~ the officer or  
 498 municipal employee is appointed, elected, or employed, shall:
- 499 (a) publicly disclose the conflict of interest to the members of the body of which ~~[he]~~ the  
 500 officer is a member or by which ~~[he]~~ the municipal employee is employed,  
 501 immediately ~~[prior to]~~ before any discussion by ~~[such]~~ the municipal body concerning  
 502 matters relating to ~~[such]~~ the business entity, the nature of [his] the officer's or  
 503 municipal employee's interest in [that] the business entity[-] ; and

504 (b) for an officer who is an elected officer, file a sworn statement describing the conflict  
 505 of interest with the city recorder or town clerk.

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

508 (3) A city recorder or town clerk who receives the sworn statement described in Subsection  
 509 (1)(b) shall:

510 (a) post a copy of the sworn statement on the municipality's website; and

511 (b) ensure that the sworn statement remains posted on the municipality's website until  
 512 the elected officer leaves office.

513 ~~[(3)]~~ (4) Disclosure by a municipal employee under this section is satisfied if the municipal  
 514 employee makes the disclosure in the manner [required by Sections] described in Section  
 515 10-3-1305 [and] or Section 10-3-1306.

516 Section 8. Section **10-3-1308** is amended to read:

517 **10-3-1308 . Investment creating conflict of interest with duties -- Disclosure.**

518 ~~[Any personal interest or investment by a municipal employee or by any elected~~  
 519 ~~or appointed official of a municipality which creates a conflict between the employee's~~  
 520 ~~or official's personal interests and his public duties shall be disclosed in open meeting to~~  
 521 ~~the members of the body in the manner required by Section 10-3-1306] An officer or~~  
 522 municipal employee who has a personal interest or investment that creates a conflict  
 523 between the officer's or municipal employee's personal interests and the officer's or  
 524 municipal employee's public duties shall disclose the conflict in the manner described in  
 525 Section 10-3-1306.

526 Section 9. Section **10-3-1309** is amended to read:

527 **10-3-1309 . Inducing officer or employee to violate part prohibited.**

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

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

532 **10-3-1311 . Municipal ethics commission -- Complaints charging violations.**

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

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

537 (i) with the municipal ethics commission, if a municipality has established a



- 538 municipal ethics commission in accordance with Subsection (1); or
- 539 (ii) with the Political Subdivisions Ethics Review Commission in accordance with
- 540 Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission, if the
- 541 municipality has not established a municipal ethics commission.
- 542 (b) A municipality that receives a complaint described in Subsection (2)(a) may:
- 543 (i) accept the complaint if the municipality has established a municipal ethics
- 544 commission in accordance with Subsection (1); or
- 545 (ii) forward the complaint to the Political Subdivisions Ethics Review Commission
- 546 established in Section 63A-15-201:
- 547 (A) regardless of whether the municipality has established a municipal ethics
- 548 commission; or
- 549 (B) if the municipality has not established a municipal ethics commission.
- 550 (3) If the alleged ethics complaint is against a person who is a member of the municipal
- 551 ethics commission, the complaint shall be filed with or forwarded to the Political
- 552 Subdivisions Ethics Review Commission.

553 Section 11. Section **10-3-1312** is amended to read:

554 **10-3-1312 . Violation of disclosure requirements -- Penalties -- Rescission of**

555 **prohibited transaction.**

556 If [any] a transaction is entered into in connection with a violation of Section

557 10-3-1305, 10-3-1306, 10-3-1307, or 10-3-1308, the municipality:

- 558 (1) shall dismiss or remove the [~~appointed or elected~~] officer or municipal employee who
- 559 knowingly and intentionally violates this part from employment or office; and
- 560 (2) may rescind or void [any] a contract or subcontract entered into pursuant to that
- 561 transaction without returning any part of the consideration received by the municipality.

562 Section 12. Section **10-3-1313** is enacted to read:

563 **10-3-1313 . Annual conflict of interest disclosure -- City recorder or town clerk --**

564 **Posting of written disclosure statement -- Penalties.**

- 565 (1) In addition to any other disclosure obligation described in this part, an elected officer
- 566 shall, no sooner than January 1 and no later than January 31 of each year during which
- 567 the elected officer holds the office of mayor, commissioner, or council member:
- 568 (a) prepare a written conflict of interest disclosure statement that contains a response to
- 569 each item of information described in Subsection 20A-11-1604(6); and
- 570 (b) submit the written disclosure statement to the city recorder or town clerk.
- 571 (2) (a) No later than 10 business days after the day on which the elected officer submits

- 572 the written disclosure statement described in Subsection (1) to the city recorder or  
 573 town clerk, the city recorder or town clerk shall:
- 574 (i) post an electronic copy of the written disclosure statement on the municipality's  
 575 website; and
- 576 (ii) provide the lieutenant governor with a link to the electronic posting described in  
 577 Subsection (2)(a)(i).
- 578 (b) The city recorder or town clerk shall ensure that the elected officer's written  
 579 disclosure statement remains posted on the municipality's website until the elected  
 580 officer leaves office.
- 581 (3) A city recorder or town clerk shall take the action described in Subsection (4) if:
- 582 (a) an elected officer fails to timely submit the written disclosure statement described in  
 583 Subsection (1); or
- 584 (b) a submitted written disclosure statement does not comply with the requirements of  
 585 Subsection 20A-11-1604(6).
- 586 (4) If a circumstance described in Subsection (3) occurs, the city recorder or town clerk  
 587 shall, within five days after the day on which the city recorder or town clerk determines  
 588 that a violation occurred, notify the elected officer of the violation and direct the elected  
 589 officer to submit an amended written disclosure statement correcting the problem.
- 590 (5) (a) It is unlawful for an elected officer to fail to submit or amend a written disclosure  
 591 statement within seven days after the day on which the elected officer receives the  
 592 notice described in Subsection (4).
- 593 (b) An elected officer who violates Subsection (5)(a) is guilty of a class B misdemeanor.
- 594 (c) The city recorder or town clerk shall report a violation of Subsection (5)(a) to the  
 595 attorney general.
- 596 (d) In addition to the criminal penalty described in Subsection (5)(b), the city recorder or  
 597 town clerk shall impose a civil fine of \$100 against an elected officer who violates  
 598 Subsection (5)(a).
- 599 (6) The city recorder or town clerk shall deposit a fine collected under this section into the  
 600 municipality's general fund as a dedicated credit to pay for the costs of administering  
 601 this section.

602 Section 13. Section **11-58-304** is amended to read:

603 **11-58-304 . Limitations on board members and executive director -- Annual**  
 604 **conflict of interest disclosure statement -- Penalties.**

- 605 (1) As used in this section:

- 606 (a) "Direct financial benefit":
- 607 (i) means any form of financial benefit that accrues to an individual directly,
- 608 including:
- 609 (A) compensation, commission, or any other form of a payment or increase of
- 610 money; and
- 611 (B) an increase in the value of a business or property; and
- 612 (ii) does not include a financial benefit that accrues to the public generally.
- 613 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.
- 614 (2) An individual may not serve as a voting member of the board or as executive director if:
- 615 (a) the individual owns real property, other than a personal residence in which the
- 616 individual resides, within a project area, whether or not the ownership interest is a
- 617 recorded interest;
- 618 (b) a family member of the individual owns an interest in real property, other than a
- 619 personal residence in which the family member resides, located within a project area;
- 620 or
- 621 (c) the individual or a family member of the individual owns an interest in, is directly
- 622 affiliated with, or is an employee or officer of a private firm, private company, or
- 623 other private entity that the individual reasonably believes is likely to:
- 624 (i) participate in or receive a direct financial benefit from the development of the
- 625 authority jurisdictional land; or
- 626 (ii) acquire an interest in or locate a facility within a project area.
- 627 (3) Before taking office as a voting member of the board or accepting employment as
- 628 executive director, an individual shall submit to the authority a statement verifying that
- 629 the individual's service as a board member or employment as executive director does not
- 630 violate Subsection (2).
- 631 (4) (a) An individual may not, at any time during the individual's service as a voting
- 632 member or employment with the authority, acquire, or take any action to initiate,
- 633 negotiate, or otherwise arrange for the acquisition of, an interest in real property
- 634 located within a project area, if:
- 635 (i) the acquisition is in the individual's personal capacity or in the individual's
- 636 capacity as an employee or officer of a private firm, private company, or other
- 637 private entity; and
- 638 (ii) the acquisition will enable the individual to receive a direct financial benefit as a
- 639 result of the development of the project area.

640 (b) Subsection (4)(a) does not apply to an individual's acquisition of, or action to initiate,  
641 negotiate, or otherwise arrange for the acquisition of, an interest in real property that  
642 is a personal residence in which the individual will reside upon acquisition of the real  
643 property.

644 (5) (a) A voting member or nonvoting member of the board or an employee of the  
645 authority may not receive a direct financial benefit from the development of a project  
646 area.

647 (b) For purposes of Subsection (5)(a), a direct financial benefit does not include:

648 (i) expense reimbursements;

649 (ii) per diem pay for board member service, if applicable; or

650 (iii) an employee's compensation or benefits from employment with the authority.

651 (6) In addition to any other limitation on a board member described in this section, a voting  
652 member or nonvoting member of the board shall, no sooner than January 1 and no later  
653 than January 31 of each year during which the board member holds office on the  
654 authority's board:

655 (a) prepare a written conflict of interest disclosure statement that contains a response to  
656 each item of information described in Subsection 20A-11-1604(6); and

657 (b) submit the written disclosure statement to the administrator or clerk of the authority's  
658 board.

659 (7) (a) No later than 10 business days after the date on which the board member submits  
660 the written disclosure statement described in Subsection (6) to the administrator or  
661 clerk of the authority's board, the administrator or clerk shall:

662 (i) post an electronic copy of the written disclosure statement on the authority's  
663 website; and

664 (ii) provide the lieutenant governor with a link to the electronic posting described in  
665 Subsection (7)(a)(i).

666 (b) The administrator or clerk shall ensure that the board member's written disclosure  
667 statement remains posted on the authority's website until the board member leaves  
668 office.

669 (8) The administrator or clerk of the authority's board shall take the action described in  
670 Subsection (9) if:

671 (a) a board member fails to timely submit the written disclosure statement described in  
672 Subsection (6); or

673 (b) a submitted written disclosure statement does not comply with the requirements of

- 674            Subsection 20A-11-1604(6).
- 675    (9) If a circumstance described in Subsection (8) occurs, the administrator or clerk of the  
 676            authority's board shall, within five days after the day on which the administrator or clerk  
 677            determines that a violation occurred, notify the board member of the violation and direct  
 678            the board member to submit an amended written disclosure statement correcting the  
 679            problem.
- 680    (10) (a) It is unlawful for a board member to fail to submit or amend a written disclosure  
 681            statement within seven days after the day on which the board member receives the  
 682            notice described in Subsection (9).
- 683            (b) A board member who violates Subsection (10)(a) is guilty of a class B misdemeanor.
- 684            (c) The administrator or clerk of the authority's board shall report a violation of  
 685            Subsection (10)(a) to the attorney general.
- 686            (d) In addition to the criminal penalty described in Subsection (10)(b), the administrator  
 687            or clerk of the authority's board shall impose a civil fine of \$100 against a board  
 688            member who violates Subsection (10)(a).
- 689    (11) The administrator or clerk of the authority's board shall deposit a fine collected under  
 690            this section into the authority's account to pay for the costs of administering this section.
- 691    ~~[(6)]~~ (12) Nothing in this section may be construed to affect the application or effect of any  
 692            other code provision applicable to a board member or employee relating to ethics or  
 693            conflicts of interest.

694            Section 14. Section **11-59-306** is amended to read:

695            **11-59-306 . Limitations on board members -- Annual conflict of interest**  
 696    **disclosure statement -- Exception -- Penalties.**

697    (1) As used in this section:

- 698            (a) "Designated individual" means an individual:
- 699                    (i) (A) who is a member of the Senate or House of Representatives;
- 700                            (B) who has been appointed as a member of the board under Subsection 11-59-302
- 701                                    (2)(a) or (b); and
- 702                            (C) whose legislative district includes some or all of the point of the mountain
- 703                                    state land; or
- 704                    (ii) who is designated to serve as a board member under Subsection 11-59-302(2)(e)
- 705                                    or (f).
- 706            (b) "Direct financial benefit":
- 707                    (i) means any form of financial benefit that accrues to an individual directly as a

- 708 result of the development of the point of the mountain state land, including:
- 709 (A) compensation, commission, or any other form of a payment or increase of
- 710 money; and
- 711 (B) an increase in the value of a business or property; and
- 712 (ii) does not include a financial benefit that accrues to the public generally as a result
- 713 of the development of the point of the mountain state land.
- 714 (c) "Family member" means a parent, spouse, sibling, child, or grandchild.
- 715 (d) "Interest in real property" means every type of real property interest, whether
- 716 recorded or unrecorded, including:
- 717 (i) a legal or equitable interest;
- 718 (ii) an option on real property;
- 719 (iii) an interest under a contract;
- 720 (iv) fee simple ownership;
- 721 (v) ownership as a tenant in common or in joint tenancy or another joint ownership
- 722 arrangement;
- 723 (vi) ownership through a partnership, limited liability company, or corporation that
- 724 holds title to a real property interest in the name of the partnership, limited
- 725 liability company, or corporation;
- 726 (vii) leasehold interest; and
- 727 (viii) any other real property interest that is capable of being owned.
- 728 (2) An individual may not serve as a member of the board if:
- 729 (a) subject to Subsection (5) for a designated individual, the individual owns an interest
- 730 in real property, other than a personal residence in which the individual resides, on or
- 731 within five miles of the point of the mountain state land;
- 732 (b) a family member of the individual owns an interest in real property, other than a
- 733 personal residence in which the family member resides, located on or within one-half
- 734 mile of the point of the mountain state land;
- 735 (c) the individual or a family member of the individual owns an interest in, is directly
- 736 affiliated with, or is an employee or officer of a firm, company, or other entity that
- 737 the individual reasonably believes is likely to participate in or receive compensation
- 738 or other direct financial benefit from the development of the point of the mountain
- 739 state land; or
- 740 (d) the individual or a family member of the individual receives or is expected to receive
- 741 a direct financial benefit.

