{deleted text} shows text that was in HB0080 but was deleted in HB0080S01.

inserted text shows text that was not in HB0080 but was inserted into HB0080S01.

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

Representative Paul A. Cutler proposes the following substitute bill:

CONFLICT OF INTEREST DISCLOSURE MODIFICATIONS

2024 GENERAL SESSION STATE OF UTAH

Chief Sponsor: \rightarrow Paul A. Cutler

Senate Sponsor: {-}_____

LONG TITLE

Committee Note:

The Political Subdivisions Interim Committee recommended this bill.

Legislative Vote: 12 voting for 2 voting against 2 absent

General Description:

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

Highlighted Provisions:

This bill:

- requires an elected {official}officer of a political subdivision and a member of a state land use authority to annually file a conflict of interest disclosure {on the state's}statement;
- requires the clerk of the political subdivision or state land use authority described

above to:

- post an electronic copy of the conflict of interest disclosure statement on the political subdivision's or state land use authority's website; and
- provide the lieutenant governor's office with a link to the electronic posting described above;
- requires the lieutenant governor to post the link described above on the state conflict of interest disclosure website;
- requires an elected official described above to amend the disclosure if the elected official has a conflict of interest that is otherwise required to be disclosed under the municipal, county, or public officers' ethics acts;
 - establishes penalties for an elected official or member of a state land use authority
 who fails to file, amend, or disclose a conflict of interest on the website described above;
- standardizes the monetary amount that triggers an elected {official's}officer's disclosure obligation;
 - {clarifies provisions related to conflicts of interest} establishes penalties for an elected officer or a member of a state land use authority who fails to file a conflict of interest disclosure statement;
 - requires a municipal or county clerk to provide the lieutenant governor with an electronic link to the campaign finance statement filed by a candidate for municipal or county office;
 - requires the lieutenant governor to post the link described above on the lieutenant governor's website; and
 - makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

10-3-1303, as last amended by Laws of Utah 2016, Chapter 350 **10-3-1304**, as last amended by Laws of Utah 2013, Chapter 445 **10-3-1305**, as last amended by Laws of Utah 2013, Chapter 445 **10-3-1306**, as last amended by Laws of Utah 2010, Chapter 378 **10-3-1307**, as last amended by Laws of Utah 1989, Chapter 147 **10-3-1308**, as last amended by Laws of Utah 1989, Chapter 147 **10-3-1309**, as last amended by Laws of Utah 1991, Chapter 241 **10-3-1311**, as last amended by Laws of Utah 2018, Chapter 461 **10-3-1312**, as last amended by Laws of Utah 1989, Chapter 147 **11-58-304**, as last amended by Laws of Utah 2022, Chapter 82 **11-59-306**, as last amended by Laws of Utah 2022, Chapter 237 11-65-304, as enacted by Laws of Utah 2022, Chapter 59 **17-16-6.5**, as last amended by Laws of Utah 2023, Chapter 45 17-16a-3, as last amended by Laws of Utah 2011, Chapter 297 **17-16a-4**, as last amended by Laws of Utah 2013, Chapters 142, 445 17-16a-5, as last amended by Laws of Utah 1993, Chapter 227 17-16a-6, as last amended by Laws of Utah 2011, Chapter 297 17-16a-7, as enacted by Laws of Utah 1983, Chapter 46 **17-16a-8**, as enacted by Laws of Utah 1983, Chapter 46 17-16a-9, as enacted by Laws of Utah 1983, Chapter 46 **17-16a-10**, as last amended by Laws of Utah 1991, Chapter 241 **17-16a-12**, as enacted by Laws of Utah 1983, Chapter 46 20A-11-103, as last amended by Laws of Utah 2016, Chapter 16 **20A-11-1602**, as last amended by Laws of Utah 2021, Chapter 20 **20A-11-1602.5**, as last amended by Laws of Utah 2021, Chapter 20 {20A-11-1604}53C-1-202, as last amended by Laws of Utah {2022}2020, {Chapter 170}Chapters 352, 373 {20A-11-1605}63H-4-102, as last amended by Laws of Utah 2021, Chapter {20}280 **63H-8-201**, as last amended by Laws of Utah 2020, Chapters 352, 373 **63M-14-202**, as last amended by Laws of Utah 2022, Chapter 98 **67-16-3**, as last amended by Laws of Utah 2018, Chapter 415

67-16-6, as last amended by Laws of Utah 2014, Chapter 196

67-16-7, as last amended by Laws of Utah 2018, Chapter 59

73-32-302, as last amended by Laws of Utah 2023, Chapter 34 and renumbered and

amended by Laws of Utah 2023, Chapter 205

ENACTS:

10-3-1303.5, Utah Code Annotated 1953

10-3-1313, Utah Code Annotated 1953

17-16a-3.5, Utah Code Annotated 1953

{20A-11-1603.5}<u>17-16a-13</u>, Utah Code Annotated 1953

63H-1-304, Utah Code Annotated 1953

67-16-16, Utah Code Annotated 1953

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

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

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

- (1) Unless a municipality adopts by ordinance more stringent definitions, the following are defined terms for purposes of this section:
 - (a) "Agent of a candidate" means:
 - (i) a person acting on behalf of a candidate at the direction of the reporting entity;
 - (ii) a person employed by a candidate in the candidate's capacity as a candidate;
 - (iii) the personal campaign committee of a candidate;
- (iv) a member of the personal campaign committee of a candidate in the member's capacity as a member of the personal campaign committee of the candidate; or
 - (v) a political consultant of a candidate.
 - (b) "Anonymous contribution limit" means for each calendar year:
 - (i) \$50; or
 - (ii) an amount less than \$50 that is specified in an ordinance of the municipality.
 - (c) (i) "Candidate" means a person who:
 - (A) files a declaration of candidacy for municipal office; or
- (B) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or

election to a municipal office.

- (ii) "Candidate" does not mean a person who files for the office of judge.
- (d) (i) "Contribution" means any of the following when done for political purposes:
- (A) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to a candidate;
- (B) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the candidate;
 - (C) any transfer of funds from another reporting entity to the candidate;
- (D) compensation paid by any person or reporting entity other than the candidate for personal services provided without charge to the candidate;
 - (E) a loan made by a candidate deposited to the candidate's own campaign; and
 - (F) an in-kind contribution.
 - (ii) "Contribution" does not include:
- (A) services provided by an individual volunteering a portion or all of the individual's time on behalf of the candidate if the services are provided without compensation by the candidate or any other person;
- (B) money lent to the candidate by a financial institution in the ordinary course of business; or
- (C) goods or services provided for the benefit of a candidate at less than fair market value that are not authorized by or coordinated with the candidate.
- (e) "Coordinated with" means that goods or services provided for the benefit of a candidate are provided:
 - (i) with the candidate's prior knowledge, if the candidate does not object;
 - (ii) by agreement with the candidate;
 - (iii) in coordination with the candidate; or
 - (iv) using official logos, slogans, and similar elements belonging to a candidate.
- (f) (i) "Expenditure" means any of the following made by a candidate or an agent of the candidate on behalf of the candidate:
- (A) any disbursement from contributions, receipts, or from an account described in Subsection (3)(a);

- (B) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
- (C) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for a political purpose;
- (D) compensation paid by a candidate for personal services rendered by a person without charge to a reporting entity;
- (E) a transfer of funds between the candidate and a candidate's personal campaign committee as defined in Section 20A-11-101; or
- (F) goods or services provided by a reporting entity to or for the benefit of the candidate for political purposes at less than fair market value.
 - (ii) "Expenditure" does not include:
- (A) services provided without compensation by an individual volunteering a portion or all of the individual's time on behalf of a candidate; or
- (B) money lent to a candidate by a financial institution in the ordinary course of business.
- (g) "In-kind contribution" means anything of value other than money, that is accepted by or coordinated with a candidate.
- (h) (i) "Political consultant" means a person who is paid by a candidate, or paid by another person on behalf of and with the knowledge of the candidate, to provide political advice to the candidate.
- (ii) "Political consultant" includes a circumstance described in Subsection (1)(h)(i), where the person:
 - (A) has already been paid, with money or other consideration;
 - (B) expects to be paid in the future, with money or other consideration; or
- (C) understands that the person may, in the discretion of the candidate or another person on behalf of and with the knowledge of the candidate, be paid in the future, with money or other consideration.
- (i) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate or a person seeking a municipal office at any caucus, political

convention, or election.

- (j) "Reporting entity" means:
- (i) a candidate;
- (ii) a committee appointed by a candidate to act for the candidate;
- (iii) a person who holds an elected municipal office;
- (iv) a party committee as defined in Section 20A-11-101;
- (v) a political action committee as defined in Section 20A-11-101;
- (vi) a political issues committee as defined in Section 20A-11-101;
- (vii) a corporation as defined in Section 20A-11-101; or
- (viii) a labor organization as defined in Section 20A-11-1501.
- (2) (a) A municipality may adopt an ordinance establishing campaign finance disclosure requirements for a candidate that are more stringent than the requirements provided in Subsections (3) through (7).
- (b) The municipality may adopt definitions that are more stringent than those provided in Subsection (1).
- (c) If a municipality fails to adopt a campaign finance disclosure ordinance described in Subsection (2)(a), a candidate shall comply with financial reporting requirements contained in Subsections (3) through (7).
 - (3) Each candidate:
- (a) shall deposit a contribution in a separate campaign account in a financial institution; and
- (b) may not deposit or mingle any campaign contributions received into a personal or business account.
- (4) (a) In a year in which a municipal primary is held, each candidate who will participate in the municipal primary shall file a campaign finance statement with the municipal clerk or recorder no later than seven days before the day described in Subsection 20A-1-201.5(2).
- (b) Each candidate who is not eliminated at a municipal primary election shall file a campaign finance statement with the municipal clerk or recorder no later than:
 - (i) 28 days before the day on which the municipal general election is held;
 - (ii) seven days before the day on which the municipal general election is held; and

- (iii) 30 days after the day on which the municipal general election is held.
- (c) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement within 30 days after the day on which the municipal primary election is held.
- (5) If a municipality does not conduct a primary election for a race, each candidate who will participate in that race shall file a campaign finance statement with the municipal clerk or recorder no later than:
 - (a) 28 days before the day on which the municipal general election is held;
 - (b) seven days before the day on which the municipal general election is held; and
 - (c) 30 days after the day on which the municipal general election is held.
 - (6) Each campaign finance statement described in Subsection (4) or (5) shall:
 - (a) except as provided in Subsection (6)(b):
 - (i) report all of the candidate's itemized and total:
- (A) contributions, including in-kind and other nonmonetary contributions, received up to and including five days before the campaign finance statement is due, excluding a contribution previously reported; and
- (B) expenditures made up to and including five days before the campaign finance statement is due, excluding an expenditure previously reported; and
 - (ii) identify:
- (A) for each contribution, the amount of the contribution and the name of the donor, if known; and
- (B) for each expenditure, the amount of the expenditure and the name of the recipient of the expenditure; or
- (b) report the total amount of all contributions and expenditures if the candidate receives \$500 or less in contributions and spends \$500 or less on the candidate's campaign.
- (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds the anonymous contribution limit, and is from a donor whose name is unknown, a candidate shall disburse the amount of the contribution to:
- (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
 - (b) an organization that is exempt from federal income taxation under Section

