

1 **CONFLICT OF INTEREST DISCLOSURE MODIFICATIONS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4

LONG TITLE

5 **General Description:**

6 This bill modifies provisions related to conflicts of interest.

7 **Highlighted Provisions:**

8 This bill:

- 9
 - 10 ▶ requires an elected official of a political subdivision and a member of a state land
 - 11 use authority to annually file a conflict of interest disclosure on the state's conflict of
 - 12 interest disclosure website;
 - 13 ▶ requires an elected official described above to amend the disclosure if the elected
 - 14 official has a conflict of interest that is otherwise required to be disclosed under the
 - 15 municipal, county, or public officers' ethics acts;
 - 16 ▶ standardizes the monetary amount that triggers an elected official's disclosure
 - 17 obligation;
 - 18 ▶ clarifies provisions related to conflicts of interest; and
 - 19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **10-3-1303**, as last amended by Laws of Utah 2016, Chapter 350

27 **10-3-1304**, as last amended by Laws of Utah 2013, Chapter 445

28 **10-3-1305**, as last amended by Laws of Utah 2013, Chapter 445

29 **10-3-1306**, as last amended by Laws of Utah 2010, Chapter 378

30 **10-3-1307**, as last amended by Laws of Utah 1989, Chapter 147

31 **10-3-1308**, as last amended by Laws of Utah 1989, Chapter 147

32 **10-3-1309**, as last amended by Laws of Utah 1991, Chapter 241

33 **10-3-1311**, as last amended by Laws of Utah 2018, Chapter 461
 34 **10-3-1312**, as last amended by Laws of Utah 1989, Chapter 147
 35 **17-16a-3**, as last amended by Laws of Utah 2011, Chapter 297
 36 **17-16a-4**, as last amended by Laws of Utah 2013, Chapters 142, 445
 37 **17-16a-5**, as last amended by Laws of Utah 1993, Chapter 227
 38 **17-16a-6**, as last amended by Laws of Utah 2011, Chapter 297
 39 **17-16a-7**, as enacted by Laws of Utah 1983, Chapter 46
 40 **17-16a-8**, as enacted by Laws of Utah 1983, Chapter 46
 41 **17-16a-9**, as enacted by Laws of Utah 1983, Chapter 46
 42 **17-16a-10**, as last amended by Laws of Utah 1991, Chapter 241
 43 **17-16a-12**, as enacted by Laws of Utah 1983, Chapter 46
 44 **20A-11-1602**, as last amended by Laws of Utah 2021, Chapter 20
 45 **20A-11-1604**, as last amended by Laws of Utah 2022, Chapter 170
 46 **20A-11-1605**, as last amended by Laws of Utah 2021, Chapter 20
 47 **67-16-3**, as last amended by Laws of Utah 2018, Chapter 415
 48 **67-16-6**, as last amended by Laws of Utah 2014, Chapter 196
 49 **67-16-7**, as last amended by Laws of Utah 2018, Chapter 59

50 ENACTS:

51 **10-3-1303.5**, Utah Code Annotated 1953
 52 **17-16a-3.5**, Utah Code Annotated 1953
 53 **20A-11-1603.5**, Utah Code Annotated 1953

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

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

57 **10-3-1303. Definitions.**

58 As used in this part:

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

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

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

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

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

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

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

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

82 (5) "Conflict of interest disclosure website" means the Candidate and Officeholder
83 Conflict of Interest Disclosure Website described in Section 20A-11-1602.5.

84 ~~[(5)]~~ (6) "Elected officer" means ~~[a person]~~:

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

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

89 ~~[(6)]~~ (7) "Improper disclosure" means the disclosure of private, controlled, or protected
90 information to ~~[any]~~ a person who does not have both the right and the need to receive the
91 information.

92 ~~[(7)]~~ (8) "Municipal employee" means ~~[a person who is not an elected or appointed~~
93 ~~officer]~~ an individual who is employed on a full- or part-time basis by a municipality or by a
94 community reinvestment agency under Title 17C, Limited Purpose Local Government Entities

95 - Community Reinvestment Agency Act.

