

Representative Paul A. Cutler proposes the following substitute bill:

1 **⠠→ [~~CONFLICT OF INTEREST~~] CANDIDATE AND OFFICEHOLDER ⠠←**
1a **DISCLOSURE MODIFICATIONS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Paul A. Cutler**

5 Senate Sponsor: Jerry W Stevenson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to conflicts of interest and campaign finance
10 disclosure statements.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires an elected officer of a political subdivision and a member of a state land
14 use authority to annually file a conflict of interest disclosure statement;
- 15 ▶ requires the clerk of the political subdivision or state land use authority described
16 above to:
 - 17 • post an electronic copy of the conflict of interest disclosure statement on the
18 political subdivision's or state land use authority's website; and
 - 19 • provide the lieutenant governor's office with a link to the electronic posting
20 described above;
- 21 ▶ requires the lieutenant governor to post the link described above on the state conflict
22 of interest disclosure website;
- 23 ▶ standardizes the monetary amount that triggers an elected officer's disclosure
24 obligation;
- 25 ▶ establishes penalties for an elected officer or a member of a state land use authority



26 who fails to file a conflict of interest disclosure statement;

27 ▶ requires a municipal or county clerk to provide the lieutenant governor with an
28 electronic link to the campaign finance statement filed by a candidate for municipal
29 or county office;

30 ▶ requires the lieutenant governor to post the link described above on the lieutenant
31 governor's website; and

32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **10-3-208**, as last amended by Laws of Utah 2023, Chapter 45

40 **10-3-1303**, as last amended by Laws of Utah 2016, Chapter 350

41 **10-3-1304**, as last amended by Laws of Utah 2013, Chapter 445

42 **10-3-1305**, as last amended by Laws of Utah 2013, Chapter 445

43 **10-3-1306**, as last amended by Laws of Utah 2010, Chapter 378

44 **10-3-1307**, as last amended by Laws of Utah 1989, Chapter 147

45 **10-3-1308**, as last amended by Laws of Utah 1989, Chapter 147

46 **10-3-1309**, as last amended by Laws of Utah 1991, Chapter 241

47 **10-3-1311**, as last amended by Laws of Utah 2018, Chapter 461

48 **10-3-1312**, as last amended by Laws of Utah 1989, Chapter 147

49 **11-58-304**, as last amended by Laws of Utah 2022, Chapter 82

50 **11-59-306**, as last amended by Laws of Utah 2022, Chapter 237

51 **11-65-304**, as enacted by Laws of Utah 2022, Chapter 59

52 **17-16-6.5**, as last amended by Laws of Utah 2023, Chapter 45

53 **17-16a-3**, as last amended by Laws of Utah 2011, Chapter 297

54 **17-16a-4**, as last amended by Laws of Utah 2013, Chapters 142, 445

55 **17-16a-5**, as last amended by Laws of Utah 1993, Chapter 227

56 **17-16a-6**, as last amended by Laws of Utah 2011, Chapter 297

- 57 [17-16a-7](#), as enacted by Laws of Utah 1983, Chapter 46
- 58 [17-16a-8](#), as enacted by Laws of Utah 1983, Chapter 46
- 59 [17-16a-9](#), as enacted by Laws of Utah 1983, Chapter 46
- 60 [17-16a-10](#), as last amended by Laws of Utah 1991, Chapter 241
- 61 [17-16a-12](#), as enacted by Laws of Utah 1983, Chapter 46
- 62 [20A-11-103](#), as last amended by Laws of Utah 2016, Chapter 16
- 63 [20A-11-1602](#), as last amended by Laws of Utah 2021, Chapter 20
- 64 [20A-11-1602.5](#), as last amended by Laws of Utah 2021, Chapter 20
- 65 [53C-1-202](#), as last amended by Laws of Utah 2020, Chapters 352, 373
- 66 [63H-4-102](#), as last amended by Laws of Utah 2021, Chapter 280
- 67 [63H-8-201](#), as last amended by Laws of Utah 2020, Chapters 352, 373
- 68 [63M-14-202](#), as last amended by Laws of Utah 2022, Chapter 98
- 69 [67-16-3](#), as last amended by Laws of Utah 2018, Chapter 415
- 70 [67-16-6](#), as last amended by Laws of Utah 2014, Chapter 196
- 71 [67-16-7](#), as last amended by Laws of Utah 2018, Chapter 59
- 72 [73-32-302](#), as last amended by Laws of Utah 2023, Chapter 34 and renumbered and
- 73 amended by Laws of Utah 2023, Chapter 205

74 ENACTS:

- 75 [10-3-1303.5](#), Utah Code Annotated 1953
- 76 [10-3-1313](#), Utah Code Annotated 1953
- 77 [17-16a-3.5](#), Utah Code Annotated 1953
- 78 [17-16a-13](#), Utah Code Annotated 1953
- 79 [63H-1-304](#), Utah Code Annotated 1953
- 80 [67-16-16](#), Utah Code Annotated 1953



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

83 Section 1. Section **10-3-208** is amended to read:

84 **10-3-208. Campaign finance disclosure in municipal election.**

85 (1) Unless a municipality adopts by ordinance more stringent definitions, the following
86 are defined terms for purposes of this section:

87 (a) "Agent of a candidate" means:

- 88 (i) a person acting on behalf of a candidate at the direction of the reporting entity;
- 89 (ii) a person employed by a candidate in the candidate's capacity as a candidate;
- 90 (iii) the personal campaign committee of a candidate;
- 91 (iv) a member of the personal campaign committee of a candidate in the member's
- 92 capacity as a member of the personal campaign committee of the candidate; or
- 93 (v) a political consultant of a candidate.
- 94 (b) "Anonymous contribution limit" means for each calendar year:
 - 95 (i) \$50; or
 - 96 (ii) an amount less than \$50 that is specified in an ordinance of the municipality.
- 97 (c) (i) "Candidate" means a person who:
 - 98 (A) files a declaration of candidacy for municipal office; or
 - 99 (B) receives contributions, makes expenditures, or gives consent for any other person
 - 100 to receive contributions or make expenditures to bring about the person's nomination or
 - 101 election to a municipal office.
 - 102 (ii) "Candidate" does not mean a person who files for the office of judge.
- 103 (d) (i) "Contribution" means any of the following when done for political purposes:
 - 104 (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of
 - 105 value given to a candidate;
 - 106 (B) an express, legally enforceable contract, promise, or agreement to make a gift,
 - 107 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or
 - 108 anything of value to the candidate;
 - 109 (C) any transfer of funds from another reporting entity to the candidate;
 - 110 (D) compensation paid by any person or reporting entity other than the candidate for
 - 111 personal services provided without charge to the candidate;
 - 112 (E) a loan made by a candidate deposited to the candidate's own campaign; and
 - 113 (F) an in-kind contribution.
- 114 (ii) "Contribution" does not include:
 - 115 (A) services provided by an individual volunteering a portion or all of the individual's
 - 116 time on behalf of the candidate if the services are provided without compensation by the
 - 117 candidate or any other person;
 - 118 (B) money lent to the candidate by a financial institution in the ordinary course of

119 business; or

120 (C) goods or services provided for the benefit of a candidate at less than fair market
121 value that are not authorized by or coordinated with the candidate.

122 (e) "Coordinated with" means that goods or services provided for the benefit of a
123 candidate are provided:

124 (i) with the candidate's prior knowledge, if the candidate does not object;

125 (ii) by agreement with the candidate;

126 (iii) in coordination with the candidate; or

127 (iv) using official logos, slogans, and similar elements belonging to a candidate.

128 (f) (i) "Expenditure" means any of the following made by a candidate or an agent of the
129 candidate on behalf of the candidate:

130 (A) any disbursement from contributions, receipts, or from an account described in
131 Subsection (3)(a);

132 (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,
133 or anything of value made for political purposes;

134 (C) an express, legally enforceable contract, promise, or agreement to make any
135 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of
136 value for a political purpose;

137 (D) compensation paid by a candidate for personal services rendered by a person
138 without charge to a reporting entity;

139 (E) a transfer of funds between the candidate and a candidate's personal campaign
140 committee as defined in Section [20A-11-101](#); or

141 (F) goods or services provided by a reporting entity to or for the benefit of the
142 candidate for political purposes at less than fair market value.

143 (ii) "Expenditure" does not include:

144 (A) services provided without compensation by an individual volunteering a portion or
145 all of the individual's time on behalf of a candidate; or

146 (B) money lent to a candidate by a financial institution in the ordinary course of
147 business.

148 (g) "In-kind contribution" means anything of value other than money, that is accepted
149 by or coordinated with a candidate.

150 (h) (i) "Political consultant" means a person who is paid by a candidate, or paid by
151 another person on behalf of and with the knowledge of the candidate, to provide political
152 advice to the candidate.

153 (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i),
154 where the person:

155 (A) has already been paid, with money or other consideration;

156 (B) expects to be paid in the future, with money or other consideration; or

157 (C) understands that the person may, in the discretion of the candidate or another
158 person on behalf of and with the knowledge of the candidate, be paid in the future, with money
159 or other consideration.

160 (i) "Political purposes" means an act done with the intent or in a way to influence or
161 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or
162 against any candidate or a person seeking a municipal office at any caucus, political
163 convention, or election.

164 (j) "Reporting entity" means:

165 (i) a candidate;

166 (ii) a committee appointed by a candidate to act for the candidate;

167 (iii) a person who holds an elected municipal office;

168 (iv) a party committee as defined in Section 20A-11-101;

169 (v) a political action committee as defined in Section 20A-11-101;

170 (vi) a political issues committee as defined in Section 20A-11-101;

171 (vii) a corporation as defined in Section 20A-11-101; or

172 (viii) a labor organization as defined in Section 20A-11-1501.

173 (2) (a) A municipality may adopt an ordinance establishing campaign finance
174 disclosure requirements for a candidate that are more stringent than the requirements provided
175 in Subsections (3) through (7).

176 (b) The municipality may adopt definitions that are more stringent than those provided
177 in Subsection (1).

178 (c) If a municipality fails to adopt a campaign finance disclosure ordinance described
179 in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained
180 in Subsections (3) through (7).

181 (3) Each candidate:
182 (a) shall deposit a contribution in a separate campaign account in a financial institution;
183 and
184 (b) may not deposit or mingle any campaign contributions received into a personal or
185 business account.
186 (4) (a) In a year in which a municipal primary is held, each candidate who will
187 participate in the municipal primary shall file a campaign finance statement with the municipal
188 clerk or recorder no later than seven days before the day described in Subsection
189 [20A-1-201.5\(2\)](#).
190 (b) Each candidate who is not eliminated at a municipal primary election shall file a
191 campaign finance statement with the municipal clerk or recorder no later than:
192 (i) 28 days before the day on which the municipal general election is held;
193 (ii) seven days before the day on which the municipal general election is held; and
194 (iii) 30 days after the day on which the municipal general election is held.
195 (c) Each candidate for municipal office who is eliminated at a municipal primary
196 election shall file with the municipal clerk or recorder a campaign finance statement within 30
197 days after the day on which the municipal primary election is held.
198 (5) If a municipality does not conduct a primary election for a race, each candidate who
199 will participate in that race shall file a campaign finance statement with the municipal clerk or
200 recorder no later than:
201 (a) 28 days before the day on which the municipal general election is held;
202 (b) seven days before the day on which the municipal general election is held; and
203 (c) 30 days after the day on which the municipal general election is held.
204 (6) Each campaign finance statement described in Subsection (4) or (5) shall:
205 (a) except as provided in Subsection (6)(b):
206 (i) report all of the candidate's itemized and total:
207 (A) contributions, including in-kind and other nonmonetary contributions, received up
208 to and including five days before the campaign finance statement is due, excluding a
209 contribution previously reported; and
210 (B) expenditures made up to and including five days before the campaign finance
211 statement is due, excluding an expenditure previously reported; and

212 (ii) identify:

213 (A) for each contribution, the amount of the contribution and the name of the donor, if

214 known; and

215 (B) for each expenditure, the amount of the expenditure and the name of the recipient

216 of the expenditure; or

217 (b) report the total amount of all contributions and expenditures if the candidate

218 receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.

219 (7) Within 30 days after receiving a contribution that is cash or a negotiable

220 instrument, exceeds the anonymous contribution limit, and is from a donor whose name is

221 unknown, a candidate shall disburse the amount of the contribution to:

222 (a) the treasurer of the state or a political subdivision for deposit into the state's or

223 political subdivision's general fund; or

224 (b) an organization that is exempt from federal income taxation under Section

225 501(c)(3), Internal Revenue Code.

226 (8) (a) A municipality may, by ordinance:

227 (i) provide an anonymous contribution limit less than \$50;

228 (ii) require greater disclosure of contributions or expenditures than is required in this

229 section; and

230 (iii) impose additional penalties on candidates who fail to comply with the applicable

231 requirements beyond those imposed by this section.

232 (b) A candidate is subject to the provisions of this section and not the provisions of an

233 ordinance adopted by the municipality under Subsection (8)(a) if:

234 (i) the municipal ordinance establishes requirements or penalties that differ from those

235 established in this section; and

236 (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the

237 ordinance as required in Subsection (9).

238 (9) Each municipal clerk or recorder shall, at the time the candidate for municipal

239 office files a declaration of candidacy, and again 35 days before each municipal general

240 election, notify the candidate in writing of:

241 (a) the provisions of statute or municipal ordinance governing the disclosure of

242 contributions and expenditures;

243 (b) the dates when the candidate's campaign finance statement is required to be filed;
244 and

245 (c) the penalties that apply for failure to file a timely campaign finance statement,
246 including the statutory provision that requires removal of the candidate's name from the ballot
247 for failure to file the required campaign finance statement when required.

248 (10) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
249 Access and Management Act, the municipal clerk or recorder shall:

250 (a) make each campaign finance statement filed by a candidate available for public
251 inspection and copying no later than one business day after the statement is filed; and

252 (b) make the campaign finance statement filed by a candidate available for public
253 inspection by:

254 (i) ~~[(A)]~~ posting an electronic copy or the contents of the statement on the
255 municipality's website no later than seven business days after the day on which the statement is
256 filed; and

257 ~~[(B) verifying that the address of the municipality's website has been provided to the~~
258 ~~lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or]~~

259 (ii) ~~[submitting a copy of the statement to the lieutenant governor for posting on the~~
260 ~~website established by the lieutenant governor under Section 20A-11-103 no later than two~~
261 ~~business days after the statement is filed.]~~ in order to comply with the requirements of
262 Subsection 20A-11-103(4)(b)(ii), providing the lieutenant governor with a link to the electronic
263 posting described in Subsection (10)(b)(i) no later than two business days after the day on
264 which the statement is filed.

265 (11) (a) If a candidate fails to timely file a campaign finance statement required under
266 Subsection (4) or (5), the municipal clerk or recorder:

267 (i) may send an electronic notice to the candidate that states:

268 (A) that the candidate failed to timely file the campaign finance statement; and

269 (B) that, if the candidate fails to file the report within 24 hours after the deadline for
270 filing the report, the candidate will be disqualified; and

271 (ii) may impose a fine of \$50 on the candidate.