- 742 (3) (a) Before taking office as a board member, an individual shall submit to the  
743 authority a statement:
- 744 (i) verifying that the individual's service as a board member does not violate  
745 Subsection (2); and
- 746 (ii) for a designated individual, identifying any interest in real property, other than a  
747 personal residence in which the individual resides, located on or within five miles  
748 of the point of the mountain state land.
- 749 (b) If a designated individual takes action, during the individual's service as a board  
750 member, to initiate, negotiate, or otherwise arrange for the acquisition of an interest  
751 in real property, other than a personal residence in which the individual intends to  
752 live, located on or within five miles of the point of the mountain state land, the  
753 designated individual shall submit a written statement to the board chair describing  
754 the action, the interest in real property that the designated individual intends to  
755 acquire, and the location of the real property.
- 756 (4) Except for a board member who is a designated individual, a board member is  
757 disqualified from further service as a board member if the board member, at any time  
758 during the board member's service on the board, takes any action to initiate, negotiate, or  
759 otherwise arrange for the acquisition of an interest in real property, other than a personal  
760 residence in which the member intends to reside, located on or within five miles of the  
761 point of the mountain state land.
- 762 (5) A designated individual who submits a written statement under Subsection (3)(a)(ii) or  
763 (b) may not serve or continue to serve as a board member unless at least two-thirds of all  
764 other board members conclude that the designated individual's service as a board  
765 member does not and will not create a material conflict of interest impairing the ability  
766 of the designated individual to exercise fair and impartial judgment as a board member  
767 and to act in the best interests of the authority.
- 768 (6) (a) The board may not allow a firm, company, or other entity to participate in  
769 planning, managing, or implementing the development of the point of the mountain  
770 state land if a board member or a family member of a board member owns an interest  
771 in, is directly affiliated with, or is an employee or officer of the firm, company, or  
772 other entity.
- 773 (b) Before allowing a firm, company, or other entity to participate in planning,  
774 managing, or implementing the development of the point of the mountain state land,  
775 the board may require the firm, company, or other entity to certify that no board

- 776 member or family member of a board member owns an interest in, is directly  
777 affiliated with, or is an employee or officer of the firm, company, or other entity.
- 778 (7) Except as provided in Subsection (13), a board member shall, no sooner than January 1  
779 and no later than January 31 of each year during which the board member holds office  
780 on the authority's board:
- 781 (a) prepare a written conflict of interest disclosure statement that contains a response to  
782 each item of information described in Subsection 20A-11-1604(6); and
- 783 (b) submit the written disclosure statement to the administrator or clerk of the authority's  
784 board.
- 785 (8) (a) No later than 10 business days after the date on which the board member submits  
786 the written disclosure statement described in Subsection (7) to the administrator or  
787 clerk of the authority's board, the administrator or clerk shall:
- 788 (i) post an electronic copy of the written disclosure statement on the authority's  
789 website; and
- 790 (ii) provide the lieutenant governor with a link to the electronic posting described in  
791 Subsection (8)(a)(i).
- 792 (b) The administrator or clerk shall ensure that the board member's written disclosure  
793 statement remains posted on the authority's website until the board member leaves  
794 office.
- 795 (9) The administrator or clerk of the authority's board shall take the action described in  
796 Subsection (10) if:
- 797 (a) a board member fails to timely submit the written disclosure statement described in  
798 Subsection (7); or
- 799 (b) a submitted written disclosure statement does not comply with the requirements of  
800 Subsection 20A-11-1604(6).
- 801 (10) If a circumstance described in Subsection (9) occurs, the administrator or clerk of the  
802 authority's board shall, within five days after the day on which the administrator or clerk  
803 determines that a violation occurred, notify the board member of the violation and direct  
804 the board member to submit an amended written disclosure statement correcting the  
805 problem.
- 806 (11) (a) It is unlawful for a board member to fail to submit or amend a written disclosure  
807 statement within seven days after the day on which the board member receives the  
808 notice described in Subsection (10).
- 809 (b) A board member who violates Subsection (11)(a) is guilty of a class B misdemeanor.



- 810 (c) The administrator or clerk of the authority's board shall report a violation of  
811 Subsection (11)(a) to the attorney general.
- 812 (d) In addition to the criminal penalty described in Subsection (11)(b), the administrator  
813 or clerk of the authority's board shall impose a civil fine of \$100 against a board  
814 member who violates Subsection (11)(a).
- 815 (12) The administrator or clerk of the authority's board shall deposit a fine collected under  
816 this section into the authority's account to pay for the costs of administering this section.
- 817 (13) For an individual who is appointed as a board member under Subsection 11-59-302  
818 (2)(a), (b), (c)(iii), (d), or (e):
- 819 (a) Subsection (7) does not apply; and
- 820 (b) the administrator or clerk of the authority's board shall, instead:
- 821 (i) post an electronic link on the authority's website to the written disclosure  
822 statement the board member made in the board member's capacity as:
- 823 (A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest  
824 Disclosures; or
- 825 (B) an elected officer of a municipality, under Section 10-3-1313; and
- 826 (ii) provide the lieutenant governor with a link to the electronic posting described in  
827 Subsection (13)(b)(i).

828 Section 15. Section **11-65-304** is amended to read:

829 **11-65-304 . Limitations on board members and executive director -- Annual**  
830 **conflict of interest disclosure statement -- Exception -- Penalties.**

- 831 (1) As used in this section:
- 832 (a) "Direct financial benefit":
- 833 (i) means any form of financial benefit that accrues to an individual directly,  
834 including:
- 835 (A) compensation, commission, or any other form of a payment or increase of  
836 money; and
- 837 (B) an increase in the value of a business or property; and
- 838 (ii) does not include a financial benefit that accrues to the public generally.
- 839 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.
- 840 (2) An individual may not serve as a voting member of the board or as executive director if  
841 the individual or a family member of the individual owns an interest in, is directly  
842 affiliated with, or is an employee or officer of a private firm, private company, or other  
843 private entity that the individual reasonably believes is likely to participate in or receive

- 844 a direct financial benefit from the management of Utah Lake.
- 845 (3) Before taking office as a voting member of the board or accepting employment as  
846 executive director, an individual shall submit to the lake authority a statement verifying  
847 that the individual's service as a board member or employment as executive director  
848 does not violate Subsection (2).
- 849 (4) (a) A voting member or nonvoting member of the board or an employee of the lake  
850 authority may not receive a direct financial benefit from the management of Utah  
851 Lake.
- 852 (b) For purposes of Subsection (4)(a), a direct financial benefit does not include:  
853 (i) expense reimbursements;  
854 (ii) per diem pay for board member service, if applicable; or  
855 (iii) an employee's compensation or benefits from employment with the lake  
856 authority.
- 857 (5) Except as provided Subsection (11), a voting member or nonvoting member of the  
858 board shall, no sooner than January 1 and no later than January 31 of each year during  
859 which the board member holds office on the lake authority's board:
- 860 (a) prepare a written conflict of interest disclosure statement that contains a response to  
861 each item of information described in Subsection 20A-11-1604(6); and
- 862 (b) submit the written disclosure statement to the administrator or clerk of the lake  
863 authority's board.
- 864 (6) (a) No later than 10 business days after the date on which the board member submits  
865 the written disclosure statement described in Subsection (5) to the administrator or  
866 clerk of the lake authority's board, the administrator or clerk shall:
- 867 (i) post an electronic copy of the written disclosure statement on the lake authority's  
868 website; and
- 869 (ii) provide the lieutenant governor with a link to the electronic posting described in  
870 Subsection (6)(a)(i).
- 871 (b) The administrator or clerk shall ensure that the board member's written disclosure  
872 statement remains posted on the lake authority's website until the board member  
873 leaves office.
- 874 (7) The administrator or clerk of the lake authority's board shall take the action described in  
875 Subsection (8) if:
- 876 (a) a board member fails to timely submit the written disclosure statement described in  
877 Subsection (5); or

- 878 (b) a submitted written disclosure statement does not comply with the requirements of  
879 Subsection 20A-11-1604(6).
- 880 (8) If a circumstance described in Subsection (7) occurs, the administrator or clerk of the  
881 lake authority's board shall, within five days after the day on which the administrator or  
882 clerk determines that a violation occurred, notify the board member of the violation and  
883 direct the board member to submit an amended written disclosure statement correcting  
884 the problem.
- 885 (9) (a) It is unlawful for a board member to fail to submit or amend a written disclosure  
886 statement within seven days after the day on which the board member receives the  
887 notice described in Subsection (8).
- 888 (b) A board member who violates Subsection (9)(a) is guilty of a class B misdemeanor.
- 889 (c) The administrator or clerk of the lake authority's board shall report a violation of  
890 Subsection (9)(a) to the attorney general.
- 891 (d) In addition to the criminal penalty described in Subsection (9)(b), the administrator  
892 or clerk of the lake authority's board shall impose a civil fine of \$100 against a board  
893 member who violates Subsection (9)(a).
- 894 (10) The administrator or clerk of the lake authority's board shall deposit a fine collected  
895 under this section into the lake authority's account to pay for the costs of administering  
896 this section.
- 897 (11) For an individual who is appointed as a board member under Subsection 11-65-302  
898 (2)(b), (c), (d), or (e)(ii):
- 899 (a) Subsection (5) does not apply; and
- 900 (b) the administrator or clerk of the lake authority's board shall, instead:
- 901 (i) post an electronic link on the lake authority's website to the written disclosure  
902 statement the board member made in the board member's capacity as:
- 903 (A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest  
904 Disclosures;
- 905 (B) an elected officer of a county, under Section 17-16a-13; or
- 906 (C) an elected officer of a municipality, under Section 10-3-1313; and
- 907 (ii) provide the lieutenant governor with a link to the electronic posting described in  
908 Subsection (11)(b)(i).
- 909 ~~(5)~~ (12) Nothing in this section may be construed to affect the application or effect of any  
910 other code provision applicable to a board member or employee relating to ethics or  
911 conflicts of interest.

912 Section 16. Section **17-16-6.5** is amended to read:

913 **17-16-6.5 . Campaign financial disclosure in county elections.**

914 (1) (a) A county shall adopt an ordinance establishing campaign finance disclosure  
915 requirements for:

916 (i) candidates for county office; and

917 (ii) candidates for local school board office who reside in that county.

918 (b) The ordinance required by Subsection (1)(a) shall include:

919 (i) a requirement that each candidate for county office or local school board office  
920 report the candidate's itemized and total campaign contributions and expenditures  
921 at least once within the two weeks before the election and at least once within two  
922 months after the election;

923 (ii) a definition of "contribution" and "expenditure" that requires reporting of  
924 nonmonetary contributions such as in-kind contributions and contributions of  
925 tangible things;

926 (iii) a requirement that the financial reports identify:

927 (A) for each contribution, the name of the donor of the contribution, if known, and  
928 the amount of the contribution; and

929 (B) for each expenditure, the name of the recipient and the amount of the  
930 expenditure;

931 (iv) a requirement that a candidate for county office or local school board office  
932 deposit a contribution in a separate campaign account in a financial institution;

933 (v) a prohibition against a candidate for county office or local school board office  
934 depositing or mingling any contributions received into a personal or business  
935 account; and

936 (vi) a requirement that a candidate for county office who receives a contribution that  
937 is cash or a negotiable instrument, exceeds \$50, and is from a donor whose name  
938 is unknown, shall, within 30 days after receiving the contribution, disburse the  
939 amount of the contribution to:

940 (A) the treasurer of the state or a political subdivision for deposit into the state's or  
941 political subdivision's general fund; or

942 (B) an organization that is exempt from federal income taxation under Section  
943 501(c)(3), Internal Revenue Code.