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

97 ~~[(8)]~~ (10) "Private, controlled, or protected information" means information classified
 98 as private, controlled, or protected under Title 63G, Chapter 2, Government Records Access
 99 and Management Act, or ~~[other]~~ another applicable provision of law.

100 ~~[(9)]~~ (11) "Substantial interest" means the ownership, either legally or equitably, by an
 101 individual, the individual's spouse, or the individual's minor children, of at least 10% of the
 102 outstanding shares of a corporation or 10% interest in any other business entity.

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

104 **10-3-1303.5. Statutory construction.**

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

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

108 **10-3-1304. Use of office for personal benefit prohibited.**

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

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

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

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

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

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

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

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

125 (c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer

126 or municipal employee or for another, a gift of substantial value or a substantial economic
127 benefit tantamount to a gift that:

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

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

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

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

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

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

136 (d) a political campaign contribution.

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

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

142 **10-3-1305. Compensation for assistance in transaction involving municipality --**
143 **Public disclosure and filing required.**

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

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

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

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

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

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

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

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

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

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

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

174 (i) 10 days before the date [of any agreement between the elected or appointed officer
175 or municipal employee and the person or business entity being assisted or] on which the officer
176 or municipal employee and the person or business entity being assisted enter into an agreement;
177 or

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

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

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

184 (5) The [~~statement and disclosure~~] disclosures described in Subsections (2) and (3)
185 shall contain:

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

187 (b) the name and address of the person or business entity being or to be assisted or in

188 which the ~~[appointed or elected official or municipal employee]~~ officer or municipal employee
189 has a substantial interest; and

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

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

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

197 **10-3-1306. Interest in business entity regulated by municipality -- Disclosure**
198 **statement required.**

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

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

206 (b) ~~[again at any time thereafter if the elected or appointed officer's or municipal~~
207 ~~employee's position in the business entity has changed significantly or if the value of his~~
208 ~~interest in the entity has increased significantly since the last disclosure]~~ when the officer's or
209 municipal employee's position in the business entity changes significantly or when the value of
210 the officer's or municipal employee's interest in the entity significantly increases above the
211 officer's or municipal employee's most recent disclosure.

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

214 (a) in a sworn statement filed with the mayor~~[-];~~ and

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

217 (3) The mayor shall:

218 (a) report the substance of ~~[all such disclosure statements]~~ the sworn statement to the

219 members of the governing body[;]; or

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

224 ~~[(3)] (4) (a)~~ This section does not apply to ~~[instances]~~ an instance where the value of
 225 the interest does not exceed ~~[\$2,000]~~ \$5,000.

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

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

229 **10-3-1307. Interest in business entity doing business with municipality --**

230 **Disclosure.**

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

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

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

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

245 (3) Disclosure by a municipal employee under this section is satisfied if the municipal
 246 employee makes the disclosure in the manner ~~[required by Sections]~~ described in Section
 247 10-3-1305 [and] or Section 10-3-1306.

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

249 **10-3-1308. Investment creating conflict of interest with duties -- Disclosure.**

250 ~~[Any personal interest or investment by a municipal employee or by any elected or~~
251 ~~appointed official of a municipality which creates a conflict between the employee's or~~
252 ~~official's personal interests and his public duties shall be disclosed in open meeting to the~~
253 ~~members of the body in the manner required by Section 10-3-1306]~~ An officer or municipal
254 employee who has a personal interest or investment that creates a conflict between the officer's
255 or municipal employee's personal interests and the officer's or employee's public duties shall
256 disclose the conflict in the manner described in Subsection 10-3-1306.

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

258 **10-3-1309. Inducing officer or employee to violate part prohibited.**

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

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

263 **10-3-1311. Municipal ethics commission -- Complaints charging violations.**

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

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

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

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

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

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

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

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

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

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

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

285 **10-3-1312. Violation of disclosure requirements -- Penalties -- Rescission of**
 286 **prohibited transaction.**

287 If ~~[any]~~ a transaction is entered into in connection with a violation of Section
 288 10-3-1305, 10-3-1306, 10-3-1307, or 10-3-1308, the municipality:

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

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

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

294 **17-16a-3. Definitions.**

295 As used in this part:

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

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

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

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

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

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

311 (3) "Business entity" means a sole proprietorship, partnership, association, joint

312 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
313 a business.

