

**DISCLOSURE OF CONFLICT OF INTEREST**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ross I. Romero**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the timing requirement for filing a Declaration of Conflict of Interest form.

**Highlighted Provisions:**

This bill:

- ▶ requires a legislator to file annually a Declaration of Conflict of Interest form.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-8-109**, as last amended by Chapter 191, Laws of Utah 1995

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

Section 1. Section **76-8-109** is amended to read:

**76-8-109. Failure of member of Legislature to disclose interest in measure or bill.**

(1) As used in this section:

(a) "Business in which the legislator is associated" means any business in which a legislator is a director, officer, owner, member, partner, employee, or is a holder of stocks or



28 bonds in the company that have a fair market value of \$10,000 or more. This does not include  
29 business associations by members of the legislator's immediate family.

30 (b) "Conflict of interest" means legislation or action by a legislator that the legislator  
31 reasonably believes may cause direct financial benefit or detriment to him, a member of the  
32 legislator's immediate family, or a business in which the legislator is associated, and that  
33 benefit or detriment is distinguishable from the effects of that action on the public or on the  
34 legislator's profession, occupation, or association generally.

35 (c) "Immediate family" means the legislator's spouse and children living in the  
36 legislator's immediate household.

37 (2) In addition to the Declaration of Conflict of Interest form provided for in  
38 Subsection (3), before or during any vote on legislation or any legislative matter in which a  
39 legislator has actual knowledge that he has a conflict of interest which is not stated on the  
40 conflict of interest form, that legislator shall orally declare to the committee or body before  
41 which the matter is pending that the legislator may have a conflict of interest and what that  
42 conflict is. This declaration of conflict of interest shall be noted in the minutes of any  
43 committee meeting or in the Senate or House Journal.

44 (3) (a) A legislator shall file annually a Declaration of Conflict of Interest form with  
45 the Secretary of the Senate if the legislator is a senator or with the Chief Clerk of the House of  
46 Representatives if the legislator is a representative to satisfy that legislator's disclosure of any  
47 conflict of interest as required by Subsection (2).

48 (b) ~~[This]~~ The Declaration of Conflict of Interest form shall include the businesses in  
49 which the legislator is associated and the general legislative subject areas in which the  
50 legislator may have a conflict of interest.

51 (c) ~~[This]~~ The Declaration of Conflict of Interest form is ~~[available to the]~~ a public  
52 document.

53 (d) ~~[This requirement of disclosure of any conflict of interest does not prohibit]~~  
54 Nothing in this section prohibits a legislator from voting on any legislation or legislative  
55 matter.

56 (4) ~~[Every]~~ A member of the Legislature ~~[who]~~ is guilty of a class B misdemeanor if:  
57 (a) the legislator has a conflict of interest in any measure or bill proposed or pending  
58 before the Legislature [of which he is a member and does not];

59           (b) the legislator fails to disclose the [fact] conflict to the house of which he is a  
60 member; and [~~votes thereon is guilty of a class B misdemeanor.~~]

61           (c) the legislator votes on the measure or bill.

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**Legislative Review Note**  
**as of 1-10-06 4:34 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0255**

**Disclosure of Conflict of Interest**

*16-Jan-06*

*8:37 AM*

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**State Impact**

No Fiscal Impact.

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**Individual and Business Impact**

No fiscal impact for legislators in compliance with the provisions of the bill.

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**Office of the Legislative Fiscal Analyst**