944 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial  
945 institution:

- 946 (A) that is not described in Subsection (1)(b)(iv); and  
947 (B) into which or from which a person who, as a candidate for an office, other  
948 than a county office for which the person files a declaration of candidacy or  
949 federal office, or as a holder of an office, other than a county office for which  
950 the person files a declaration of candidacy or federal office, deposits a  
951 contribution or makes an expenditure.
- 952 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a  
953 candidate for county office or local school board office include on a financial  
954 report filed in accordance with the ordinance a contribution deposited in or an  
955 expenditure made from an account:  
956 (A) since the last financial report was filed; or  
957 (B) that has not been reported under a statute or ordinance that governs the  
958 account.
- 959 (2) If any county fails to adopt a campaign finance disclosure ordinance described in  
960 Subsection (1), candidates for county office, other than community council office, and  
961 candidates for local school board office shall comply with the financial reporting  
962 requirements contained in Subsections (3) through (8).
- 963 (3) A candidate for elective office in a county or local school board office:  
964 (a) shall deposit a contribution in a separate campaign account in a financial institution;  
965 and  
966 (b) may not deposit or mingle any contributions received into a personal or business  
967 account.
- 968 (4) Each candidate for elective office in any county who is not required to submit a  
969 campaign financial statement to the lieutenant governor, and each candidate for local  
970 school board office, shall file a signed campaign financial statement with the county  
971 clerk:  
972 (a) seven days before the date of the regular general election, reporting each contribution  
973 and each expenditure as of 10 days before the date of the regular general election; and  
974 (b) no later than 30 days after the date of the regular general election.
- 975 (5) (a) The statement filed seven days before the regular general election shall include:  
976 (i) a list of each contribution received by the candidate, and the name of the donor, if  
977 known; and  
978 (ii) a list of each expenditure for political purposes made during the campaign period,  
979 and the recipient of each expenditure.

- 980 (b) The statement filed 30 days after the regular general election shall include:
- 981 (i) a list of each contribution received after the cutoff date for the statement filed
- 982 seven days before the election, and the name of the donor; and
- 983 (ii) a list of all expenditures for political purposes made by the candidate after the
- 984 cutoff date for the statement filed seven days before the election, and the recipient
- 985 of each expenditure.
- 986 (6) (a) As used in this Subsection (6), "account" means an account in a financial
- 987 institution:
- 988 (i) that is not described in Subsection (3)(a); and
- 989 (ii) into which or from which a person who, as a candidate for an office, other than a
- 990 county office for which the person filed a declaration of candidacy or federal
- 991 office, or as a holder of an office, other than a county office for which the person
- 992 filed a declaration of candidacy or federal office, deposits a contribution or makes
- 993 an expenditure.
- 994 (b) A county office candidate and a local school board office candidate shall include on
- 995 any campaign financial statement filed in accordance with Subsection (4) or (5):
- 996 (i) a contribution deposited in an account:
- 997 (A) since the last campaign finance statement was filed; or
- 998 (B) that has not been reported under a statute or ordinance that governs the
- 999 account; or
- 1000 (ii) an expenditure made from an account:
- 1001 (A) since the last campaign finance statement was filed; or
- 1002 (B) that has not been reported under a statute or ordinance that governs the
- 1003 account.
- 1004 (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument,
- 1005 exceeds \$50, and is from a donor whose name is unknown, a county office candidate
- 1006 shall disburse the amount of the contribution to:
- 1007 (a) the treasurer of the state or a political subdivision for deposit into the state's or
- 1008 political subdivision's general fund; or
- 1009 (b) an organization that is exempt from federal income taxation under Section 501(c)(3),
- 1010 Internal Revenue Code.
- 1011 (8) Candidates for elective office in any county, and candidates for local school board
- 1012 office, who are eliminated at a primary election shall file a signed campaign financial
- 1013 statement containing the information required by this section not later than 30 days after

- 1014 the primary election.
- 1015 (9) Any person who fails to comply with this section is guilty of an infraction.
- 1016 (10) (a) Counties may, by ordinance, enact requirements that:
- 1017 (i) require greater disclosure of campaign contributions and expenditures; and
- 1018 (ii) impose additional penalties.
- 1019 (b) The requirements described in Subsection (10)(a) apply to a local school board office
- 1020 candidate who resides in that county.
- 1021 (11) If a candidate fails to file an interim report due before the election, the county clerk:
- 1022 (a) may send an electronic notice to the candidate and the political party of which the
- 1023 candidate is a member, if any, that states:
- 1024 (i) that the candidate failed to timely file the report; and
- 1025 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for
- 1026 filing the report, the candidate will be disqualified and the political party will not
- 1027 be permitted to replace the candidate; and
- 1028 (b) impose a fine of \$100 on the candidate.
- 1029 (12) (a) The county clerk shall disqualify a candidate and inform the appropriate election
- 1030 officials that the candidate is disqualified if the candidate fails to file an interim
- 1031 report described in Subsection (11) within 24 hours after the deadline for filing the
- 1032 report.
- 1033 (b) The political party of a candidate who is disqualified under Subsection (12)(a) may
- 1034 not replace the candidate.
- 1035 (c) A candidate who is disqualified under Subsection (12)(a) shall file with the county
- 1036 clerk a complete and accurate campaign finance statement within 30 days after the
- 1037 day on which the candidate is disqualified.
- 1038 (13) If a candidate is disqualified under Subsection (12)(a), the election official:
- 1039 (a) shall:
- 1040 (i) notify every opposing candidate for the county office that the candidate is
- 1041 disqualified;
- 1042 (ii) send an email notification to each voter who is eligible to vote in the county
- 1043 election office race for whom the election official has an email address informing
- 1044 the voter that the candidate is disqualified and that votes cast for the candidate will
- 1045 not be counted;
- 1046 (iii) post notice of the disqualification on the county's website; and
- 1047 (iv) if practicable, remove the candidate's name from the ballot by blacking out the

- 1048 candidate's name before the ballots are delivered to voters; and
- 1049 (b) may not count any votes for that candidate.
- 1050 (14) An election official may fulfill the requirement described in Subsection (13)(a) in
- 1051 relation to a mailed ballot, including a military or overseas ballot, by including with the
- 1052 ballot a written notice directing the voter to the county's website to inform the voter
- 1053 whether a candidate on the ballot is disqualified.
- 1054 (15) A candidate is not disqualified if:
- 1055 (a) the candidate files the interim reports described in Subsection (11) no later than 24
- 1056 hours after the applicable deadlines for filing the reports;
- 1057 (b) the reports are completed, detailing accurately and completely the information
- 1058 required by this section except for inadvertent omissions or insignificant errors or
- 1059 inaccuracies; and
- 1060 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the
- 1061 next scheduled report.
- 1062 (16) (a) A report is considered timely filed if:
- 1063 (i) the report is received in the county clerk's office no later than midnight, Mountain
- 1064 Time, at the end of the day on which the report is due;
- 1065 (ii) the report is received in the county clerk's office with a United States Postal
- 1066 Service postmark three days or more before the date that the report was due; or
- 1067 (iii) the candidate has proof that the report was mailed, with appropriate postage and
- 1068 addressing, three days before the report was due.
- 1069 (b) For a county clerk's office that is not open until midnight at the end of the day on
- 1070 which a report is due, the county clerk shall permit a candidate to file the report via
- 1071 email or another electronic means designated by the county clerk.
- 1072 (17) (a) Any private party in interest may bring a civil action in district court to enforce
- 1073 the provisions of this section or any ordinance adopted under this section.
- 1074 (b) In a civil action filed under Subsection (17)(a), the court shall award costs and
- 1075 attorney fees to the prevailing party.
- 1076 (18) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access
- 1077 and Management Act, the county clerk shall:
- 1078 (a) make each campaign finance statement filed by a candidate available for public
- 1079 inspection and copying no later than one business day after the statement is filed; and
- 1080 (b) make the campaign finance statement filed by a candidate available for public
- 1081 inspection by:



- 1082 (i) ~~[(A)]~~ posting an electronic copy or the contents of the statement on the county's  
 1083 website no later than seven business days after the day on which the statement  
 1084 is filed; and  
 1085 ~~[(B) verifying that the address of the county's website has been provided to the~~  
 1086 lieutenant governor in order to meet the requirements of Subsection  
 1087 ~~20A-11-103(5); or]~~  
 1088 (ii) ~~[submitting a copy of the statement to the lieutenant governor for posting on the~~  
 1089 ~~website established by the lieutenant governor under Section 20A-11-103 no later~~  
 1090 ~~than two business days after the statement is filed.]~~ in order to meet the  
 1091 requirements of Subsection 20A-11-103(4)(b)(ii), providing the lieutenant  
 1092 governor with a link to the electronic posting described in Subsection (18)(b)(i) no  
 1093 later than two business days after the day the statement is filed.

1094 Section 17. Section **17-16a-3** is amended to read:

1095 **17-16a-3 . Definitions.**

1096 As used in this part:

- 1097 (1) (a) "Appointed officer" means ~~[any person]~~ an individual appointed to[-] :
- 1098 (i) ~~[any]~~ a statutory office or position; or
- 1099 (ii) ~~[-any other person appointed to any position of employment with a county, except~~  
 1100 ~~special employees-]~~ a position of employment with a county, except a special  
 1101 employee.
- 1102 (b) ~~[Appointed officers include, but are not limited to persons serving on-]~~ "Appointed  
 1103 officer" includes an individual serving on a special, regular or full-time [committees,  
 1104 ~~agencies, or boards whether or not such persons are compensated for their-]~~  
 1105 committee, agency, or board, regardless of whether the individual is compensated for  
 1106 the individual's services. [The use of the word "officer" in this part is not intended to  
 1107 ~~make appointed persons or employees "officers" of the county.]~~
- 1108 (c) "Appointed officer" does not include an elected officer.
- 1109 (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid,  
 1110 advise, furnish information to, or otherwise provide assistance to a person or business  
 1111 entity, believing that such action is of help, aid, advice, or assistance to such person or  
 1112 business entity and with the intent to so assist such person or business entity.
- 1113 (3) "Business entity" means a sole proprietorship, partnership, association, joint venture,  
 1114 corporation, firm, trust, foundation, or other organization or entity used in carrying on a  
 1115 business.

- 1116 (4) "Compensation" means anything of economic value, however designated, which is paid,  
 1117 loaned, granted, given, donated or transferred to any person or business entity for or in  
 1118 consideration of personal services, materials, property, or any other thing whatsoever.
- 1119 (5) "Elected officer" means ~~[any person]~~ an individual elected or appointed to ~~[any]~~ an  
 1120 office in the county.
- 1121 (6) "Governmental action" means ~~[any]~~ an action on the part of a county including:  
 1122 (a) ~~[any]~~ a decision, determination, finding, ruling, or order; ~~[and]~~  
 1123 (b) ~~[any]~~ a grant, payment, award, license, contract, subcontract, transaction, decision,  
 1124 sanction, or approval~~[, or]~~ ; or  
 1125 (c) ~~[the denial thereof, or the failure to act in respect to]~~ the denial of, or failure to act  
 1126 upon, a matter described in Subsection (6)(a) or (b).
- 1127 (7) "Officer" means an appointed officer or an elected officer.
- 1128 ~~[(7)]~~ (8) "Special employee" means ~~[any person]~~ an individual hired on the basis of a  
 1129 contract to perform a special service for the county pursuant to an award of a contract  
 1130 following a public bid.
- 1131 ~~[(8)]~~ (9) "Substantial interest" means the ownership, either legally or equitably, by an  
 1132 individual, the individual's spouse, and the individual's minor children, of at least 10%  
 1133 of the outstanding shares of a corporation or 10% interest in any other business entity.
- 1134 Section 18. Section **17-16a-3.5** is enacted to read:  
 1135 **17-16a-3.5 . Statutory construction.**
- 1136 The definition of appointed officer in Section 17-16a-3 does not have the effect of  
 1137 making an appointed individual or employee an officer of the county.
- 1138 Section 19. Section **17-16a-4** is amended to read:  
 1139 **17-16a-4 . Prohibited use of official position -- Exception.**
- 1140 (1) Except as provided in Subsection (3) or (5), it is an offense for an ~~[elected or appointed]~~  
 1141 officer to:  
 1142 (a) disclose confidential information acquired by reason of the officer's official position  
 1143 or use that information to secure special privileges or exemptions for ~~[himself]~~ the  
 1144 officer or others;  
 1145 (b) use or attempt to use the officer's official position to secure special privileges for the  
 1146 officer or for others; or  
 1147 (c) knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan  
 1148 for the officer or for another, if the gift or loan tends to influence the officer in the  
 1149 discharge of the officer's official duties.

- 1150 (2) This section ~~[is inapplicable]~~ does not apply to:
- 1151 (a) an occasional nonpecuniary gift having a value of less than \$50;
- 1152 (b) an award publicly presented;
- 1153 (c) any bona fide loan made in the ordinary course of business; or
- 1154 (d) political campaign contributions subject to Section 17-16-6.5.
- 1155 (3) A member of a county legislative body who is also a member of the governing board of
- 1156 a provider of mental health or substance abuse services under contract with the county
- 1157 does not commit an offense under Subsection (1)(a) or (b) by discharging, in good faith,
- 1158 the duties and responsibilities of each position, if the county legislative body member
- 1159 does not participate in the process of selecting the mental health or substance abuse
- 1160 service provider.
- 1161 (4) Notwithstanding the provisions of this section, a county or county official may
- 1162 encourage support from a public or private individual or institution, whether in financial
- 1163 contributions or by other means, on behalf of an organization or activity that benefits the
- 1164 community.
- 1165 (5) This section does not apply to an ~~[elected or appointed]~~ officer who engages in conduct
- 1166 that constitutes a violation of this section to the extent that the ~~[elected or appointed]~~
- 1167 officer is chargeable, for the same conduct, under Section 76-8-105.