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

317 (5) "Conflict of interest disclosure website" means the Candidate and Officeholder
318 Conflict of Interest Disclosure Website described in Section 20A-11-1602.5

319 ~~[(5)]~~ (6) "Elected officer" means ~~[any person]~~ an individual elected or appointed to
320 ~~[any]~~ an office in the county.

321 ~~[(6)]~~ (7) "Governmental action" means ~~[any]~~ an action on the part of a county
322 including:

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

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

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

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

329 ~~[(7)]~~ (9) "Special employee" means ~~[any person]~~ an individual hired on the basis of a
330 contract to perform a special service for the county pursuant to an award of a contract
331 following a public bid.

332 ~~[(8)]~~ (10) "Substantial interest" means the ownership, either legally or equitably, by an
333 individual, the individual's spouse, and the individual's minor children, of at least 10% of the
334 outstanding shares of a corporation or 10% interest in any other business entity.

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

336 **17-16a-3.5. Statutory construction.**

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

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

340 **17-16a-4. Prohibited use of official position -- Exception.**

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

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

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

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

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

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

353 (b) an award publicly presented;

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

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

356 (3) A member of a county legislative body who is also a member of the governing
357 board of a provider of mental health or substance abuse services under contract with the county
358 does not commit an offense under Subsection (1)(a) or (b) by discharging, in good faith, the
359 duties and responsibilities of each position, if the county legislative body member does not
360 participate in the process of selecting the mental health or substance abuse service provider.

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

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

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

369 **17-16a-5. Compensation for assistance in transaction involving county -- Public**
370 **disclosure and filing required.**

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

374 unless the officer:

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

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

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

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

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

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

390 (3) An officer shall make the website disclosure described in Subsection (1)(c) on or
391 before the earlier of the deadlines described in Subsections (2)(a) and (b).

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

394 ~~[(3)]~~ (5) The [statement and disclosure] disclosures described in Subsection (1) shall
395 contain the following information:

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

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

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

401 Section 15. Section **17-16a-6** is amended to read:

402 **17-16a-6. Interest in business entity regulated by county -- Disclosure.**

403 (1) ~~[Every appointed or elected officer]~~ An officer under this part who is an officer,
404 director, agent, or employee or the owner of a substantial interest in any business entity ~~[which]~~

405 ~~that~~ is subject to the regulation of the county [~~in which the officer is an elected or appointed~~
 406 ~~officer~~] in which the officer is appointed or elected shall disclose the position held and the
 407 precise nature and value of the officer's interest;

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

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

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

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

413 (b) if the officer is an elected officer, on the conflict of interest disclosure website
 414 described in Section 20A-11-1602.5.

415 (3) The commission shall:

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

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

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

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

426 Section 16. Section ~~17-16a-7~~ is amended to read:

427 **17-16a-7. Interest in business entity doing business with county -- Disclosure.**

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

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

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

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

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

441 **17-16a-8. Investment creating conflict of interest with duties -- Disclosure.**

442 ~~[Any personal interest of or investment by any elected or appointed official of a county~~
443 ~~which creates a potential or actual conflict between the official's personal interests and his~~
444 ~~public duties shall be disclosed in open meeting to the members of the body in the manner~~
445 ~~required by Section 17-16a-6] An officer who has a personal interest or investment that creates~~
446 a potential or actual conflict between the officer's personal interests and the officer's public
447 duties shall disclose the conflict in the manner described in Subsection 10-3-1306.

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

449 **17-16a-9. Inducing officer to violate provisions prohibited.**

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

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

453 **17-16a-10. Violation a misdemeanor -- Removal from office.**

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

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

458 **17-16a-12. Rescission of prohibited transaction.**

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

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

463 **20A-11-1602. Definitions.**

464 As used in this part:

465 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that

466 the officeholder reasonably believes may cause direct financial benefit or detriment to the
467 officeholder, a member of the officeholder's immediate family, or an individual or entity that
468 the officeholder is required to disclose under the provisions of this section, if that benefit or
469 detriment is distinguishable from the effects of that action on the public or on the officeholder's
470 profession, occupation, or association generally.