272 (b) The municipal clerk or recorder shall disqualify a candidate and inform the
273 appropriate election official that the candidate is disqualified if the candidate fails to file a

274 campaign finance statement described in Subsection (4) or (5) within 24 hours after the
275 deadline for filing the report.

276 (c) If a candidate is disqualified under Subsection (11)(b), the election official:

277 (i) shall:

278 (A) notify every opposing candidate for the municipal office that the candidate is
279 disqualified;

280 (B) send an email notification to each voter who is eligible to vote in the municipal
281 election office race for whom the election official has an email address informing the voter that
282 the candidate is disqualified and that votes cast for the candidate will not be counted;

283 (C) post notice of the disqualification on a public website; and

284 (D) if practicable, remove the candidate's name from the ballot by blacking out the
285 candidate's name before the ballots are delivered to voters; and

286 (ii) may not count any votes for that candidate.

287 (12) An election official may fulfill the requirements described in Subsection (11)(c)(i)
288 in relation to a mailed ballot, including a military overseas ballot, by including with the ballot a
289 written notice:

290 (a) informing the voter that the candidate is disqualified; or

291 (b) directing the voter to a public website to inform the voter whether a candidate on
292 the ballot is disqualified.

293 (13) Notwithstanding Subsection (11)(b), a candidate who timely files each campaign
294 finance statement required under Subsection (4) or (5) is not disqualified if:

295 (a) the statement details accurately and completely the information required under
296 Subsection (6), except for inadvertent omissions or insignificant errors or inaccuracies; and

297 (b) the omissions, errors, or inaccuracies are corrected in an amended report or in the
298 next scheduled report.

299 (14) A candidate for municipal office who is disqualified under Subsection (11)(b)
300 shall file with the municipal clerk or recorder a complete and accurate campaign finance
301 statement within 30 days after the day on which the candidate is disqualified.

302 (15) A campaign finance statement required under this section is considered filed if it
303 is received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.

304 (16) (a) A private party in interest may bring a civil action in district court to enforce

305 the provisions of this section or an ordinance adopted under this section.

306 (b) In a civil action under Subsection (16)(a), the court may award costs and attorney
307 fees to the prevailing party.

308 Section 2. Section **10-3-1303** is amended to read:

309 **10-3-1303. Definitions.**

310 As used in this part:

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

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

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

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

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

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

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

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

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

335 (a) an individual elected or appointed to fill a vacancy in the office of mayor,

336 commissioner, or council member; or

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

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

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

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

347 ~~[(8)]~~ (9) "Private, controlled, or protected information" means information classified as
348 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
349 Management Act, or ~~[other]~~ another applicable provision of law.

350 ~~[(9)]~~ (10) "Substantial interest" means the ownership, either legally or equitably, by an
351 individual, the individual's spouse, or the individual's minor children, of at least 10% of the
352 outstanding shares of a corporation or 10% interest in any other business entity.

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

354 **10-3-1303.5. Statutory construction.**

355 The definition of appointed officer in Section [10-3-1303](#) does not have the effect of
356 making an appointed individual or employee an officer of the municipality.

357 Section 4. Section **10-3-1304** is amended to read:

358 **10-3-1304. Use of office for personal benefit prohibited.**

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

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

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

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

366 (a) disclose or improperly use private, controlled, or protected information acquired by

367 reason of the officer's or municipal employee's official position or in the course of official
368 duties in order to further substantially the officer's or municipal employee's personal economic
369 interest or to secure special privileges or exemptions for the officer or municipal employee or
370 for others;

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

372 (i) further substantially the officer's or municipal employee's personal economic
373 interest; or

374 (ii) secure special privileges for the officer or municipal employee or for others; or

375 (c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer
376 or municipal employee or for another, a gift of substantial value or a substantial economic
377 benefit tantamount to a gift that:

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

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

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

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

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

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

386 (d) a political campaign contribution.

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

391 Section 5. Section 10-3-1305 is amended to read:

392 **10-3-1305. Compensation for assistance in transaction involving municipality --**
393 **Public disclosure and filing required.**

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

397 (2) Except as provided in Subsection [(6)] (9), it is an offense for an [~~elected officer, or~~

398 ~~an appointed officer,]~~ officer who is a member of a [~~public~~] municipal body to receive or agree
399 to receive compensation for assisting [~~any~~] a person or business entity in [~~any~~] a transaction
400 involving the [~~municipality in which the member is an officer unless the member~~] municipality
401 of which the officer is elected or appointed unless the officer:

402 (a) files with the mayor a sworn statement [~~giving the information required by this~~
403 ~~section~~] disclosing the information described in Subsection (8); [and]

404 (b) discloses the information [~~required by~~] described in Subsection [~~(5)~~] (7) in an open
405 meeting to the members of the municipal body of which the officer is a member immediately
406 before the discussion[-]; and

407 (c) for an officer who is an elected officer, files the sworn statement described in
408 Subsection (2)(a) with the city recorder or town clerk.

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

414 (a) files with the mayor a sworn statement [~~giving the information required by this~~
415 ~~section~~] disclosing information described in Subsection (8); and

416 (b) discloses the information [~~required by~~] described in Subsection [~~(5)~~] (8) to:

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

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

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

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

428 (ii) 10 days before [~~the receipt of compensation by the officer or employee, whichever~~

429 ~~is earlier]~~ the date on which the officer or municipal employee receives compensation.

430 (5) In accordance with Subsection (2)(c), an elected officer shall file the sworn
 431 statement with the city recorder or town clerk on or before the earlier of the deadlines described
 432 in Subsections (4)(a)(i) and (ii).

433 (6) A municipal recorder or town clerk who receives a sworn statement described in
 434 Subsection (2)(a) shall:

435 (a) post a copy of the sworn statement on the municipality's website; and

436 (b) ensure that the sworn statement remains posted on the municipality's website until
 437 the elected officer leaves office.

438 (7) ~~[(b)]~~ The [statement is] sworn statements described in this section are public
 439 information and shall be available for examination by the public.

440 ~~[(5)]~~ (8) The [statement and disclosure] sworn statement and public disclosure
 441 described in Subsections (2) and (3) shall contain:

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

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

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

448 ~~[(6)]~~ (9) This section does not apply to an [elected officer, or an appointed officer,]
 449 officer who is a member of a [public] municipal body and who engages in conduct that
 450 constitutes a violation of this section to the extent that the [elected officer or appointed] officer
 451 is chargeable, for the same conduct, under Section 76-8-105.

452 Section 6. Section **10-3-1306** is amended to read:

453 **10-3-1306. Interest in business entity regulated by municipality -- Disclosure**
 454 **statement required.**

455 (1) ~~[Every appointed or elected officer or]~~ An officer under this part, or a municipal
 456 employee, who is an officer, director, agent, or employee or the owner of a substantial interest
 457 in [any] a business entity [which] that is subject to the regulation of the municipality [in which
 458 he is an elected or appointed officer or municipal employee] in which the officer or municipal
 459 employee is elected, appointed, or employed, shall disclose the position held and the nature and

460 value of ~~[his]~~ the officer's or employee's interest:

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

462 (b) [again at any time thereafter if the elected or appointed officer's or municipal
463 employee's position in the business entity has changed significantly or if the value of his
464 interest in the entity has increased significantly since the last disclosure] when the officer's or
465 municipal employee's position in the business entity changes significantly or when the value of
466 the officer's or municipal employee's interest in the entity significantly increases above the
467 officer's or municipal employee's most recent disclosure.

468 (2) [The disclosure shall be made in a sworn statement filed with the mayor:] An
469 officer or municipal employee shall make the disclosure described in Subsection (1) in a sworn
470 statement filed with:

471 (a) the mayor; and

472 (b) for an officer who is an elected officer, the city recorder or town clerk.

473 (3) The mayor shall:

474 (a) report the substance of [all such disclosure statements] the sworn statement
475 described in Subsection (2) to the members of the governing body[;]; or

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

480 (4) The municipal recorder or town clerk who receives the sworn statement described
481 in Subsection (2) shall:

482 (a) post a copy of the sworn statement on the municipality's website; and

483 (b) ensure that the sworn statement remains posted on the municipality's website until
484 the elected officer leaves office.

485 ~~[(3)]~~ (5) (a) This section does not apply to [instances] an instance where the value of
486 the interest does not exceed \$[2,000] \$5,000.

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

489 Section 7. Section **10-3-1307** is amended to read:

490 **10-3-1307. Interest in business entity doing business with municipality --**

491 **Disclosure.**

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

497 (a) publicly disclose the conflict of interest to the members of the body of which [he]
 498 the officer is a member or by which [he] the municipal employee is employed, immediately
 499 ~~[prior to]~~ before any discussion by [such] the municipal body concerning matters relating to
 500 ~~[such]~~ the business entity, the nature of [his] the officer's or municipal employee's interest in
 501 ~~[that]~~ the business entity[-]; and

502 (b) for an officer who is an elected officer, file a sworn statement describing the
 503 conflict of interest with the city recorder or town clerk.

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

506 (3) A city recorder or town clerk who receives the sworn statement described in
 507 Subsection (1)(b) shall:

508 (a) post a copy of the sworn statement on the municipality's website; and

509 (b) ensure that the sworn statement remains posted on the municipality's website until
 510 the elected officer leaves office.

511 ~~[(3)]~~ (4) Disclosure by a municipal employee under this section is satisfied if the
 512 municipal employee makes the disclosure in the manner [required by Sections] described in
 513 Section 10-3-1305 [and] or Section 10-3-1306.

514 Section 8. Section **10-3-1308** is amended to read:

515 **10-3-1308. Investment creating conflict of interest with duties -- Disclosure.**

516 ~~[Any personal interest or investment by a municipal employee or by any elected or~~
 517 ~~appointed official of a municipality which creates a conflict between the employee's or~~
 518 ~~official's personal interests and his public duties shall be disclosed in open meeting to the~~
 519 ~~members of the body in the manner required by Section 10-3-1306]~~ An officer or municipal
 520 employee who has a personal interest or investment that creates a conflict between the officer's
 521 or municipal employee's personal interests and the officer's or municipal employee's public

522 duties shall disclose the conflict in the manner described in Section [10-3-1306](#).

523 Section 9. Section **10-3-1309** is amended to read:

524 **10-3-1309. Inducing officer or employee to violate part prohibited.**

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

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

529 **10-3-1311. Municipal ethics commission -- Complaints charging violations.**

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

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

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

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

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

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

542 (ii) forward the complaint to the Political Subdivisions Ethics Review Commission
543 established in Section [63A-15-201](#):

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

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

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

550 Section 11. Section **10-3-1312** is amended to read:

551 **10-3-1312. Violation of disclosure requirements -- Penalties -- Rescission of**
552 **prohibited transaction.**

553 If [~~any~~] a transaction is entered into in connection with a violation of Section
554 [10-3-1305](#), [10-3-1306](#), [10-3-1307](#), or [10-3-1308](#), the municipality:

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

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

559 Section 12. Section **10-3-1313** is enacted to read:

560 **10-3-1313. Annual conflict of interest disclosure -- City recorder or town clerk --**

561 **Posting of written disclosure statement -- Penalties.**

562 (1) In addition to the any other disclosure obligation described in this part, an elected
563 officer shall, no sooner than January 1 and no later than January 31 of each year during which
564 the elected officer holds the office of mayor, commissioner, or council member:

565 (a) prepare a written conflict of interest disclosure statement that contains a response to
566 each item of information described in Subsection [20A-11-1604](#)(6); and

567 (b) submit the written disclosure statement to the city recorder or town clerk.

568 (2) (a) No later than 10 business days after the day on which the elected officer submits
569 the written disclosure statement described in Subsection (1) to the city recorder or town clerk,
570 the city recorder or town clerk shall:

571 (i) post an electronic copy of the written disclosure statement on the municipality's
572 website; and

573 (ii) provide the lieutenant governor with a link to the electronic posting described in
574 Subsection (2)(a)(i).

575 (b) The city recorder or town clerk shall ensure that the elected officer's written
576 disclosure statement remains posted on the municipality's website until the elected officer
577 leaves office.

578 (3) A city recorder or town clerk shall take the action described in Subsection (4) if:

579 (a) an elected officer fails to timely submit the written disclosure statement described
580 in Subsection (1); or

581 (b) a submitted written disclosure statement does not comply with the requirements of
582 Subsection [20A-11-1604](#)(6).

583 (4) If a circumstance described in Subsection (3) occurs, the city recorder or town clerk

584 shall, within five days after the day on which the city recorder or town clerk determines that a
585 violation occurred, notify the elected officer of the violation and direct the elected officer to
586 submit an amended written disclosure statement correcting the problem.

587 (5) (a) It is unlawful for an elected officer to fail to submit or amend a written
588 disclosure statement within seven days after the day on which the elected officer receives the
589 notice described in Subsection (4).

590 (b) An elected officer who violates Subsection (5)(a) is guilty of a class B
591 misdemeanor.

592 (c) The city recorder or town clerk shall report a violation of Subsection (5)(a) to the
593 attorney general.

594 (d) In addition to the criminal penalty described in Subsection (5)(b), the city recorder
595 or town clerk shall impose a civil fine of \$100 against an elected officer who violates
596 Subsection (5)(a).

597 (6) The city recorder or town shall deposit a fine collected under this section into the
598 municipality's general fund as a dedicated credit to pay for the costs of administering this
599 section.

600 Section 13. Section **11-58-304** is amended to read:

601 **11-58-304. Limitations on board members and executive director -- Annual**
602 **conflict of interest disclosure statement -- Penalties.**

603 (1) As used in this section:

604 (a) "Direct financial benefit":

605 (i) means any form of financial benefit that accrues to an individual directly, including:

606 (A) compensation, commission, or any other form of a payment or increase of money;

607 and

608 (B) an increase in the value of a business or property; and

609 (ii) does not include a financial benefit that accrues to the public generally.

610 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.

611 (2) An individual may not serve as a voting member of the board or as executive
612 director if:

613 (a) the individual owns real property, other than a personal residence in which the
614 individual resides, within a project area, whether or not the ownership interest is a recorded

615 interest;

616 (b) a family member of the individual owns an interest in real property, other than a
617 personal residence in which the family member resides, located within a project area; or

618 (c) the individual or a family member of the individual owns an interest in, is directly
619 affiliated with, or is an employee or officer of a private firm, private company, or other private
620 entity that the individual reasonably believes is likely to:

621 (i) participate in or receive a direct financial benefit from the development of the
622 authority jurisdictional land; or

623 (ii) acquire an interest in or locate a facility within a project area.

624 (3) Before taking office as a voting member of the board or accepting employment as
625 executive director, an individual shall submit to the authority a statement verifying that the
626 individual's service as a board member or employment as executive director does not violate
627 Subsection (2).

628 (4) (a) An individual may not, at any time during the individual's service as a voting
629 member or employment with the authority, acquire, or take any action to initiate, negotiate, or
630 otherwise arrange for the acquisition of, an interest in real property located within a project
631 area, if:

632 (i) the acquisition is in the individual's personal capacity or in the individual's capacity
633 as an employee or officer of a private firm, private company, or other private entity; and

634 (ii) the acquisition will enable the individual to receive a direct financial benefit as a
635 result of the development of the project area.