1168 Section 20. Section **17-16a-5** is amended to read:

1169 **17-16a-5 . Compensation for assistance in transaction involving county -- Public**

1170 **disclosure and filing required.**

- 1171 (1) ~~[No elected or appointed officer may]~~ An officer may not receive or agree to receive
- 1172 compensation for assisting ~~[any]~~ a person or business entity in ~~[any]~~ a transaction
- 1173 involving the county in which ~~[he is an officer unless he]~~ the officer is elected or
- 1174 appointed unless the officer:
- 1175 (a) ~~[files with the county legislative body a sworn statement giving the information~~
- 1176 ~~required by this section, and]~~ files with the county legislative body a sworn statement
- 1177 disclosing the information described in Subsection (5);
- 1178 (b) discloses in open meeting to the members of the body of which ~~[he]~~ the officer is a
- 1179 member, immediately ~~[prior to]~~ before the discussion, the information ~~[required by~~
- 1180 ~~Subsection (3).]~~ described in Subsection (5); and
- 1181 (c) for an officer who is an elected officer, files the sworn statement described in
- 1182 Subsection (1)(a) with the county clerk.
- 1183 (2) ~~[The statement required to be filed by this section shall be filed.]~~ An officer shall file the

- 1184 sworn statement described in Subsection (1)(a) on or before the earlier of:
- 1185 (a) 10 days [prior to the date of any agreement between the elected or appointed officer
- 1186 and the person or business entity being assisted or] before the date on which the
- 1187 officer and the person or business entity being assisted enter into an agreement; or
- 1188 (b) 10 days [prior to the receipt of compensation by the business entity] before the date
- 1189 on which the officer receives compensation.
- 1190 (3) In accordance with Subsection (1)(c), an elected officer shall file the sworn statement
- 1191 with the county clerk on or before the earlier of the deadlines described in Subsections
- 1192 (2)(a) and (b).
- 1193 (4) A county clerk who receives the sworn statement described in Subsection (1)(a) shall:
- 1194 (a) post a copy of the sworn statement on the county's website; and
- 1195 (b) ensure that the sworn statement remains posted on the county's website until the
- 1196 elected officer leaves office.
- 1197 (5) The [statement] sworn statement described in Subsection (1)(a) is public information
- 1198 and is available for examination by the public.
- 1199 [~~(3)~~] (6) The [statement and disclosure] sworn statement and public disclosure described in
- 1200 Subsection (1) shall contain the following information:
- 1201 (a) the name and address of the officer;
- 1202 (b) the name and address of the person or business entity being or to be assisted, or in
- 1203 which the [appointed or elected official] officer has a substantial interest; and
- 1204 (c) a brief description of the transaction as to which service is rendered or is to be
- 1205 rendered and of the nature of the service performed or to be performed.
- 1206 Section 21. Section **17-16a-6** is amended to read:
- 1207 **17-16a-6 . Interest in business entity regulated by county -- Disclosure.**
- 1208 (1) [Every appointed or elected officer] An officer under this part who is an officer, director,
- 1209 agent, or employee or the owner of a substantial interest in any business entity [which]
- 1210 that is subject to the regulation of the county [in which the officer is an elected or
- 1211 appointed officer] in which the officer is appointed or elected shall disclose the position
- 1212 held and the precise nature and value of the officer's interest:
- 1213 (a) upon first becoming appointed or elected[;] ; and
- 1214 (b) [~~again~~]during January of each year [thereafter]during which the officer continues
- 1215 to be an appointed or elected officer.
- 1216 (2) [The disclosure shall be made in a sworn statement filed with the county legislative
- 1217 body.] An officer shall make the disclosure described in Subsection (1) in a sworn

- 1218 statement filed with:
- 1219 (a) the county legislative body; and
- 1220 (b) if the officer is an elected officer, the county clerk.
- 1221 (3) The commission shall:
- 1222 (a) report the substance of [all such disclosure statements] the sworn statement described
- 1223 in Subsection (2) to the members of the governing body; or
- 1224 (b) [may provide to the members of the governing body, copies of the disclosure
- 1225 statement within 30 days after the statement is received] provide a copy of the sworn
- 1226 statement described in Subsection (2) to the members of the governing body no later
- 1227 than 30 days after the day on which the commission receives the statement.
- 1228 (4) A county clerk who receives the sworn statement described in Subsection (2) shall:
- 1229 (a) post a copy of the sworn statement on the county's website; and
- 1230 (b) ensure that the sworn statement remains posted on the county's website until the
- 1231 elected officer leaves office.
- 1232 (5) (a) This section does not apply to instances where the value of the interest does not
- 1233 exceed \$[2,000, and] 5,000.
- 1234 (b) A life insurance [policies and annuities] policy or an annuity may not be considered
- 1235 in determining the value of the interest.
- 1236 Section 22. Section **17-16a-7** is amended to read:
- 1237 **17-16a-7 . Interest in business entity doing business with county -- Disclosure.**
- 1238 (1) [Every appointed or elected officer] An officer under this part who is an officer, director,
- 1239 agent, or employee, or owner of a substantial interest in [any] a business entity [which]
- 1240 that does or anticipates doing business with the county [in which he is an appointed or
- 1241 elected officer,] in which the officer is appointed or elected shall:
- 1242 (a) publicly disclose the conflict of interest to the members of the body [on which he] of
- 1243 which the officer is a member, immediately [prior to any] before a discussion by [such]
- 1244 the body on matters relating to [such] the business entity, the nature of [his] the
- 1245 officer's interest in [that] the business entity[-] ; and
- 1246 (b) for an officer who is an elected officer, file a sworn statement describing the conflict
- 1247 of interest with the county clerk.
- 1248 (2) The [disclosure statement] public disclosure described in Subsection (1)(a) shall be
- 1249 entered in the minutes of the meeting.
- 1250 (3) A county clerk who receives the sworn statement described in Subsection (1)(b) shall:
- 1251 (a) post a copy of the sworn statement on the county's website; and

1252 (b) ensure that the sworn statement remains posted on the county's website until the  
1253 elected officer leaves office.

1254 Section 23. Section **17-16a-8** is amended to read:

1255 **17-16a-8 . Investment creating conflict of interest with duties -- Disclosure.**

1256 [~~Any personal interest of or investment by any elected or appointed official of a~~  
1257 ~~county which creates a potential or actual conflict between the official's personal~~  
1258 ~~interests and his public duties shall be disclosed in open meeting to the members of~~  
1259 ~~the body in the manner required by Section 17-16a-6]~~ An officer who has a personal  
1260 interest or investment that creates a potential or actual conflict between the officer's  
1261 personal interests and the officer's public duties shall disclose the conflict in the  
1262 manner described in Section 17-16a-6.

1263 Section 24. Section **17-16a-9** is amended to read:

1264 **17-16a-9 . Inducing officer to violate provisions prohibited.**

1265 No person shall induce or seek to induce [~~any appointed or elected~~] an officer to  
1266 violate any of the provisions of this part.

1267 Section 25. Section **17-16a-10** is amended to read:

1268 **17-16a-10 . Violation a misdemeanor -- Removal from office.**

1269 In addition to any penalty contained in any other provision of law, [~~any~~] a person  
1270 who knowingly and intentionally violates this part is guilty of a class A misdemeanor  
1271 and shall be dismissed from employment or removed from office.

1272 Section 26. Section **17-16a-12** is amended to read:

1273 **17-16a-12 . Rescission of prohibited transaction.**

1274 If [~~any~~] a transaction is entered into in connection with a violation of Section  
1275 17-16a-6, the county may rescind or void [~~any~~] a contract or subcontract entered into  
1276 pursuant to that transaction without returning any part of the consideration received  
1277 by the county.

1278 Section 27. Section **17-16a-13** is enacted to read:

1279 **17-16a-13 . Annual conflict of interest disclosure -- County clerk -- Penalties.**

1280 (1) In addition to any other disclosure obligation described in this part, an elected officer  
1281 shall, no sooner than January 1 and no later than January 31 of each year during which  
1282 the elected officer holds county elective office:

1283 (a) prepare a written conflict of interest disclosure statement that contains a response to  
1284 each item of information described in Subsection 20A-11-1604(6); and

1285 (b) submit the written disclosure statement to the county clerk.

- 1286 (2) (a) No later than 10 business days after the day on which an elected officer submits  
1287 the written disclosure described in Subsection (1) to the county clerk, the county  
1288 clerk shall:
- 1289 (i) post an electronic copy of the written disclosure statement on the county's website;  
1290 and
- 1291 (ii) provide the lieutenant governor with a link to the electronic posting described in  
1292 Subsection (2)(a)(i).
- 1293 (b) The county clerk shall ensure that the elected officer's written disclosure statement  
1294 remains posted on the county's website until the elected officer leaves office.
- 1295 (3) A county clerk shall take the action described in Subsection (4) if:
- 1296 (a) an elected officer fails to timely submit the written disclosure statement described in  
1297 Subsection (1); or
- 1298 (b) a submitted written disclosure statement does not comply with the requirements of  
1299 Subsection 20A-11-1604(6).
- 1300 (4) If a circumstance described in Subsection (3) occurs, the county clerk shall, within five  
1301 days after the day on which the county clerk determines that a violation occurred, notify  
1302 the elected officer of the violation and direct the elected officer to submit an amended  
1303 written disclosure statement correcting the problem.
- 1304 (5) (a) It is unlawful for an elected officer to fail to submit or amend a written disclosure  
1305 statement within seven days after the day on which the elected officer receives the  
1306 notice described in Subsection (4).
- 1307 (b) A regulated officeholder who violates Subsection (5)(a) is guilty of a class B  
1308 misdemeanor.
- 1309 (c) The lieutenant governor shall report a violation of Subsection (5)(a) to the attorney  
1310 general.
- 1311 (d) In addition to the criminal penalty described in Subsection (5)(b), the county clerk  
1312 shall impose a civil fine of \$100 against an elected officer who violates Subsection  
1313 (5)(a).
- 1314 (6) The county clerk shall deposit a fine collected under this part into the county's general  
1315 fund as a dedicated credit to pay for the costs of administering this section.

1316 Section 28. Section **20A-11-103** is amended to read:

1317 **20A-11-103 . Notice of pending interim and summary reports -- Form of**  
1318 **submission -- Public availability -- Notice of reporting and filing requirements.**

1319 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or

- 1320 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention  
 1321 Elections, the chief election officer shall inform the filing entity by electronic mail  
 1322 unless postal mail is requested:
- 1323 (i) that the financial statement is due;
  - 1324 (ii) of the date that the financial statement is due; and
  - 1325 (iii) of the penalty for failing to file the financial statement.
- 1326 (b) The chief election officer is not required to provide notice:
- 1327 (i) to a candidate or political party of the financial statement that is due before the  
 1328 candidate's or political party's political convention;
  - 1329 (ii) of a financial statement due in connection with a public hearing for an initiative  
 1330 under the requirements of Section 20A-7-204.1; or
  - 1331 (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.
- 1332 (2) A filing entity shall electronically file a financial statement via electronic mail or the  
 1333 Internet according to specifications established by the chief election officer.
- 1334 (3) (a) A financial statement is considered timely filed if the financial statement is  
 1335 received by the chief election officer's office before midnight, Mountain Time, at the  
 1336 end of the day on which the financial statement is due.
- 1337 (b) For a county clerk's office that is not open until midnight at the end of the day on  
 1338 which a financial statement is due, the county clerk shall permit a candidate to file  
 1339 the financial statement via email or another electronic means designated by the  
 1340 county clerk.
- 1341 (c) A chief election officer may extend the time in which a filing entity is required to file  
 1342 a financial statement if a filing entity notifies the chief election officer of the  
 1343 existence of an extenuating circumstance that is outside the control of the filing entity.
- 1344 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access  
 1345 and Management Act, the lieutenant governor shall:
- 1346 (a) make each campaign finance statement filed by a candidate available for public  
 1347 inspection and copying no later than one business day after the statement is filed; and
  - 1348 ~~[(b) post an electronic copy or the contents of each financial statement in a searchable  
 1349 format on a website established by the lieutenant governor:]~~
  - 1350 ~~[(i) for campaign finance statements submitted to the lieutenant governor under the  
 1351 requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business  
 1352 days after the date of receipt of the campaign finance statement; or]~~
  - 1353 ~~[(ii) for a summary report or interim report filed under the requirements of this chapter~~



1354 ~~or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days~~  
 1355 ~~after the date the summary report or interim report is electronically filed.]~~

1356 (b) post on a website established by the lieutenant governor:

1357 (i) an electronic copy or the contents of each summary report or interim report filed  
 1358 under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention  
 1359 Elections, no later than three business days after the date on which the summary  
 1360 report or interim report is electronically filed; or

1361 (ii) for a campaign finance statement filed under the requirements of Section 10-3-208,  
 1362 for a municipality, or Section 17-16-6.5, for a county, a link to the municipal or  
 1363 county website that hosts the campaign finance statement, no later than seven  
 1364 business days after the date on which the lieutenant governor receives the link  
 1365 from:

1366 (A) the municipal clerk or recorder, in accordance with Subsection 10-3-208  
 1367 (10)(b)(ii); or

1368 (B) the county clerk, in accordance with Subsection 17-16-6.5(18)(b)(ii).

