

**Effective 5/1/2024**

**67-16-3 Definitions.**

As used in this chapter:

- (1) "Agency" means:
  - (a) any department, division, agency, commission, board, council, committee, authority, or any other institution of the state or any of its political subdivisions; or
  - (b) an association as defined in Section 53G-7-1101.
- (2) "Agency head" means the chief executive or administrative officer of any agency.
- (3) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.
- (4) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
- (5) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.
- (6) "Controlled, private, or protected information" means information classified as controlled, private, or protected in Title 63G, Chapter 2, Government Records Access and Management Act, or other applicable provision of law.
- (7) "Filing clerk" means:
  - (a) the special district clerk, for a special public officer who holds an office on:
    - (i) the board of trustees of a special district; or
    - (ii) the governing body of a special service district; or
  - (b) the chief administrative officer, for a special public officer who holds an office on a local school board.
- (8) "Governing body" means:
  - (a) the legislative body of a county, city, or town that establishes a special service district, if an administrative control board has not been appointed under Section 17D-1-301; or
  - (b) the administrative control board of a special service district, if the administrative control board has been appointed under Section 17D-1-301.
- (9) "Governmental action" means any action on the part of the state, a political subdivision, or an agency, including:
  - (a) any decision, determination, finding, ruling, or order; and
  - (b) any grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval, or the denial thereof, or the failure to act in respect to.
- (10) "Improper disclosure" means disclosure of controlled, private, or protected information to any person who does not have the right to receive the information.
- (11) "Legislative employee" means any officer or employee of the Legislature, or any committee of the Legislature, who is appointed or employed to serve, either with or without compensation, for an aggregate of less than 800 hours during any period of 365 days. "Legislative employee" does not include legislators.
- (12) "Legislator" means a member or member-elect of either house of the Legislature of the state of Utah.
- (13) "Political subdivision" means a district, school district, or any other political subdivision of the state that is not an agency, but does not include a municipality or a county.

(14)

(a) "Public employee" means a person who is not a public officer who is employed on a full-time, part-time, or contract basis by:

- (i) the state;
- (ii) a political subdivision of the state; or
- (iii) an association as defined in Section 53G-7-1101.

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

(15)

(a) "Public officer" means an elected or appointed officer:

- (i)
  - (A) of the state;
  - (B) of a political subdivision of the state; or
  - (C) an association as defined in Section 53G-7-1101; and
- (ii) who occupies a policymaking post.

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

(c) "Public officer" does not include legislators or legislative employees.

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

- (a) the board of trustees of a special district or the governing body of a special service district, if the special district or the special service district has an annual budget that is equal to or exceeds 10 times the revenue and expenditure amount described in Subsection 51-2a-201(1); or
- (b) a local school board.

(17) "State" means the state of Utah.

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

Amended by Chapter 443, 2024 General Session