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

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

477 (4) "Filing officer" means:

478 (a) the lieutenant governor, for the office of a state constitutional officer or State Board
479 of Education member; [or]

480 (b) the lieutenant governor or the county clerk in the county of the candidate's
481 residence, for a state legislative office[-];

482 (c) the county clerk, for a local official who is a member of a county legislative body;

483 (d) the city recorder or town clerk, for a local official who is a member of a municipal
484 legislative body;

485 (e) the special district clerk, for a local official who is a member of the governing body
486 of a special district;

487 (f) the school district administrator, for a local official is a member of a local school
488 board; or

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

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

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

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

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

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

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

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

503 ~~(7)~~ (8) (a) "Owner or officer" means an individual who owns an ownership interest in
504 an entity or holds a position where the person has authority to manage, direct, control, or make
505 decisions for:

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

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

508 (b) "Owner or officer" includes:

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

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

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

513 ~~(8)~~ (10) "Preceding year" means the year immediately preceding the day on which the
514 regulated officeholder makes a conflict of interest disclosure.

515 ~~(9)~~ (11) "Regulated officeholder" means an individual who is required to make a
516 conflict of interest disclosure under the provisions of this part.

517 (12) (a) "State board member" means an individual appointed to the board of a state
518 land use authority.

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

521 ~~(10)~~ (13) "State constitutional officer" means the governor, the lieutenant governor,
522 the state auditor, the state treasurer, or the attorney general.

523 (14) "State land use authority" means:

524 (a) the Utah Inland Port Authority created in Section 11-58-201;

525 (b) the Point of the Mountain State Land Authority created in Section 11-59-201; or

526 (c) the Military Installation Development Authority created in Section 63H-1-201.

527 ~~(11)~~ (15) "Website" means the Candidate and Officeholder Conflict of Interest

528 Disclosure Website described in Section 20A-11-1602.5.

529 Section 22. Section **20A-11-1603.5** is enacted to read:

530 **20A-11-1603.5. Conflict of interest disclosure - Required after election or**
531 **appointment of local official or state board member -- Public availability.**

532 (1) Except as provided in Subsection (3), a local official shall make the local official's
533 first conflict of interest disclosure on the website no sooner than January 1, and before January
534 11, the year after the year in which the local official is appointed or elected.

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

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

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

542 (ii) the local official makes a complete conflict of interest disclosure on the website in
543 the local official's capacity as a state board member, in accordance with Section 20A-11-1604;
544 or

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

548 (ii) the local official makes a complete conflict of interest disclosure on the website in
549 the local official's capacity as a member of the other legislative body, in accordance with
550 Section 20A-11-1604.

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

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

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

557 (ii) the state board member already, that same year, filed the conflict of interest
558 disclosure for an office described in Subsection (5)(a)(i), in accordance with Section

559 20A-11-1604:

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

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

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

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

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

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

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

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

587 Section 23. Section **20A-11-1604** is amended to read:

588 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with**
589 **reporting requirements.**

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

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

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

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

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

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

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

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

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

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

619 (ii) if the state constitutional officer takes office after January 10, within 10 days after
620 the day on which the state constitutional officer takes office; and