1369 [~~(5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5, elects~~  
 1370 ~~to provide campaign finance disclosure on its own website, rather than through the~~  
 1371 ~~lieutenant governor, the website established by the lieutenant governor shall contain a~~  
 1372 ~~link or other access point to the municipality or county website.]~~

1373 [~~(6)~~ (5) Between January 1 and January 15 of each year, the chief election officer shall  
 1374 provide notice, by postal mail or email, to each filing entity for which the chief election  
 1375 officer has a physical or email address, of the reporting and filing requirements  
 1376 described in this chapter.

1377 Section 29. Section **20A-11-1602** is amended to read:

1378 **20A-11-1602 . Definitions.**

1379 As used in this part:

1380 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that the  
 1381 officeholder reasonably believes may cause direct financial benefit or detriment to the  
 1382 officeholder, a member of the officeholder's immediate family, or an individual or entity  
 1383 that the officeholder is required to disclose under the provisions of this section, if that  
 1384 benefit or detriment is distinguishable from the effects of that action on the public or on  
 1385 the officeholder's profession, occupation, or association generally.

1386 (2) "Conflict of interest disclosure" means a disclosure, on the website, of all information  
 1387 required under Section 20A-11-1604.

- 1388 (3) "Entity" means a corporation, a partnership, a limited liability company, a limited  
1389 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization,  
1390 a joint venture, a governmental entity, an unincorporated organization, or any other legal  
1391 entity, regardless of whether it is established primarily for the purpose of gain or  
1392 economic profit.
- 1393 (4) "Local official" means:
- 1394 (a) an elected officer of:
- 1395 (i) a municipality under Title 10, Chapter 3, Part 13, Municipal Officers' and  
1396 Employees' Ethics Act; or
- 1397 (ii) a county under Title 17, Chapter 16a, County Officers and Employees Disclosure  
1398 Act;
- 1399 (b) a special public officer under Title 67, Chapter 16, Utah Public Officers' and  
1400 Employees' Ethics Act; or
- 1401 (c) another individual:
- 1402 (i) who is not a regulated officeholder; and
- 1403 (ii) who is required to annually make a conflict of interest disclosure in accordance  
1404 with Subsection 20A-11-1604(6).
- 1405 [~~(4)~~] (5) "Filing officer" means:
- 1406 (a) the lieutenant governor, for the office of a state constitutional officer or State Board  
1407 of Education member; or
- 1408 (b) the lieutenant governor or the county clerk in the county of the candidate's residence,  
1409 for a state legislative office.
- 1410 [~~(5)~~] (6) "Immediate family" means the regulated officeholder's spouse, a child living in the  
1411 regulated officeholder's immediate household, or an individual claimed as a dependent  
1412 for state or federal income tax purposes by the regulated officeholder.
- 1413 [~~(6)~~] (7) "Income" means earnings, compensation, or any other payment made to an  
1414 individual for gain, regardless of source, whether denominated as wages, salary,  
1415 commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per  
1416 diem, expenses, reimbursement, dividends, or otherwise.
- 1417 [~~(7)~~] (8) (a) "Owner or officer" means an individual who owns an ownership interest in  
1418 an entity or holds a position where the person has authority to manage, direct,  
1419 control, or make decisions for:
- 1420 (i) the entity or a portion of the entity; or
- 1421 (ii) an employee, agent, or independent contractor of the entity.

- 1422 (b) "Owner or officer" includes:
- 1423 (i) a member of a board of directors or other governing body of an entity; or
- 1424 (ii) a partner in any type of partnership.
- 1425 ~~[(8)]~~ (9) "Preceding year" means the year immediately preceding the day on which the
- 1426 regulated officeholder makes a conflict of interest disclosure.
- 1427 ~~[(9)]~~ (10) "Regulated officeholder" means an individual who is required to make a conflict
- 1428 of interest disclosure under the provisions of this part.
- 1429 ~~[(10)]~~ (11) "State constitutional officer" means the governor, the lieutenant governor, the
- 1430 state auditor, the state treasurer, or the attorney general.
- 1431 ~~[(11)]~~ (12) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure
- 1432 Website described in Section 20A-11-1602.5.
- 1433 Section 30. Section **20A-11-1602.5** is amended to read:
- 1434 **20A-11-1602.5 . Candidate and Officeholder Conflict of Interest Disclosure**
- 1435 **Website.**
- 1436 (1) The lieutenant governor shall, in cooperation with the county clerks, establish and
- 1437 administer a Candidate and Officeholder Conflict of Interest Disclosure Website.
- 1438 (2) The website shall:
- 1439 (a) permit a candidate or officeholder to securely access the website for the purpose of:
- 1440 (i) complying with the conflict of interest disclosure requirements described in this
- 1441 part; and
- 1442 (ii) editing conflict of interest disclosures;
- 1443 (b) contain a record of all conflict of interest disclosures and edits made by the candidate
- 1444 or officeholder for at least the preceding four years; ~~[and]~~
- 1445 (c) permit any person to view a conflict of interest disclosure made by a candidate or
- 1446 officeholder~~[-]~~ ; and
- 1447 (d) contain a link to the conflict of interest disclosure made by a local official.
- 1448 Section 31. Section **53C-1-202** is amended to read:
- 1449 **53C-1-202 . Board of trustees membership -- Nomination list -- Qualifications --**
- 1450 **Terms -- Replacement -- Chair -- Quorum -- Annual conflict of interest**
- 1451 **disclosure statement -- Penalties.**
- 1452 (1) There is established the School and Institutional Trust Lands Board of Trustees.
- 1453 (2) The board shall consist of seven members appointed on a nonpartisan basis by the
- 1454 governor with the advice and consent of the Senate and in accordance with Title 63G,
- 1455 Chapter 24, Part 2, Vacancies.

- 1456 (3) (a) Except for the appointment made pursuant to Subsection (5), all appointments to  
1457 the board shall be for a nonconsecutive term of six years, or until a replacement has  
1458 been appointed and confirmed pursuant to this section.
- 1459 (b) If a vacancy occurs, the governor shall appoint a replacement, following the  
1460 procedures set forth in Subsections (2), (4), (5), and (6), to fill the unexpired term.
- 1461 (c) Any member of the board who has served less than six years upon the expiration of  
1462 that member's term is eligible for a consecutive reappointment.
- 1463 (4) (a) The governor shall select six of the seven appointees to the board from a  
1464 nomination list of at least two candidates for each position or vacancy submitted  
1465 pursuant to Section 53C-1-203.
- 1466 (b) The governor may request an additional nomination list of at least two candidates  
1467 from the nominating committee if the initial list of candidates for a given position is  
1468 unacceptable.
- 1469 (c) (i) If the governor fails to select an appointee within 60 days after receipt of the  
1470 initial list or within 60 days after the receipt of an additional list, the nominating  
1471 committee shall make an interim appointment by majority vote.
- 1472 (ii) The interim appointee shall serve until the matter is resolved by the committee  
1473 and the governor or until replaced pursuant to this chapter.
- 1474 (5) (a) The governor may appoint one member without requiring a nomination list.
- 1475 (b) The member appointed under Subsection (5)(a) serves at the pleasure of the governor.
- 1476 (6) (a) Each board candidate shall possess outstanding professional qualifications  
1477 pertinent to the purposes and activities of the trust.
- 1478 (b) The board shall represent the following areas of expertise:
- 1479 (i) nonrenewable resource management or development;
- 1480 (ii) renewable resource management or development; and
- 1481 (iii) real estate.
- 1482 (c) Other qualifications which are pertinent for membership to the board are expertise in  
1483 any of the following areas:
- 1484 (i) business;
- 1485 (ii) investment banking;
- 1486 (iii) finance;
- 1487 (iv) trust administration;
- 1488 (v) asset management; and
- 1489 (vi) the practice of law in any of the areas referred to in Subsections (6)(b) and

- 1490 (6)(c)(i) through (v).
- 1491 (7) The board of trustees shall select a chair and vice chair from its membership.
- 1492 (8) Before assuming a position on the board, each member shall take an oath of office.
- 1493 (9) Four members of the board constitute a quorum for the transaction of business.
- 1494 (10) The governor or five board members may, for cause, remove a member of the board.
- 1495 (11) A member of the board shall :
- 1496 (a) comply with the conflict of interest provisions described in Title 63G, Chapter 24,
- 1497 Part 3, Conflicts of Interest[;] ; and
- 1498 (b) no sooner than January 1 and no later than January 31 of each year during which the
- 1499 member holds office on the board:
- 1500 (i) prepare a written conflict of interest disclosure statement that contains a response
- 1501 to each item of information described in Subsection 20A-11-1604(6); and
- 1502 (ii) submit the written disclosure statement to the administrator or clerk of the board.
- 1503 (12) (a) No later than 10 business days after the date on which the board member
- 1504 submits the written disclosure statement described in Subsection (11)(b) to the
- 1505 administrator or clerk of the board, the administrator or clerk shall:
- 1506 (i) post an electronic copy of the written disclosure statement on the administration's
- 1507 website; and
- 1508 (ii) provide the lieutenant governor with a link to the electronic posting described in
- 1509 Subsection (12)(a)(i).
- 1510 (b) The administrator or clerk shall ensure that the board member's written disclosure
- 1511 statement remains posted on the administration's website until the board member
- 1512 leaves office.
- 1513 (13) The administrator or clerk of the board shall take the action described in Subsection
- 1514 (14) if:
- 1515 (a) a board member fails to timely file the written disclosure statement described in
- 1516 Subsection (11)(b); or
- 1517 (b) a submitted written disclosure statement does not comply with the requirements of
- 1518 Subsection 20A-11-1604(6).
- 1519 (14) If a circumstance described in Subsection (13) occurs, the administrator or clerk of the
- 1520 board shall, within five days after the day on which the administrator or clerk determines
- 1521 that a violation occurred, notify the board member of the violation and direct the board
- 1522 member to submit an amended written disclosure statement correcting the problem.
- 1523 (15) (a) It is unlawful for a board member to fail to submit or amend a written disclosure

- 1524 statement within seven days after the day on which the board member receives the  
 1525 notice described in Subsection (14).
- 1526 (b) A board member who violates Subsection (15)(a) is guilty of a class B misdemeanor.  
 1527 (c) The administrator or clerk of the board shall report a violation of Subsection (15)(a)  
 1528 to the attorney general.
- 1529 (d) In addition to the criminal penalty described in Subsection (15)(b), the administrator  
 1530 or clerk of the board shall impose a civil fine of \$100 against a board member who  
 1531 violates Subsection (15)(a).
- 1532 (16) The administrator or clerk of the board shall deposit a fine collected under this section  
 1533 into the board's account to pay for the costs of administering this section.
- 1534 Section 32. Section **63H-1-304** is enacted to read:
- 1535 **63H-1-304 . Annual conflict of interest disclosure statement -- Exception --**  
 1536 **Penalties.**
- 1537 (1) Except as provided in Subsection (7), a board member shall, no sooner than January 1  
 1538 and no later than January 31 of each year during which the board member holds office  
 1539 on the authority's board:
- 1540 (a) prepare a written conflict of interest disclosure statement that contains a response to  
 1541 each item of information described in Subsection 20A-11-1604(6); and
- 1542 (b) submit the written disclosure statement to the administrator or clerk of the authority's  
 1543 board.
- 1544 (2) (a) No later than 10 business days after the date on which the board member submits  
 1545 the written disclosure statement described in Subsection (1) to the administrator or  
 1546 clerk of the authority's board, the administrator or clerk shall:
- 1547 (i) post an electronic copy of the written disclosure statement on the authority's  
 1548 website; and
- 1549 (ii) provide the lieutenant governor with a link to the electronic posting described in  
 1550 Subsection (2)(a)(i).
- 1551 (b) The administrator or clerk shall ensure that the board member's written disclosure  
 1552 statement remains posted on the authority's website until the board member leaves  
 1553 office.
- 1554 (3) The administrator or clerk of the authority's board shall take the action described in  
 1555 Subsection (4) if:
- 1556 (a) a board member fails to timely file the written disclosure statement described in  
 1557 Subsection (1); or

- 1558 (b) a submitted written disclosure statement does not comply with the requirements of  
 1559 Subsection 20A-11-1604(6).
- 1560 (4) If a circumstance described in Subsection (3) occurs, the administrator or clerk of the  
 1561 authority's board shall, within five days after the day on which the administrator or clerk  
 1562 determines that a violation occurred, notify the board member of the violation and direct  
 1563 the board member to submit an amended written disclosure statement correcting the  
 1564 problem.
- 1565 (5) (a) It is unlawful for a board member to fail to submit or amend a written disclosure  
 1566 statement within seven days after the day on which the board member receives the  
 1567 notice described in Subsection (4).
- 1568 (b) A board member who violates Subsection (5)(a) is guilty of a class B misdemeanor.
- 1569 (c) The administrator or clerk of the authority's board shall report a violation of  
 1570 Subsection (5)(a) to the attorney general.
- 1571 (d) In addition to the criminal penalty described in Subsection (5)(b), the administrator  
 1572 or clerk of the authority's board shall impose a civil fine of \$100 against a board  
 1573 member who violates Subsection (5)(a).
- 1574 (6) The administrator or clerk of the authority's board shall deposit a fine collected under  
 1575 this section into the board's account to pay for the costs of administering this section.
- 1576 (7) For an individual who is appointed as a board member under Subsection 63H-1-302  
 1577 (2)(b):
- 1578 (a) Subsection (1) does not apply; and
- 1579 (b) the administrator or clerk of the authority's board shall, instead:
- 1580 (i) post an electronic link on the authority's website to the written disclosure  
 1581 statement the board member made in the board member's capacity as an elected  
 1582 officer of:
- 1583 (A) a county, under Section 17-16a-13; or
- 1584 (B) a municipality, under Section 10-3-1313; and
- 1585 (ii) provide the lieutenant governor with a link to the electronic posting described in  
 1586 Subsection (7)(b)(i).