- 501(c)(3), Internal Revenue Code.
 - (8) (a) A municipality may, by ordinance:
 - (i) provide an anonymous contribution limit less than \$50;
- (ii) require greater disclosure of contributions or expenditures than is required in this section; and
- (iii) impose additional penalties on candidates who fail to comply with the applicable requirements beyond those imposed by this section.
- (b) A candidate is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (8)(a) if:
- (i) the municipal ordinance establishes requirements or penalties that differ from those established in this section; and
- (ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection (9).
- (9) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again 35 days before each municipal general election, notify the candidate in writing of:
- (a) the provisions of statute or municipal ordinance governing the disclosure of contributions and expenditures;
- (b) the dates when the candidate's campaign finance statement is required to be filed; and
- (c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.
- (10) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall:
- (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
- (b) make the campaign finance statement filed by a candidate available for public inspection by:
- (i) [(A)] posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the day on which the statement is

filed; and

- [(B) verifying that the address of the municipality's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or
- (ii) [submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section 20A-11-103 no later than two business days after the statement is filed.] in order to comply with the requirements of Subsection 20A-11-103(4)(b)(ii), providing the lieutenant governor with a link to the electronic posting described in Subsection (10)(b)(i) no later than two business days after the day on which the statement is filed.
- (11) (a) If a candidate fails to timely file a campaign finance statement required under Subsection (4) or (5), the municipal clerk or recorder:
 - (i) may send an electronic notice to the candidate that states:
 - (A) that the candidate failed to timely file the campaign finance statement; and
- (B) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the candidate will be disqualified; and
 - (ii) may impose a fine of \$50 on the candidate.
- (b) The municipal clerk or recorder shall disqualify a candidate and inform the appropriate election official that the candidate is disqualified if the candidate fails to file a campaign finance statement described in Subsection (4) or (5) within 24 hours after the deadline for filing the report.
 - (c) If a candidate is disqualified under Subsection (11)(b), the election official:
 - (i) shall:
- (A) notify every opposing candidate for the municipal office that the candidate is disqualified;
- (B) send an email notification to each voter who is eligible to vote in the municipal election office race for whom the election official has an email address informing the voter that the candidate is disqualified and that votes cast for the candidate will not be counted;
 - (C) post notice of the disqualification on a public website; and
- (D) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; and
 - (ii) may not count any votes for that candidate.

- (12) An election official may fulfill the requirements described in Subsection (11)(c)(i) in relation to a mailed ballot, including a military overseas ballot, by including with the ballot a written notice:
 - (a) informing the voter that the candidate is disqualified; or
- (b) directing the voter to a public website to inform the voter whether a candidate on the ballot is disqualified.
- (13) Notwithstanding Subsection (11)(b), a candidate who timely files each campaign finance statement required under Subsection (4) or (5) is not disqualified if:
- (a) the statement details accurately and completely the information required under Subsection (6), except for inadvertent omissions or insignificant errors or inaccuracies; and
- (b) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
- (14) A candidate for municipal office who is disqualified under Subsection (11)(b) shall file with the municipal clerk or recorder a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.
- (15) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that it is due.
- (16) (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section or an ordinance adopted under this section.
- (b) In a civil action under Subsection (16)(a), the court may award costs and attorney fees to the prevailing party.

Section $\{1\}$ 2. Section 10-3-1303 is amended to read:

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

As used in this part:

- (1) (a) "Appointed officer" means [any person] an individual appointed to:
- (i) [any] a statutory office or position; or
- (ii) [any other person appointed to any] a position of employment with a city or with a community reinvestment agency under Title 17C, Limited Purpose Local Government Entities Community Reinvestment Agency Act.
- (b) [Appointed officers include, but are not limited to, persons serving on a special, regular, or full-time [committees, agencies,

or boards whether or not such persons are compensated for their] committee, agency, or board, regardless of whether the individual is compensated for the individual's services. [The use of the word "officer" in this part is not intended to make appointed persons or employees "officers" of the municipality.]

- (c) "Appointed officer" does not include an elected officer.
- (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.
- (3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
- (4) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to [any] a person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.
- (5) "Conflict of interest disclosure website" means the Candidate and Officeholder

 Conflict of Interest Disclosure Website described in Section 20A-11-1602.5.
- $\frac{\{(5), \{(5), (6)\}\}}{\{(6)\}\}}$ "Elected officer" means [a person]:
- (a) <u>an individual</u> elected or appointed to <u>fill a vacancy in</u> the office of mayor, commissioner, or council member; or
- (b) <u>an individual</u> who is considered to be elected to the office of mayor, commissioner, or council member by a municipal legislative body in accordance with Section 20A-1-206.
- $\{\{\}\}$ "Improper disclosure" means the disclosure of private, controlled, or protected information to [any] a person who does not have both the right and the need to receive the information.
- **The state of the state of the
 - (19\8) "Officer" means an appointed officer or an elected officer.

- [(8)] (10) "Private, controlled, or protected information" means information classified as private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act, or [other] another applicable provision of law.
- [(9)] ({11}10) "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

Section $\frac{2}{3}$. Section 10-3-1303.5 is enacted to read:

<u>10-3-1303.5.</u> Statutory construction.

The definition of appointed officer in Section 10-3-1303 does not have the effect of making an appointed individual or employee an officer of the municipality.

Section $\frac{3}{4}$. Section 10-3-1304 is amended to read:

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

- (1) As used in this section, "economic benefit tantamount to a gift" includes:
- (a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; [and] or
- (b) compensation received for [private services] a private service rendered at a rate substantially exceeding the fair market value of the [services] service.
- (2) Except as provided in Subsection (4), it is an offense for an [elected or appointed] officer or municipal employee to:
- (a) disclose or improperly use private, controlled, or protected information acquired by reason of the officer's or <u>municipal</u> employee's official position or in the course of official duties in order to further substantially the officer's or <u>municipal</u> employee's personal economic interest or to secure special privileges or exemptions for the officer or <u>municipal</u> employee or for others;
 - (b) use or attempt to use the officer's or <u>municipal</u> employee's official position to:
- (i) further substantially the officer's or <u>municipal</u> employee's personal economic interest; or
 - (ii) secure special privileges for the officer or municipal employee or for others; or
- (c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer or <u>municipal</u> employee or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that:

- (i) would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
- (ii) the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.
 - (3) Subsection (2)(c) does not apply to:
 - (a) an occasional nonpecuniary gift having a value of less than \$50;
 - (b) an award publicly presented in recognition of public services;
 - (c) any bona fide loan made in the ordinary course of business; or
 - (d) a political campaign contribution.
- (4) This section does not apply to an [elected or appointed] officer or municipal employee who engages in conduct that constitutes a violation of this section to the extent that the [elected or appointed] officer or municipal employee is chargeable, for the same conduct, under Section 76-8-105.

Section $\{4\}$ 5. Section 10-3-1305 is amended to read:

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

- (1) As used in this section, "municipal body" means any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.
- (2) Except as provided in Subsection [(6)] (9), it is an offense for an [elected officer, or an appointed officer,] officer who is a member of a [public] municipal body to receive or agree to receive compensation for assisting [any] a person or business entity in [any] a transaction involving the [municipality in which the member is an officer unless the member] municipality of which the officer is elected or appointed unless the officer:
- (a) files with the mayor a sworn statement [giving the information required by this section] disclosing the information described in Subsection (\{5\}8); [and]
- (b) discloses the information [required by] described in Subsection [(5)] (7) in an open meeting to the members of the municipal body of which the officer is a member immediately before the discussion[:]; and
- (c) for an officer who is an elected officer, {discloses} files the {information} sworn statement described in Subsection ({5}2)(a) {on} with the {conflict of interest disclosure}

website}city recorder or town clerk.

- (3) It is an offense for an appointed officer who is not a member of a [public] municipal body or a municipal employee to receive or agree to receive compensation for assisting [any] a person or business entity in [any] a transaction involving the municipality by which the [person is employed] appointed officer or municipal employee is employed unless the appointed officer or employee:
- (a) files with the mayor a sworn statement [giving the information required by this section] disclosing information described in Subsection (\{5\}8\); and
 - (b) discloses the information [required by] described in Subsection [(5)] (8) to:
 - (i) the [officer] appointed officer's or municipal employee's immediate supervisor; and
- (ii) any other municipal officer or employee who may rely [upon the employee's] on the appointed officer's or municipal employee's representations in evaluating or approving the transaction.
- (4) (a) [The officer or employee shall file the statement required to be filed by this section] An officer or municipal employee shall file the sworn statement described in {Subsections} Subsection (2)(a) {and} or (3)(a), as applicable, on or before the earlier of:
- (i) 10 days before the date [of any agreement between the elected or appointed officer or municipal employee and the person or business entity being assisted or] on which the officer or municipal employee and the person or business entity being assisted enter into an agreement; or
- (ii) 10 days before [the receipt of compensation by the officer or employee, whichever is earlier] the date on which the officer or municipal employee receives compensation.
- (6) A municipal recorder or town clerk who receives a sworn statement described in Subsection (2)(a) shall:
 - (a) post a copy of the sworn statement on the municipality's website; and
- (b) ensure that the sworn statement remains posted on the municipality's website until the elected officer leaves office.

- (7) [(b)] { (c)} The [statement is] sworn {statement} described in {Subsections (2)(a) and (3)(a)}this section are { is} public information and shall be available for examination by the public.
- [(5)] (8) The [statement and disclosure] {disclosures} sworn statement and public disclosure described in Subsections (2) and (3) shall contain:
 - (a) the name and address of the officer or municipal employee;
- (b) the name and address of the person or business entity being or to be assisted or in which the [appointed or elected official or municipal employee] officer or municipal employee has a substantial interest; and
- (c) a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.
- [(6)] (9) This section does not apply to an [elected officer, or an appointed officer,] officer who is a member of a [public] municipal body and who engages in conduct that constitutes a violation of this section to the extent that the [elected officer or appointed] officer is chargeable, for the same conduct, under Section 76-8-105.

