

1 **CONFLICT OF INTEREST DISCLOSURE MODIFICATIONS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill modifies provisions related to conflicts of interest.

8 **Highlighted Provisions:**

9 This bill:

- 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 ▶ establishes penalties for an elected official or member of a state land use authority
- 17 who fails to file, amend, or disclose a conflict of interest on the website described
- 18 above;
- 19 ▶ standardizes the monetary amount that triggers an elected official's disclosure
- 20 obligation;
- 21 ▶ clarifies provisions related to conflicts of interest; and
- 22 ▶ makes technical and conforming changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **10-3-1303**, as last amended by Laws of Utah 2016, Chapter 350

30 **10-3-1304**, as last amended by Laws of Utah 2013, Chapter 445

31 **10-3-1305**, as last amended by Laws of Utah 2013, Chapter 445

32 **10-3-1306**, as last amended by Laws of Utah 2010, Chapter 378

33 **10-3-1307**, as last amended by Laws of Utah 1989, Chapter 147
 34 **10-3-1308**, as last amended by Laws of Utah 1989, Chapter 147
 35 **10-3-1309**, as last amended by Laws of Utah 1991, Chapter 241
 36 **10-3-1311**, as last amended by Laws of Utah 2018, Chapter 461
 37 **10-3-1312**, as last amended by Laws of Utah 1989, Chapter 147
 38 **17-16a-3**, as last amended by Laws of Utah 2011, Chapter 297
 39 **17-16a-4**, as last amended by Laws of Utah 2013, Chapters 142, 445
 40 **17-16a-5**, as last amended by Laws of Utah 1993, Chapter 227
 41 **17-16a-6**, as last amended by Laws of Utah 2011, Chapter 297
 42 **17-16a-7**, as enacted by Laws of Utah 1983, Chapter 46
 43 **17-16a-8**, as enacted by Laws of Utah 1983, Chapter 46
 44 **17-16a-9**, as enacted by Laws of Utah 1983, Chapter 46
 45 **17-16a-10**, as last amended by Laws of Utah 1991, Chapter 241
 46 **17-16a-12**, as enacted by Laws of Utah 1983, Chapter 46
 47 **20A-11-1602**, as last amended by Laws of Utah 2021, Chapter 20
 48 **20A-11-1602.5**, as last amended by Laws of Utah 2021, Chapter 20
 49 **20A-11-1604**, as last amended by Laws of Utah 2022, Chapter 170
 50 **20A-11-1605**, as last amended by Laws of Utah 2021, Chapter 20
 51 **67-16-3**, as last amended by Laws of Utah 2018, Chapter 415
 52 **67-16-6**, as last amended by Laws of Utah 2014, Chapter 196
 53 **67-16-7**, as last amended by Laws of Utah 2018, Chapter 59

54 ENACTS:

55 **10-3-1303.5**, Utah Code Annotated 1953
 56 **17-16a-3.5**, Utah Code Annotated 1953
 57 **20A-11-1603.5**, Utah Code Annotated 1953

58

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

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

61 **10-3-1303. Definitions.**

62 As used in this part:

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

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

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

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

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

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

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

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

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

88 ~~[(5)]~~ (6) "Elected officer" means ~~[a person]~~:

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

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

93 ~~[(6)]~~ (7) "Improper disclosure" means the disclosure of private, controlled, or protected
94 information to ~~[any]~~ a person who does not have both the right and the need to receive the

95 information.

96 ~~[(7)]~~ (8) "Municipal employee" means ~~[a person who is not an elected or appointed~~
 97 ~~officer]~~ an individual who is employed on a full[=] or part-time basis by a municipality or by a
 98 community reinvestment agency under Title 17C, Limited Purpose Local Government Entities
 99 - Community Reinvestment Agency Act.

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

101 ~~[(8)]~~ (10) "Private, controlled, or protected information" means information classified
 102 as private, controlled, or protected under Title 63G, Chapter 2, Government Records Access
 103 and Management Act, or ~~[other]~~ another applicable provision of law.

104 ~~[(9)]~~ (11) "Substantial interest" means the ownership, either legally or equitably, by an
 105 individual, the individual's spouse, or the individual's minor children, of at least 10% of the
 106 outstanding shares of a corporation or 10% interest in any other business entity.

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

108 **10-3-1303.5. Statutory construction.**

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

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

112 **10-3-1304. Use of office for personal benefit prohibited.**

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

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

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

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

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

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

126 (i) further substantially the officer's or municipal employee's personal economic
 127 interest; or
 128 (ii) secure special privileges for the officer or municipal employee or for others; or
 129 (c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer
 130 or municipal employee or for another, a gift of substantial value or a substantial economic
 131 benefit tantamount to a gift that:

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

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

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

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

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

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

140 (d) a political campaign contribution.