- 621 (b) each time the state constitutional officer changes employment.
- 622 (4) A legislator shall make a complete conflict of interest disclosure on the website:
- 623 (a) (i) no sooner than January 1 each year, and before January 11 each year; or
- 624 (ii) if the legislator takes office after January 10, within 10 days after the day on which
- 625 the legislator takes office; and
- 626 (b) each time the legislator changes employment.
- 627 (5) A member of the State Board of Education shall make a complete conflict of
- 628 interest disclosure on the website:
- 629 (a) (i) no sooner than January 1 each year, and before January 11 each year; or
- 630 (ii) if the member takes office after January 10, within 10 days after the day on which
- 631 the member takes office; and
- 632 (b) each time the member changes employment.
- 633 (6) A local official shall make a successive conflict of interest disclosure on the
- 634 website:
- 635 (a) no sooner than January 1 each year, and before January 11 each year; and
- 636 (b) each time the local official changes employment.
- 637 (7) A state board member shall make a successive conflict of interest disclosure on the
- 638 website:
- 639 (a) no sooner than January 1 each year, and before January 11 each year; and
- 640 (b) each time the state board member changes employment.
- 641 (8) (a) A local official who holds an office on more than one legislative body of a
- 642 political subdivision complies with Subsection (6) by making one complete conflict of interest
- 643 disclosure on the website during the time period described in Subsection (6)(a) or (b), as
- 644 applicable.
- 645 (b) A state board member who holds an office on the legislative body of a political
- 646 subdivision complies with Subsection (7) by making one complete conflict of interest
- 647 disclosure on the website during the time period described Subsection (7)(a) or (b), as
- 648 applicable.
- 649 ~~[(6)]~~ (9) A conflict of interest disclosure described in ~~[Subsection (3), (4), or (5)]~~
- 650 Subsections (3) through (7) shall include:
- 651 (a) the regulated officeholder's name;

652 (b) the name and address of each of the regulated officeholder's current employers and
653 each of the regulated officeholder's employers during the preceding year;

654 (c) for each employer described in Subsection [~~(6)(b)~~] (9)(b), a brief description of the
655 employment, including the regulated officeholder's occupation and, as applicable, job title;

656 (d) for each entity in which the regulated officeholder is an owner or officer, or was an
657 owner or officer during the preceding year:

658 (i) the name of the entity;

659 (ii) a brief description of the type of business or activity conducted by the entity; and

660 (iii) the regulated officeholder's position in the entity;

661 (e) in accordance with Subsection [~~(7)~~] (10), for each individual from whom, or entity
662 from which, the regulated officeholder has received \$5,000 or more in income during the
663 preceding year:

664 (i) the name of the individual or entity; and

665 (ii) a brief description of the type of business or activity conducted by the individual or
666 entity;

667 (f) for each entity in which the regulated officeholder holds any stocks or bonds having
668 a fair market value of \$5,000 or more as of the date of the disclosure form or during the
669 preceding year, but excluding funds that are managed by a third party, including blind trusts,
670 managed investment accounts, and mutual funds:

671 (i) the name of the entity; and

672 (ii) a brief description of the type of business or activity conducted by the entity;

673 (g) for each entity not listed in Subsections [~~(6)(d)~~] (9)(d) through (f) in which the
674 regulated officeholder currently serves, or served in the preceding year, in a paid leadership
675 capacity or in a paid or unpaid position on a board of directors:

676 (i) the name of the entity or organization;

677 (ii) a brief description of the type of business or activity conducted by the entity; and

678 (iii) the type of position held by the regulated officeholder;

679 (h) at the option of the regulated officeholder, a description of any real property in
680 which the regulated officeholder holds an ownership or other financial interest that the
681 regulated officeholder believes may constitute a conflict of interest, including a description of
682 the type of interest held by the regulated officeholder in the property;

- 683 (i) the name of the regulated officeholder's spouse and any other adult residing in the
684 regulated officeholder's household who is not related by blood or marriage, as applicable;
- 685 (j) for the regulated officeholder's spouse, the information that a regulated officeholder
686 is required to provide under Subsection ~~[(6)(b)]~~ (9)(b);
- 687 (k) a brief description of the employment and occupation of each adult who:
- 688 (i) resides in the regulated officeholder's household; and
- 689 (ii) is not related to the regulated officeholder by blood or marriage;
- 690 (l) at the option of the regulated officeholder, a description of any other matter or
691 interest that the regulated officeholder believes may constitute a conflict of interest;
- 692 (m) the date the form was completed;
- 693 (n) a statement that the regulated officeholder believes that the form is true and
694 accurate to the best of the regulated officeholder's knowledge; and
- 695 (o) the signature of the regulated officeholder.