Section $\frac{5}{6}$. Section 10-3-1306 is amended to read:

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

- (1) [Every appointed or elected officer or] An officer under this part, or a municipal employee, who is an officer, director, agent, or employee or the owner of a substantial interest in [any] a business entity [which] that is subject to the regulation of the municipality [in which he is an elected or appointed officer or municipal employee] in which the officer or municipal employee is elected, appointed, or employed, shall disclose the position held and the nature and value of [his] the officer's or employee's interest:
 - (a) upon first becoming appointed, elected, or employed by the municipality[5]; and
- (b) [again at any time thereafter if the elected or appointed officer's or municipal employee's position in the business entity has changed significantly or if the value of his interest in the entity has increased significantly since the last disclosure] when the officer's or municipal employee's position in the business entity changes significantly or when the value of the officer's or municipal employee's interest in the entity significantly increases above the officer's or municipal employee's most recent disclosure.

- (2) [The disclosure shall be made in a sworn statement filed with the mayor.] An officer or municipal employee shall make the disclosure f:
 - \rightarrow described in Subsection ($\{a\}$ 1) $\{ \}$ in a sworn statement filed with:
 - (a) the mayor \{\frac{\{\}}{\}\}; and
- (b) for an officer who is an elected officer, {on }the {conflict of interest disclosure website}city recorder or town clerk.
 - (3) The mayor shall:
- (a) report the substance of [all such disclosure statements] the sworn statement described in Subsection (2) to the members of the governing body[5]; or
- (b) [may provide to the members of the governing body copies of the disclosure statement within 30 days after the statement is received by him] provide a copy of the sworn statement to the members of the governing body no later than 30 days after the date on which the mayor receives the statement.
- (4) The municipal recorder or town clerk who receives the sworn statement described in Subsection (2) shall:
 - (a) post a copy of the sworn statement on the municipality's website; and
- (b) ensure that the sworn statement remains posted on the municipality's website until the elected officer leaves office.
- [(3)] ((4)5) (a) This section does not apply to [instances] an instance where the value of the interest does not exceed ((4)2,000) \$5,000.
- (b) [Life insurance policies and annuities] A life insurance policy or an annuity may not be considered in determining the value of [any such] the interest.

Section $\frac{\{6\}}{2}$. Section 10-3-1307 is amended to read:

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

- (1) [Every appointed or elected officer] An officer under this part, or municipal employee, who is an officer, director, agent, employee, or owner of a substantial interest in [any] a business entity [which] that does or anticipates doing business with the municipality in which [he is an appointed or elected officer or municipal employee,] the officer or municipal employee is appointed, elected, or employed, shall:
 - (a) publicly disclose the conflict of interest to the members of the body of which [he]

the officer is a member or by which [he] the municipal employee is employed, immediately [prior to] before any discussion by [such] the municipal body concerning matters relating to [such] the business entity, the nature of [his] the officer's or municipal employee's interest in [that] the business entity[:]; and

- (b) for an officer who is an elected officer, {disclose the conflict described in this Subsection (1) on} file a sworn statement describing the conflict of interest {disclosure website} with the city recorder or town clerk.
- (2) The [disclosure statement] public disclosure described in Subsection (1)(a) shall be entered in the minutes of the meeting.
- (3) A city recorder or town clerk who receives the sworn statement described in Subsection (1)(b) shall:
 - (a) post a copy of the sworn statement on the municipality's website; and
- (b) ensure that the sworn statement remains posted on the municipality's website until the elected officer leaves office.
- [(3)] (4) Disclosure by a municipal employee under this section is satisfied if the municipal employee makes the disclosure in the manner [required by Sections] described in Section 10-3-1305 [and] or Section 10-3-1306.

Section $\frac{7}{8}$. Section 10-3-1308 is amended to read:

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

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

Section $\frac{\{8\}9}{}$. Section 10-3-1309 is amended to read:

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

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

Section $\frac{9}{10}$. Section 10-3-1311 is amended to read:

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

- (1) A municipality may establish by ordinance an ethics commission to review a complaint against an officer or <u>a municipal</u> employee subject to this part for a violation of a provision of this part.
 - (2) (a) A person filing a complaint for a violation of this part shall file the complaint:
- (i) with the municipal ethics commission, if a municipality has established a municipal ethics commission in accordance with Subsection (1); or
- (ii) with the Political Subdivisions Ethics Review Commission in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission, if the municipality has not established a municipal ethics commission.
 - (b) A municipality that receives a complaint described in Subsection (2)(a) may:
- (i) accept the complaint if the municipality has established a municipal ethics commission in accordance with Subsection (1); or
- (ii) forward the complaint to the Political Subdivisions Ethics Review Commission established in Section 63A-15-201:
- (A) regardless of whether the municipality has established a municipal ethics commission; or
 - (B) if the municipality has not established a municipal ethics commission.
- (3) If the alleged ethics complaint is against a person who is a member of the municipal ethics commission, the complaint shall be filed with or forwarded to the Political Subdivisions Ethics Review Commission.

Section $\{10\}$ 11. Section 10-3-1312 is amended to read:

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

If [any] <u>a</u> transaction is entered into in connection with a violation of Section 10-3-1305, 10-3-1306, 10-3-1307, or 10-3-1308, the municipality:

- (1) shall dismiss or remove the [appointed or elected] officer or municipal employee who knowingly and intentionally violates this part from employment or office; and
- (2) may rescind or void [any] <u>a</u> contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality.

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

- <u>10-3-1313. Annual conflict of interest disclosure -- City recorder or town clerk -- Posting of written disclosure statement -- Penalties.</u>
- (1) In addition to the any other disclosure obligation described in this part, an elected officer shall, no sooner than January 1 and no later than January 31 of each year during which the elected officer holds the office of mayor, commissioner, or council member:
- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
 - (b) submit the written disclosure statement to the city recorder or town clerk.
- (2) (a) No later than 10 business days after the day on which the elected officer submits the written disclosure statement described in Subsection (1) to the city recorder or town clerk, the city recorder or town clerk shall:
- (i) post an electronic copy of the written disclosure statement on the municipality's website; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (2)(a)(i).
- (b) The city recorder or town clerk shall ensure that the elected officer's written disclosure statement remains posted on the municipality's website until the elected officer leaves office.
 - (3) A city recorder or town clerk shall take the action described in Subsection (4) if:
- (a) an elected officer fails to timely submit the written disclosure statement described in Subsection (1); or
- (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).
- (4) If a circumstance described in Subsection (3) occurs, the city recorder or town clerk shall, within five days after the day on which the city recorder or town clerk determines that a violation occurred, notify the elected officer of the violation and direct the elected officer to submit an amended written disclosure statement correcting the problem.
- (5) (a) It is unlawful for an elected officer to fail to submit or amend a written disclosure statement within seven days after the day on which the elected officer receives the notice described in Subsection (4).

- (b) An elected officer who violates Subsection (5)(a) is guilty of a class B misdemeanor.
- (c) The city recorder or town clerk shall report a violation of Subsection (5)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (5)(b), the city recorder or town clerk shall impose a civil fine of \$100 against an elected officer who violates

 Subsection (5)(a).
- (6) The city recorder or town shall deposit a fine collected under this section into the municipality's general fund as a dedicated credit to pay for the costs of administering this section.

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

11-58-304. Limitations on board members and executive director <u>-- Annual</u> conflict of interest disclosure statement -- Penalties.

- (1) As used in this section:
- (a) "Direct financial benefit":
- (i) means any form of financial benefit that accrues to an individual directly, including:
- (A) compensation, commission, or any other form of a payment or increase of money; and
 - (B) an increase in the value of a business or property; and
 - (ii) does not include a financial benefit that accrues to the public generally.
 - (b) "Family member" means a parent, spouse, sibling, child, or grandchild.
- (2) An individual may not serve as a voting member of the board or as executive director if:
- (a) the individual owns real property, other than a personal residence in which the individual resides, within a project area, whether or not the ownership interest is a recorded interest;
- (b) a family member of the individual owns an interest in real property, other than a personal residence in which the family member resides, located within a project area; or
- (c) the individual or a family member of the individual owns an interest in, is directly affiliated with, or is an employee or officer of a private firm, private company, or other private entity that the individual reasonably believes is likely to:

- (i) participate in or receive a direct financial benefit from the development of the authority jurisdictional land; or
 - (ii) acquire an interest in or locate a facility within a project area.
- (3) Before taking office as a voting member of the board or accepting employment as executive director, an individual shall submit to the authority a statement verifying that the individual's service as a board member or employment as executive director does not violate Subsection (2).
- (4) (a) An individual may not, at any time during the individual's service as a voting member or employment with the authority, acquire, or take any action to initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real property located within a project area, if:
- (i) the acquisition is in the individual's personal capacity or in the individual's capacity as an employee or officer of a private firm, private company, or other private entity; and
- (ii) the acquisition will enable the individual to receive a direct financial benefit as a result of the development of the project area.
- (b) Subsection (4)(a) does not apply to an individual's acquisition of, or action to initiate, negotiate, or otherwise arrange for the acquisition of, an interest in real property that is a personal residence in which the individual will reside upon acquisition of the real property.
- (5) (a) A voting member or nonvoting member of the board or an employee of the authority may not receive a direct financial benefit from the development of a project area.
 - (b) For purposes of Subsection (5)(a), a direct financial benefit does not include:
 - (i) expense reimbursements;
 - (ii) per diem pay for board member service, if applicable; or
 - (iii) an employee's compensation or benefits from employment with the authority.
- (6) In addition to any other limitation on a board member described in this section, a voting member or nonvoting member of the board shall, no sooner than January 1 and no later than January 31 of each year during which the board member holds office on the authority's board:
- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
 - (b) submit the written disclosure statement to the administrator or clerk of the

authority's board.

- (7) (a) No later than 10 business days after the date on which the board member submits the written disclosure statement described in Subsection (6) to the administrator or clerk of the authority's board, the administrator or clerk shall:
- (i) post an electronic copy of the written disclosure statement on the authority's website;
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (7)(a)(i).
- (b) The administrator or clerk shall ensure that the board member's written disclosure statement remains posted on the authority's website until the board member leaves office.
- (8) The administrator or clerk of the authority's board shall take the action described in Subsection (9) if:
- (a) a board member fails to timely submit the written disclosure statement described in Subsection (6); or
- (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).
- (9) If a circumstance described in Subsection (8) occurs, the administrator or clerk of the authority's board shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the board member of the violation and direct the board member to submit an amended written disclosure statement correcting the problem.
- (10) (a) It is unlawful for a board member to fail to submit or amend a written disclosure statement within seven days after the day on which the board member receives the notice described in Subsection (9).
- (b) A board member who violates Subsection (10)(a) is guilty of a class B misdemeanor.
- (c) The administrator or clerk of the authority's board shall report a violation of Subsection (10)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (10)(b), the administrator or clerk of the authority's board shall impose a civil fine of \$100 against a board member who violates Subsection (10)(a).
 - (11) The administrator or clerk of the authority's board shall deposit a fine collected

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

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

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

11-59-306. Limitations on board members <u>-- Annual conflict of interest disclosure</u> statement -- Exception -- Penalties.