636 (b) Subsection (4)(a) does not apply to an individual's acquisition of, or action to
637 initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real property that is
638 a personal residence in which the individual will reside upon acquisition of the real property.

639 (5) (a) A voting member or nonvoting member of the board or an employee of the
640 authority may not receive a direct financial benefit from the development of a project area.

641 (b) For purposes of Subsection (5)(a), a direct financial benefit does not include:

642 (i) expense reimbursements;

643 (ii) per diem pay for board member service, if applicable; or

644 (iii) an employee's compensation or benefits from employment with the authority.

645 (6) In addition to any other limitation on a board member described in this section, a

646 voting member or nonvoting member of the board shall, no sooner than January 1 and no later
647 than January 31 of each year during which the board member holds office on the authority's
648 board:

649 (a) prepare a written conflict of interest disclosure statement that contains a response to
650 each item of information described in Subsection 20A-11-1604(6); and

651 (b) submit the written disclosure statement to the administrator or clerk of the
652 authority's board.

653 (7) (a) No later than 10 business days after the date on which the board member
654 submits the written disclosure statement described in Subsection (6) to the administrator or
655 clerk of the authority's board, the administrator or clerk shall:

656 (i) post an electronic copy of the written disclosure statement on the authority's
657 website;

658 (ii) provide the lieutenant governor with a link to the electronic posting described in
659 Subsection (7)(a)(i).

660 (b) The administrator or clerk shall ensure that the board member's written disclosure
661 statement remains posted on the authority's website until the board member leaves office.

662 (8) The administrator or clerk of the authority's board shall take the action described in
663 Subsection (9) if:

664 (a) a board member fails to timely submit the written disclosure statement described in
665 Subsection (6); or

666 (b) a submitted written disclosure statement does not comply with the requirements of
667 Subsection 20A-11-1604(6).

668 (9) If a circumstance described in Subsection (8) occurs, the administrator or clerk of
669 the authority's board shall, within five days after the day on which the administrator or clerk
670 determines that a violation occurred, notify the board member of the violation and direct the
671 board member to submit an amended written disclosure statement correcting the problem.

672 (10) (a) It is unlawful for a board member to fail to submit or amend a written
673 disclosure statement within seven days after the day on which the board member receives the
674 notice described in Subsection (9).

675 (b) A board member who violates Subsection (10)(a) is guilty of a class B
676 misdemeanor.

677 (c) The administrator or clerk of the authority's board shall report a violation of
678 Subsection (10)(a) to the attorney general.

679 (d) In addition to the criminal penalty described in Subsection (10)(b), the
680 administrator or clerk of the authority's board shall impose a civil fine of \$100 against a board
681 member who violates Subsection (10)(a).

682 (11) The administrator or clerk of the authority's board shall deposit a fine collected
683 under this section into authority's account to pay for the costs of administering this section.

684 ~~[(6)]~~ (12) Nothing in this section may be construed to affect the application or effect of
685 any other code provision applicable to a board member or employee relating to ethics or
686 conflicts of interest.

687 Section 14. Section **11-59-306** is amended to read:

688 **11-59-306. Limitations on board members -- Annual conflict of interest disclosure**
689 **statement -- Exception -- Penalties.**

690 (1) As used in this section:

691 (a) "Designated individual" means an individual:

692 (i) (A) who is a member of the Senate or House of Representatives;

693 (B) who has been appointed as a member of the board under Subsection
694 **11-59-302(2)(a)** or (b); and

695 (C) whose legislative district includes some or all of the point of the mountain state
696 land; or

697 (ii) who is designated to serve as a board member under Subsection **11-59-302(2)(e)** or
698 (f).

699 (b) "Direct financial benefit":

700 (i) means any form of financial benefit that accrues to an individual directly as a result
701 of the development of the point of the mountain state land, including:

702 (A) compensation, commission, or any other form of a payment or increase of money;
703 and

704 (B) an increase in the value of a business or property; and

705 (ii) does not include a financial benefit that accrues to the public generally as a result of
706 the development of the point of the mountain state land.

707 (c) "Family member" means a parent, spouse, sibling, child, or grandchild.

- 708 (d) "Interest in real property" means every type of real property interest, whether
709 recorded or unrecorded, including:
- 710 (i) a legal or equitable interest;
 - 711 (ii) an option on real property;
 - 712 (iii) an interest under a contract;
 - 713 (iv) fee simple ownership;
 - 714 (v) ownership as a tenant in common or in joint tenancy or another joint ownership
715 arrangement;
 - 716 (vi) ownership through a partnership, limited liability company, or corporation that
717 holds title to a real property interest in the name of the partnership, limited liability company,
718 or corporation;
 - 719 (vii) leasehold interest; and
 - 720 (viii) any other real property interest that is capable of being owned.
- 721 (2) An individual may not serve as a member of the board if:
- 722 (a) subject to Subsection (5) for a designated individual, the individual owns an interest
723 in real property, other than a personal residence in which the individual resides, on or within
724 five miles of the point of the mountain state land;
 - 725 (b) a family member of the individual owns an interest in real property, other than a
726 personal residence in which the family member resides, located on or within one-half mile of
727 the point of the mountain state land;
 - 728 (c) the individual or a family member of the individual owns an interest in, is directly
729 affiliated with, or is an employee or officer of a firm, company, or other entity that the
730 individual reasonably believes is likely to participate in or receive compensation or other direct
731 financial benefit from the development of the point of the mountain state land; or
 - 732 (d) the individual or a family member of the individual receives or is expected to
733 receive a direct financial benefit.
- 734 (3) (a) Before taking office as a board member, an individual shall submit to the
735 authority a statement:
- 736 (i) verifying that the individual's service as a board member does not violate
737 Subsection (2); and
 - 738 (ii) for a designated individual, identifying any interest in real property, other than a

739 personal residence in which the individual resides, located on or within five miles of the point
740 of the mountain state land.

741 (b) If a designated individual takes action, during the individual's service as a board
742 member, to initiate, negotiate, or otherwise arrange for the acquisition of an interest in real
743 property, other than a personal residence in which the individual intends to live, located on or
744 within five miles of the point of the mountain state land, the designated individual shall submit
745 a written statement to the board chair describing the action, the interest in real property that the
746 designated individual intends to acquire, and the location of the real property.

747 (4) Except for a board member who is a designated individual, a board member is
748 disqualified from further service as a board member if the board member, at any time during
749 the board member's service on the board, takes any action to initiate, negotiate, or otherwise
750 arrange for the acquisition of an interest in real property, other than a personal residence in
751 which the member intends to reside, located on or within five miles of the point of the
752 mountain state land.

753 (5) A designated individual who submits a written statement under Subsection
754 (3)(a)(ii) or (b) may not serve or continue to serve as a board member unless at least two-thirds
755 of all other board members conclude that the designated individual's service as a board member
756 does not and will not create a material conflict of interest impairing the ability of the
757 designated individual to exercise fair and impartial judgment as a board member and to act in
758 the best interests of the authority.

759 (6) (a) The board may not allow a firm, company, or other entity to participate in
760 planning, managing, or implementing the development of the point of the mountain state land
761 if a board member or a family member of a board member owns an interest in, is directly
762 affiliated with, or is an employee or officer of the firm, company, or other entity.

763 (b) Before allowing a firm, company, or other entity to participate in planning,
764 managing, or implementing the development of the point of the mountain state land, the board
765 may require the firm, company, or other entity to certify that no board member or family
766 member of a board member owns an interest in, is directly affiliated with, or is an employee or
767 officer of the firm, company, or other entity.

768 (7) Except as provided in Subsection (13), a board member shall, no sooner than
769 January 1 and no later than January 31 of each year during which the board member holds

770 office on the authority's board:

771 (a) prepare a written conflict of interest disclosure statement that contains a response to
772 each item of information described in Subsection 20A-11-1604(6); and

773 (b) submit the written disclosure statement to the administrator or clerk of the
774 authority's board.

775 (8) (a) No later than 10 business days after the date on which the board member
776 submits the written disclosure statement described in Subsection (7) to the administrator or
777 clerk of the authority's board, the administrator or clerk shall:

778 (i) post an electronic copy of the written disclosure statement on the authority's
779 website; and

780 (ii) provide the lieutenant governor with a link to the electronic posting described in
781 Subsection (8)(a)(i).

782 (b) The administrator or clerk shall ensure that the board member's written disclosure
783 statement remains posted on the authority's website until the board member leaves office.

784 (9) The administrator or clerk of the authority's board shall take the action described in
785 Subsection (10) if:

786 (a) a board member fails to timely submit the written disclosure statement described in
787 Subsection (7); or

788 (b) a submitted written disclosure statement does not comply with the requirements of
789 Subsection 20A-11-1604(6).

790 (10) If a circumstance described in Subsection (9) occurs, the administrator or clerk of
791 the authority's board shall, within five days after the day on which the administrator or clerk
792 determines that a violation occurred, notify the board member of the violation and direct the
793 board member to submit an amended written disclosure statement correcting the problem.

794 (11) (a) It is unlawful for a board member to fail to submit or amend a written
795 disclosure statement within seven days after the day on which the board member receives the
796 notice described in Subsection (10).

797 (b) A board member who violates Subsection (11)(a) is guilty of a class B
798 misdemeanor.

799 (c) The administrator or clerk of the authority's board shall report a violation of
800 Subsection (11)(a) to the attorney general.

801 (d) In addition to the criminal penalty described in Subsection (11)(b), the
802 administrator or clerk of the authority's board shall impose a civil fine of \$100 against a board
803 member who violates Subsection (11)(a).

804 (12) The administrator or clerk of the authority's board shall deposit a fine collected
805 under this section into the authority's account to pay for the costs of administering this section.

806 (13) For an individual who is appointed as a board member under Subsection
807 11-59-302(2)(a), (b), (c)(iii), (d), or (e):

808 (a) Subsection (7) does not apply; and

809 (b) the administrator or clerk of the authority's board shall, instead:

810 (i) post an electronic link on the authority's website to the written disclosure statement
811 the board member made in the board member's capacity as:

812 (A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest

813 Disclosures; or

814 (B) an elected officer of a municipality, under Section 10-3-1313; and

815 (ii) provide the lieutenant governor with a link to the electronic posting described in
816 Subsection (13)(b)(i).

817 Section 15. Section **11-65-304** is amended to read:

818 **11-65-304. Limitations on board members and executive director -- Annual**
819 **conflict of interest disclosure statement -- Exception -- Penalties.**

820 (1) As used in this section:

821 (a) "Direct financial benefit":

822 (i) means any form of financial benefit that accrues to an individual directly, including:

823 (A) compensation, commission, or any other form of a payment or increase of money;

824 and

825 (B) an increase in the value of a business or property; and

826 (ii) does not include a financial benefit that accrues to the public generally.

827 (b) "Family member" means a parent, spouse, sibling, child, or grandchild.

828 (2) An individual may not serve as a voting member of the board or as executive

829 director if the individual or a family member of the individual owns an interest in, is directly

830 affiliated with, or is an employee or officer of a private firm, private company, or other private

831 entity that the individual reasonably believes is likely to participate in or receive a direct

832 financial benefit from the management of Utah Lake.

833 (3) Before taking office as a voting member of the board or accepting employment as
834 executive director, an individual shall submit to the lake authority a statement verifying that the
835 individual's service as a board member or employment as executive director does not violate
836 Subsection (2).

837 (4) (a) A voting member or nonvoting member of the board or an employee of the lake
838 authority may not receive a direct financial benefit from the management of Utah Lake.

839 (b) For purposes of Subsection (4)(a), a direct financial benefit does not include:

840 (i) expense reimbursements;

841 (ii) per diem pay for board member service, if applicable; or

842 (iii) an employee's compensation or benefits from employment with the lake authority.

843 (5) Except as provided Subsection (11), a voting member or nonvoting member of the
844 board shall, no sooner than January 1 and no later than January 31 of each year during which
845 the board member holds office on the lake authority's board:

846 (a) prepare a written conflict of interest disclosure statement that contains a response to
847 each item of information described in Subsection 20A-11-1604(6); and

848 (b) submit the written disclosure statement to the administrator or clerk of the lake
849 authority's board.

850 (6) (a) No later than 10 business days after the date on which the board member
851 submits the written disclosure statement described in Subsection (5) to the administrator or
852 clerk of the lake authority's board, the administrator or clerk shall:

853 (i) post an electronic copy of the written disclosure statement on the lake authority's
854 website; and

855 (ii) provide the lieutenant governor with a link to the electronic posting described in
856 Subsection (6)(a)(i).

857 (b) The administrator or clerk shall ensure that the board member's written disclosure
858 statement remains posted on the lake authority's website until the board member leaves office.

859 (7) The administrator or clerk of the lake authority's board shall take the action
860 described in Subsection (8) if:

861 (a) a board member fails to timely submit the written disclosure statement described in
862 Subsection (5); or

863 (b) a submitted written disclosure statement does not comply with the requirements of
864 Subsection 20A-11-1604(6).

865 (8) If a circumstance described in Subsection (7) occurs, the administrator or clerk of
866 the lake authority's board shall, within five days after the day on which the administrator or
867 clerk determines that a violation occurred, notify the board member of the violation and direct
868 the board member to submit an amended written disclosure statement correcting the problem.

869 (9) (a) It is unlawful for a board member to fail to submit or amend a written disclosure
870 statement within seven days after the day on which the board member receives the notice
871 described in Subsection (8).

872 (b) A board member who violates Subsection (9)(a) is guilty of a class B misdemeanor.

873 (c) The administrator or clerk of the lake authority's board shall report a violation of
874 Subsection (9)(a) to the attorney general.

875 (d) In addition to the criminal penalty described in Subsection (9)(b), the administrator
876 or clerk of the lake authority's board shall impose a civil fine of \$100 against a board member
877 who violates Subsection (9)(a).

878 (10) The administrator or clerk of the lake authority's board shall deposit a fine
879 collected under this section into the lake authority's account to pay for the costs of
880 administering this section.

881 (11) For an individual who is appointed as a board member under Subsection
882 11-65-302(2)(b), (c), (d), or (e)(ii):

883 (a) Subsection (5) does not apply; and

884 (b) the administrator or clerk of the lake authority's board shall, instead:

885 (i) post an electronic link on the lake authority's website to the written disclosure
886 statement the board member made in the board member's capacity as:

887 (A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest
888 Disclosures;

889 (B) an elected officer of a county, under Section 17-16a-13; or

890 (C) an elected officer of a municipality, under Section 10-3-1313; and

891 (ii) provide the lieutenant governor with a link to the electronic posting described in
892 Subsection (11)(b)(i).

893 [(5)] (12) Nothing in this section may be construed to affect the application or effect of

894 any other code provision applicable to a board member or employee relating to ethics or
895 conflicts of interest.

896 Section 16. Section **17-16-6.5** is amended to read:

897 **17-16-6.5. Campaign financial disclosure in county elections.**

898 (1) (a) A county shall adopt an ordinance establishing campaign finance disclosure
899 requirements for:

900 (i) candidates for county office; and

901 (ii) candidates for local school board office who reside in that county.