696 ~~[(7)]~~ (10) In making the disclosure described in Subsection ~~[(6)(e)]~~ (9)(e), a regulated
697 officeholder who provides goods or services to multiple customers or clients as part of a
698 business or a licensed profession is only required to provide the information described in
699 Subsection ~~[(6)(e)]~~ (9)(e) in relation to the entity or practice through which the regulated
700 officeholder provides the goods or services and is not required to provide the information
701 described in Subsection ~~[(6)(e)]~~ (9)(e) in relation to the regulated officeholder's individual
702 customers or clients.

703 ~~[(8)]~~ (11) The disclosure requirements described in this section do not prohibit a
704 regulated officeholder from voting or acting on any matter.

705 ~~[(9)]~~ (12) A regulated officeholder may amend a conflict of interest disclosure
706 described in this part at any time.

707 ~~[(10)]~~ (13) A regulated officeholder, other than a regulated officeholder who is a local
708 official or a state board member, who violates the requirements of Subsection (1) is guilty of a
709 class B misdemeanor.

710 ~~[(11)]~~ (14) (a) A regulated officeholder, other than a regulated officeholder who is a
711 local official or a state board member, who intentionally or knowingly violates a provision of
712 this section, other than Subsection (1), is guilty of a class B misdemeanor.

713 (b) In addition to the criminal penalty described in Subsection ~~[(11)(a)]~~ (14)(a), the

714 lieutenant governor shall impose a civil penalty of \$100 against a regulated officeholder, other
715 than a regulated officeholder who is a local official or a state board member, who violates a
716 provision of this section, other than Subsection (1).

717 Section 24. Section **20A-11-1605** is amended to read:

718 **20A-11-1605. Failure to file -- Penalties.**

719 (1) Within 60 days after the day on which a regulated officeholder, other than a
720 regulated officeholder who is a local official or state board member, is required to file a
721 conflict of interest disclosure under Subsection 20A-11-1604(3), (4) or (5), the lieutenant
722 governor shall review each filed conflict of interest disclosure to ensure that:

723 (a) each regulated officeholder described in Subsection (1) who is required to file a
724 conflict of interest disclosure has filed one; and

725 (b) each conflict of interest disclosure contains the information required under Section
726 20A-11-1604.

727 (2) The lieutenant governor shall take the action described in Subsection (3) if:

728 (a) a regulated officeholder described in Subsection (1) has failed to timely file a
729 conflict of interest disclosure;

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

732 (c) the lieutenant governor receives a written complaint alleging a violation of Section
733 20A-11-1604, other than Subsection 20A-11-1604(1), and after receiving the complaint and
734 giving the regulated officeholder described in Subsection (1) notice and an opportunity to be
735 heard, the lieutenant governor determines that a violation occurred.

736 (3) If a circumstance described in Subsection (2) occurs, the lieutenant governor shall,
737 within five days after the day on which the lieutenant governor determines that a violation
738 occurred, notify the regulated officeholder described in Subsection (1) of the violation and
739 direct the regulated officeholder to file an amended report correcting the problem.

740 (4) (a) It is unlawful for a regulated officeholder described in Subsection (1) to fail to
741 file or amend a conflict of interest disclosure within seven days after the day on which the
742 regulated officeholder receives the notice described in Subsection (3).

743 (b) A regulated officeholder described in Subsection (1) who violates Subsection (4)(a)
744 is guilty of a class B misdemeanor.

745 (c) The lieutenant governor shall report all violations of Subsection (4)(a) to the
746 attorney general.

747 (d) In addition to the criminal penalty described in Subsection (4)(b), the lieutenant
748 governor shall impose a civil fine of \$100 against a regulated officeholder described in
749 Subsection (1) who violates Subsection (4)(a).

750 (5) The lieutenant governor shall deposit a fine collected under this part into the
751 General Fund as a dedicated credit to pay for the costs of administering the provisions of this
752 part.