- (1) As used in this section:
- (a) "Designated individual" means an individual:
- (i) (A) who is a member of the Senate or House of Representatives;
- (B) who has been appointed as a member of the board under Subsection 11-59-302(2)(a) or (b); and
- (C) whose legislative district includes some or all of the point of the mountain state land; or
- (ii) who is designated to serve as a board member under Subsection 11-59-302(2)(e) or (f).
 - (b) "Direct financial benefit":
- (i) means any form of financial benefit that accrues to an individual directly as a result of the development of the point of the mountain state land, including:
- (A) compensation, commission, or any other form of a payment or increase of money; and
 - (B) an increase in the value of a business or property; and
- (ii) does not include a financial benefit that accrues to the public generally as a result of the development of the point of the mountain state land.
 - (c) "Family member" means a parent, spouse, sibling, child, or grandchild.
- (d) "Interest in real property" means every type of real property interest, whether recorded or unrecorded, including:
 - (i) a legal or equitable interest;
 - (ii) an option on real property;
 - (iii) an interest under a contract;
 - (iv) fee simple ownership;

- (v) ownership as a tenant in common or in joint tenancy or another joint ownership arrangement;
- (vi) ownership through a partnership, limited liability company, or corporation that holds title to a real property interest in the name of the partnership, limited liability company, or corporation;
 - (vii) leasehold interest; and
 - (viii) any other real property interest that is capable of being owned.
 - (2) An individual may not serve as a member of the board if:
- (a) subject to Subsection (5) for a designated individual, the individual owns an interest in real property, other than a personal residence in which the individual resides, on or within five miles of the point of the mountain state land;
- (b) a family member of the individual owns an interest in real property, other than a personal residence in which the family member resides, located on or within one-half mile of the point of the mountain state land;
- (c) the individual or a family member of the individual owns an interest in, is directly affiliated with, or is an employee or officer of a firm, company, or other entity that the individual reasonably believes is likely to participate in or receive compensation or other direct financial benefit from the development of the point of the mountain state land; or
- (d) the individual or a family member of the individual receives or is expected to receive a direct financial benefit.
- (3) (a) Before taking office as a board member, an individual shall submit to the authority a statement:
- (i) verifying that the individual's service as a board member does not violate Subsection (2); and
- (ii) for a designated individual, identifying any interest in real property, other than a personal residence in which the individual resides, located on or within five miles of the point of the mountain state land.
- (b) If a designated individual takes action, during the individual's service as a board member, to initiate, negotiate, or otherwise arrange for the acquisition of an interest in real property, other than a personal residence in which the individual intends to live, located on or within five miles of the point of the mountain state land, the designated individual shall submit

a written statement to the board chair describing the action, the interest in real property that the designated individual intends to acquire, and the location of the real property.

- (4) Except for a board member who is a designated individual, a board member is disqualified from further service as a board member if the board member, at any time during the board member's service on the board, takes any action to initiate, negotiate, or otherwise arrange for the acquisition of an interest in real property, other than a personal residence in which the member intends to reside, located on or within five miles of the point of the mountain state land.
- (5) A designated individual who submits a written statement under Subsection (3)(a)(ii) or (b) may not serve or continue to serve as a board member unless at least two-thirds of all other board members conclude that the designated individual's service as a board member does not and will not create a material conflict of interest impairing the ability of the designated individual to exercise fair and impartial judgment as a board member and to act in the best interests of the authority.
- (6) (a) The board may not allow a firm, company, or other entity to participate in planning, managing, or implementing the development of the point of the mountain state land if a board member or a family member of a board member owns an interest in, is directly affiliated with, or is an employee or officer of the firm, company, or other entity.
- (b) Before allowing a firm, company, or other entity to participate in planning, managing, or implementing the development of the point of the mountain state land, the board may require the firm, company, or other entity to certify that no board member or family member of a board member owns an interest in, is directly affiliated with, or is an employee or officer of the firm, company, or other entity.
- (7) Except as provided in Subsection (13), a board member shall, no sooner than January 1 and no later than January 31 of each year during which the board member holds office on the authority's board:
- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
- (b) submit the written disclosure statement to the administrator or clerk of the authority's board.
 - (8) (a) No later than 10 business days after the date on which the board member

- submits the written disclosure statement described in Subsection (7) to the administrator or clerk of the authority's board, the administrator or clerk shall:
- (i) post an electronic copy of the written disclosure statement on the authority's website; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (8)(a)(i).
- (b) The administrator or clerk shall ensure that the board member's written disclosure statement remains posted on the authority's website until the board member leaves office.
- (9) The administrator or clerk of the authority's board shall take the action described in Subsection (10) if:
- (a) a board member fails to timely submit the written disclosure statement described in Subsection (7); or
- (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).
- (10) If a circumstance described in Subsection (9) occurs, the administrator or clerk of the authority's board shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the board member of the violation and direct the board member to submit an amended written disclosure statement correcting the problem.
- (11) (a) It is unlawful for a board member to fail to submit or amend a written disclosure statement within seven days after the day on which the board member receives the notice described in Subsection (10).
- (b) A board member who violates Subsection (11)(a) is guilty of a class B misdemeanor.
- (c) The administrator or clerk of the authority's board shall report a violation of Subsection (11)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (11)(b), the administrator or clerk of the authority's board shall impose a civil fine of \$100 against a board member who violates Subsection (11)(a).
- (12) The administrator or clerk of the authority's board shall deposit a fine collected under this section into the authority's account to pay for the costs of administering this section.
 - (13) For an individual who is appointed as a board member under Subsection

11-59-302(2)(a), (b), (c)(iii), (d), or (e):

- (a) Subsection (7) does not apply; and
- (b) the administrator or clerk of the authority's board shall, instead:
- (i) post an electronic link on the authority's website to the written disclosure statement the board member made in the board member's capacity as:
- (A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest Disclosures; or
 - (B) an elected officer of a municipality, under Section 10-3-1313; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (13)(b)(i).

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

11-65-304. Limitations on board members and executive director <u>-- Annual</u> conflict of interest disclosure statement -- Exception -- Penalties.

- (1) As used in this section:
- (a) "Direct financial benefit":
- (i) means any form of financial benefit that accrues to an individual directly, including:
- (A) compensation, commission, or any other form of a payment or increase of money; and
 - (B) an increase in the value of a business or property; and
 - (ii) does not include a financial benefit that accrues to the public generally.
 - (b) "Family member" means a parent, spouse, sibling, child, or grandchild.
- (2) An individual may not serve as a voting member of the board or as executive director if the individual or a family member of the individual owns an interest in, is directly affiliated with, or is an employee or officer of a private firm, private company, or other private entity that the individual reasonably believes is likely to participate in or receive a direct financial benefit from the management of Utah Lake.
- (3) Before taking office as a voting member of the board or accepting employment as executive director, an individual shall submit to the lake authority a statement verifying that the individual's service as a board member or employment as executive director does not violate Subsection (2).
 - (4) (a) A voting member or nonvoting member of the board or an employee of the lake

authority may not receive a direct financial benefit from the management of Utah Lake.

- (b) For purposes of Subsection (4)(a), a direct financial benefit does not include:
- (i) expense reimbursements;
- (ii) per diem pay for board member service, if applicable; or
- (iii) an employee's compensation or benefits from employment with the lake authority.
- (5) Except as provided Subsection (11), a voting member or nonvoting member of the board shall, no sooner than January 1 and no later than January 31 of each year during which the board member holds office on the lake authority's board:
- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
- (b) submit the written disclosure statement to the administrator or clerk of the lake authority's board.
- (6) (a) No later than 10 business days after the date on which the board member submits the written disclosure statement described in Subsection (5) to the administrator or clerk of the lake authority's board, the administrator or clerk shall:
- (i) post an electronic copy of the written disclosure statement on the lake authority's website; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (6)(a)(i).
- (b) The administrator or clerk shall ensure that the board member's written disclosure statement remains posted on the lake authority's website until the board member leaves office.
- (7) The administrator or clerk of the lake authority's board shall take the action described in Subsection (8) if:
- (a) a board member fails to timely submit the written disclosure statement described in Subsection (5); or
- (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).
- (8) If a circumstance described in Subsection (7) occurs, the administrator or clerk of the lake authority's board shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the board member of the violation and direct the board member to submit an amended written disclosure statement correcting the problem.

- (9) (a) It is unlawful for a board member to fail to submit or amend a written disclosure statement within seven days after the day on which the board member receives the notice described in Subsection (8).
 - (b) A board member who violates Subsection (9)(a) is guilty of a class B misdemeanor.
- (c) The administrator or clerk of the lake authority's board shall report a violation of Subsection (9)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (9)(b), the administrator or clerk of the lake authority's board shall impose a civil fine of \$100 against a board member who violates Subsection (9)(a).
- (10) The administrator or clerk of the lake authority's board shall deposit a fine collected under this section into the lake authority's account to pay for the costs of administering this section.
- (11) For an individual who is appointed as a board member under Subsection 11-65-302(2)(b), (c), (d), or (e)(ii):
 - (a) Subsection (5) does not apply; and
 - (b) the administrator or clerk of the lake authority's board shall, instead:
- (i) post an electronic link on the lake authority's website to the written disclosure statement the board member made in the board member's capacity as:
- (A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest Disclosures;
 - (B) an elected officer of a county, under Section 17-16a-13; or
 - (C) an elected officer of a municipality, under Section 10-3-1313; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (11)(b)(i).
- [(5)] (12) Nothing in this section may be construed to affect the application or effect of any other code provision applicable to a board member or employee relating to ethics or conflicts of interest.

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

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

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

- (i) candidates for county office; and
- (ii) candidates for local school board office who reside in that county.
- (b) The ordinance required by Subsection (1)(a) shall include:
- (i) a requirement that each candidate for county office or local school board office report the candidate's itemized and total campaign contributions and expenditures at least once within the two weeks before the election and at least once within two months after the election;
- (ii) a definition of "contribution" and "expenditure" that requires reporting of nonmonetary contributions such as in-kind contributions and contributions of tangible things;
 - (iii) a requirement that the financial reports identify:
- (A) for each contribution, the name of the donor of the contribution, if known, and the amount of the contribution; and
 - (B) for each expenditure, the name of the recipient and the amount of the expenditure;
- (iv) a requirement that a candidate for county office or local school board office deposit a contribution in a separate campaign account in a financial institution;
- (v) a prohibition against a candidate for county office or local school board office depositing or mingling any contributions received into a personal or business account; and
- (vi) a requirement that a candidate for county office who receives a contribution that is cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown, shall, within 30 days after receiving the contribution, disburse the amount of the contribution to:
- (A) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
- (B) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- (c) (i) As used in this Subsection (1)(c), "account" means an account in a financial institution:
 - (A) that is not described in Subsection (1)(b)(iv); and
- (B) into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

- (ii) The ordinance required by Subsection (1)(a) shall include a requirement that a candidate for county office or local school board office include on a financial report filed in accordance with the ordinance a contribution deposited in or an expenditure made from an account:
 - (A) since the last financial report was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account.
- (2) If any county fails to adopt a campaign finance disclosure ordinance described in Subsection (1), candidates for county office, other than community council office, and candidates for local school board office shall comply with the financial reporting requirements contained in Subsections (3) through (8).
 - (3) A candidate for elective office in a county or local school board office:
- (a) shall deposit a contribution in a separate campaign account in a financial institution; and
- (b) may not deposit or mingle any contributions received into a personal or business account.
- (4) Each candidate for elective office in any county who is not required to submit a campaign financial statement to the lieutenant governor, and each candidate for local school board office, shall file a signed campaign financial statement with the county clerk:
- (a) seven days before the date of the regular general election, reporting each contribution and each expenditure as of 10 days before the date of the regular general election; and
 - (b) no later than 30 days after the date of the regular general election.
 - (5) (a) The statement filed seven days before the regular general election shall include:
- (i) a list of each contribution received by the candidate, and the name of the donor, if known; and
- (ii) a list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.
 - (b) The statement filed 30 days after the regular general election shall include:
- (i) a list of each contribution received after the cutoff date for the statement filed seven days before the election, and the name of the donor; and
 - (ii) a list of all expenditures for political purposes made by the candidate after the

cutoff date for the statement filed seven days before the election, and the recipient of each expenditure.

