

HB0134S01 compared with HB0134

~~{deleted text}~~ shows text that was in HB0134 but was deleted in HB0134S01.

Inserted text shows text that was not in HB0134 but was inserted into HB0134S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Val K. Potter proposes the following substitute bill:

CONFLICT OF INTEREST DISCLOSURE REQUIREMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val K. Potter

Senate Sponsor: ~~{_____}~~ Jacob L. Anderegg

LONG TITLE

General Description:

This bill ~~{exempts a member of the State Board of Education from certain disclosure requirements}~~ addresses conflict of interest disclosures that certain public officers are required to file.

Highlighted Provisions:

This bill:

- ▶ exempts ~~{a member of the State Board of Education}~~ certain public officers from filing certain ~~{disclosure requirements under the Utah Public Officers' and Employees' Ethics Act}~~ disclosures regarding the public officer's business interests if the public officers file a conflict of interest disclosure under the Election Code; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

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None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) ~~{This section does not apply to a member of the State Board of Education}~~ A public officer is not required to file a disclosure under this section if the public officer files a disclosure under Section 20A-11-1604.

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

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

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

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

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Legislative Review Note

Office of Legislative Research and General Counsel