902 (b) The ordinance required by Subsection (1)(a) shall include:

903 (i) a requirement that each candidate for county office or local school board office
904 report the candidate's itemized and total campaign contributions and expenditures at least once
905 within the two weeks before the election and at least once within two months after the election;

906 (ii) a definition of "contribution" and "expenditure" that requires reporting of
907 nonmonetary contributions such as in-kind contributions and contributions of tangible things;

908 (iii) a requirement that the financial reports identify:

909 (A) for each contribution, the name of the donor of the contribution, if known, and the
910 amount of the contribution; and

911 (B) for each expenditure, the name of the recipient and the amount of the expenditure;

912 (iv) a requirement that a candidate for county office or local school board office
913 deposit a contribution in a separate campaign account in a financial institution;

914 (v) a prohibition against a candidate for county office or local school board office
915 depositing or mingling any contributions received into a personal or business account; and

916 (vi) a requirement that a candidate for county office who receives a contribution that is
917 cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown,
918 shall, within 30 days after receiving the contribution, disburse the amount of the contribution
919 to:

920 (A) the treasurer of the state or a political subdivision for deposit into the state's or
921 political subdivision's general fund; or

922 (B) an organization that is exempt from federal income taxation under Section
923 501(c)(3), Internal Revenue Code.

924 (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial

925 institution:

926 (A) that is not described in Subsection (1)(b)(iv); and

927 (B) into which or from which a person who, as a candidate for an office, other than a
928 county office for which the person files a declaration of candidacy or federal office, or as a
929 holder of an office, other than a county office for which the person files a declaration of
930 candidacy or federal office, deposits a contribution or makes an expenditure.

931 (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a
932 candidate for county office or local school board office include on a financial report filed in
933 accordance with the ordinance a contribution deposited in or an expenditure made from an
934 account:

935 (A) since the last financial report was filed; or

936 (B) that has not been reported under a statute or ordinance that governs the account.

937 (2) If any county fails to adopt a campaign finance disclosure ordinance described in
938 Subsection (1), candidates for county office, other than community council office, and
939 candidates for local school board office shall comply with the financial reporting requirements
940 contained in Subsections (3) through (8).

941 (3) A candidate for elective office in a county or local school board office:

942 (a) shall deposit a contribution in a separate campaign account in a financial institution;

943 and

944 (b) may not deposit or mingle any contributions received into a personal or business
945 account.

946 (4) Each candidate for elective office in any county who is not required to submit a
947 campaign financial statement to the lieutenant governor, and each candidate for local school
948 board office, shall file a signed campaign financial statement with the county clerk:

949 (a) seven days before the date of the regular general election, reporting each
950 contribution and each expenditure as of 10 days before the date of the regular general election;

951 and

952 (b) no later than 30 days after the date of the regular general election.

953 (5) (a) The statement filed seven days before the regular general election shall include:

954 (i) a list of each contribution received by the candidate, and the name of the donor, if
955 known; and

956 (ii) a list of each expenditure for political purposes made during the campaign period,
957 and the recipient of each expenditure.

958 (b) The statement filed 30 days after the regular general election shall include:

959 (i) a list of each contribution received after the cutoff date for the statement filed seven
960 days before the election, and the name of the donor; and

961 (ii) a list of all expenditures for political purposes made by the candidate after the
962 cutoff date for the statement filed seven days before the election, and the recipient of each
963 expenditure.

964 (6) (a) As used in this Subsection (6), "account" means an account in a financial
965 institution:

966 (i) that is not described in Subsection (3)(a); and

967 (ii) into which or from which a person who, as a candidate for an office, other than a
968 county office for which the person filed a declaration of candidacy or federal office, or as a
969 holder of an office, other than a county office for which the person filed a declaration of
970 candidacy or federal office, deposits a contribution or makes an expenditure.

971 (b) A county office candidate and a local school board office candidate shall include on
972 any campaign financial statement filed in accordance with Subsection (4) or (5):

973 (i) a contribution deposited in an account:

974 (A) since the last campaign finance statement was filed; or

975 (B) that has not been reported under a statute or ordinance that governs the account; or

976 (ii) an expenditure made from an account:

977 (A) since the last campaign finance statement was filed; or

978 (B) that has not been reported under a statute or ordinance that governs the account.

979 (7) Within 30 days after receiving a contribution that is cash or a negotiable
980 instrument, exceeds \$50, and is from a donor whose name is unknown, a county office
981 candidate shall disburse the amount of the contribution to:

982 (a) the treasurer of the state or a political subdivision for deposit into the state's or
983 political subdivision's general fund; or

984 (b) an organization that is exempt from federal income taxation under Section
985 501(c)(3), Internal Revenue Code.

986 (8) Candidates for elective office in any county, and candidates for local school board

987 office, who are eliminated at a primary election shall file a signed campaign financial statement
988 containing the information required by this section not later than 30 days after the primary
989 election.

990 (9) Any person who fails to comply with this section is guilty of an infraction.

991 (10) (a) Counties may, by ordinance, enact requirements that:

992 (i) require greater disclosure of campaign contributions and expenditures; and

993 (ii) impose additional penalties.

994 (b) The requirements described in Subsection (10)(a) apply to a local school board
995 office candidate who resides in that county.

996 (11) If a candidate fails to file an interim report due before the election, the county
997 clerk:

998 (a) may send an electronic notice to the candidate and the political party of which the
999 candidate is a member, if any, that states:

1000 (i) that the candidate failed to timely file the report; and

1001 (ii) that, if the candidate fails to file the report within 24 hours after the deadline for
1002 filing the report, the candidate will be disqualified and the political party will not be permitted
1003 to replace the candidate; and

1004 (b) impose a fine of \$100 on the candidate.

1005 (12) (a) The county clerk shall disqualify a candidate and inform the appropriate
1006 election officials that the candidate is disqualified if the candidate fails to file an interim report
1007 described in Subsection (11) within 24 hours after the deadline for filing the report.

1008 (b) The political party of a candidate who is disqualified under Subsection (12)(a) may
1009 not replace the candidate.

1010 (c) A candidate who is disqualified under Subsection (12)(a) shall file with the county
1011 clerk a complete and accurate campaign finance statement within 30 days after the day on
1012 which the candidate is disqualified.

1013 (13) If a candidate is disqualified under Subsection (12)(a), the election official:

1014 (a) shall:

1015 (i) notify every opposing candidate for the county office that the candidate is
1016 disqualified;

1017 (ii) send an email notification to each voter who is eligible to vote in the county

1018 election office race for whom the election official has an email address informing the voter that
1019 the candidate is disqualified and that votes cast for the candidate will not be counted;

1020 (iii) post notice of the disqualification on the county's website; and

1021 (iv) if practicable, remove the candidate's name from the ballot by blacking out the
1022 candidate's name before the ballots are delivered to voters; and

1023 (b) may not count any votes for that candidate.

1024 (14) An election official may fulfill the requirement described in Subsection (13)(a) in
1025 relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a
1026 written notice directing the voter to the county's website to inform the voter whether a
1027 candidate on the ballot is disqualified.

1028 (15) A candidate is not disqualified if:

1029 (a) the candidate files the interim reports described in Subsection (11) no later than 24
1030 hours after the applicable deadlines for filing the reports;

1031 (b) the reports are completed, detailing accurately and completely the information
1032 required by this section except for inadvertent omissions or insignificant errors or inaccuracies;
1033 and

1034 (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the
1035 next scheduled report.

1036 (16) (a) A report is considered timely filed if:

1037 (i) the report is received in the county clerk's office no later than midnight, Mountain
1038 Time, at the end of the day on which the report is due;

1039 (ii) the report is received in the county clerk's office with a United States Postal Service
1040 postmark three days or more before the date that the report was due; or

1041 (iii) the candidate has proof that the report was mailed, with appropriate postage and
1042 addressing, three days before the report was due.

1043 (b) For a county clerk's office that is not open until midnight at the end of the day on
1044 which a report is due, the county clerk shall permit a candidate to file the report via email or
1045 another electronic means designated by the county clerk.

1046 (17) (a) Any private party in interest may bring a civil action in district court to enforce
1047 the provisions of this section or any ordinance adopted under this section.

1048 (b) In a civil action filed under Subsection (17)(a), the court shall award costs and

1049 attorney fees to the prevailing party.

1050 (18) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
1051 Access and Management Act, the county clerk shall:

1052 (a) make each campaign finance statement filed by a candidate available for public
1053 inspection and copying no later than one business day after the statement is filed; and

1054 (b) make the campaign finance statement filed by a candidate available for public
1055 inspection by:

1056 (i) ~~[(A)]~~ posting an electronic copy or the contents of the statement on the county's
1057 website no later than seven business days after the day on which the statement is filed; and

1058 ~~[(B) verifying that the address of the county's website has been provided to the~~
1059 ~~lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or]~~

1060 (ii) ~~[submitting a copy of the statement to the lieutenant governor for posting on the~~
1061 ~~website established by the lieutenant governor under Section 20A-11-103 no later than two~~
1062 ~~business days after the statement is filed.] in order to meet the requirements of Subsection~~
1063 20A-11-103(4)(b)(ii), providing the lieutenant governor with a link to the electronic posting
1064 described in Subsection (18)(b)(i) no later than two business days after the day the statement is
1065 filed.

1066 Section 17. Section **17-16a-3** is amended to read:

1067 **17-16a-3. Definitions.**

1068 As used in this part:

1069 (1) (a) "Appointed officer" means ~~[any person]~~ an individual appointed to:

1070 (i) ~~[any]~~ a statutory office or position; or

1071 (ii) ~~[any other person appointed to any position of employment with a county, except~~
1072 ~~special employees]~~ a position of employment with a county, except a special employee.

1073 (b) ~~[Appointed officers include, but are not limited to persons serving on]~~ "Appointed
1074 officer" includes an individual serving on a special, regular or full-time [committees, agencies,
1075 or boards whether or not such persons are compensated for their] committee, agency, or board,
1076 regardless of whether the individual is compensated for the individual's services. [The use of
1077 the word "officer" in this part is not intended to make appointed persons or employees
1078 "officers" of the county.]

1079 (c) "Appointed officer" does not include an elected officer.

1080 (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,
 1081 aid, advise, furnish information to, or otherwise provide assistance to a person or business
 1082 entity, believing that such action is of help, aid, advice, or assistance to such person or business
 1083 entity and with the intent to so assist such person or business entity.

1084 (3) "Business entity" means a sole proprietorship, partnership, association, joint
 1085 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
 1086 a business.

1087 (4) "Compensation" means anything of economic value, however designated, which is
 1088 paid, loaned, granted, given, donated or transferred to any person or business entity for or in
 1089 consideration of personal services, materials, property, or any other thing whatsoever.

1090 (5) "Elected officer" means ~~[any person]~~ an individual elected or appointed to ~~[any]~~ an
 1091 office in the county.

1092 (6) "Governmental action" means ~~[any]~~ an action on the part of a county including:

1093 (a) ~~[any]~~ a decision, determination, finding, ruling, or order; ~~[and]~~

1094 (b) ~~[any]~~ a grant, payment, award, license, contract, subcontract, transaction, decision,
 1095 sanction, or approval~~[, or];~~ or

1096 (c) ~~[the denial thereof, or the failure to act in respect to]~~ the denial of, or failure to act
 1097 upon, a matter described in Subsection (7)(a) or (b).

1098 (7) "Officer" means an appointed officer or an elected officer.

1099 ~~[(7)]~~ (8) "Special employee" means ~~[any person]~~ an individual hired on the basis of a
 1100 contract to perform a special service for the county pursuant to an award of a contract
 1101 following a public bid.

1102 ~~[(8)]~~ (9) "Substantial interest" means the ownership, either legally or equitably, by an
 1103 individual, the individual's spouse, and the individual's minor children, of at least 10% of the
 1104 outstanding shares of a corporation or 10% interest in any other business entity.

1105 Section 18. Section **17-16a-3.5** is enacted to read:

1106 **17-16a-3.5. Statutory construction.**

1107 The definition of appointed officer in Section [17-16a-3](#) does not have the effect of
 1108 making an appointed individual or employee an officer of the county.

1109 Section 19. Section **17-16a-4** is amended to read:

1110 **17-16a-4. Prohibited use of official position -- Exception.**

1111 (1) Except as provided in Subsection (3) or (5), it is an offense for an [~~elected or~~
1112 ~~appointed~~] officer to:

1113 (a) disclose confidential information acquired by reason of the officer's official position
1114 or use that information to secure special privileges or exemptions for [~~himself~~] the officer or
1115 others;

1116 (b) use or attempt to use the officer's official position to secure special privileges for
1117 the officer or for others; or

1118 (c) knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or
1119 loan for the officer or for another, if the gift or loan tends to influence the officer in the
1120 discharge of the officer's official duties.

1121 (2) This section [~~is inapplicable~~] does not apply to:

1122 (a) an occasional nonpecuniary gift having a value of less than \$50;

1123 (b) an award publicly presented;

1124 (c) any bona fide loan made in the ordinary course of business; or

1125 (d) political campaign contributions subject to Section [17-16-6.5](#).

1126 (3) A member of a county legislative body who is also a member of the governing
1127 board of a provider of mental health or substance abuse services under contract with the county
1128 does not commit an offense under Subsection (1)(a) or (b) by discharging, in good faith, the
1129 duties and responsibilities of each position, if the county legislative body member does not
1130 participate in the process of selecting the mental health or substance abuse service provider.

1131 (4) Notwithstanding the provisions of this section, a county or county official may
1132 encourage support from a public or private individual or institution, whether in financial
1133 contributions or by other means, on behalf of an organization or activity that benefits the
1134 community.

1135 (5) This section does not apply to an [~~elected or appointed~~] officer who engages in
1136 conduct that constitutes a violation of this section to the extent that the [~~elected or appointed~~]
1137 officer is chargeable, for the same conduct, under Section [76-8-105](#).

1138 Section 20. Section [17-16a-5](#) is amended to read:

1139 **17-16a-5. Compensation for assistance in transaction involving county -- Public**
1140 **disclosure and filing required.**

1141 (1) [~~No elected or appointed officer may~~] An officer may not receive or agree to

1142 receive compensation for assisting ~~[any]~~ a person or business entity in ~~[any]~~ a transaction
1143 involving the county in which ~~[he is an officer unless he]~~ the officer is elected or appointed
1144 unless the officer:

1145 (a) [files with the county legislative body a sworn statement giving the information
1146 required by this section, and] files with the county legislative body a sworn statement
1147 disclosing the information described in Subsection (5);

1148 (b) discloses in open meeting to the members of the body of which [he] the officer is a
1149 member, immediately [prior to] before the discussion, the information [required by Subsection
1150 (3):] described in Subsection (5); and

1151 (c) for an officer who is an elected officer, files the sworn statement described in
1152 Subsection (1)(a) with the county clerk.

1153 (2) [The statement required to be filed by this section shall be filed] An officer shall
1154 file the sworn statement described in Subsection (1)(a) on or before the earlier of:

1155 (a) 10 days [prior to the date of any agreement between the elected or appointed officer
1156 and the person or business entity being assisted or] before the date on which the officer and the
1157 person or business entity being assisted enter into an agreement; or

1158 (b) 10 days [prior to the receipt of compensation by the business entity] before the date
1159 on which the officer receives compensation.