1587 Section 33. Section **63H-4-102** is amended to read:

1588 **63H-4-102 . Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**  
 1589 **expenses -- Annual conflict of interest disclosure statement -- Exception --**  
 1590 **Penalties.**

- 1591 (1) There is created an independent state agency and a body politic and corporate known as

- 1592 the "Heber Valley Historic Railroad Authority."
- 1593 (2) The authority is composed of eight members as follows:
- 1594 (a) one member of the county legislative body of Wasatch County;
- 1595 (b) the mayor of Heber City;
- 1596 (c) the mayor of Midway;
- 1597 (d) the executive director of the Department of Transportation or the executive director's
- 1598 designee;
- 1599 (e) the director of the Division of State Parks, or the director's designee; and
- 1600 (f) three public members appointed by the governor with the advice and consent of the
- 1601 Senate, being private citizens of the state, as follows:
- 1602 (i) two people representing the tourism industry, one each from Wasatch and Utah
- 1603 counties; and
- 1604 (ii) one person representing the public at large.
- 1605 (3) All members shall be residents of the state.
- 1606 (4) (a) Except as required by Subsection (4)(b), the three public members are appointed
- 1607 for four-year terms beginning July 1, 2010.
- 1608 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 1609 time of appointment or reappointment, adjust the length of terms to ensure that the
- 1610 terms of authority members are staggered so that approximately half of the authority
- 1611 is appointed every two years.
- 1612 (5) Any of the three public members may be removed from office by the governor or for
- 1613 cause by an affirmative vote of any four members of the authority.
- 1614 (6) When a vacancy occurs in the membership for any reason, the replacement is appointed
- 1615 for the unexpired term by the governor with advice and consent of the Senate for the
- 1616 unexpired term.
- 1617 (7) Each public member shall hold office for the term of appointment and until a successor
- 1618 has been appointed and qualified.
- 1619 (8) A public member is eligible for reappointment, but may not serve more than two full
- 1620 consecutive terms.
- 1621 (9) The governor shall appoint the chair of the authority from among its members.
- 1622 (10) The members shall elect from among their number a vice chair and other officers they
- 1623 may determine.
- 1624 (11) The powers of the authority are vested in its members.
- 1625 (12) (a) Four members constitute a quorum for transaction of authority business.



- 1626 (b) An affirmative vote of at least four members is necessary for any action taken by the  
1627 authority.
- 1628 (13) A member may not receive compensation or benefits for the member's service, but  
1629 may receive per diem and travel expenses in accordance with:
- 1630 (a) Section 63A-3-106;  
1631 (b) Section 63A-3-107; and  
1632 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1633 63A-3-107.
- 1634 (14) Except as provided in Subsection (20), a member shall, no sooner than January 1 and  
1635 no later than January 31 of each year during which the member holds office on the  
1636 authority:
- 1637 (a) prepare a written conflict of interest disclosure statement that contains a response to  
1638 each item of information described in Subsection 20A-11-1604(6); and  
1639 (b) submit the written disclosure statement to the administrator or clerk of the authority.
- 1640 (15) (a) No later than 10 business days after the date on which the member submits the  
1641 written disclosure statement described in Subsection (14) to the administrator or clerk  
1642 of the authority, the administrator or clerk shall:
- 1643 (i) post an electronic copy of the written disclosure statement on the authority's  
1644 website; and  
1645 (ii) provide the lieutenant governor with a link to the electronic posting described in  
1646 Subsection (15)(a)(i).
- 1647 (b) The administrator or clerk shall ensure that the member's written disclosure  
1648 statement remains posted on the authority's website until the member leaves office.
- 1649 (16) The administrator or clerk of the authority shall take the action described in Subsection  
1650 (17) if:
- 1651 (a) a member fails to timely file the written disclosure statement described in Subsection  
1652 (14); or  
1653 (b) a submitted written disclosure statement does not comply with the requirements of  
1654 Subsection 20A-11-1604(6).
- 1655 (17) If a circumstance described in Subsection (16) occurs, the administrator or clerk of the  
1656 authority shall, within five days after the day on which the administrator or clerk  
1657 determines that a violation occurred, notify the member of the violation and direct the  
1658 member to submit an amended written disclosure statement correcting the problem.
- 1659 (18) (a) It is unlawful for a member to fail to submit or amend a written disclosure

- 1660 statement within seven days after the day on which the member receives the notice  
 1661 described in Subsection (17).
- 1662 (b) A member who violates Subsection (18)(a) is guilty of a class B misdemeanor.
- 1663 (c) The administrator or clerk of the authority shall report a violation of Subsection  
 1664 (18)(a) to the attorney general.
- 1665 (d) In addition to the criminal penalty described in Subsection (18)(b), the administrator  
 1666 or clerk of the authority shall impose a civil fine of \$100 against a member who  
 1667 violates Subsection (18)(a).
- 1668 (19) The administrator or clerk of the authority shall deposit a fine collected under this  
 1669 section into the authority's account to pay for the costs of administering this section.
- 1670 (20) For an individual who is appointed to the authority under Subsection (2)(a), (b), or (c):
- 1671 (a) Subsection (14) does not apply; and
- 1672 (b) the administrator or clerk of the authority shall, instead:
- 1673 (i) post an electronic link on the authority's website to the written disclosure  
 1674 statement the member made in the member's capacity as an elected officer of:
- 1675 (A) a county, under Section 17-16a-13; or
- 1676 (B) a municipality, under Section 10-3-1313; and
- 1677 (ii) provide the lieutenant governor with a link to the electronic posting described in  
 1678 Subsection (20)(b)(i).
- 1679 Section 34. Section **63H-8-201** is amended to read:
- 1680 **63H-8-201 . Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --**
- 1681 **Quorum -- Per diem and expenses -- Annual conflict of interest disclosure**
- 1682 **statement -- Penalties.**
- 1683 (1) (a) There is created an independent body politic and corporate, constituting a public  
 1684 corporation, known as the "Utah Housing Corporation."
- 1685 (b) The corporation may also be known and do business as the:
- 1686 (i) Utah Housing Finance Association; and
- 1687 (ii) Utah Housing Finance Agency in connection with a contract entered into when  
 1688 that was the corporation's legal name.
- 1689 (c) No other entity may use the names described in Subsections (1)(a) and (b) without  
 1690 the express approval of the corporation.
- 1691 (2) The corporation is governed by a board of trustees composed of the following nine  
 1692 trustees:
- 1693 (a) the executive director of the Department of Workforce Services or the executive

- 1694 director's designee;
- 1695 (b) the commissioner of the Department of Financial Institutions or the commissioner's  
1696 designee;
- 1697 (c) the state treasurer or the treasurer's designee; and
- 1698 (d) six public trustees, who are private citizens of the state, as follows:
- 1699 (i) two people who represent the mortgage lending industry;
- 1700 (ii) two people who represent the home building and real estate industry; and
- 1701 (iii) two people who represent the public at large.
- 1702 (3) The governor shall:
- 1703 (a) appoint the six public trustees of the corporation with the advice and consent of the  
1704 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies; and
- 1705 (b) ensure that:
- 1706 (i) the six public trustees are from different counties and are residents of the state; and
- 1707 (ii) not more than three of the public trustees are members of the same political party.
- 1708 (4) (a) Except as required by Subsection (4)(b), the governor shall appoint the six public  
1709 trustees to terms of office of four years each.
- 1710 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the  
1711 time of appointment or reappointment, adjust the length of terms to ensure that the  
1712 terms of corporation trustees are staggered so that approximately half of the board is  
1713 appointed every two years.
- 1714 (5) (a) A public trustee of the corporation may be removed from office for cause either  
1715 by the governor or by an affirmative vote of six trustees of the corporation.
- 1716 (b) When a vacancy occurs in the board of trustees for any reason, the replacement shall  
1717 be appointed for the unexpired term.
- 1718 (c) A public trustee shall hold office for the term of appointment and until the trustee's  
1719 successor has been appointed and qualified.
- 1720 (d) A public trustee is eligible for reappointment but may not serve more than two full  
1721 consecutive terms.
- 1722 (6) (a) The governor shall select the chair of the corporation.
- 1723 (b) The trustees shall elect from among their number a vice chair and other officers they  
1724 may determine.
- 1725 (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.
- 1726 (b) An affirmative vote of at least five trustees is necessary for any action to be taken by  
1727 the corporation.

- 1728 (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise  
1729 all rights and perform all duties of the corporation.
- 1730 (8) A trustee may not receive compensation or benefits for the trustee's service, but may  
1731 receive per diem and travel expenses in accordance with:
- 1732 (a) Section 63A-3-106;
- 1733 (b) Section 63A-3-107; and
- 1734 (c) rules made by the Division of Finance according to Sections 63A-3-106 and  
1735 63A-3-107.
- 1736 (9) A trustee shall, no sooner than January 1 and no later than January 31 of each year  
1737 during which the trustee holds office on the board of trustees:
- 1738 (a) prepare a written conflict of interest disclosure statement that contains a response to  
1739 each item of information described in Subsection 20A-11-1604(6); and
- 1740 (b) submit the written disclosure statement to the administrator or clerk of the board of  
1741 trustees.
- 1742 (10) (a) No later than 10 business days after the date on which the trustee submits the  
1743 written disclosure statement described in Subsection (9) to the administrator or clerk  
1744 of the board of trustees, the administrator or clerk shall:
- 1745 (i) post a copy of the written disclosure statement on the corporation's website; and
- 1746 (ii) provide the lieutenant governor with a link to the electronic posting described in  
1747 Subsection (10)(a)(i).
- 1748 (b) The administrator or clerk shall ensure that the trustee's written disclosure statement  
1749 remains posted on the corporation's website until the trustee leaves office.
- 1750 (11) The administrator or clerk of the board of trustees shall take the action described in  
1751 Subsection (12) if:
- 1752 (a) a trustee fails to timely file the written disclosure statement described in Subsection  
1753 (9); or
- 1754 (b) a submitted written disclosure statement does not comply with the requirements of  
1755 Subsection 20A-11-1604(6).
- 1756 (12) If a circumstance described in Subsection (11) occurs, the administrator or clerk of the  
1757 board of trustees shall, within five days after the day on which the administrator or clerk  
1758 determines that a violation occurred, notify the trustee of the violation and direct the  
1759 trustee to submit an amended written disclosure statement correcting the problem.
- 1760 (13) (a) It is unlawful for a trustee to fail to submit or amend a written disclosure  
1761 statement within seven days after the day on which the trustee receives the notice

- 1762 described in Subsection (12).
- 1763 (b) A trustee who violates Subsection (13)(a) is guilty of a class B misdemeanor.
- 1764 (c) The administrator or clerk of the board of trustees shall report a violation of
- 1765 Subsection (13)(a) to the attorney general.
- 1766 (d) In addition to the criminal penalty described in Subsection (13)(b), the administrator
- 1767 or clerk of the board of trustees shall impose a civil fine of \$100 against a member
- 1768 who violates Subsection (13)(a).
- 1769 (14) The administrator or clerk of the board shall deposit a fine collected under this section
- 1770 into the corporation's account to pay for the costs of administering this section.
- 1771 ~~(9)~~ (15) [A] In addition to the written disclosure statement described in Subsection (9), a
- 1772 trustee described in Subsection (2)(d) shall also comply with the conflict of interest
- 1773 provisions described in Section 63G-24-301.
- 1774 Section 35. Section **63M-14-202** is amended to read:
- 1775 **63M-14-202 . Organization of the authority -- Annual conflict of interest**
- 1776 **disclosure statement -- Penalties.**
- 1777 (1) The authority is composed of seven authority members:
- 1778 (a) five authority members who represent Colorado River authority areas;
- 1779 (b) one authority member who represents the governor; and
- 1780 (c) one authority member who represents tribal interests.
- 1781 (2) The five Colorado River authority areas, defined by existing county boundaries that
- 1782 reflect the historic and current use of the Colorado River system, include:
- 1783 (a) the Central Utah Area composed of Salt Lake, Utah, Juab, Sanpete, Summit,
- 1784 Wasatch, Duchesne, and Uintah counties, located within the service area of the
- 1785 Central Utah Water Conservancy District;
- 1786 (b) the Uintah Basin Area composed of Duchesne and Uintah counties, notwithstanding
- 1787 that these counties fall within the Central Utah Area, and Daggett county;
- 1788 (c) the Price and San Rafael Area composed of Carbon and Emery counties;
- 1789 (d) the Virgin River Area composed of Kane and Washington counties; and
- 1790 (e) the State of Utah Area that represents:
- 1791 (i) the remaining counties using the Colorado River system;
- 1792 (ii) the Department of Natural Resources and the Department of Natural Resources'
- 1793 divisions; and
- 1794 (iii) the users of the Colorado River system that are not specifically included in the
- 1795 other four Colorado River authority areas and include Garfield, Grand, San Juan,