- (6) (a) As used in this Subsection (6), "account" means an account in a financial institution:
 - (i) that is not described in Subsection (3)(a); and
- (ii) into which or from which a person who, as a candidate for an office, other than a county office for which the person filed a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person filed a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.
- (b) A county office candidate and a local school board office candidate shall include on any campaign financial statement filed in accordance with Subsection (4) or (5):
 - (i) a contribution deposited in an account:
 - (A) since the last campaign finance statement was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account; or
 - (ii) an expenditure made from an account:
 - (A) since the last campaign finance statement was filed; or
 - (B) that has not been reported under a statute or ordinance that governs the account.
- (7) Within 30 days after receiving a contribution that is cash or a negotiable instrument, exceeds \$50, and is from a donor whose name is unknown, a county office candidate shall disburse the amount of the contribution to:
- (a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or
- (b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.
- (8) Candidates for elective office in any county, and candidates for local school board office, who are eliminated at a primary election shall file a signed campaign financial statement containing the information required by this section not later than 30 days after the primary election.
 - (9) Any person who fails to comply with this section is guilty of an infraction.
 - (10) (a) Counties may, by ordinance, enact requirements that:
 - (i) require greater disclosure of campaign contributions and expenditures; and

- (ii) impose additional penalties.
- (b) The requirements described in Subsection (10)(a) apply to a local school board office candidate who resides in that county.
- (11) If a candidate fails to file an interim report due before the election, the county clerk:
- (a) may send an electronic notice to the candidate and the political party of which the candidate is a member, if any, that states:
 - (i) that the candidate failed to timely file the report; and
- (ii) that, if the candidate fails to file the report within 24 hours after the deadline for filing the report, the candidate will be disqualified and the political party will not be permitted to replace the candidate; and
 - (b) impose a fine of \$100 on the candidate.
- (12) (a) The county clerk shall disqualify a candidate and inform the appropriate election officials that the candidate is disqualified if the candidate fails to file an interim report described in Subsection (11) within 24 hours after the deadline for filing the report.
- (b) The political party of a candidate who is disqualified under Subsection (12)(a) may not replace the candidate.
- (c) A candidate who is disqualified under Subsection (12)(a) shall file with the county clerk a complete and accurate campaign finance statement within 30 days after the day on which the candidate is disqualified.
 - (13) If a candidate is disqualified under Subsection (12)(a), the election official:
 - (a) shall:
- (i) notify every opposing candidate for the county office that the candidate is disqualified;
- (ii) send an email notification to each voter who is eligible to vote in the county election office race for whom the election official has an email address informing the voter that the candidate is disqualified and that votes cast for the candidate will not be counted;
 - (iii) post notice of the disqualification on the county's website; and
- (iv) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; and
 - (b) may not count any votes for that candidate.

- (14) An election official may fulfill the requirement described in Subsection (13)(a) in relation to a mailed ballot, including a military or overseas ballot, by including with the ballot a written notice directing the voter to the county's website to inform the voter whether a candidate on the ballot is disqualified.
 - (15) A candidate is not disqualified if:
- (a) the candidate files the interim reports described in Subsection (11) no later than 24 hours after the applicable deadlines for filing the reports;
- (b) the reports are completed, detailing accurately and completely the information required by this section except for inadvertent omissions or insignificant errors or inaccuracies; and
- (c) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.
 - (16) (a) A report is considered timely filed if:
- (i) the report is received in the county clerk's office no later than midnight, Mountain Time, at the end of the day on which the report is due;
- (ii) the report is received in the county clerk's office with a United States Postal Service postmark three days or more before the date that the report was due; or
- (iii) the candidate has proof that the report was mailed, with appropriate postage and addressing, three days before the report was due.
- (b) For a county clerk's office that is not open until midnight at the end of the day on which a report is due, the county clerk shall permit a candidate to file the report via email or another electronic means designated by the county clerk.
- (17) (a) Any private party in interest may bring a civil action in district court to enforce the provisions of this section or any ordinance adopted under this section.
- (b) In a civil action filed under Subsection (17)(a), the court shall award costs and attorney fees to the prevailing party.
- (18) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the county clerk shall:
- (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
 - (b) make the campaign finance statement filed by a candidate available for public

inspection by:

- (i) [(A)] posting an electronic copy or the contents of the statement on the county's website no later than seven business days after the day on which the statement is filed; and
- [(B) verifying that the address of the county's website has been provided to the lieutenant governor in order to meet the requirements of Subsection 20A-11-103(5); or]
- (ii) [submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section 20A-11-103 no later than two business days after the statement is filed.] in order to meet the requirements of Subsection 20A-11-103(4)(b)(ii), providing the lieutenant governor with a link to the electronic posting described in Subsection (18)(b)(i) no later than two business days after the day the statement is filed.

Section $\{11\}$ 17. Section 17-16a-3 is amended to read:

17-16a-3. Definitions.

As used in this part:

- (1) (a) "Appointed officer" means [any person] an individual appointed to:
- (i) [any] a statutory office or position; or
- (ii) [any other person appointed to any position of employment with a county, except special employees] a position of employment with a county, except a special employee.
- (b) [Appointed officers include, but are not limited to persons serving on] "Appointed officer" includes an individual serving on a special, regular or full-time [committees, agencies, or boards whether or not such persons are compensated for their] committee, agency, or board, regardless of whether the individual is compensated for the individual's services. [The use of the word "officer" in this part is not intended to make appointed persons or employees "officers" of the county.]
 - (c) "Appointed officer" does not include an elected officer.
- (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to so assist such person or business entity.
- (3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on

a business.

- (4) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated or transferred to any person or business entity for or in consideration of personal services, materials, property, or any other thing whatsoever.
- (5) "Conflict of interest disclosure website" means the Candidate and Officeholder

 Conflict of Interest Disclosure Website described in Section 20A-11-1602.5.
- $\frac{1}{1}$ "Elected officer" means [any person] an individual elected or appointed to [any] an office in the county.
- $\{[](6)\{](7)\}$ "Governmental action" means [any] and action on the part of a county including:
 - (a) [any] a decision, determination, finding, ruling, or order; [and]
- (b) [any] <u>a</u> grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval[, or]; or
- (c) [the denial thereof, or the failure to act in respect to] the denial of, or failure to act upon, a matter described in Subsection (7)(a) or (b).
 - ({8}<u>7</u>) "Officer" means an appointed officer or an elected officer.
- [(7)] (98) "Special employee" means [any person] an individual hired on the basis of a contract to perform a special service for the county pursuant to an award of a contract following a public bid.
- [(8)] (10) "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, and the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

Section $\frac{12}{18}$. Section 17-16a-3.5 is enacted to read:

<u>17-16a-3.5.</u> Statutory construction.

The definition of appointed officer in Section 17-16a-3 does not have the effect of making an appointed individual or employee an officer of the county.

Section $\{13\}$ 19. Section 17-16a-4 is amended to read:

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

- (1) Except as provided in Subsection (3) or (5), it is an offense for an [elected or appointed] officer to:
 - (a) disclose confidential information acquired by reason of the officer's official position

or use that information to secure special privileges or exemptions for [himself] the officer or others;

- (b) use or attempt to use the officer's official position to secure special privileges for the officer or for others; or
- (c) knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for the officer or for another, if the gift or loan tends to influence the officer in the discharge of the officer's official duties.
 - (2) This section [is inapplicable] does not apply to:
 - (a) an occasional nonpecuniary gift having a value of less than \$50;
 - (b) an award publicly presented;
 - (c) any bona fide loan made in the ordinary course of business; or
 - (d) political campaign contributions subject to Section 17-16-6.5.
- (3) A member of a county legislative body who is also a member of the governing board of a provider of mental health or substance abuse services under contract with the county does not commit an offense under Subsection (1)(a) or (b) by discharging, in good faith, the duties and responsibilities of each position, if the county legislative body member does not participate in the process of selecting the mental health or substance abuse service provider.
- (4) Notwithstanding the provisions of this section, a county or county official may encourage support from a public or private individual or institution, whether in financial contributions or by other means, on behalf of an organization or activity that benefits the community.
- (5) This section does not apply to an [elected or appointed] officer who engages in conduct that constitutes a violation of this section to the extent that the [elected or appointed] officer is chargeable, for the same conduct, under Section 76-8-105.