1160 (3) In accordance with Subsection (1)(c), an elected officer shall file the sworn
1161 statement with the county clerk on or before the earlier of the deadlines described in
1162 Subsections (2)(a) and (b).

1163 (4) A county clerk who receives the sworn statement described in Subsection (1)(a)
1164 shall:

1165 (a) post a copy of the sworn statement on the county's website; and

1166 (b) ensure that the sworn statement remains posted on the county's website until the
1167 elected officer leaves office.

1168 (5) The [statement] sworn statement described in Subsection (1)(a) is public
1169 information and is available for examination by the public.

1170 [3] (6) The [statement and disclosure] sworn statement and public disclosure
1171 described in Subsection (1) shall contain the following information:

1172 (a) the name and address of the officer;

1173 (b) the name and address of the person or business entity being or to be assisted, or in
1174 which the [~~appointed or elected official~~] officer has a substantial interest; and

1175 (c) a brief description of the transaction as to which service is rendered or is to be
1176 rendered and of the nature of the service performed or to be performed.

1177 Section 21. Section **17-16a-6** is amended to read:

1178 **17-16a-6. Interest in business entity regulated by county -- Disclosure.**

1179 (1) [~~Every appointed or elected officer~~] An officer under this part who is an officer,
1180 director, agent, or employee or the owner of a substantial interest in any business entity [~~which~~]
1181 that is subject to the regulation of the county [in which the officer is an elected or appointed
1182 officer] in which the officer is appointed or elected shall disclose the position held and the
1183 precise nature and value of the officer's interest:

1184 (a) upon first becoming appointed or elected[;]; and

1185 (b) [~~again~~] during January of each year [~~thereafter~~] during which the officer continues
1186 to be an appointed or elected officer.

1187 (2) [~~The disclosure shall be made in a sworn statement filed with the county legislative~~
1188 ~~body.~~] An officer shall make the disclosure described in Subsection (1) in a sworn statement
1189 filed with:

1190 (a) the county legislative body; and

1191 (b) if the officer is an elected officer, the county clerk.

1192 (3) The commission shall:

1193 (a) report the substance of [all such disclosure statements] the sworn statement
1194 described in Subsection (2) to the members of the governing body; or

1195 (b) [~~may provide to the members of the governing body, copies of the disclosure~~
1196 ~~statement within 30 days after the statement is received~~] provide a copy of the sworn statement
1197 described in Subsection (2) to the members of the governing body no later than 30 days after
1198 the day on which the commission receives the statement.

1199 (4) A county clerk who receives the sworn statement described in Subsection (2) shall:

1200 (a) post a copy of the sworn statement on the county's website; and

1201 (b) ensure that the sworn statement remains posted on the county's website until the
1202 elected officer leaves office.

1203 (5) (a) This section does not apply to instances where the value of the interest does not

1204 exceed \$~~[2,000, and]~~ 5,000.

1205 (b) A life insurance [~~policies and annuities]~~ policy or an annuity may not be considered
1206 in determining the value of the interest.

1207 Section 22. Section **17-16a-7** is amended to read:

1208 **17-16a-7. Interest in business entity doing business with county -- Disclosure.**

1209 (1) [~~Every appointed or elected officer]~~ An officer under this part who is an officer,
1210 director, agent, or employee, or owner of a substantial interest in [~~any~~] a business entity
1211 [~~which~~] that does or anticipates doing business with the county [~~in which he is an appointed or~~
1212 ~~elected officer,~~] in which the officer is appointed or elected shall:

1213 (a) publicly disclose the conflict of interest to the members of the body [~~on which he~~
1214 of which the officer is a member, immediately [~~prior to any~~] before a discussion by [~~such~~] the
1215 body on matters relating to [~~such~~] the business entity, the nature of [~~his~~] the officer's interest in
1216 [~~that~~] the business entity~~[-]; and~~

1217 (b) for an officer who is an elected officer, file a sworn statement describing the
1218 conflict of interest with the county clerk.

1219 (2) The [~~disclosure statement]~~ public disclosure described in Subsection (1)(a) shall be
1220 entered in the minutes of the meeting.

1221 (3) A county clerk who receives the sworn statement described in Subsection (1)(b)
1222 shall:

1223 (a) post a copy of the sworn statement on the county's website; and

1224 (b) ensure that the sworn statement remains posted on the county's website until the
1225 elected officer leaves office.

1226 Section 23. Section **17-16a-8** is amended to read:

1227 **17-16a-8. Investment creating conflict of interest with duties -- Disclosure.**

1228 [~~Any personal interest of or investment by any elected or appointed official of a county~~
1229 ~~which creates a potential or actual conflict between the official's personal interests and his~~
1230 ~~public duties shall be disclosed in open meeting to the members of the body in the manner~~
1231 ~~required by Section 17-16a-6]~~ An officer who has a personal interest or investment that creates
1232 a potential or actual conflict between the officer's personal interests and the officer's public
1233 duties shall disclose the conflict in the manner described in Section [17-16a-6](#).

1234 Section 24. Section **17-16a-9** is amended to read:

1235 **17-16a-9. Inducing officer to violate provisions prohibited.**

1236 No person shall induce or seek to induce [~~any appointed or elected~~] an officer to violate
1237 any of the provisions of this part.

1238 Section 25. Section **17-16a-10** is amended to read:

1239 **17-16a-10. Violation a misdemeanor -- Removal from office.**

1240 In addition to any penalty contained in any other provision of law, [~~any~~] a person who
1241 knowingly and intentionally violates this part is guilty of a class A misdemeanor and shall be
1242 dismissed from employment or removed from office.

1243 Section 26. Section **17-16a-12** is amended to read:

1244 **17-16a-12. Rescission of prohibited transaction.**

1245 If [~~any~~] a transaction is entered into in connection with a violation of Section [17-16a-6](#),
1246 the county may rescind or void [~~any~~] a contract or subcontract entered into pursuant to that
1247 transaction without returning any part of the consideration received by the county.

1248 Section 27. Section **17-16a-13** is enacted to read:

1249 **17-16a-13. Annual conflict of interest disclosure -- County clerk -- Penalties.**

1250 (1) In addition to the any other disclosure obligation described in this part, an elected
1251 officer shall, no sooner than January 1 and no later than January 31 of each year during which
1252 the elected officer holds county elective office:

1253 (a) prepare a written conflict of interest disclosure statement that contains a response to
1254 each item of information described in Subsection [20A-11-1604\(6\)](#); and

1255 (b) submit the written disclosure statement to the county clerk.

1256 (2) (a) No later than 10 business days after the day on which an elected officer submits
1257 the written disclosure described in Subsection (1) to the county clerk, the county clerk shall:

1258 (i) post an electronic copy of the written disclosure on the county's website; and

1259 (ii) provide the lieutenant governor with a link to the electronic posting described in
1260 Subsection (2)(a)(i).

1261 (b) The county clerk shall ensure that the elected officer's written disclosure statement
1262 remains posted on the county's website until the elected officer leaves office.

1263 (3) A county clerk shall take the action described in Subsection (4) if:

1264 (a) an elected officer fails to timely submit the written disclosure statement described
1265 in Subsection (1); or

1266 (b) a submitted written disclosure statement does not comply with the requirements of
1267 Subsection 20A-11-1604(6).

1268 (4) If a circumstance described in Subsection (3) occurs, the county clerk shall, within
1269 five days after the day on which the county clerk determines that a violation occurred, notify
1270 the elected officer of the violation and direct the elected officer to submit an amended written
1271 disclosure statement correcting the problem.

1272 (5) (a) It is unlawful for an elected officer to fail to submit or amend a written
1273 disclosure statement within seven days after the day on which the elected officer receives the
1274 notice described in Subsection (4).

1275 (b) A regulated officeholder who violates Subsection (5)(a) is guilty of a class B
1276 misdemeanor.

1277 (c) The lieutenant governor shall report a violation of Subsection (5)(a) to the attorney
1278 general.

1279 (d) In addition to the criminal penalty described in Subsection (5)(b), the county clerk
1280 shall impose a civil fine of \$100 against an elected officer who violates Subsection (5)(a).

1281 (6) The county clerk shall deposit a fine collected under this part into the county's
1282 general fund as a dedicated credit to pay for the costs of administering this section.

1283 Section 28. Section **20A-11-103** is amended to read:

1284 **20A-11-103. Notice of pending interim and summary reports -- Form of**
1285 **submission -- Public availability -- Notice of reporting and filing requirements.**

1286 (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or
1287 summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections,
1288 the chief election officer shall inform the filing entity by electronic mail unless postal mail is
1289 requested:

1290 (i) that the financial statement is due;

1291 (ii) of the date that the financial statement is due; and

1292 (iii) of the penalty for failing to file the financial statement.

1293 (b) The chief election officer is not required to provide notice:

1294 (i) to a candidate or political party of the financial statement that is due before the
1295 candidate's or political party's political convention;

1296 (ii) of a financial statement due in connection with a public hearing for an initiative

1297 under the requirements of Section [20A-7-204.1](#); or

1298 (iii) to a corporation or labor organization, as defined in Section [20A-11-1501](#).

1299 (2) A filing entity shall electronically file a financial statement via electronic mail or
1300 the Internet according to specifications established by the chief election officer.

1301 (3) (a) A financial statement is considered timely filed if the financial statement is
1302 received by the chief election officer's office before midnight, Mountain Time, at the end of the
1303 day on which the financial statement is due.

1304 (b) For a county clerk's office that is not open until midnight at the end of the day on
1305 which a financial statement is due, the county clerk shall permit a candidate to file the financial
1306 statement via email or another electronic means designated by the county clerk.

1307 (c) A chief election officer may extend the time in which a filing entity is required to
1308 file a financial statement if a filing entity notifies the chief election officer of the existence of
1309 an extenuating circumstance that is outside the control of the filing entity.

1310 (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
1311 Access and Management Act, the lieutenant governor shall:

1312 (a) make each campaign finance statement filed by a candidate available for public
1313 inspection and copying no later than one business day after the statement is filed; and

1314 ~~[(b) post an electronic copy or the contents of each financial statement in a searchable
1315 format on a website established by the lieutenant governor:]~~

1316 ~~[(i) for campaign finance statements submitted to the lieutenant governor under the
1317 requirements of Section [10-3-208](#) or Section [17-16-6.5](#), no later than seven business days after
1318 the date of receipt of the campaign finance statement; or]~~

1319 ~~[(ii) for a summary report or interim report filed under the requirements of this chapter
1320 or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the
1321 date the summary report or interim report is electronically filed.]~~

1322 (b) post on a website established by the lieutenant governor:

1323 (i) an electronic copy or the contents of each summary report or interim report filed
1324 under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no
1325 later than three business days after the date on which the summary report or interim report is
1326 electronically filed; or

1327 (ii) for a campaign finance statement filed under the requirements of Section [10-3-208](#),

1328 for a municipality, or Section 17-16-6.5, for a county, a link to the municipal or county website
1329 that hosts the campaign finance statement, no later than seven business days after the date on
1330 which the lieutenant governor receives the link from:

1331 (A) the municipal clerk or recorder, in accordance with Subsection 10-3-208(10)(b)(ii);

1332 or

1333 (B) the county clerk, in accordance with Subsection 17-16-6.5(18)(b)(ii).

1334 ~~[(5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5,~~
1335 ~~elects to provide campaign finance disclosure on its own website, rather than through the~~
1336 ~~lieutenant governor, the website established by the lieutenant governor shall contain a link or~~
1337 ~~other access point to the municipality or county website.]~~

1338 [(6)] (5) Between January 1 and January 15 of each year, the chief election officer shall
1339 provide notice, by postal mail or email, to each filing entity for which the chief election officer
1340 has a physical or email address, of the reporting and filing requirements described in this
1341 chapter.

1342 Section 29. Section **20A-11-1602** is amended to read:

1343 **20A-11-1602. Definitions.**

1344 As used in this part:

1345 (1) "Conflict of interest" means an action that is taken by a regulated officeholder that
1346 the officeholder reasonably believes may cause direct financial benefit or detriment to the
1347 officeholder, a member of the officeholder's immediate family, or an individual or entity that
1348 the officeholder is required to disclose under the provisions of this section, if that benefit or
1349 detriment is distinguishable from the effects of that action on the public or on the officeholder's
1350 profession, occupation, or association generally.

1351 (2) "Conflict of interest disclosure" means a disclosure, on the website, of all
1352 information required under Section 20A-11-1604.

1353 (3) "Entity" means a corporation, a partnership, a limited liability company, a limited
1354 partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint
1355 venture, a governmental entity, an unincorporated organization, or any other legal entity,
1356 regardless of whether it is established primarily for the purpose of gain or economic profit.

1357 (4) "Local official" means:

1358 (a) an elected officer of:

- 1359 (i) a municipality under Title 10, Chapter 3, Part 13, Municipal Officers' and
1360 Employees' Ethics Act; or
- 1361 (ii) a county under Title 17, Chapter 16a, County Officers and Employees Disclosure
1362 Act;
- 1363 (b) a special public officer under Title 67, Chapter 16, Utah Public Officers' and
1364 Employees' Ethics Act; or
- 1365 (c) another individual:
- 1366 (i) who is not a regulated officeholder; and
- 1367 (ii) who is required to annually make a conflict of interest disclosure in accordance
1368 with Subsection [20A-11-1604\(6\)](#).
- 1369 ~~[(4)]~~ (5) "Filing officer" means:
- 1370 (a) the lieutenant governor, for the office of a state constitutional officer or State Board
1371 of Education member; or
- 1372 (b) the lieutenant governor or the county clerk in the county of the candidate's
1373 residence, for a state legislative office.
- 1374 ~~[(5)]~~ (6) "Immediate family" means the regulated officeholder's spouse, a child living
1375 in the regulated officeholder's immediate household, or an individual claimed as a dependent
1376 for state or federal income tax purposes by the regulated officeholder.
- 1377 ~~[(6)]~~ (7) "Income" means earnings, compensation, or any other payment made to an
1378 individual for gain, regardless of source, whether denominated as wages, salary, commission,
1379 pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses,
1380 reimbursement, dividends, or otherwise.
- 1381 ~~[(7)]~~ (8) (a) "Owner or officer" means an individual who owns an ownership interest in
1382 an entity or holds a position where the person has authority to manage, direct, control, or make
1383 decisions for:
- 1384 (i) the entity or a portion of the entity; or
- 1385 (ii) an employee, agent, or independent contractor of the entity.
- 1386 (b) "Owner or officer" includes:
- 1387 (i) a member of a board of directors or other governing body of an entity; or
- 1388 (ii) a partner in any type of partnership.
- 1389 ~~[(8)]~~ (9) "Preceding year" means the year immediately preceding the day on which the

1390 regulated officeholder makes a conflict of interest disclosure.

1391 ~~[(9)]~~ (10) "Regulated officeholder" means an individual who is required to make a
1392 conflict of interest disclosure under the provisions of this part.