753 Section 25. Section **67-16-3** is amended to read:

754 **67-16-3. Definitions.**

755 As used in this chapter:

756 (1) "Agency" means:

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

759 (b) an association as defined in Section 53G-7-1101.

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

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

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

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

772 (6) "Conflict of interest disclosure website" means the Candidate and Officeholder
773 Conflict of Interest Disclosure Website described in Section 20A-11-1602.5.

774 ~~[(6)]~~ (7) "Controlled, private, or protected information" means information classified
775 as controlled, private, or protected in Title 63G, Chapter 2, Government Records Access and

776 Management Act, or other applicable provision of law.

777 ~~[(7)]~~ (8) "Governmental action" means any action on the part of the state, a political
778 subdivision, or an agency, including:

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

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

782 ~~[(8)]~~ (9) "Improper disclosure" means disclosure of controlled, private, or protected
783 information to any person who does not have the right to receive the information.

784 ~~[(9)]~~ (10) "Legislative employee" means any officer or employee of the Legislature, or
785 any committee of the Legislature, who is appointed or employed to serve, either with or
786 without compensation, for an aggregate of less than 800 hours during any period of 365 days.
787 "Legislative employee" does not include legislators.

788 ~~[(10)]~~ (11) "Legislator" means a member or member-elect of either house of the
789 Legislature of the state of Utah.

790 ~~[(11)]~~ (12) "Political subdivision" means a district, school district, or any other
791 political subdivision of the state that is not an agency, but does not include a municipality or a
792 county.

793 ~~[(12)]~~ (13) (a) "Public employee" means a person who is not a public officer who is
794 employed on a full-time, part-time, or contract basis by:

795 (i) the state;

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

797 (iii) an association as defined in Section 53G-7-1101.

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

799 ~~[(13)]~~ (14) (a) "Public officer" means an elected or appointed officer:

800 (i) (A) of the state;

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

802 (C) an association as defined in Section 53G-7-1101; and

803 (ii) who occupies a policymaking post.

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

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

806 (15) "Special public officer" means a public officer who is an elected or appointed

807 member of:

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

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

810 (c) a local school board.

811 ~~[(14)]~~ (16) "State" means the state of Utah.

812 ~~[(15)]~~ (17) "Substantial interest" means the ownership, either legally or equitably, by
813 an individual, the individual's spouse, or the individual's minor children, of at least 10% of the
814 outstanding capital stock of a corporation or a 10% interest in any other business entity.

815 Section 26. Section **67-16-6** is amended to read:

816 **67-16-6. Receiving compensation for assistance in transaction involving an**
817 **agency -- Filing sworn statement.**

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

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

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

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

825 and

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

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

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

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

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

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

833 (d) a brief description of:

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

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

836 (3) ~~[The statement required to be filed under Subsection (1) shall be filed within]~~ A

837 public officer or public employee shall file the sworn statement described in Subsection (1)(a)

838 on or before the earlier of:

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

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

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

847 ~~[(4)]~~ (5) The ~~[statement is]~~ sworn statement described in Subsection (1)(a) is public
848 information and shall be available for examination by the public.

849 ~~[(5)]~~ (6) This section does not apply to a public officer or public employee who
850 engages in conduct that constitutes a violation of this section to the extent that the public
851 officer or public employee is chargeable, for the same conduct, under Section 63G-6a-2404 or
852 Section 76-8-105.

853 Section 27. Section **67-16-7** is amended to read:

854 **67-16-7. Disclosure of substantial interest in regulated business -- Exceptions.**

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

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

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

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

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

866 (a) in a sworn statement filed with:

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

868 ~~[(b)]~~ (ii) for a public officer or a public employee of a political subdivision, the chief

869 governing body of the political subdivision;

870 ~~[(c)]~~ (iii) the head of the agency with which the public officer or public employee is
871 affiliated; and

872 ~~[(d)]~~ (iv) for a public employee, the public employee's immediate supervisor[-]; and
873 (b) for a public officer who is a special public officer, on the conflict of interest
874 disclosure website.

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

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

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

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

885 Section 28. **Effective date.**

886 This bill takes effect on May 1, 2024.