- 1796 and Wayne counties.
- 1797 (3) The members of the authority are:
- 1798 (a) four members appointed as follows:
- 1799 (i) a representative of the Central Utah Area appointed by the board of trustees of the
- 1800 Central Utah Water Conservancy District;
- 1801 (ii) a representative of the Uintah Basin Area appointed jointly by the boards of
- 1802 trustees of the Duchesne County and Uintah Water Conservancy Districts;
- 1803 (iii) a representative of the Price and San Rafael Area appointed jointly by the county
- 1804 commission of Carbon County and the board of trustees of the Emery Water
- 1805 Conservancy District; and
- 1806 (iv) a representative of the Virgin River Area appointed by the board of trustees of
- 1807 the Washington County Water Conservancy District;
- 1808 (b) the director of the Division of Water Resources as the representative of the State of
- 1809 Utah Area created in Subsection (2)(e);
- 1810 (c) the executive director of the Department of Natural Resources as the representative
- 1811 of the governor; and
- 1812 (d) a representative of tribal interests who is:
- 1813 (i) appointed by the governor; and
- 1814 (ii) a member of a federally recognized Indian tribe if the tribe is, in whole or in part,
- 1815 located within the state and within the Colorado River system.
- 1816 (4) A joint appointment required under Subsection (3) requires the agreement of both
- 1817 appointing authorities before the authority member seat is filled.
- 1818 (5) An authority member who is appointed under Subsection (3) shall:
- 1819 (a) be a resident of the state; and
- 1820 (b) have experience and a general knowledge of:
- 1821 (i) Colorado River issues and the use of the Colorado River system in the member's
- 1822 respective Colorado River authority area;
- 1823 (ii) the development of the use of the waters of the Colorado River system; and
- 1824 (iii) the rights of this state concerning the resources and benefits of the Colorado
- 1825 River system.
- 1826 (6) (a) An appointing authority shall notify the chair of:
- 1827 (i) the appointing authority's initial appointment to the authority; and
- 1828 (ii) the appointment of a new member or when a vacancy is being filled.
- 1829 (b) An appointment of an authority member is effective when received by the chair.

- 1830 (c) The initial term of an appointed authority member expires June 30, 2027. Before  
1831 June 30, 2027, the authority shall adopt a system to stagger the terms of appointed  
1832 authority members beginning July 1, 2027, and notify each appointing authority of  
1833 the duration of the term of the appointing authority's authority member. The  
1834 staggering of terms after July 1, 2027, shall result in approximately one-third of the  
1835 appointed authority members' terms expiring every two years. After the respective  
1836 terms of adjustment are complete, subsequent authority members shall be appointed  
1837 by an appointing authority for six-year terms.
- 1838 (d) An authority member term shall end on June 30. New terms commence on July 1.
- 1839 (e) An authority member whose term has expired shall serve until replaced or  
1840 reappointed by the applicable appointing authority.
- 1841 (f) An appointing authority may at any time remove the appointing authority's authority  
1842 member for neglect of duty or malfeasance in office. If the authority member is  
1843 jointly appointed, the authority member may only be removed by joint agreement of  
1844 both appointing authorities.
- 1845 (7) In the event of a vacancy in the authority, the chair shall notify the appointing authority  
1846 of the vacancy and ask that an authority member be promptly appointed.
- 1847 (8) (a) An authority member may not receive compensation or benefits for the member's  
1848 service, but may receive per diem and travel expenses in accordance with:
- 1849 (i) Section 63A-3-106;  
1850 (ii) Section 63A-3-107; and  
1851 (iii) rules made by the Department of Finance pursuant to Sections 63A-3-106 and  
1852 63A-3-107.
- 1853 (b) If an authority member is a full-time employee with either the state or a water  
1854 conservancy district, the authority member is not eligible for the per diem  
1855 compensation.
- 1856 (9) The executive director appointed under Section 63M-14-401 shall provide staff services  
1857 to the authority.
- 1858 (10) An authority member shall, no sooner than January 1 and no later than January 31 of  
1859 each year during which the authority member holds office on the authority:
- 1860 (a) prepare a written conflict of interest disclosure statement that contains a response to  
1861 each item of information described in Subsection 20A-11-1604(6); and  
1862 (b) submit the written disclosure statement to the administrator or clerk of the authority.
- 1863 (11) (a) No later than 10 business days after the date on which the authority member

- 1864 submits the written disclosure statement described in Subsection (10) to the  
1865 administrator or clerk of the authority, the administrator or clerk shall:
- 1866 (i) post a copy of the written disclosure statement on the authority's website; and  
1867 (ii) provide the lieutenant governor with a link to the electronic posting described in  
1868 Subsection (11)(a)(i).
- 1869 (b) The administrator or clerk shall ensure that the authority member's written disclosure  
1870 statement remains posted on the authority's website until the authority member leaves  
1871 office.
- 1872 (12) The administrator or clerk of the authority shall take the action described in Subsection  
1873 (13) if:
- 1874 (a) an authority member fails to timely file the written disclosure statement described in  
1875 Subsection (10); or
- 1876 (b) a submitted written disclosure statement does not comply with the requirements of  
1877 Subsection 20A-11-1604(6).
- 1878 (13) If a circumstance described in Subsection (12) occurs, the administrator or clerk of the  
1879 authority shall, within five days after the day on which the administrator or clerk  
1880 determines that a violation occurred, notify the authority member of the violation and  
1881 direct the authority member to submit an amended written disclosure statement  
1882 correcting the problem.
- 1883 (14) (a) It is unlawful for an authority member to fail to submit or amend a written  
1884 disclosure statement within seven days after the day on which the authority member  
1885 receives the notice described in Subsection (13).
- 1886 (b) An authority member who violates Subsection (14)(a) is guilty of a class B  
1887 misdemeanor.
- 1888 (c) The administrator or clerk of the authority shall report a violation of Subsection  
1889 (14)(a) to the attorney general.
- 1890 (d) In addition to the criminal penalty described in Subsection (14)(b), the administrator  
1891 or clerk of the authority shall impose a civil fine of \$100 against an authority member  
1892 who violates Subsection (14)(a).
- 1893 (15) The administrator or clerk of the authority shall deposit a fine collected under this  
1894 section into the authority's account to pay for the costs of administering this section.
- 1895 Section 36. Section **67-16-3** is amended to read:
- 1896 **67-16-3 . Definitions.**
- 1897 As used in this chapter:



- 1898 (1) "Agency" means:
- 1899 (a) any department, division, agency, commission, board, council, committee, authority,
- 1900 or any other institution of the state or any of its political subdivisions; or
- 1901 (b) an association as defined in Section 53G-7-1101.
- 1902 (2) "Agency head" means the chief executive or administrative officer of any agency.
- 1903 (3) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid,
- 1904 advise, furnish information to, or otherwise provide assistance to a person or business
- 1905 entity, believing that such action is of help, aid, advice, or assistance to such person or
- 1906 business entity and with the intent to assist such person or business entity.
- 1907 (4) "Business entity" means a sole proprietorship, partnership, association, joint venture,
- 1908 corporation, firm, trust, foundation, or other organization or entity used in carrying on a
- 1909 business.
- 1910 (5) "Compensation" means anything of economic value, however designated, which is paid,
- 1911 loaned, granted, given, donated, or transferred to any person or business entity by
- 1912 anyone other than the governmental employer for or in consideration of personal
- 1913 services, materials, property, or any other thing whatsoever.
- 1914 (6) "Controlled, private, or protected information" means information classified as
- 1915 controlled, private, or protected in Title 63G, Chapter 2, Government Records Access
- 1916 and Management Act, or other applicable provision of law.
- 1917 (7) "Filing clerk" means:
- 1918 (a) the special district clerk, for a special public officer who holds an office on:
- 1919 (i) the board of trustees of a special district; or
- 1920 (ii) the governing body of a special service district; or
- 1921 (b) the chief administrative officer, for a special public officer who holds an office on a
- 1922 local school board.
- 1923 (8) "Governing body" means:
- 1924 (a) the legislative body of a county, city, or town that establishes a special service
- 1925 district, if an administrative control board has not been appointed under Section
- 1926 17D-1-301; or
- 1927 (b) the administrative control board of a special service district, if the administrative
- 1928 control board has been appointed under Section 17D-1-301.
- 1929 [~~7~~] (9) "Governmental action" means any action on the part of the state, a political
- 1930 subdivision, or an agency, including:
- 1931 (a) any decision, determination, finding, ruling, or order; and

- 1932 (b) any grant, payment, award, license, contract, subcontract, transaction, decision,  
 1933 sanction, or approval, or the denial thereof, or the failure to act in respect to.
- 1934 ~~[(8)]~~ (10) "Improper disclosure" means disclosure of controlled, private, or protected  
 1935 information to any person who does not have the right to receive the information.
- 1936 ~~[(9)]~~ (11) "Legislative employee" means any officer or employee of the Legislature, or any  
 1937 committee of the Legislature, who is appointed or employed to serve, either with or  
 1938 without compensation, for an aggregate of less than 800 hours during any period of 365  
 1939 days. "Legislative employee" does not include legislators.
- 1940 ~~[(10)]~~ (12) "Legislator" means a member or member-elect of either house of the Legislature  
 1941 of the state of Utah.
- 1942 ~~[(11)]~~ (13) "Political subdivision" means a district, school district, or any other political  
 1943 subdivision of the state that is not an agency, but does not include a municipality or a  
 1944 county.
- 1945 ~~[(12)]~~ (14) (a) "Public employee" means a person who is not a public officer who is  
 1946 employed on a full-time, part-time, or contract basis by:
- 1947 (i) the state;
- 1948 (ii) a political subdivision of the state; or
- 1949 (iii) an association as defined in Section 53G-7-1101.
- 1950 (b) "Public employee" does not include legislators or legislative employees.
- 1951 ~~[(13)]~~ (15) (a) "Public officer" means an elected or appointed officer:
- 1952 (i) (A) of the state;
- 1953 (B) of a political subdivision of the state; or
- 1954 (C) an association as defined in Section 53G-7-1101; and
- 1955 (ii) who occupies a policymaking post.
- 1956 (b) "Public officer" includes a special public officer.
- 1957 ~~[(b)]~~ (c) "Public officer" does not include legislators or legislative employees.
- 1958 (16) "Special public officer" means a public officer who is an elected or appointed member  
 1959 of:
- 1960 (a) the board of trustees of a special district or the governing body of a special service  
 1961 district, if the special district or the special service district has an annual budget that  
 1962 is equal to or exceeds 10 times the revenue and expenditure amount described in  
 1963 Subsection 51-2a-201(1); or
- 1964 (b) a local school board.
- 1965 ~~[(14)]~~ (17) "State" means the state of Utah.

1966 ~~[(15)]~~ (18) "Substantial interest" means the ownership, either legally or equitably, by an  
 1967 individual, the individual's spouse, or the individual's minor children, of at least 10% of  
 1968 the outstanding capital stock of a corporation or a 10% interest in any other business  
 1969 entity.

1970 Section 37. Section **67-16-6** is amended to read:

1971 **67-16-6 . Receiving compensation for assistance in transaction involving an**  
 1972 **agency -- Sworn statement.**

1973 (1) Except as provided in Subsection ~~[(5)]~~ (6), it is an offense for a public officer or public  
 1974 employee to receive or agree to receive compensation for assisting any person or  
 1975 business entity in any transaction involving an agency unless the public officer or public  
 1976 employee files a sworn, written statement ~~[containing the information required by]~~  
 1977 disclosing the information described in Subsection (2) with:

- 1978 (a) the head of the officer or employee's own agency;  
 1979 (b) the agency head of the agency with which the transaction is being conducted; ~~[and]~~  
 1980 (c) the state attorney general~~[-]~~ ; and  
 1981 (d) for a public officer who is a special public officer, the filing clerk of the board of  
 1982 trustees, governing body, or local school board, as applicable, of which the special  
 1983 public officer is an elected or appointed member.

1984 (2) The ~~[statement]~~ sworn statement described in Subsection (1) shall contain:

- 1985 (a) the name and address of the public officer or public employee involved;  
 1986 (b) the name of the public officer's or public employee's agency;  
 1987 (c) the name and address of the person or business entity being or to be assisted; and  
 1988 (d) a brief description of:  
 1989 (i) the transaction as to which service is rendered or is to be rendered; and  
 1990 (ii) the nature of the service performed or to be performed.