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

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

146 **10-3-1305. Compensation for assistance in transaction involving municipality --**
 147 **Public disclosure and filing required.**

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

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

156 (a) files with the mayor a sworn statement [~~giving the information required by this~~

157 ~~section]~~ disclosing the information described in Subsection (5); ~~[and]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

201 **10-3-1306. Interest in business entity regulated by municipality -- Disclosure**
202 **statement required.**

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

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

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

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

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

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

221 (3) The mayor shall:

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

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

228 [~~(3)~~] (4) (a) This section does not apply to [~~instances~~] an instance where the value of
 229 the interest does not exceed [~~\$2,000~~] \$5,000.

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

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

233 **10-3-1307. Interest in business entity doing business with municipality --**

234 **Disclosure.**

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

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

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

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

249 (3) Disclosure by a municipal employee under this section is satisfied if the municipal

250 employee makes the disclosure in the manner [~~required by Sections~~] described in Section
251 10-3-1305 [~~and~~] or Section 10-3-1306.

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

253 **10-3-1308. Investment creating conflict of interest with duties -- Disclosure.**

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

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

262 **10-3-1309. Inducing officer or employee to violate part prohibited.**

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

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

267 **10-3-1311. Municipal ethics commission -- Complaints charging violations.**

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

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

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

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

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

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

280 (ii) forward the complaint to the Political Subdivisions Ethics Review Commission

281 established in Section 63A-15-201:

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

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

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

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

289 **10-3-1312. Violation of disclosure requirements -- Penalties -- Rescission of**
290 **prohibited transaction.**

291 If [~~any~~] a transaction is entered into in connection with a violation of Section
292 10-3-1305, 10-3-1306, 10-3-1307, or 10-3-1308, the municipality:

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

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

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

298 **17-16a-3. Definitions.**

299 As used in this part:

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

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

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

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

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

311 (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,

312 aid, advise, furnish information to, or otherwise provide assistance to a person or business
313 entity, believing that such action is of help, aid, advice, or assistance to such person or business
314 entity and with the intent to so assist such person or business entity.

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

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

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

323 ~~(5)~~ (6) "Elected officer" means ~~[any person]~~ an individual elected or appointed to
324 ~~[any]~~ an office in the county.

325 ~~(6)~~ (7) "Governmental action" means ~~[any]~~ an action on the part of a county
326 including:

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

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

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

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

333 ~~(7)~~ (9) "Special employee" means ~~[any person]~~ an individual hired on the basis of a
334 contract to perform a special service for the county pursuant to an award of a contract
335 following a public bid.

336 ~~(8)~~ (10) "Substantial interest" means the ownership, either legally or equitably, by an
337 individual, the individual's spouse, and the individual's minor children, of at least 10% of the
338 outstanding shares of a corporation or 10% interest in any other business entity.

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

340 **17-16a-3.5. Statutory construction.**

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

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

344 **17-16a-4. Prohibited use of official position -- Exception.**

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

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

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

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

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

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

357 (b) an award publicly presented;

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

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

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

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

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

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

373 **17-16a-5. Compensation for assistance in transaction involving county -- Public**

374 **disclosure and filing required.**

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

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

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

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

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

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

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

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

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

398 ~~[(3)]~~ (5) The [statement and disclosure] disclosures described in Subsection (1) shall
399 contain the following information:

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

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

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

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

406 **17-16a-6. Interest in business entity regulated by county -- Disclosure.**

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

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

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

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

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

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

419 (3) The commission shall:

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

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

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

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

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

431 **17-16a-7. Interest in business entity doing business with county -- Disclosure.**

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

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

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

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

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

445 **17-16a-8. Investment creating conflict of interest with duties -- Disclosure.**

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

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

453 **17-16a-9. Inducing officer to violate provisions prohibited.**

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

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

457 **17-16a-10. Violation a misdemeanor -- Removal from office.**

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

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

462 **17-16a-12. Rescission of prohibited transaction.**

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

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

467 **20A-11-1602. Definitions.**

468 As used in this part:

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

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

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

481 (4) "Filing officer" means:

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

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

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

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

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

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

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

- 497 (ii) is appointed to fill a vacancy in an office described in Subsection (7)(a); or
498 (iii) is appointed to serve as a member of the governing body of a special district.
499 ~~[(7)]~~ (8) (a) "Owner or officer" means an individual who owns an ownership interest in
500 an entity or holds a position where the person has authority to manage, direct, control, or make
501 decisions for:
- 502 (i) the entity or a portion of the entity; or
 - 503 (ii) an employee, agent, or independent contractor of the entity.
- 504 (b) "Owner or officer" includes:
- 505 (i) a member of a board of directors or other governing body of an entity; or
 - 506 (ii) a partner in any type of partnership.
- 507 (9) "Political subdivision" means a county, city, town, metro township, school district,
508 or special district.
- 509 ~~[(8)]~~ (10) "Preceding year" means the year immediately preceding the day on which the
510 regulated officeholder makes a conflict of interest disclosure.
- 511 ~~[(9)]~~ (11) "Regulated officeholder" means an individual who is required to make a
512 conflict of interest disclosure under the provisions of this part.
- 513 (12) "Special filing officer" means:
- 514 (a) the lieutenant governor, for the office of a state constitutional officer, state
515 legislator, or State Board of Education member;
 - 516 (b) the county clerk, for a local official who holds an office on the legislative body of a
517 county;
 - 518 (c) the city recorder or town clerk, for a local official who holds an office on a
519 municipal legislative body;
 - 520 (d) the special district clerk, for a local official who holds an office on the governing
521 body of a special district;
 - 522 (e) the school district administrator, for a local official who holds an office on a local
523 school board; or
 - 524 (f) the administrator or clerk of a state land use authority, for a state board member.
- 525 (13) (a) "State board member" means an individual appointed to the board of a state
526 land use authority.
- 527 (b) "State board member" includes a nonvoting member of a board described in

528 Subsection (12)(a).

529 ~~[(10)]~~ (14) "State constitutional officer" means the governor, the lieutenant governor,
530 the state auditor, the state treasurer, or the attorney general.

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

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

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

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

535 ~~[(11)]~~ (16) "Website" means the Candidate and Officeholder Conflict of Interest

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

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

538 **20A-11-1602.5. Candidate and Officeholder Conflict of Interest Disclosure**

539 **Website.**

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

543 (2) The website shall:

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

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

547 (ii) editing conflict of interest disclosures;

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

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

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

553 **20A-11-1603.5. Conflict of interest disclosure -- Required after election or**
554 **appointment of local official or state board member -- Public availability.**

555 (1) Except as provided in Subsection (3), a local official shall make the local official's
556 first conflict of interest disclosure on the website no sooner than January 1, and before January
557 11, the year after the year in which the local official is appointed or elected.

558 (2) Except as provided in Subsection (5), a state board member shall make the state

559 board member's first conflict of interest disclosure on the website no sooner than January 1,
560 and before January 11, the year after the year in which the state board member is appointed.

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

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

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

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

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

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

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

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

580 (ii) the state board member already, that same year, filed the conflict of interest
581 disclosure for an office described in Subsection (5)(a)(i), in accordance with Section
582 20A-11-1604;

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

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

589 (b) (i) during the time period the state board member would otherwise make the

590 conflict of interest disclosure under Subsection (2), the state board member holds the office of
591 state legislator, State Board of Education member, or a local official; and

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

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

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

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

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

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

611 **20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with**
612 **reporting requirements.**

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

618 (b) Before or during any vote on legislation or any legislative matter in which a
619 legislator or local official has actual knowledge that the legislator or local official has a conflict
620 of interest that is not stated in the conflict of interest disclosure, the legislator or local official

621 shall orally declare to the committee or body before which the matter is pending that the
622 legislator or local official may have a conflict of interest and what that conflict is.

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

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

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

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

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

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

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

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

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

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

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

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

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

649 (b) each time the legislator changes employment.

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

652 (a) (i) no sooner than January 1 each year, and before January 11 each year; or
653 (ii) if the member takes office after January 10, within 10 days after the day on which
654 the member takes office; and

655 (b) each time the member changes employment.

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

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

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

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

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

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

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

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

672 [~~(6)~~] (9) A conflict of interest disclosure described in [~~Subsection (3), (4), or (5)]~~
673 Subsections (3) through (7) shall include:

674 (a) the regulated officeholder's name;

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

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

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

681 (i) the name of the entity;

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

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

714 interest that the regulated officeholder believes may constitute a conflict of interest;

715 (m) the date the form was completed;

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

718 (o) the signature of the regulated officeholder.

719 ~~[(7)]~~ (10) In making the disclosure described in Subsection ~~[(6)(e)]~~ (9)(e), a regulated
720 officeholder who provides goods or services to multiple customers or clients as part of a
721 business or a licensed profession is only required to provide the information described in
722 Subsection ~~[(6)(e)]~~ (9)(e) in relation to the entity or practice through which the regulated
723 officeholder provides the goods or services and is not required to provide the information
724 described in Subsection ~~[(6)(e)]~~ (9)(e) in relation to the regulated officeholder's individual
725 customers or clients.