Section $\frac{14}{20}$. Section 17-16a-5 is amended to read:

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

(1) [No elected or appointed officer may] An officer may not receive or agree to receive compensation for assisting [any] a person or business entity in [any] a transaction involving the county in which [he is an officer unless he] the officer is elected or appointed unless the officer:

- (a) [files with the county legislative body a sworn statement giving the information required by this section, and] files with the county legislative body a sworn statement disclosing the information described in Subsection (5);
- (b) discloses in open meeting to the members of the body of which [he] the officer is a member, immediately [prior to] before the discussion, the information [required by Subsection (3).] described in Subsection (5); and
- (c) for an officer who is an elected officer, {discloses} files the {information} sworn statement described in Subsection ({5}1)(a) {on} with the {conflict of interest disclosure website} county clerk.
- (2) [The statement required to be filed by this section shall be filed] An officer shall file the sworn statement described in Subsection (1)(a) on or before the earlier of:
- (a) 10 days [prior to the date of any agreement between the elected or appointed officer and the person or business entity being assisted or] before the date on which the officer and the person or business entity being assisted enter into an agreement; or
- (b) 10 days [prior to the receipt of compensation by the business entity] before the date on which the officer receives compensation.
- (3) {An officer shall make the website disclosure described in} In accordance with Subsection (1)(c), an elected officer shall file the sworn statement with the county clerk on or before the earlier of the deadlines described in Subsections (2)(a) and (b).
- (4) A county clerk who receives the sworn statement described in Subsection (1)(a) shall:
 - (a) post a copy of the sworn statement on the county's website; and
- (b) ensure that the sworn statement remains posted on the county's website until the elected officer leaves office.
- $(\{4\}5)$ The [statement] sworn statement described in Subsection (1)(a) is public information and is available for examination by the public.
- [(3)] ((5)6) The [statement and disclosure] {disclosures} sworn statement and public disclosure described in Subsection (1) shall contain the following information:
 - (a) the name and address of the officer;
- (b) the name and address of the person or business entity being or to be assisted, or in which the [appointed or elected official] officer has a substantial interest; and

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

Section $\frac{\{15\}21}{2}$. Section 17-16a-6 is amended to read:

- 17-16a-6. Interest in business entity regulated by county -- Disclosure.
- (1) [Every appointed or elected officer] An officer under this part who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity [which] that is subject to the regulation of the county [in which the officer is an elected or appointed officer] in which the officer is appointed or elected shall disclose the position held and the precise nature and value of the officer's interest:
 - (a) upon first becoming appointed or elected[7]; and
- (b) [again] during January of each year [thereafter] during which the officer continues to be an appointed or elected officer.
 - (2) [The disclosure shall be made {] An officer shall make the disclosure:
- (a) } in a sworn statement filed with the county legislative body{[.]}. An officer shall make the disclosure described in Subsection (1) in a sworn statement filed with:
 - (a) the county legislative body; and
- (b) if the officer is an elected officer, {on the conflict of interest disclosure website described in Section 20A-11-1602.5} the county clerk.
 - (3) The commission shall:
- (a) report the substance of [all such disclosure statements] the sworn statement described in Subsection (2) to the members of the governing body; or
- (b) [may provide to the members of the governing body, copies of the disclosure statement within 30 days after the statement is received] provide a copy of the sworn statement described in Subsection (2) to the members of the governing body no later than 30 days after the day on which the commission receives the statement.
 - (4) A county clerk who receives the sworn statement described in Subsection (2) shall:
 - (a) post a copy of the sworn statement on the county's website; and
- (b) ensure that the sworn statement remains posted on the county's website until the elected officer leaves office.
- $(\frac{4}{5})$ (a) This section does not apply to instances where the value of the interest does not exceed $[\frac{5}{2,000}, \text{ and}]$

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

Section $\frac{\{16\}}{22}$. Section 17-16a-7 is amended to read:

- 17-16a-7. Interest in business entity doing business with county -- Disclosure.
- (1) [Every appointed or elected officer] An officer under this part who is an officer, director, agent, or employee, or owner of a substantial interest in [any] a business entity [which] that does or anticipates doing business with the county [in which he is an appointed or elected officer,] in which the officer is appointed or elected shall:
- (a) publicly disclose the conflict of interest to the members of the body [on which he] of which the officer is a member, immediately [prior to any] before a discussion by [such] the body on matters relating to [such] the business entity, the nature of [his] the officer's interest in [that] the business entity[:]; and
- (b) for an officer who is an elected officer, {disclose the conflict described in Subsection (1) on} file a sworn statement describing the conflict of interest {disclosure website} with the county clerk.
- (2) The [disclosure statement] public disclosure described in Subsection (1)(a) shall be entered in the minutes of the meeting.
- (3) A county clerk who receives the sworn statement described in Subsection (1)(b) shall:
 - (a) post a copy of the sworn statement on the county's website; and
- (b) ensure that the sworn statement remains posted on the county's website until the elected officer leaves office.

Section $\frac{17}{23}$. Section 17-16a-8 is amended to read:

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

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

Section $\frac{\{18\}24}{2}$. Section 17-16a-9 is amended to read:

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

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

Section $\frac{19}{25}$. Section 17-16a-10 is amended to read:

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

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

Section $\frac{(20)}{26}$. Section 17-16a-12 is amended to read:

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

If [any] <u>a</u> transaction is entered into in connection with a violation of Section 17-16a-6, the county may rescind or void [any] <u>a</u> contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the county.

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

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

- (1) In addition to the any other disclosure obligation described in this part, an elected officer shall, no sooner than January 1 and no later than January 31 of each year during which the elected officer holds county elective office:
- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
 - (b) submit the written disclosure statement to the county clerk.
- (2) (a) No later than 10 business days after the day on which an elected officer submits the written disclosure described in Subsection (1) to the county clerk, the county clerk shall:
 - (i) post an electronic copy of the written disclosure on the county's website; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (2)(a)(i).
- (b) The county clerk shall ensure that the elected officer's written disclosure statement remains posted on the county's website until the elected officer leaves office.
 - (3) A county clerk shall take the action described in Subsection (4) if:
- (a) an elected officer fails to timely submit the written disclosure statement described in Subsection (1); or

- (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).
- (4) If a circumstance described in Subsection (3) occurs, the county clerk shall, within five days after the day on which the county clerk determines that a violation occurred, notify the elected officer of the violation and direct the elected officer to submit an amended written disclosure statement correcting the problem.
- (5) (a) It is unlawful for an elected officer to fail to submit or amend a written disclosure statement within seven days after the day on which the elected officer receives the notice described in Subsection (4).
- (b) A regulated officeholder who violates Subsection (5)(a) is guilty of a class B misdemeanor.
- (c) The lieutenant governor shall report a violation of Subsection (5)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (5)(b), the county clerk shall impose a civil fine of \$100 against an elected officer who violates Subsection (5)(a).
- (6) The county clerk shall deposit a fine collected under this part into the county's general fund as a dedicated credit to pay for the costs of administering this section.

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

- 20A-11-103. Notice of pending interim and summary reports -- Form of submission -- Public availability -- Notice of reporting and filing requirements.
- (1) (a) Except as provided under Subsection (1)(b), 10 days before an interim report or summary report is due under this chapter or Chapter 12, Part 2, Judicial Retention Elections, the chief election officer shall inform the filing entity by electronic mail unless postal mail is requested:
 - (i) that the financial statement is due;
 - (ii) of the date that the financial statement is due; and
 - (iii) of the penalty for failing to file the financial statement.
 - (b) The chief election officer is not required to provide notice:
- (i) to a candidate or political party of the financial statement that is due before the candidate's or political party's political convention;
 - (ii) of a financial statement due in connection with a public hearing for an initiative

under the requirements of Section 20A-7-204.1; or

- (iii) to a corporation or labor organization, as defined in Section 20A-11-1501.
- (2) A filing entity shall electronically file a financial statement via electronic mail or the Internet according to specifications established by the chief election officer.
- (3) (a) A financial statement is considered timely filed if the financial statement is received by the chief election officer's office before midnight, Mountain Time, at the end of the day on which the financial statement is due.
- (b) For a county clerk's office that is not open until midnight at the end of the day on which a financial statement is due, the county clerk shall permit a candidate to file the financial statement via email or another electronic means designated by the county clerk.
- (c) A chief election officer may extend the time in which a filing entity is required to file a financial statement if a filing entity notifies the chief election officer of the existence of an extenuating circumstance that is outside the control of the filing entity.
- (4) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the lieutenant governor shall:
- (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
- [(b) post an electronic copy or the contents of each financial statement in a searchable format on a website established by the lieutenant governor:]
- [(i) for campaign finance statements submitted to the lieutenant governor under the requirements of Section 10-3-208 or Section 17-16-6.5, no later than seven business days after the date of receipt of the campaign finance statement; or]
- [(ii) for a summary report or interim report filed under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the date the summary report or interim report is electronically filed.
- - (b) post on a website established by the lieutenant governor:
- (i) an electronic copy or the contents of each summary report or interim report filed under the requirements of this chapter or Chapter 12, Part 2, Judicial Retention Elections, no later than three business days after the date on which the summary report or interim report is electronically filed; or

- (ii) for a campaign finance statement filed under the requirements of Section 10-3-208, for a municipality, or Section 17-16-6.5, for a county, a link to the municipal or county website that hosts the campaign finance statement, no later than seven business days after the date on which the lieutenant governor receives the link from:
- (A) the municipal clerk or recorder, in accordance with Subsection 10-3-208(10)(b)(ii); or
 - (B) the county clerk, in accordance with Subsection 17-16-6.5(18)(b)(ii).
- [(5) If a municipality, under Section 10-3-208, or a county, under Section 17-16-6.5, elects to provide campaign finance disclosure on its own website, rather than through the lieutenant governor, the website established by the lieutenant governor shall contain a link or other access point to the municipality or county website.]
- [(6)] (5) Between January 1 and January 15 of each year, the chief election officer shall provide notice, by postal mail or email, to each filing entity for which the chief election officer has a physical or email address, of the reporting and filing requirements described in this chapter.

Section $\frac{21}{29}$. Section **20A-11-1602** is amended to read:

20A-11-1602. Definitions.

As used in this part:

- (1) "Conflict of interest" means an action that is taken by a regulated officeholder that the officeholder reasonably believes may cause direct financial benefit or detriment to the officeholder, a member of the officeholder's immediate family, or an individual or entity that the officeholder is required to disclose under the provisions of this section, if that benefit or detriment is distinguishable from the effects of that action on the public or on the officeholder's profession, occupation, or association generally.
- (2) "Conflict of interest disclosure" means a disclosure, on the website, of all information required under Section 20A-11-1604.
- (3) "Entity" means a corporation, a partnership, a limited liability company, a limited partnership, a sole proprietorship, an association, a cooperative, a trust, an organization, a joint venture, a governmental entity, an unincorporated organization, or any other legal entity, regardless of whether it is established primarily for the purpose of gain or economic profit.