1991 (3) ~~[The statement required to be filed under Subsection (1) shall be filed within-]~~ A public  
 1992 officer or public employee shall file the sworn statement described in Subsection (1) on  
 1993 or before the earlier of:

- 1994 (a) 10 days after the date [of any agreement between the public officer or public  
 1995 employee and the person or business entity being assisted] on which the public officer  
 1996 or public employee and the person or business entity being assisted enter into an  
 1997 agreement; or  
 1998 (b) the [receipt of compensation, whichever is earlier-] public officer's or public  
 1999 employee's receipt of compensation.

- 2000 (4) In accordance with Subsection (1)(d), a special public officer shall file the sworn  
 2001 statement with the filing clerk on or before the earlier of the deadlines described in  
 2002 Subsections (3)(a) and (b).
- 2003 (5) A filing clerk who receives the sworn statement described in Subsection (1) shall:  
 2004 (a) post a copy of the special public officer's sworn statement on, as applicable, the  
 2005 special district's, special service district's, or school district's website; and  
 2006 (b) ensure that the sworn statement remains posted on the website described in  
 2007 Subsection (5)(a) until the special public officer leaves office.
- 2008 [~~4~~] (6) The [statement is-] sworn statement described in Subsection (1) is public  
 2009 information and shall be available for examination by the public.
- 2010 [~~5~~] (7) This section does not apply to a public officer or public employee who engages in  
 2011 conduct that constitutes a violation of this section to the extent that the public officer or  
 2012 public employee is chargeable, for the same conduct, under Section 63G-6a-2404 or  
 2013 Section 76-8-105.
- 2014 Section 38. Section ~~67-16-7~~ is amended to read:
- 2015 **67-16-7 . Disclosure of substantial interest in regulated business -- Exceptions.**
- 2016 (1) Except as provided in Subsection (5), a public officer or public employee who is an  
 2017 officer, director, agent, employee, or owner of a substantial interest in any business  
 2018 entity that is subject to the regulation of the agency by which the public officer or public  
 2019 employee is employed shall disclose ~~[any]~~ a position held in the entity and the precise  
 2020 nature and value of the public officer's or public employee's interest in the entity:  
 2021 (a) upon first becoming a public officer or public employee;  
 2022 (b) whenever the public officer's or public employee's position in the business entity  
 2023 changes significantly; and  
 2024 (c) if the value of the public officer's or public employee's interest in the entity increases  
 2025 significantly.
- 2026 (2) The disclosure required under Subsection (1) shall be made in a sworn statement filed  
 2027 with:  
 2028 (a) for a public officer or a public employee of the state, the attorney general;  
 2029 (b) for a public officer or a public employee of a political subdivision, the chief  
 2030 governing body of the political subdivision;  
 2031 (c) the head of the agency with which the public officer or public employee is affiliated; [  
 2032 and]  
 2033 (d) for a public employee, the public employee's immediate supervisor[~~;~~] ; and

2034 (e) for a public officer who is a special public officer, the filing clerk of the board or  
 2035 trustees, governing body, or local school board, as applicable, of which the special  
 2036 public officer is an elected or appointed member.

2037 (3) A filing clerk who receives the sworn statement described in Subsection (1) shall:

2038 (a) post a copy of the special public officer's sworn statement on, as applicable, the  
 2039 special district's, special service district's, or school district's website; and

2040 (b) ensure that the sworn statement remains posted on the website described in  
 2041 Subsection (3)(a) until the special public officer leaves office.

2042 [~~3~~] (4) (a) This section does not apply to instances where the total value of the  
 2043 substantial interest does not exceed \$[~~2,000~~] 5,000.

2044 (b) A life insurance policy or an annuity is not required to be considered in determining  
 2045 the value of a substantial interest under this section.

2046 [~~4~~] (5) A disclosure made under this section is a public record and a person with whom a  
 2047 disclosure is filed under Subsection (2) shall make the disclosure available for public  
 2048 inspection.

2049 [~~5~~] (6) A public officer is not required to file a disclosure under this section if the public  
 2050 officer files a disclosure under Section 20A-11-1604.

2051 Section 39. Section **67-16-16** is enacted to read:

2052 **67-16-16 . Special public officer -- Annual conflict of interest disclosure**  
 2053 **statement -- Exception -- Penalties.**

2054 (1) Except as provided in Subsection (7), a special public officer shall, no sooner than  
 2055 January 1 and no later than January 31 of each year during which the special public  
 2056 officer holds elected or appointed office:

2057 (a) prepare a written conflict of interest disclosure statement that contains a response to  
 2058 each item of information described in Subsection 20A-11-1604(6); and

2059 (b) submit the written disclosure statement to the filing clerk.

2060 (2) (a) No later than 10 business days after the day on which a special public officer  
 2061 submits the written disclosure statement described in Subsection (1) to the filing  
 2062 clerk, the filing clerk shall:

2063 (i) post an electronic copy of the written disclosure statement on, as applicable, the  
 2064 special district's, special service district's, or school district's website; and

2065 (ii) provide the lieutenant governor with a link to the electronic posting described in  
 2066 Subsection (2)(a)(i).

2067 (b) The filing clerk shall ensure that the special public officer's written disclosure

- 2068 statement remains posted on the website described in Subsection (2)(a)(i) until the  
2069 special public officer leaves office.
- 2070 (3) The filing clerk shall take the action described in Subsection (4) if:
- 2071 (a) a special public officer fails to timely submit a written disclosure statement; or  
2072 (b) a submitted written disclosure statement does not comply with the requirements of  
2073 Subsection 20A-11-1604(6).
- 2074 (4) If a circumstance described in Subsection (3) occurs, the filing clerk shall, within five  
2075 days after the day on which the filing clerk determines that a violation occurred, notify  
2076 the special public officer of the violation and direct the special public officer to submit  
2077 an amended report correcting the problem.
- 2078 (5) (a) It is unlawful for a special public officer to fail to submit or amend a written  
2079 disclosure statement within seven days after the day on which the special public  
2080 officer receives the notice described in Subsection (4).
- 2081 (b) A special public officer who violates Subsection (5)(a) is guilty of a class B  
2082 misdemeanor.
- 2083 (c) The filing clerk shall report a violation of Subsection (5)(a) to the attorney general.
- 2084 (d) In addition to the criminal penalty described in Subsection (5)(b), the filing clerk  
2085 shall impose a civil fine of \$100 against a special public officer who violates  
2086 Subsection (5)(a).
- 2087 (6) The filing clerk shall deposit a fine collected under this section into the, as applicable,  
2088 special district's, special service district's, or school district's general fund as a dedicated  
2089 credit to pay for the costs of administering this section.
- 2090 (7) For a special public officer who is also a state legislator, a member of the legislative  
2091 body of a county or municipality, or who is otherwise required to make the written  
2092 disclosure statement described in Subsection (1) under another provision of law:
- 2093 (a) Subsection (1) does not apply; and  
2094 (b) the filing clerk shall, instead:
- 2095 (i) post an electronic link on the website described in Subsection (2)(a)(i) to the  
2096 written disclosure statement the special public officer made in the special public  
2097 officer's capacity as:
- 2098 (A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest  
2099 Disclosures;
- 2100 (B) an elected officer of a county, under Section 17-16a-13;  
2101 (C) an elected officer of a municipality, under Section 10-3-1313; or

2102                    (D) an individual who is otherwise required to make the written disclosure  
 2103                    statement described in Subsection (1) under another provision of law; and  
 2104                    (ii) provide the lieutenant governor with a link to the electronic posting described in  
 2105                    Subsection (7)(b)(i).

2106                    Section 40. Section **73-32-302** is amended to read:

2107                    **73-32-302 . Advisory council created -- Staffing -- Per diem and travel expenses --**  
 2108                    **Annual conflict of interest disclosure statement -- Exception -- Penalties.**

2109                    (1) There is created an advisory council known as the "Great Salt Lake Advisory Council"  
 2110                    consisting of 11 members listed in Subsection (2).

2111                    (2) (a) The governor shall appoint the following members, with the advice and consent  
 2112                    of the Senate:

2113                    (i) one representative of industry representing the extractive industry;

2114                    (ii) one representative of industry representing aquaculture;

2115                    (iii) one representative of conservation interests;

2116                    (iv) one representative of a migratory bird protection area as defined in Section  
 2117                    23A-13-101;

2118                    (v) one representative who is an elected official from municipal government, or the  
 2119                    elected official's designee;

2120                    (vi) five representatives who are elected officials from county government, or the  
 2121                    elected official's designee, one each representing:

2122                    (A) Box Elder County;

2123                    (B) Davis County;

2124                    (C) Salt Lake County;

2125                    (D) Tooele County; and

2126                    (E) Weber County; and

2127                    (vii) one representative of a publicly owned treatment works.

2128                    (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year  
 2129                    term.

2130                    (b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment, the  
 2131                    governor shall adjust the length of terms of voting members to ensure that the terms  
 2132                    of council members are staggered so that approximately half of the council is  
 2133                    appointed every two years.

2134                    (c) When a vacancy occurs in the membership for any reason, the governor shall appoint  
 2135                    a replacement for the unexpired term with the advice and consent of the Senate.

- 2136 (d) A member shall hold office until the member's successor is appointed and qualified.
- 2137 (4) The council shall determine:
- 2138 (a) the time and place of meetings; and
- 2139 (b) any other procedural matter not specified in this chapter.
- 2140 (5) (a) Attendance of six members at a meeting of the council constitutes a quorum.
- 2141 (b) A vote of the majority of the members present at a meeting when a quorum is present
- 2142 constitutes an action of the council.
- 2143 (6) A member may not receive compensation or benefits for the member's service, but may
- 2144 receive per diem and travel expenses in accordance with:
- 2145 (a) Section 63A-3-106;
- 2146 (b) Section 63A-3-107; and
- 2147 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 2148 63A-3-107.
- 2149 (7) The office, the department, and the Department of Environmental Quality shall
- 2150 coordinate and provide necessary staff assistance to the council.
- 2151 (8) Except as provided in Subsection (14), a council member shall, no sooner than January
- 2152 1 and no later than January 31 of each year during which the council member holds
- 2153 office on the council:
- 2154 (a) prepare a written conflict of interest disclosure statement that contains a response to
- 2155 each item of information described in Subsection 20A-11-1604(6); and
- 2156 (b) submit the written disclosure statement to the administrator or clerk of the council.
- 2157 (9) (a) No later than 10 business days after the date on which the council member
- 2158 submits the written disclosure statement described in Subsection (8) to the
- 2159 administrator or clerk of the council, the administrator or clerk shall:
- 2160 (i) post an electronic copy of the written disclosure statement on the council's
- 2161 website; and
- 2162 (ii) provide the lieutenant governor with a link to the electronic posting described in
- 2163 Subsection (9)(a)(i).
- 2164 (b) The administrator or clerk of the council shall ensure that the council member's
- 2165 written disclosure statement remains posted on the council's website until the council
- 2166 member leaves office.
- 2167 (10) The administrator or clerk of the council shall take the action described in Subsection
- 2168 (11) if:
- 2169 (a) a council member fails to timely file the written disclosure statement described in



- 2170            Subsection (8); or
- 2171            (b) a submitted written disclosure statement does not comply with the requirements of
- 2172            Subsection 20A-11-1604(6).
- 2173    (11) If a circumstance described in Subsection (10) occurs, the administrator or clerk of the
- 2174            council shall, within five days after the day on which the administrator or clerk
- 2175            determines that a violation occurred, notify the council member of the violation and
- 2176            direct the council member to submit an amended written disclosure statement correcting
- 2177            the problem.
- 2178    (12) (a) It is unlawful for a council member to fail to submit or amend a written
- 2179            disclosure statement within seven days after the day on which the council member
- 2180            receives the notice described in Subsection (11).
- 2181            (b) A council member who violates Subsection (12)(a) is guilty of a class B
- 2182            misdemeanor.
- 2183            (c) The administrator or clerk of the council shall report a violation of Subsection (12)(a)
- 2184            to the attorney general.
- 2185            (d) In addition to the criminal penalty described in Subsection (12)(b), the administrator
- 2186            or clerk of the council shall impose a civil fine of \$100 against a council member
- 2187            who violates Subsection (12)(a).
- 2188    (13) The administrator or clerk of the council shall deposit a fine collected under this
- 2189            section into the council's account to pay for the costs of administering this section.
- 2190    (14) For an individual appointed to the council under Subsection (2)(a)(v) or (vi):
- 2191            (a) Subsection (8) does not apply; and
- 2192            (b) the administrator or clerk of the council shall, instead:
- 2193            (i) post an electronic link on the council's website to the written disclosure statement
- 2194            the council member made in the council member's capacity as an elected officer of:
- 2195            (A) a county, under Section 17-16a-13; or
- 2196            (B) a municipality, under Section 10-3-1313; and
- 2197            (ii) provide the lieutenant governor with a link to the electronic posting described in
- 2198            Subsection (14)(b)(i).
- 2199            **Section 41. Effective date.**
- 2200    This bill takes effect on May 1, 2024.