

1                   **CONFLICT OF INTEREST DISCLOSURE REQUIREMENTS**

2                                   2018 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Val K. Potter**

5                           Senate Sponsor: Jacob L. Anderegg

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7 **LONG TITLE**

8 **General Description:**

9           This bill addresses conflict of interest disclosures that certain public officers are  
10 required to file.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ exempts certain public officers from filing certain disclosures regarding the public
- 14 officer's business interests if the public officers file a conflict of interest disclosure
- 15 under the Election Code; and
- 16           ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18           None

19 **Other Special Clauses:**

20           None

21 **Utah Code Sections Affected:**

22 AMENDS:

23           **67-16-7**, as last amended by Laws of Utah 1989, Chapter 147

24           **67-16-8**, as last amended by Laws of Utah 1990, Chapter 93

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

27           Section 1. Section **67-16-7** is amended to read:

28           **67-16-7. Disclosure of substantial interest in regulated business -- Exceptions.**

29 (1) ~~[Every]~~ Except as provided in Subsection (5), a public officer or public employee  
30 who is an officer, director, agent, employee, or [the] owner of a substantial interest in any  
31 business entity [which] that is subject to the regulation of the agency by which the public  
32 officer or public employee is employed[;] shall disclose any ~~[such]~~ position held in the entity  
33 and the precise nature and value of the public officer's or public employee's interest in the  
34 entity:

35 (a) upon first becoming a public officer or public employee[; and again];

36 (b) whenever the public officer's or public employee's position in the business entity  
37 changes significantly [or]; and

38 (c) if the value of [his] the public officer's or public employee's interest in the entity [is  
39 significantly increased] increases significantly.

40 (2) The disclosure required under Subsection (1) shall be made in a sworn statement  
41 filed with:

42 (a) ~~[the state attorney general in the case of public officers and public employees of the~~  
43 state] for a public officer or a public employee of the state, the attorney general;

44 (b) for a public officer or a public employee of a political subdivision, the chief  
45 governing body of the political subdivision [in the case of public officers and public employees  
46 of a political subdivision];

47 (c) the head of the agency with which the public officer or public employee is  
48 affiliated; and

49 (d) ~~[in the case of]~~ for a public employee, [with] the public employee's immediate  
50 supervisor [of the public employee].

51 (3) (a) This section does not apply to instances where the total value of the substantial  
52 interest does not exceed \$2,000.

53 (b) ~~[Life insurance policies and annuities shall not]~~ A life insurance policy or an  
54 annuity is not required to be considered in determining the value of [any such interest] a  
55 substantial interest under this section.

56           (4) ~~[Disclosures]~~ A disclosure made under this section ~~[are public information and~~  
57 ~~shall be available for examination by the public.]~~ is a public record and a person with whom a  
58 disclosure is filed under Subsection (2) shall make the disclosure available for public  
59 inspection.

60           (5) A public officer is not required to file a disclosure under this section if the public  
61 officer files a disclosure under Section [20A-11-1604](#).

62           Section 2. Section **67-16-8** is amended to read:

63           **67-16-8. Participation in transaction involving business as to which public officer**  
64 **or employee has interest -- Exceptions.**

65           (1) ~~[No]~~ A public officer or public employee ~~[shall participate in his]~~ may not, in the  
66 public officer's or public employee's official capacity, participate in, or receive compensation  
67 [in respect to any] as a result of, a transaction between the state or [any of its agencies and any]  
68 a state agency and a business entity [as to which such] of which the public officer or public  
69 employee is [also] an officer, director, [or] agent, employee, or [owns] owner of a substantial  
70 interest, unless [disclosure has been made as provided under Section [67-16-7](#)] the public officer  
71 or public employee has disclosed the public officer's or public employee's relationship to the  
72 business entity in accordance with Section [67-16-7](#) or [20A-11-1604](#).

73           (2) A concession contract between an agency, political subdivision, or the state and a  
74 certified professional golf association member who is a public employee or officer does not  
75 violate the provisions of Subsection (1) or Title 10, Chapter 3, Part 13, Municipal Officers' and  
76 Employees' Ethics Act.