 $\{(4)\}$ (4) "Local official" means:

- (a) an elected officer of:
- (i) a municipality under Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; or
- (ii) a county under Title 17, Chapter 16a, County Officers and Employees Disclosure

 Act;
- (b) a special public officer under Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; or
 - (c) another individual:
 - (i) who is not a regulated officeholder; and
- (ii) who is required to annually make a conflict of interest disclosure in accordance with Subsection 20A-11-1604(6).
 - [(4)] (5) "Filing officer" means:
- (a) the lieutenant governor, for the office of a state constitutional officer or State Board of Education member; or
- (b) the lieutenant governor or the county clerk in the county of the candidate's residence, for a state legislative office.
- [(5)] (6) "Immediate family" means the regulated officeholder's spouse, a child living in the regulated officeholder's immediate household, or an individual claimed as a dependent for state or federal income tax purposes by the regulated officeholder.
- [(6)] (7) "Income" means earnings, compensation, or any other payment made to an individual for gain, regardless of source, whether denominated as wages, salary, commission, pay, bonus, severance pay, incentive pay, contract payment, interest, per diem, expenses, reimbursement, dividends, or otherwise.
- { (7) (a) "Local official" means an individual who holds an office on the legislative body of a political subdivision.
 - (b) "Local official" includes an individual who:
 - (i) is elected to an office described in Subsection (7)(a);
 - (ii) is appointed to fill a vacancy in an office described in Subsection (7)(a); or
 - (iii) is appointed to serve as a member of the governing body of a special district.
- $\frac{1}{7}$ [$\frac{(8)}{(8)}$ (a) "Owner or officer" means an individual who owns an ownership interest in an entity or holds a position where the person has authority to manage, direct, control, or make

decisions for:

- (i) the entity or a portion of the entity; or
- (ii) an employee, agent, or independent contractor of the entity.
- (b) "Owner or officer" includes:
- (i) a member of a board of directors or other governing body of an entity; or
- (ii) a partner in any type of partnership.
- (9) "Political subdivision" means a county, city, town, metro township, school district, or special district.
- † [(8)] ((10)9) "Preceding year" means the year immediately preceding the day on which the regulated officeholder makes a conflict of interest disclosure.
- [(9)] (111) 10) "Regulated officeholder" means an individual who is required to make a conflict of interest disclosure under the provisions of this part.
 - {(12) "Special filing officer" means:
- (a) the lieutenant governor, for the office of a state constitutional officer, state legislator, or State Board of Education member;
- (b) the county clerk, for a local official who holds an office on the legislative body of a county;
- (c) the city recorder or town clerk, for a local official who holds an office on a municipal legislative body;
- (d) the special district clerk, for a local official who holds an office on the governing body of a special district;
- (e) the school district administrator, for a local official who holds an office on a local school board; or
 - (f) the administrator or clerk of a state land use authority, for a state board member.
- (13) (a) "State board member" means an individual appointed to the board of a state land use authority.
- (b) "State board member" includes a nonvoting member of a board described in Subsection (12)(a).
- [(10)] (14) [(10)] (11) "State constitutional officer" means the governor, the lieutenant governor, the state auditor, the state treasurer, or the attorney general.
- { (15) "State land use authority" means:

- (a) the Utah Inland Port Authority created in Section 11-58-201;
 - (b) the Point of the Mountain State Land Authority created in Section 11-59-201; or
 - (c) the Military Installation Development Authority created in Section 63II-1-201.
- † [(11)] ((16)12) "Website" means the Candidate and Officeholder Conflict of Interest Disclosure Website described in Section 20A-11-1602.5.

Section $\frac{22}{30}$. Section 20A-11-1602.5 is amended to read:

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

- (1) The lieutenant governor shall, in cooperation with the county clerks { and other special filing officers}, establish and administer a Candidate and Officeholder Conflict of Interest Disclosure Website.
 - (2) The website shall:
 - (a) permit a candidate or officeholder to securely access the website for the purpose of:
- (i) complying with the conflict of interest disclosure requirements described in this part; and
 - (ii) editing conflict of interest disclosures;
- (b) contain a record of all conflict of interest disclosures and edits made by the candidate or officeholder for at least the preceding four years; [and]
- (c) permit any person to view a conflict of interest disclosure made by a candidate or officeholder {.
 - Section 23. Section 20A-11-1603.5 is enacted to read:
- <u>20A-11-1603.5.</u> Conflict of interest disclosure -- Required after election or appointment of local official or state board member -- Public availability.
- (1) Except as provided in Subsection (3), a local official shall make the local official's first}[:]; and
 - (d) contain a link to the conflict of interest disclosure made by a local official.

 Section 31. Section 53C-1-202 is amended to read:
- <u>53C-1-202. Board of trustees membership -- Nomination list -- Qualifications --</u>

 <u>Terms -- Replacement -- Chair -- Quorum -- Annual</u> conflict of interest disclosure {on the website no sooner than January 1, and before January 11, the year after the year in which the local official is appointed or elected.

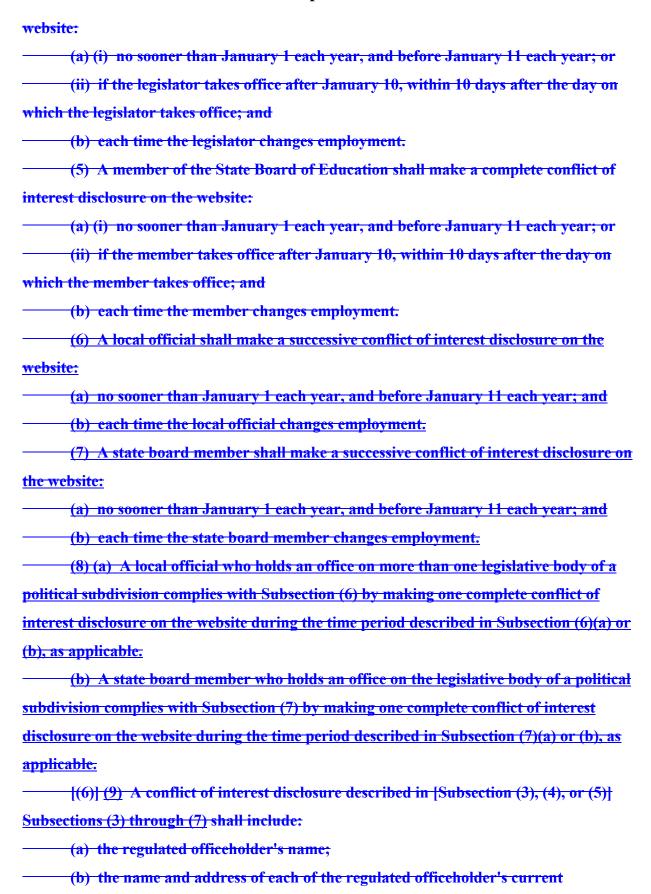
(2) Except as provided in Subsection (5), a state board member shall make the state board member's first conflict of interest disclosure on the website no sooner than January 1, and before January 11, the year after the year in which the state board member is appointed. (3) A local official is not required to comply with Subsection (1) if, during the time period the local official would otherwise make the conflict of interest disclosure under Subsection (1): (a) (i) the local official is a state board member; and (ii) the local official makes a complete conflict of interest disclosure on the website in the local official's capacity as a state board member, in accordance with Section 20A-11-1604; or (b) (i) the local official holds an office on the legislative body of a political subdivision that is different from the legislative body to which the local official was appointed or elected; and (ii) the local official makes a complete conflict of interest disclosure on the website in the local official's capacity as a member of the other legislative body, in accordance with Section 20A-11-1604. (4) A local official who is elected or appointed to more than one legislative body of a political subdivision in the same year complies with Subsection (1) by making one complete conflict of interest disclosure on the website during the time period described in Subsection (1). (5) A state board member is not required to comply with Subsection (2) if: (a) (i) on the day the state board member is appointed, the state board member holds the office of state legislator or State Board of Education member; (ii) the state board member already, that same year, filed the conflict of interest disclosure for an office described in Subsection (5)(a)(i), in accordance with Section 20A-11-1604; (iii) the state board member is seeking reelection to an office described in Subsection (5)(a)(i); and (iv) at the time the state board member files the declaration of candidacy for an office described in Subsection (5)(a)(i), the state board member indicates, in writing, that

the conflict of interest disclosure described in Subsection (5)(a)(ii) is updated and

accurate as of the date of filing the declaration of candidacy; or (b) (i) during the time period the state board member would otherwise make the conflict of interest disclosure under Subsection (2), the state board member holds the office of state legislator, State Board of Education member, or a local official; and (ii) the state board member makes a complete conflict of interest disclosure on the website in the state board member's capacity as a state legislator, State Board of Education member, or a local official, in accordance with Section 20A-11-1604. (6) A state board member who is appointed to a state land use authority in the same year the state board member is appointed or elected to the legislative body of a political subdivision complies with Subsection (2) by making one complete conflict of interest disclosure on the website during the time period described in Subsection (2). (7) If a local official or state board member fails to comply with Subsection (1) or (2), as applicable, the special filing officer shall, no later than 21 days after the deadline described in Subsection (1) or (2), as applicable, provide electronic notice to the local official or state board member that the local official or state board member has not made a complete conflict of interest disclosure on the website. (8) The conflict of interest disclosure described in Subsections (1) and (2) shall contain the same information and shall be in the same format as the conflict of interest disclosure described in Section 20A-11-1604. (9) The lieutenant governor shall make the complete conflict of interest disclosure made by each local official or state board member available for public inspection on the website. Section 24. Section 20A-11-1604 is amended to read: 20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with reporting requirements. (1) (a) Before or during the execution of any order, settlement, declaration, contract, or any other official act of office in which a state constitutional officer has actual knowledge that the state constitutional officer has a conflict of interest that is not stated in the conflict of interest disclosure, the state constitutional officer shall publicly declare that the state constitutional officer may have a conflict of interest and what that

conflict of interest is.

(b) Before or during any vote on legislation or any legislative matter in which a
legislator or local official has actual knowledge that the legislator or local official has a
conflict of interest that is not stated in the conflict of interest disclosure, the legislator or
local official shall orally declare to the committee or body before which the matter is
pending that the legislator or local official may have a conflict of interest and what that
conflict is.
(c) Before or during any vote on any rule, resolution, order, or any other board
matter in which a member of the State Board of Education has actual knowledge that th
member has a conflict of interest that is not stated in the conflict of interest disclosure,
the member shall orally declare to the board that the member may have a conflict of
interest and what that conflict of interest is.
(d) Before or during any vote on any board matter in which a state board
member has actual knowledge that the state board member has a conflict of interest that
is not stated in the conflict of interest disclosure, the state board member shall orally
declare to the board that the member may have a conflict of interest and what that
conflict of interest is.
(2) Any public declaration of a conflict of interest that is made under Subsection
(1) shall be noted:
(a) on the official record of the action taken, for a state constitutional officer;
(b) in the minutes of the committee meeting or in the Senate or House Journal, as
applicable, for a legislator; or
(c) in the minutes of the meeting or on the official record of the action taken, for
local official, a state board member, or a member of the State Board of Education.
(3) A state constitutional officer shall make a complete conflict of interest
disclosure on the website:
(a) (i) no sooner than January 1 each year, and before January 11 each year; or
(ii) if the state constitutional officer takes office after January 10, within 10 days
after the day on which the state constitutional officer takes office; and
(b) each time the state constitutional officer changes employment.
(4) A legislator shall make a complete conflict of interest disclosure on the