1393 ~~[(10)]~~ (11) "State constitutional officer" means the governor, the lieutenant governor,
1394 the state auditor, the state treasurer, or the attorney general.

1395 ~~[(11)]~~ (12) "Website" means the Candidate and Officeholder Conflict of Interest
1396 Disclosure Website described in Section [20A-11-1602.5](#).

1397 Section 30. Section **20A-11-1602.5** is amended to read:

1398 **20A-11-1602.5. Candidate and Officeholder Conflict of Interest Disclosure**
1399 **Website.**

1400 (1) The lieutenant governor shall, in cooperation with the county clerks, establish and
1401 administer a Candidate and Officeholder Conflict of Interest Disclosure Website.

1402 (2) The website shall:

1403 (a) permit a candidate or officeholder to securely access the website for the purpose of:

1404 (i) complying with the conflict of interest disclosure requirements described in this
1405 part; and

1406 (ii) editing conflict of interest disclosures;

1407 (b) contain a record of all conflict of interest disclosures and edits made by the
1408 candidate or officeholder for at least the preceding four years; ~~[and]~~

1409 (c) permit any person to view a conflict of interest disclosure made by a candidate or
1410 officeholder~~[-]; and~~

1411 (d) contain a link to the conflict of interest disclosure made by a local official.

1412 Section 31. Section **53C-1-202** is amended to read:

1413 **53C-1-202. Board of trustees membership -- Nomination list -- Qualifications --**
1414 **Terms -- Replacement -- Chair -- Quorum -- Annual conflict of interest disclosure**
1415 **statement -- Penalties.**

1416 (1) There is established the School and Institutional Trust Lands Board of Trustees.

1417 (2) The board shall consist of seven members appointed on a nonpartisan basis by the
1418 governor with the advice and consent of the Senate and in accordance with Title 63G, Chapter
1419 24, Part 2, Vacancies.

1420 (3) (a) Except for the appointment made pursuant to Subsection (5), all appointments

1421 to the board shall be for a nonconsecutive term of six years, or until a replacement has been
1422 appointed and confirmed pursuant to this section.

1423 (b) If a vacancy occurs, the governor shall appoint a replacement, following the
1424 procedures set forth in Subsections (2), (4), (5), and (6), to fill the unexpired term.

1425 (c) Any member of the board who has served less than six years upon the expiration of
1426 that member's term is eligible for a consecutive reappointment.

1427 (4) (a) The governor shall select six of the seven appointees to the board from a
1428 nomination list of at least two candidates for each position or vacancy submitted pursuant to
1429 Section [53C-1-203](#).

1430 (b) The governor may request an additional nomination list of at least two candidates
1431 from the nominating committee if the initial list of candidates for a given position is
1432 unacceptable.

1433 (c) (i) If the governor fails to select an appointee within 60 days after receipt of the
1434 initial list or within 60 days after the receipt of an additional list, the nominating committee
1435 shall make an interim appointment by majority vote.

1436 (ii) The interim appointee shall serve until the matter is resolved by the committee and
1437 the governor or until replaced pursuant to this chapter.

1438 (5) (a) The governor may appoint one member without requiring a nomination list.

1439 (b) The member appointed under Subsection (5)(a) serves at the pleasure of the
1440 governor.

1441 (6) (a) Each board candidate shall possess outstanding professional qualifications
1442 pertinent to the purposes and activities of the trust.

1443 (b) The board shall represent the following areas of expertise:

1444 (i) nonrenewable resource management or development;

1445 (ii) renewable resource management or development; and

1446 (iii) real estate.

1447 (c) Other qualifications which are pertinent for membership to the board are expertise
1448 in any of the following areas:

1449 (i) business;

1450 (ii) investment banking;

1451 (iii) finance;

- 1452 (iv) trust administration;
- 1453 (v) asset management; and
- 1454 (vi) the practice of law in any of the areas referred to in Subsections (6)(b) and (6)(c)(i)
- 1455 through (v).
- 1456 (7) The board of trustees shall select a chair and vice chair from its membership.
- 1457 (8) Before assuming a position on the board, each member shall take an oath of office.
- 1458 (9) Four members of the board constitute a quorum for the transaction of business.
- 1459 (10) The governor or five board members may, for cause, remove a member of the
- 1460 board.
- 1461 (11) A member of the board shall:
- 1462 (a) comply with the conflict of interest provisions described in Title 63G, Chapter 24,
- 1463 Part 3, Conflicts of Interest[-]; and
- 1464 (b) no sooner than January 1 and no later than January 31 of each year during which the
- 1465 member holds office on the board:
- 1466 (i) prepare a written conflict of interest disclosure statement that contains a response to
- 1467 each item of information described in Subsection 20A-11-1604(6); and
- 1468 (ii) submit the written disclosure statement to the administrator or clerk of the board.
- 1469 (12) (a) No later than 10 business days after the date on which the board member
- 1470 submits the written disclosure statement described in Subsection (11)(b) to the administrator or
- 1471 clerk of the board, the administrator or clerk shall:
- 1472 (i) post an electronic copy of the written disclosure statement on the administration's
- 1473 website; and
- 1474 (ii) provide the lieutenant governor with a link to the electronic posting described in
- 1475 Subsection (12)(a)(i).
- 1476 (b) The administrator or clerk shall ensure that the board member's written disclosure
- 1477 statement remains posted on the administration's website until the board member leaves office.
- 1478 (13) The administrator or clerk of the board shall take the action described in
- 1479 Subsection (14) if:
- 1480 (a) a board member fails to timely file the written disclosure statement described in
- 1481 Subsection (11)(b); or
- 1482 (b) a submitted written disclosure statement does not comply with the requirements of

1483 Subsection 20A-11-1604(6).

1484 (14) If a circumstance described in Subsection (13) occurs, the administrator or clerk of
1485 the board shall, within five days after the day on which the administrator or clerk determines
1486 that a violation occurred, notify the board member of the violation and direct the board member
1487 to submit an amended written disclosure statement correcting the problem.

1488 (15) (a) It is unlawful for a board member to fail to submit or amend a written
1489 disclosure statement within seven days after the day on which the board member receives the
1490 notice described in Subsection (14).

1491 (b) A board member who violates Subsection (15)(a) is guilty of a class B
1492 misdemeanor.

1493 (c) The administrator or clerk of the board shall report a violation of Subsection (15)(a)
1494 to the attorney general.

1495 (d) In addition to the criminal penalty described in Subsection (15)(b), the
1496 administrator or clerk of the board shall impose a civil fine of \$100 against a board member
1497 who violates Subsection (15)(a).

1498 (16) The administrator or clerk of the board shall deposit a fine collected under this
1499 section into the board's account to pay for the costs of administering this section.

1500 Section 32. Section **63H-1-304** is enacted to read:

1501 **63H-1-304. Annual conflict of interest disclosure statement -- Exception --**
1502 **Penalties.**

1503 (1) Except as provided in Subsection (7), a board member shall, no sooner than
1504 January 1 and no later than January 31 of each year during which the board member holds
1505 office on the authority's board:

1506 (a) prepare a written conflict of interest disclosure statement that contains a response to
1507 each item of information described in Subsection 20A-11-1604(6); and

1508 (b) submit the written disclosure statement to the administrator or clerk of the
1509 authority's board.

1510 (2) (a) No later than 10 business days after the date on which the board member
1511 submits the written disclosure statement described in Subsection (1) to the administrator or
1512 clerk of the authority's board, the administrator or clerk shall:

1513 (i) post an electronic copy of the written disclosure statement on the authority's

1514 website; and

1515 (ii) provide the lieutenant governor with a link to the electronic posting described in

1516 Subsection (2)(a)(i).

1517 (b) The administrator or clerk shall ensure that the board member's written disclosure

1518 statement remains posted on the authority's website until the board member leaves office.

1519 (3) The administrator or clerk of the authority's board shall take the action described in

1520 Subsection (4) if:

1521 (a) a board member fails to timely file the written disclosure statement described in

1522 Subsection (1); or

1523 (b) a submitted written disclosure statement does not comply with the requirements of

1524 Subsection [20A-11-1604\(b\)](#).

1525 (4) If a circumstance described in Subsection (3) occurs, the administrator or clerk of

1526 the authority's board shall, within five days after the day on which the administrator or clerk

1527 determines that a violation occurred, notify the board member of the violation and direct the

1528 board member to submit an amended written disclosure statement correcting the problem.

1529 (5) (a) It is unlawful for a board member to fail to submit or amend a written disclosure

1530 statement within seven days after the day on which the board member receives the notice

1531 described in Subsection (4).

1532 (b) A board member who violates Subsection (5)(a) is guilty of a class B misdemeanor.

1533 (c) The administrator or clerk of the authority's board shall report a violation of

1534 Subsection (5)(a) to the attorney general.

1535 (d) In addition to the criminal penalty described in Subsection (5)(b), the administrator

1536 or clerk of the authority's board shall impose a civil fine of \$100 against a board member who

1537 violates Subsection (5)(a).

1538 (6) The administrator or clerk of the authority's board shall deposit a fine collected

1539 under this section into the board's account to pay for the costs of administering this section.

1540 (7) For an individual who is appointed as a board member under Subsection

1541 [63H-1-302\(2\)\(b\)](#):

1542 (a) Subsection (1) does not apply; and

1543 (b) the administrator or clerk of the authority's board shall, instead:

1544 (i) post an electronic link on the authority's website to the written disclosure statement

1545 the board member made in the board member's capacity as an elected officer of:

1546 (A) a county, under Section [17-16a-13](#); or

1547 (B) a municipality, under Section [10-3-1313](#); and

1548 (ii) provide the lieutenant governor with a link to the electronic posting described in

1549 Subsection (7)(b)(i).

1550 Section 33. Section **63H-4-102** is amended to read:

1551 **63H-4-102. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and**
1552 **expenses -- Annual conflict of interest disclosure statement -- Exception -- Penalties.**

1553 (1) There is created an independent state agency and a body politic and corporate
1554 known as the "Heber Valley Historic Railroad Authority."

1555 (2) The authority is composed of eight members as follows:

1556 (a) one member of the county legislative body of Wasatch County;

1557 (b) the mayor of Heber City;

1558 (c) the mayor of Midway;

1559 (d) the executive director of the Department of Transportation or the executive
1560 director's designee;

1561 (e) the director of the Division of State Parks, or the director's designee; and

1562 (f) three public members appointed by the governor with the advice and consent of the
1563 Senate, being private citizens of the state, as follows:

1564 (i) two people representing the tourism industry, one each from Wasatch and Utah
1565 counties; and

1566 (ii) one person representing the public at large.

1567 (3) All members shall be residents of the state.

1568 (4) (a) Except as required by Subsection (4)(b), the three public members are appointed
1569 for four-year terms beginning July 1, 2010.

1570 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1571 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1572 authority members are staggered so that approximately half of the authority is appointed every
1573 two years.

1574 (5) Any of the three public members may be removed from office by the governor or
1575 for cause by an affirmative vote of any four members of the authority.

1576 (6) When a vacancy occurs in the membership for any reason, the replacement is
1577 appointed for the unexpired term by the governor with advice and consent of the Senate for the
1578 unexpired term.

1579 (7) Each public member shall hold office for the term of appointment and until a
1580 successor has been appointed and qualified.

1581 (8) A public member is eligible for reappointment, but may not serve more than two
1582 full consecutive terms.

1583 (9) The governor shall appoint the chair of the authority from among its members.

1584 (10) The members shall elect from among their number a vice chair and other officers
1585 they may determine.

1586 (11) The powers of the authority are vested in its members.

1587 (12) (a) Four members constitute a quorum for transaction of authority business.

1588 (b) An affirmative vote of at least four members is necessary for any action taken by
1589 the authority.

1590 (13) A member may not receive compensation or benefits for the member's service, but
1591 may receive per diem and travel expenses in accordance with:

1592 (a) Section [63A-3-106](#);

1593 (b) Section [63A-3-107](#); and

1594 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
1595 [63A-3-107](#).

1596 (14) Except as provided in Subsection (20), a member shall, no sooner than January 1
1597 and no later than January 31 of each year during which the member holds office on the
1598 authority:

1599 (a) prepare a written conflict of interest disclosure statement that contains a response to
1600 each item of information described in Subsection [20A-11-1604\(6\)](#); and

1601 (b) submit the written disclosure statement to the administrator or clerk of the
1602 authority.

1603 (15) (a) No later than 10 business days after the date on which the member submits the
1604 written disclosure statement described in Subsection (14) to the administrator or clerk of the
1605 authority, the administrator or clerk shall:

1606 (i) post an electronic copy of the written disclosure statement on the authority's

1607 website; and

1608 (ii) provide the lieutenant governor with a link to the electronic posting described in
1609 Subsection (15)(a)(i).

1610 (b) The administrator or clerk shall ensure that the member's written disclosure
1611 statement remains posted on the authority's website until the member leaves office.

1612 (16) The administrator or clerk of the authority shall take the action described in
1613 Subsection (17) if:

1614 (a) a member fails to timely file the written disclosure statement described in
1615 Subsection (14); or

1616 (b) a submitted written disclosure statement does not comply with the requirements of
1617 Subsection [20A-11-1604\(b\)](#).

1618 (17) If a circumstance described in Subsection (16) occurs, the administrator or clerk of
1619 the authority shall, within five days after the day on which the administrator or clerk
1620 determines that a violation occurred, notify the member of the violation and direct the member
1621 to submit an amended written disclosure statement correcting the problem.

1622 (18) (a) It is unlawful for a member to fail to submit or amend a written disclosure
1623 statement within seven days after the day on which the member receives the notice described in
1624 Subsection (17).

1625 (b) A member who violates Subsection (18)(a) is guilty of a class B misdemeanor.

1626 (c) The administrator or clerk of the authority shall report a violation of Subsection
1627 (18)(a) to the attorney general.

1628 (d) In addition to the criminal penalty described in Subsection (18)(b), the
1629 administrator or clerk of the authority shall impose a civil fine of \$100 against a member who
1630 violates Subsection (18)(a).

1631 (19) The administrator or clerk of the authority shall deposit a fine collected under this
1632 section into the authority's account to pay for the costs of administering this section.

1633 (20) For an individual who is appointed to the authority under Subsection (2)(a), (b), or
1634 (c):

1635 (a) Subsection (14) does not apply; and

1636 (b) the administrator or clerk of the authority shall, instead:

1637 (i) post an electronic link on the authority's website to the written disclosure statement

1638 the member made in the member's capacity as an elected officer of:

1639 (A) a county, under Section [17-16a-13](#); or

1640 (B) a municipality, under Section [10-3-1313](#); and

1641 (ii) provide the lieutenant governor with a link to the electronic posting described in

1642 Subsection (20)(b)(i).

1643 Section 34. Section **63H-8-201** is amended to read:

1644 **63H-8-201. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers --**

1645 **Quorum -- Per diem and expenses -- Annual conflict of interest disclosure statement --**

1646 **Penalties.**

1647 (1) (a) There is created an independent body politic and corporate, constituting a public
1648 corporation, known as the "Utah Housing Corporation."

1649 (b) The corporation may also be known and do business as the:

1650 (i) Utah Housing Finance Association; and

1651 (ii) Utah Housing Finance Agency in connection with a contract entered into when that
1652 was the corporation's legal name.

