

COUNTY GOVERNMENT AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derek E. Brown

Senate Sponsor: Brian E. Shiozawa

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LONG TITLE

General Description:

This bill authorizes a county or county official to encourage support for certain beneficial organizations or activities.

Highlighted Provisions:

This bill:

- ▶ authorizes a county or county official to encourage support for certain beneficial organizations or activities; and
- ▶ makes clarifying amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

**17-16a-4 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapter 347

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

Section 1. Section **17-16a-4 (Effective 05/01/13)** is amended to read:

**17-16a-4 (Effective 05/01/13). Prohibited use of official position -- Exception.**

(1) Except as provided in Subsection (3), it is an offense for an elected or appointed officer, under circumstances not amounting to a violation of Section 63G-6a-2304 or 76-8-105, to:

30 (a) disclose confidential information acquired by reason of the officer's official position  
31 or use that information to secure special privileges or exemptions for himself or others;

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

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

37 (2) This section is inapplicable to:

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

39 (b) an award publicly presented;

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

41 (d) political campaign contributions [~~actually used in a political campaign~~] subject to  
42 Section 17-16-6.5.

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

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