726 ~~[(8)]~~ (11) The disclosure requirements described in this section do not prohibit a
727 regulated officeholder from voting or acting on any matter.

728 ~~[(9)]~~ (12) A regulated officeholder may amend a conflict of interest disclosure
729 described in this part at any time.

730 ~~[(10)]~~ (13) A regulated officeholder who violates the requirements of Subsection (1) is
731 guilty of a class B misdemeanor.

732 ~~[(11)]~~ (14) (a) A regulated officeholder who intentionally or knowingly violates a
733 provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.

734 (b) In addition to the criminal penalty described in Subsection ~~[(11)(a)]~~ (14)(a), the
735 ~~[lieutenant governor]~~ special filing officer shall impose a civil penalty of \$100 against a
736 regulated officeholder who violates a provision of this section, other than Subsection (1).

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

738 **20A-11-1605. Failure to file -- Penalties.**

739 (1) Within 60 days after the day on which a regulated officeholder is required to file a
740 conflict of interest disclosure under ~~[Subsection 20A-11-1604(3), (4) or (5)]~~ Subsections
741 20A-11-1604(3) through (7), the ~~[lieutenant governor]~~ special filing officer shall review each
742 filed conflict of interest disclosure to ensure that:

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

745 (b) each conflict of interest disclosure contains the information required under Section
746 20A-11-1604.

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

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

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

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

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

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

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

766 (c) The [~~lieutenant governor~~] special filing officer shall report all violations of
767 Subsection (4)(a) to the attorney general.

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

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

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

775 **67-16-3. Definitions.**

776 As used in this chapter:

777 (1) "Agency" means:

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

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

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

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

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

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

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

795 ~~[(6)]~~ (7) "Controlled, private, or protected information" means information classified
796 as controlled, private, or protected in Title 63G, Chapter 2, Government Records Access and
797 Management Act, or other applicable provision of law.

798 ~~[(7)]~~ (8) "Governmental action" means any action on the part of the state, a political
799 subdivision, or an agency, including:

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

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

803 ~~[(8)]~~ (9) "Improper disclosure" means disclosure of controlled, private, or protected
804 information to any person who does not have the right to receive the information.

805 ~~[(9)]~~ (10) "Legislative employee" means any officer or employee of the Legislature, or
806 any committee of the Legislature, who is appointed or employed to serve, either with or

807 without compensation, for an aggregate of less than 800 hours during any period of 365 days.

808 "Legislative employee" does not include legislators.

809 ~~[(10)]~~ (11) "Legislator" means a member or member-elect of either house of the
810 Legislature of the state of Utah.

811 ~~[(11)]~~ (12) "Political subdivision" means a district, school district, or any other
812 political subdivision of the state that is not an agency, but does not include a municipality or a
813 county.

814 ~~[(12)]~~ (13) (a) "Public employee" means a person who is not a public officer who is
815 employed on a full-time, part-time, or contract basis by:

816 (i) the state;

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

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

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

820 ~~[(13)]~~ (14) (a) "Public officer" means an elected or appointed officer:

821 (i) (A) of the state;

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

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

824 (ii) who occupies a policymaking post.

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

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

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

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

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

831 (c) a local school board.

832 ~~[(14)]~~ (16) "State" means the state of Utah.

833 ~~[(15)]~~ (17) "Substantial interest" means the ownership, either legally or equitably, by
834 an individual, the individual's spouse, or the individual's minor children, of at least 10% of the
835 outstanding capital stock of a corporation or a 10% interest in any other business entity.

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

837 **67-16-6. Receiving compensation for assistance in transaction involving an**

838 **agency -- Filing sworn statement.**

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

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

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

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

846 and

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

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

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

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

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

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

854 (d) a brief description of:

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

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

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

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

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

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

868 ~~[(4)]~~ (5) The ~~[statement is]~~ sworn statement described in Subsection (1)(a) is public

869 information and shall be available for examination by the public.

870 ~~[(5)]~~ (6) This section does not apply to a public officer or public employee who
871 engages in conduct that constitutes a violation of this section to the extent that the public
872 officer or public employee is chargeable, for the same conduct, under Section 63G-6a-2404 or
873 Section 76-8-105.

874 Section 28. Section ~~67-16-7~~ is amended to read:

875 **67-16-7. Disclosure of substantial interest in regulated business -- Exceptions.**

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

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

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

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

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

887 (a) in a sworn statement filed with:

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

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

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

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

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

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

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

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

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

906 Section 29. **Effective date.**

907 This bill takes effect on May 1, 2024.