1653 (c) No other entity may use the names described in Subsections (1)(a) and (b) without
1654 the express approval of the corporation.

1655 (2) The corporation is governed by a board of trustees composed of the following nine
1656 trustees:

1657 (a) the executive director of the Department of Workforce Services or the executive
1658 director's designee;

1659 (b) the commissioner of the Department of Financial Institutions or the commissioner's
1660 designee;

1661 (c) the state treasurer or the treasurer's designee; and

1662 (d) six public trustees, who are private citizens of the state, as follows:

1663 (i) two people who represent the mortgage lending industry;

1664 (ii) two people who represent the home building and real estate industry; and

1665 (iii) two people who represent the public at large.

1666 (3) The governor shall:

1667 (a) appoint the six public trustees of the corporation with the advice and consent of the
1668 Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies; and

1669 (b) ensure that:
1670 (i) the six public trustees are from different counties and are residents of the state; and
1671 (ii) not more than three of the public trustees are members of the same political party.

1672 (4) (a) Except as required by Subsection (4)(b), the governor shall appoint the six
1673 public trustees to terms of office of four years each.

1674 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
1675 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
1676 corporation trustees are staggered so that approximately half of the board is appointed every
1677 two years.

1678 (5) (a) A public trustee of the corporation may be removed from office for cause either
1679 by the governor or by an affirmative vote of six trustees of the corporation.

1680 (b) When a vacancy occurs in the board of trustees for any reason, the replacement
1681 shall be appointed for the unexpired term.

1682 (c) A public trustee shall hold office for the term of appointment and until the trustee's
1683 successor has been appointed and qualified.

1684 (d) A public trustee is eligible for reappointment but may not serve more than two full
1685 consecutive terms.

1686 (6) (a) The governor shall select the chair of the corporation.

1687 (b) The trustees shall elect from among their number a vice chair and other officers
1688 they may determine.

1689 (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.

1690 (b) An affirmative vote of at least five trustees is necessary for any action to be taken
1691 by the corporation.

1692 (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise
1693 all rights and perform all duties of the corporation.

1694 (8) A trustee may not receive compensation or benefits for the trustee's service, but
1695 may receive per diem and travel expenses in accordance with:

1696 (a) Section [63A-3-106](#);

1697 (b) Section [63A-3-107](#); and

1698 (c) rules made by the Division of Finance according to Sections [63A-3-106](#) and
1699 [63A-3-107](#).

1700 (9) A trustee shall, no sooner than January 1 and no later than January 31 of each year
1701 during which the trustee holds office on the board of trustees:

1702 (a) prepare a written conflict of interest disclosure statement that contains a response to
1703 each item of information described in Subsection 20A-11-1604(6); and

1704 (b) submit the written disclosure statement to the administrator or clerk of the board of
1705 trustees.

1706 (10) (a) No later than 10 business days after the date on which the trustee submits the
1707 written disclosure statement described in Subsection (9) to the administrator or clerk of the
1708 board of trustees, the administrator or clerk shall:

1709 (i) post a copy of the written disclosure statement on the corporation's website; and

1710 (ii) provide the lieutenant governor with a link to the electronic posting described in
1711 Subsection (10)(a)(i).

1712 (b) The administrator or clerk shall ensure that the trustee's written disclosure
1713 statement remains posted on the corporation's website until the trustee leaves office.

1714 (11) The administrator or clerk of the board of trustees shall take the action described
1715 in Subsection (12) if:

1716 (a) a trustee fails to timely file the written disclosure statement described in Subsection
1717 (9); or

1718 (b) a submitted written disclosure statement does not comply with the requirements of
1719 Subsection 20A-11-1604(b).

1720 (12) If a circumstance described in Subsection (11) occurs, the administrator or clerk of
1721 the board of trustees shall, within five days after the day on which the administrator or clerk
1722 determines that a violation occurred, notify the trustee of the violation and direct the trustee to
1723 submit an amended written disclosure statement correcting the problem.

1724 (13) (a) It is unlawful for a trustee to fail to submit or amend a written disclosure
1725 statement within seven days after the day on which the trustee receives the notice described in
1726 Subsection (12).

1727 (b) A trustee who violates Subsection (13)(a) is guilty of a class B misdemeanor.

1728 (c) The administrator or clerk of the board of trustees shall report a violation of
1729 Subsection (13)(a) to the attorney general.

1730 (d) In addition to the criminal penalty described in Subsection (13)(b), the

1731 administrator or clerk of the board of trustees shall impose a civil fine of \$100 against a
1732 member who violates Subsection (13)(a).

1733 (14) The administrator or clerk of the board shall deposit a fine collected under this
1734 section into the corporation's account to pay for the costs of administering this section.

1735 ~~[(9)]~~ (15) [A] In addition to the written disclosure statement described in Subsection
1736 (9), a trustee described in Subsection (2)(d) shall also comply with the conflict of interest
1737 provisions described in Section 63G-24-301.

1738 Section 35. Section **63M-14-202** is amended to read:

1739 **63M-14-202. Organization of the authority -- Annual conflict of interest**
1740 **disclosure statement -- Penalties.**

1741 (1) The authority is composed of seven authority members:

1742 (a) five authority members who represent Colorado River authority areas;

1743 (b) one authority member who represents the governor; and

1744 (c) one authority member who represents tribal interests.

1745 (2) The five Colorado River authority areas, defined by existing county boundaries that
1746 reflect the historic and current use of the Colorado River system, include:

1747 (a) the Central Utah Area composed of Salt Lake, Utah, Juab, Sanpete, Summit,
1748 Wasatch, Duchesne, and Uintah counties, located within the service area of the Central Utah
1749 Water Conservancy District;

1750 (b) the Uintah Basin Area composed of Duchesne and Uintah counties,
1751 notwithstanding that these counties fall within the Central Utah Area, and Daggett county;

1752 (c) the Price and San Rafael Area composed of Carbon and Emery counties;

1753 (d) the Virgin River Area composed of Kane and Washington counties; and

1754 (e) the State of Utah Area that represents:

1755 (i) the remaining counties using the Colorado River system;

1756 (ii) the Department of Natural Resources and the Department of Natural Resources'
1757 divisions; and

1758 (iii) the users of the Colorado River system that are not specifically included in the
1759 other four Colorado River authority areas and include Garfield, Grand, San Juan, and Wayne
1760 counties.

1761 (3) The members of the authority are:

- 1762 (a) four members appointed as follows:
- 1763 (i) a representative of the Central Utah Area appointed by the board of trustees of the
- 1764 Central Utah Water Conservancy District;
- 1765 (ii) a representative of the Uintah Basin Area appointed jointly by the boards of
- 1766 trustees of the Duchesne County and Uintah Water Conservancy Districts;
- 1767 (iii) a representative of the Price and San Rafael Area appointed jointly by the county
- 1768 commission of Carbon County and the board of trustees of the Emery Water Conservancy
- 1769 District; and
- 1770 (iv) a representative of the Virgin River Area appointed by the board of trustees of the
- 1771 Washington County Water Conservancy District;
- 1772 (b) the director of the Division of Water Resources as the representative of the State of
- 1773 Utah Area created in Subsection (2)(e);
- 1774 (c) the executive director of the Department of Natural Resources as the representative
- 1775 of the governor; and
- 1776 (d) a representative of tribal interests who is:
- 1777 (i) appointed by the governor; and
- 1778 (ii) a member of a federally recognized Indian tribe if the tribe is, in whole or in part,
- 1779 located within the state and within the Colorado River system.
- 1780 (4) A joint appointment required under Subsection (3) requires the agreement of both
- 1781 appointing authorities before the authority member seat is filled.
- 1782 (5) An authority member who is appointed under Subsection (3) shall:
- 1783 (a) be a resident of the state; and
- 1784 (b) have experience and a general knowledge of:
- 1785 (i) Colorado River issues and the use of the Colorado River system in the member's
- 1786 respective Colorado River authority area;
- 1787 (ii) the development of the use of the waters of the Colorado River system; and
- 1788 (iii) the rights of this state concerning the resources and benefits of the Colorado River
- 1789 system.
- 1790 (6) (a) An appointing authority shall notify the chair of:
- 1791 (i) the appointing authority's initial appointment to the authority; and
- 1792 (ii) the appointment of a new member or when a vacancy is being filled.

1793 (b) An appointment of an authority member is effective when received by the chair.

1794 (c) The initial term of an appointed authority member expires June 30, 2027. Before
1795 June 30, 2027, the authority shall adopt a system to stagger the terms of appointed authority
1796 members beginning July 1, 2027, and notify each appointing authority of the duration of the
1797 term of the appointing authority's authority member. The staggering of terms after July 1, 2027,
1798 shall result in approximately one-third of the appointed authority members' terms expiring
1799 every two years. After the respective terms of adjustment are complete, subsequent authority
1800 members shall be appointed by an appointing authority for six-year terms.

1801 (d) An authority member term shall end on June 30. New terms commence on July 1.

1802 (e) An authority member whose term has expired shall serve until replaced or
1803 reappointed by the applicable appointing authority.

1804 (f) An appointing authority may at any time remove the appointing authority's authority
1805 member for neglect of duty or malfeasance in office. If the authority member is jointly
1806 appointed, the authority member may only be removed by joint agreement of both appointing
1807 authorities.

1808 (7) In the event of a vacancy in the authority, the chair shall notify the appointing
1809 authority of the vacancy and ask that an authority member be promptly appointed.

1810 (8) (a) An authority member may not receive compensation or benefits for the
1811 member's service, but may receive per diem and travel expenses in accordance with:

1812 (i) Section [63A-3-106](#);

1813 (ii) Section [63A-3-107](#); and

1814 (iii) rules made by the Department of Finance pursuant to Sections [63A-3-106](#) and
1815 [63A-3-107](#).

1816 (b) If an authority member is a full-time employee with either the state or a water
1817 conservancy district, the authority member is not eligible for the per diem compensation.

1818 (9) The executive director appointed under Section [63M-14-401](#) shall provide staff
1819 services to the authority.

1820 (10) An authority member shall, no sooner than January 1 and no later than January 31
1821 of each year during which the authority member holds office on the authority:

1822 (a) prepare a written conflict of interest disclosure statement that contains a response to
1823 each item of information described in Subsection [20A-11-1604\(6\)](#); and

1824 (b) submit the written disclosure statement to the administrator or clerk of the
1825 authority.

1826 (11) (a) No later than 10 business days after the date on which the authority member
1827 submits the written disclosure statement described in Subsection (10) to the administrator or
1828 clerk of the authority, the administrator or clerk shall:

1829 (i) post a copy of the written disclosure statement on the authority's website; and

1830 (ii) provide the lieutenant governor with a link to the electronic posting described in
1831 Subsection (11)(a)(i).

1832 (b) The administrator or clerk shall ensure that the authority member's written
1833 disclosure statement remains posted on the authority's website until the authority member
1834 leaves office.

1835 (12) The administrator or clerk of the authority shall take the action described in
1836 Subsection (13) if:

1837 (a) an authority member fails to timely file the written disclosure statement described
1838 in Subsection (10); or

1839 (b) a submitted written disclosure statement does not comply with the requirements of
1840 Subsection [20A-11-1604\(b\)](#).

1841 (13) If a circumstance described in Subsection (12) occurs, the administrator or clerk of
1842 the authority shall, within five days after the day on which the administrator or clerk
1843 determines that a violation occurred, notify the authority member of the violation and direct the
1844 authority member to submit an amended written disclosure statement correcting the problem.

1845 (14) (a) It is unlawful for an authority member to fail to submit or amend a written
1846 disclosure statement within seven days after the day on which the authority member receives
1847 the notice described in Subsection (13).

1848 (b) An authority member who violates Subsection (14)(a) is guilty of a class B
1849 misdemeanor.

1850 (c) The administrator or clerk of the authority shall report a violation of Subsection
1851 (14)(a) to the attorney general.

1852 (d) In addition to the criminal penalty described in Subsection (14)(b), the
1853 administrator or clerk of the authority shall impose a civil fine of \$100 against an authority
1854 member who violates Subsection (14)(a).

1855 (15) The administrator or clerk of the authority shall deposit a fine collected under this
 1856 section into the authority's account to pay for the costs of administering this section.

1857 Section 36. Section **67-16-3** is amended to read:

1858 **67-16-3. Definitions.**

1859 As used in this chapter:

1860 (1) "Agency" means:

1861 (a) any department, division, agency, commission, board, council, committee,
 1862 authority, or any other institution of the state or any of its political subdivisions; or

1863 (b) an association as defined in Section [53G-7-1101](#).

1864 (2) "Agency head" means the chief executive or administrative officer of any agency.

1865 (3) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,
 1866 aid, advise, furnish information to, or otherwise provide assistance to a person or business
 1867 entity, believing that such action is of help, aid, advice, or assistance to such person or business
 1868 entity and with the intent to assist such person or business entity.

1869 (4) "Business entity" means a sole proprietorship, partnership, association, joint
 1870 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
 1871 a business.

1872 (5) "Compensation" means anything of economic value, however designated, which is
 1873 paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone
 1874 other than the governmental employer for or in consideration of personal services, materials,
 1875 property, or any other thing whatsoever.

1876 (6) "Controlled, private, or protected information" means information classified as
 1877 controlled, private, or protected in Title 63G, Chapter 2, Government Records Access and
 1878 Management Act, or other applicable provision of law.

1879 (7) "Filing clerk" means:

1880 (a) the special district clerk, for a special public officer who holds an office on:

1881 (i) the board of trustees of a special district; or

1882 (ii) the governing body of a special service district; or

1883 (b) the ~~H~~→ [school district administrator] chief administrative officer ←~~H~~ , for a special
 1883a public officer who holds an office on

1884 a local school board.

1885 (8) "Governing body" means:

1886 (a) the legislative body of a county, city, or town that establishes a special service
1887 district, if an administrative control board has not been appointed under Section 17D-1-301; or

1888 (b) the administrative control board of a special service district, if the administrative
1889 control board has been appointed under Section 17D-1-301.

1890 [~~(7)~~] (9) "Governmental action" means any action on the part of the state, a political
1891 subdivision, or an agency, including:

1892 (a) any decision, determination, finding, ruling, or order; and

1893 (b) any grant, payment, award, license, contract, subcontract, transaction, decision,
1894 sanction, or approval, or the denial thereof, or the failure to act in respect to.

1895 [~~(8)~~] (10) "Improper disclosure" means disclosure of controlled, private, or protected
1896 information to any person who does not have the right to receive the information.

1897 [~~(9)~~] (11) "Legislative employee" means any officer or employee of the Legislature, or
1898 any committee of the Legislature, who is appointed or employed to serve, either with or
1899 without compensation, for an aggregate of less than 800 hours during any period of 365 days.
1900 "Legislative employee" does not include legislators.

1901 [~~(10)~~] (12) "Legislator" means a member or member-elect of either house of the
1902 Legislature of the state of Utah.

1903 [~~(11)~~] (13) "Political subdivision" means a district, school district, or any other
1904 political subdivision of the state that is not an agency, but does not include a municipality or a
1905 county.

1906 [~~(12)~~] (14) (a) "Public employee" means a person who is not a public officer who is
1907 employed on a full-time, part-time, or contract basis by:

1908 (i) the state;

1909 (ii) a political subdivision of the state; or

1910 (iii) an association as defined in Section 53G-7-1101.

1911 (b) "Public employee" does not include legislators or legislative employees.

1912 [~~(13)~~] (15) (a) "Public officer" means an elected or appointed officer:

1913 (i) (A) of the state;

1914 (B) of a political subdivision of the state; or

1915 (C) an association as defined in Section 53G-7-1101; and

1916 (ii) who occupies a policymaking post.

1917 (b) "Public officer" includes a special public officer.
1918 ~~[(b)]~~ (c) "Public officer" does not include legislators or legislative employees.
1919 (16) "Special public officer" means a public officer who is an elected or appointed
1920 member of:
1921 (a) the board of trustees of a special district or the governing body of a special service
1922 district, if the special district or the special service district has an annual budget that is equal to
1923 or exceeds 10 times the revenue and expenditure amount described in Subsection 51-2a-201(1);
1924 or
1925 (b) a local school board.
1926 ~~[(14)]~~ (17) "State" means the state of Utah.
1927 ~~[(15)]~~ (18) "Substantial interest" means the ownership, either legally or equitably, by
1928 an individual, the individual's spouse, or the individual's minor children, of at least 10% of the
1929 outstanding capital stock of a corporation or a 10% interest in any other business entity.
1930 Section 37. Section **67-16-6** is amended to read:
1931 **67-16-6. Receiving compensation for assistance in transaction involving an**
1932 **agency -- Sworn statement.**
1933 (1) Except as provided in Subsection ~~[(5)]~~ (6), it is an offense for a public officer or
1934 public employee to receive or agree to receive compensation for assisting any person or
1935 business entity in any transaction involving an agency unless the public officer or public
1936 employee files a sworn, written statement ~~[containing the information required by]~~ disclosing
1937 the information described in Subsection (2) with:
1938 (a) the head of the officer or employee's own agency;
1939 (b) the agency head of the agency with which the transaction is being conducted; ~~[and]~~
1940 (c) the state attorney general~~[-];~~ and
1941 (d) for a public officer who is a special public officer, the filing clerk of the board of
1942 trustees, governing body, or local school board, as applicable, of which the special public
1943 officer is an elected or appointed member.
1944 (2) The ~~[statement]~~ sworn statement described in Subsection (1) shall contain:
1945 (a) the name and address of the public officer or public employee involved;
1946 (b) the name of the public officer's or public employee's agency;
1947 (c) the name and address of the person or business entity being or to be assisted; and

1948 (d) a brief description of:

1949 (i) the transaction as to which service is rendered or is to be rendered; and

1950 (ii) the nature of the service performed or to be performed.

1951 (3) [~~The statement required to be filed under Subsection (1) shall be filed within~~] A
1952 public officer or public employee shall file the sworn statement described in Subsection (1) on
1953 or before the earlier of:

1954 (a) 10 days after the date [of any agreement between the public officer or public
1955 employee and the person or business entity being assisted] on which the public officer or public
1956 employee and the person or business entity being assisted enter into an agreement; or

1957 (b) the [receipt of compensation, whichever is earlier] public officer's or public
1958 employee's receipt of compensation.

1959 (4) In accordance with Subsection (1)(d), a special public officer shall file the sworn
1960 statement with the filing clerk on or before the earlier of the deadlines described in Subsections
1961 (3)(a) and (b).

1962 (5) A filing clerk who receives the sworn statement described in Subsection (1) shall:

1963 (a) post a copy of the special public officer's sworn statement on, as applicable, the
1964 special district's, special service district's, or school district's website; and

1965 (b) ensure that the sworn statement remains posted on the website described in
1966 Subsection (5)(a) until the special public officer leaves office.

1967 [~~(4)~~] (6) The [statement is] sworn statement described in Subsection (1) is public
1968 information and shall be available for examination by the public.

1969 [~~(5)~~] (7) This section does not apply to a public officer or public employee who
1970 engages in conduct that constitutes a violation of this section to the extent that the public
1971 officer or public employee is chargeable, for the same conduct, under Section 63G-6a-2404 or
1972 Section 76-8-105.

1973 Section 38. Section **67-16-7** is amended to read:

1974 **67-16-7. Disclosure of substantial interest in regulated business -- Exceptions.**

1975 (1) Except as provided in Subsection (5), a public officer or public employee who is an
1976 officer, director, agent, employee, or owner of a substantial interest in any business entity that
1977 is subject to the regulation of the agency by which the public officer or public employee is
1978 employed shall disclose [~~any~~] a position held in the entity and the precise nature and value of

1979 the public officer's or public employee's interest in the entity:

1980 (a) upon first becoming a public officer or public employee;

1981 (b) whenever the public officer's or public employee's position in the business entity
1982 changes significantly; and

1983 (c) if the value of the public officer's or public employee's interest in the entity
1984 increases significantly.

1985 (2) The disclosure required under Subsection (1) shall be made in a sworn statement
1986 filed with:

1987 (a) for a public officer or a public employee of the state, the attorney general;

1988 (b) for a public officer or a public employee of a political subdivision, the chief
1989 governing body of the political subdivision;

1990 (c) the head of the agency with which the public officer or public employee is
1991 affiliated; ~~and~~

1992 (d) for a public employee, the public employee's immediate supervisor~~[-];~~ and

1993 (e) for a public officer who is a special public officer, the filing clerk of the board or
1994 trustees, governing body, or local school board, as applicable, of which the special public
1995 officer is an elected or appointed member.

1996 (3) A filing clerk who receives the sworn statement described in Subsection (1) shall:

1997 (a) post a copy of the special public officer's sworn statement on, as applicable, the
1998 special district's, special service district's, or school district's website; and

1999 (b) ensure that the sworn statement remains posted on the website described in
2000 Subsection (3)(a) until the special public officer leaves office.

2001 ~~[(3)]~~ (4) (a) This section does not apply to instances where the total value of the
2002 substantial interest does not exceed \$~~[2,000]~~ 5,000.

2003 (b) A life insurance policy or an annuity is not required to be considered in determining
2004 the value of a substantial interest under this section.

2005 ~~[(4)]~~ (5) A disclosure made under this section is a public record and a person with
2006 whom a disclosure is filed under Subsection (2) shall make the disclosure available for public
2007 inspection.

2008 ~~[(5)]~~ (6) A public officer is not required to file a disclosure under this section if the
2009 public officer files a disclosure under Section [20A-11-1604](#).

2010 Section 39. Section **67-16-16** is enacted to read:

2011 **67-16-16. Special public officer -- Annual conflict of interest disclosure statement**
2012 **-- Exception -- Penalties.**

2013 (1) Except as provided in Subsection (7), a special public officer shall, no sooner than
2014 January 1 and no later than January 31 of each year during which the special public officer
2015 holds elected or appointed office:

2016 (a) prepare a written conflict of interest disclosure statement that contains a response to
2017 each item of information described in Subsection [20A-11-1604\(6\)](#); and

2018 (b) submit the written disclosure statement to the filing clerk.

2019 (2) (a) No later than 10 business days after the day on which a special public officer
2020 submits the written disclosure statement described in Subsection (1) to the filing clerk, the
2021 filing clerk shall:

2022 (i) post an electronic copy of the written disclosure statement on, as applicable, the
2023 special district's, special service district's, or school district's website; and

2024 (ii) provide the lieutenant governor with a link to the electronic posting described in
2025 Subsection (2)(a)(i).

2026 (b) The filing clerk shall ensure that the special public officer's written disclosure
2027 statement remains posted on the website described in Subsection (2)(a)(i) until the special
2028 public officer leaves office.

2029 (3) The filing clerk shall take the action described in Subsection (4) if:

2030 (a) a special public officer fails to timely submit a written disclosure statement; or

2031 (b) a submitted written disclosure statement does not comply with the requirements of
2032 Section [20A-11-1604\(6\)](#).

2033 (4) If a circumstance described in Subsection (3) occurs, the filing clerk shall, within
2034 five days after the day on which the filing clerk determines that a violation occurred, notify the
2035 special public officer of the violation and direct the special public officer to submit an amended
2036 report correcting the problem.

2037 (5) (a) It is unlawful for a special public officer to fail to submit or amend a written
2038 disclosure statement within seven days after the day on which the special public officer
2039 receives the notice described in Subsection (4).

2040 (b) A special public officer who violates Subsection (5)(a) is guilty of a class B

2041 misdemeanor.

2042 (c) The filing clerk shall report a violation of Subsection (5)(a) to the attorney general.

2043 (d) In addition to the criminal penalty described in Subsection (5)(b), the filing clerk

2044 shall impose a civil fine of \$100 against a special public officer who violates Subsection (5)(a).

2045 (6) The filing clerk shall deposit a fine collected under this section into the, as

2046 applicable, special district's, special service district's, or school district's general fund as a

2047 dedicated credit to pay for the costs of administering this section.

2048 (7) For a special public officer who is also a state legislator, a member of the

2049 legislative body of a county or municipality, or who is otherwise required to make the written

2050 disclosure statement described in Subsection (1) under another provision of law:

2051 (a) Subsection (1) does not apply; and

2052 (b) the filing clerk shall, instead:

2053 (i) post an electronic link on the website described in Subsection (2)(a)(i) to the written

2054 disclosure statement the special public officer made in the special public officer's capacity as:

2055 (A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest

2056 Disclosures;

2057 (B) an elected officer of a county, under Section [17-16a-13](#);

2058 (C) an elected officer of a municipality, under Section [10-3-1313](#); or

2059 (D) an individual who is otherwise required make the written disclosure statement

2060 described in Subsection (1) under another provision of law; and

2061 (ii) provide the lieutenant governor with a link to the electronic posting described in

2062 Subsection (7)(b)(i).

2063 Section 40. Section **73-32-302** is amended to read:

2064 **73-32-302. Advisory council created -- Staffing -- Per diem and travel expenses --**

2065 **Annual conflict of interest disclosure statement -- Exception -- Penalties.**

2066 (1) There is created an advisory council known as the "Great Salt Lake Advisory

2067 Council" consisting of 11 members listed in Subsection (2).

2068 (2) (a) The governor shall appoint the following members, with the advice and consent

2069 of the Senate:

2070 (i) one representative of industry representing the extractive industry;

2071 (ii) one representative of industry representing aquaculture;

- 2072 (iii) one representative of conservation interests;
- 2073 (iv) one representative of a migratory bird protection area as defined in Section
- 2074 [23A-13-101](#);
- 2075 (v) one representative who is an elected official from municipal government, or the
- 2076 elected official's designee;
- 2077 (vi) five representatives who are elected officials from county government, or the
- 2078 elected official's designee, one each representing:
- 2079 (A) Box Elder County;
- 2080 (B) Davis County;
- 2081 (C) Salt Lake County;
- 2082 (D) Tooele County; and
- 2083 (E) Weber County; and
- 2084 (vii) one representative of a publicly owned treatment works.
- 2085 (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year
- 2086 term.
- 2087 (b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment,
- 2088 the governor shall adjust the length of terms of voting members to ensure that the terms of
- 2089 council members are staggered so that approximately half of the council is appointed every two
- 2090 years.
- 2091 (c) When a vacancy occurs in the membership for any reason, the governor shall
- 2092 appoint a replacement for the unexpired term with the advice and consent of the Senate.
- 2093 (d) A member shall hold office until the member's successor is appointed and qualified.
- 2094 (4) The council shall determine:
- 2095 (a) the time and place of meetings; and
- 2096 (b) any other procedural matter not specified in this chapter.
- 2097 (5) (a) Attendance of six members at a meeting of the council constitutes a quorum.
- 2098 (b) A vote of the majority of the members present at a meeting when a quorum is
- 2099 present constitutes an action of the council.
- 2100 (6) A member may not receive compensation or benefits for the member's service, but
- 2101 may receive per diem and travel expenses in accordance with:
- 2102 (a) Section [63A-3-106](#);

2103 (b) Section [63A-3-107](#); and

2104 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
2105 [63A-3-107](#).

2106 (7) The office, the department, and the Department of Environmental Quality shall
2107 coordinate and provide necessary staff assistance to the council.

2108 (8) Except as provided in Subsection (14), a council member shall, no sooner than
2109 January 1 and no later than January 31 of each year during which the council member holds
2110 office on the council:

2111 (a) prepare a written conflict of interest disclosure statement that contains a response to
2112 each item of information described in Subsection [20A-11-1604](#)(6); and

2113 (b) submit the written disclosure statement to the administrator or clerk of the council.

2114 (9) (a) No later than 10 business days after the date on which the council member
2115 submits the written disclosure statement described in Subsection (8) to the administrator or
2116 clerk of the council, the administrator or clerk shall:

2117 (i) post an electronic copy of the written disclosure statement on the council's website;
2118 and

2119 (ii) provide the lieutenant governor with a link to the electronic posting described in
2120 Subsection (9)(a)(i).

2121 (b) The administrator or clerk of the council shall ensure that the council member's
2122 written disclosure statement remains posted on the council's website until the council member
2123 leaves office.

2124 (10) The administrator or clerk of the council shall take the action described in
2125 Subsection (11) if:

2126 (a) a council member fails to timely file the written disclosure statement described in
2127 Subsection (8); or

2128 (b) a submitted written disclosure statement does not comply with the requirements of
2129 Subsection [20A-11-1604](#)(b).

2130 (11) If a circumstance described in Subsection (10) occurs, the administrator or clerk of
2131 the council shall, within five days after the day on which the administrator or clerk determines
2132 that a violation occurred, notify the council member of the violation and direct the council
2133 member to submit an amended written disclosure statement correcting the problem.

2134 (12) (a) It is unlawful for a council member to fail to submit or amend a written
2135 disclosure statement within seven days after the day on which the council member receives the
2136 notice described in Subsection (11).

2137 (b) A council member who violates Subsection (12)(a) is guilty of a class B
2138 misdemeanor.

2139 (c) The administrator or clerk of the council shall report a violation of Subsection
2140 (12)(a) to the attorney general.

2141 (d) In addition to the criminal penalty described in Subsection (12)(b), the
2142 administrator or clerk of the council shall impose a civil fine of \$100 against a council member
2143 who violates Subsection (12)(a).

2144 (13) The administrator or clerk of the council shall deposit a fine collected under this
2145 section into the council's account to pay for the costs of administering this section.

2146 (14) For an individual appointed to the council under Subsection (2)(a)(v) or (vi):

2147 (a) Subsection (8) does not apply; and

2148 (b) the administrator or clerk of the council shall, instead:

2149 (i) post an electronic link on the council's website to the written disclosure statement
2150 the council member made in the council member's capacity as an elected officer of:

2151 (A) a county, under Section [17-16a-13](#); or

2152 (B) a municipality, under Section [10-3-1313](#); and

2153 (ii) provide the lieutenant governor with a link to the electronic posting described in
2154 Subsection (14)(b)(i).

2155 Section 41. **Effective date.**

2156 This bill takes effect on May 1, 2024.