employers and each of the regulated officeholder's employers during the preceding year;
(c) for each employer described in Subsection [(6)(b)] (9)(b), a brief description of
the employment, including the regulated officeholder's occupation and, as applicable, job
title;
(d) for each entity in which the regulated officeholder is an owner or officer, or
was an owner or officer during the preceding year:
(i) the name of the entity;
(ii) a brief description of the type of business or activity conducted by the entity;
and
(iii) the regulated officeholder's position in the entity;
(e) in accordance with Subsection [(7)] (10), for each individual from whom, or
entity from which, the regulated officeholder has received \$5,000 or more in income
during the preceding year:
(i) the name of the individual or entity; and
(ii) a brief description of the type of business or activity conducted by the
individual or entity;
(f) for each entity in which the regulated officeholder holds any stocks or bonds
having a fair market value of \$5,000 or more as of the date of the disclosure form or
during the preceding year, but excluding funds that are managed by a third party,
including blind trusts, managed investment accounts, and mutual funds:
(i) the name of the entity; and
(ii) a brief description of the type of business or activity conducted by the entity;
(g) for each entity not listed in Subsections [(6)(d)] (9)(d) through (f) in which the
regulated officeholder currently serves, or served in the preceding year, in a paid
leadership capacity or in a paid or unpaid position on a board of directors:
(i) the name of the entity or organization;
(ii) a brief description of the type of business or activity conducted by the entity;
and
(iii) the type of position held by the regulated officeholder;
(h) at the option of the regulated officeholder, a description of any real property
in which the regulated officeholder holds an ownership or other financial interest that the

regulated officeholder believes may constitute a conflict of interest, including a description of the type of interest held by the regulated officeholder in the property; (i) the name of the regulated officeholder's spouse and any other adult residing in the regulated officeholder's household who is not related by blood or marriage, as applicable; (j) for the regulated officeholder's spouse, the information that a regulated officeholder is required to provide under Subsection [(6)(b)] (9)(b); (k) a brief description of the employment and occupation of each adult who: (i) resides in the regulated officeholder's household; and (ii) is not related to the regulated officeholder by blood or marriage; (l) at the option of the regulated officeholder, a description of any other matter or interest that the regulated officeholder believes may constitute a conflict of interest; (m) the date the form was completed; (n) a statement that the regulated officeholder believes that the form is true and accurate to the best of the regulated officeholder's knowledge; and (o) the signature of the regulated officeholder. [(7)] (10) In making the disclosure described in Subsection [(6)(e)] (9)(e), a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in Subsection [(6)(e)] (9)(e) in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required to provide the information described in Subsection [(6)(e)] (9)(e) in relation to the regulated officeholder's individual customers or clients. [(8)] (11) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter. [(9)] (12) A regulated officeholder may amend a conflict of interest disclosure described in this part at any time. [(10)] (13) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor. [(11)] (14) (a) A regulated officeholder who intentionally or knowingly violates a provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.

(b) In addition to the criminal penalty described in Subsection [(11)(a)] (14)(a),
the [lieutenant governor] special filing officer shall impose a civil penalty of \$100 against
a regulated officeholder who violates a provision of this section, other than Subsection
(1).
Section 25. Section 20A-11-1605 is amended to read:
20A-11-1605. Failure to file Penalties.
(1) Within 60 days after the day on which a regulated officeholder is required to
file a conflict of interest disclosure under [Subsection 20A-11-1604(3), (4) or (5)]
Subsections 20A-11-1604(3) through (7), the [lieutenant governor] special filing officer
shall review each filed conflict of interest disclosure to ensure that:
(a) each regulated officeholder who is required to file a conflict of interest
disclosure has filed one; and
(b) each conflict of interest disclosure contains the information required under
Section 20A-11-1604.
(2) The [lieutenant governor] special filing officer shall take the action described
in Subsection (3) if:
(a) a regulated officeholder has failed to timely file a conflict of interest
disclosure;
(b) a filed conflict of interest disclosure does not comply with the requirements of
Section 20A-11-1604; or
(c) the [lieutenant governor] special filing officer receives a written complaint
alleging a violation of Section 20A-11-1604, other than Subsection 20A-11-1604(1), and
after receiving the complaint and giving the regulated officeholder notice and an
opportunity to be heard, the [lieutenant governor] special filing officer determines that a
violation occurred.
(3) If a circumstance described in Subsection (2) occurs, the [lieutenant governor
special filing officer shall, within five days after the day on which the [lieutenant
governor] the special filing officer determines that a violation occurred, notify the
regulated officeholder of the violation and direct the regulated officeholder to file an
amended report correcting the problem.
(4) (a) It is unlawful for a regulated officeholder to fail to file or amend a conflict

of interest disclosure within seven days after the day on which the regulated officeholder receives the notice described in Subsection (3).

- (b) A regulated officeholder who violates Subsection (4)(a) is guilty of a class B misdemeanor.
- (c) The [lieutenant governor] <u>special filing officer</u> shall report all violations of Subsection (4)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (4)(b), the [lieutenant governor] special filing officer shall impose a civil fine of \$100 against a regulated officeholder who violates Subsection (4)(a).
- (5) The [lieutenant governor] special filing officer shall deposit a fine collected under this part into the [General Fund] state's or political subdivision's general fund as a dedicated credit to pay for the costs of administering the provisions of this part.

53C-1-202. Board of trustees membership -- Nomination list -- Qualifications -- Terms -- Replacement -- Chair -- Quorum.

-- Statement -- Penalties.

- (1) There is established the School and Institutional Trust Lands Board of Trustees.
- (2) The board shall consist of seven members appointed on a nonpartisan basis by the governor with the advice and consent of the Senate and in accordance with Title 63G, Chapter 24, Part 2, Vacancies.
- (3) (a) Except for the appointment made pursuant to Subsection (5), all appointments to the board shall be for a nonconsecutive term of six years, or until a replacement has been appointed and confirmed pursuant to this section.
- (b) If a vacancy occurs, the governor shall appoint a replacement, following the procedures set forth in Subsections (2), (4), (5), and (6), to fill the unexpired term.
- (c) Any member of the board who has served less than six years upon the expiration of that member's term is eligible for a consecutive reappointment.
- (4) (a) The governor shall select six of the seven appointees to the board from a nomination list of at least two candidates for each position or vacancy submitted pursuant to Section 53C-1-203.
- (b) The governor may request an additional nomination list of at least two candidates from the nominating committee if the initial list of candidates for a given position is

unacceptable.

- (c) (i) If the governor fails to select an appointee within 60 days after receipt of the initial list or within 60 days after the receipt of an additional list, the nominating committee shall make an interim appointment by majority vote.
- (ii) The interim appointee shall serve until the matter is resolved by the committee and the governor or until replaced pursuant to this chapter.
 - (5) (a) The governor may appoint one member without requiring a nomination list.
- (b) The member appointed under Subsection (5)(a) serves at the pleasure of the governor.
- (6) (a) Each board candidate shall possess outstanding professional qualifications pertinent to the purposes and activities of the trust.
 - (b) The board shall represent the following areas of expertise:
 - (i) nonrenewable resource management or development;
 - (ii) renewable resource management or development; and
 - (iii) real estate.
- (c) Other qualifications which are pertinent for membership to the board are expertise in any of the following areas:
 - (i) business;
 - (ii) investment banking;
 - (iii) finance;
 - (iv) trust administration;
 - (v) asset management; and
- (vi) the practice of law in any of the areas referred to in Subsections (6)(b) and (6)(c)(i) through (v).
 - (7) The board of trustees shall select a chair and vice chair from its membership.
 - (8) Before assuming a position on the board, each member shall take an oath of office.
 - (9) Four members of the board constitute a quorum for the transaction of business.
- (10) The governor or five board members may, for cause, remove a member of the board.
 - (11) A member of the board shall:
 - (a) comply with the conflict of interest provisions described in Title 63G, Chapter 24,

- (b) no sooner than January 1 and no later than January 31 of each year during which the member holds office on the board:
- (i) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
 - (ii) submit the written disclosure statement to the administrator or clerk of the board.
- (12) (a) No later than 10 business days after the date on which the board member submits the written disclosure statement described in Subsection (11)(b) to the administrator or clerk of the board, the administrator or clerk shall:
- (i) post an electronic copy of the written disclosure statement on the administration's website; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (12)(a)(i).
- (b) The administrator or clerk shall ensure that the board member's written disclosure statement remains posted on the administration's website until the board member leaves office.
- (13) The administrator or clerk of the board shall take the action described in Subsection (14) if:
- (a) a board member fails to timely file the written disclosure statement described in Subsection (11)(b); or
- (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(6).
- (14) If a circumstance described in Subsection (13) occurs, the administrator or clerk of the board shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the board member of the violation and direct the board member to submit an amended written disclosure statement correcting the problem.
- (15) (a) It is unlawful for a board member to fail to submit or amend a written disclosure statement within seven days after the day on which the board member receives the notice described in Subsection (14).
- (b) A board member who violates Subsection (15)(a) is guilty of a class B misdemeanor.
 - (c) The administrator or clerk of the board shall report a violation of Subsection (15)(a)

to the attorney general.

- (d) In addition to the criminal penalty described in Subsection (15)(b), the administrator or clerk of the board shall impose a civil fine of \$100 against a board member who violates Subsection (15)(a).
- (16) The administrator or clerk of the board shall deposit a fine collected under this section into the board's account to pay for the costs of administering this section.

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

<u>63H-1-304. Annual conflict of interest disclosure statement -- Exception -- Penalties.</u>

- (1) Except as provided in Subsection (7), a board member shall, no sooner than January 1 and no later than January 31 of each year during which the board member holds office on the authority's board:
- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
- (b) submit the written disclosure statement to the administrator or clerk of the authority's board.
- (2) (a) No later than 10 business days after the date on which the board member submits the written disclosure statement described in Subsection (1) to the administrator or clerk of the authority's board, the administrator or clerk shall:
- (i) post an electronic copy of the written disclosure statement on the authority's website; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (2)(a)(i).
- (b) The administrator or clerk shall ensure that the board member's written disclosure statement remains posted on the authority's website until the board member leaves office.
- (3) The administrator or clerk of the authority's board shall take the action described in Subsection (4) if:
- (a) a board member fails to timely file the written disclosure statement described in Subsection (1); or
- (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(b).

- (4) If a circumstance described in Subsection (3) occurs, the administrator or clerk of the authority's board shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the board member of the violation and direct the board member to submit an amended written disclosure statement correcting the problem.
- (5) (a) It is unlawful for a board member to fail to submit or amend a written disclosure statement within seven days after the day on which the board member receives the notice described in Subsection (4).
 - (b) A board member who violates Subsection (5)(a) is guilty of a class B misdemeanor.
- (c) The administrator or clerk of the authority's board shall report a violation of Subsection (5)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (5)(b), the administrator or clerk of the authority's board shall impose a civil fine of \$100 against a board member who violates Subsection (5)(a).
- (6) The administrator or clerk of the authority's board shall deposit a fine collected under this section into the board's account to pay for the costs of administering this section.
- (7) For an individual who is appointed as a board member under Subsection 63H-1-302(2)(b):
 - (a) Subsection (1) does not apply; and
 - (b) the administrator or clerk of the authority's board shall, instead:
- (i) post an electronic link on the authority's website to the written disclosure statement the board member made in the board member's capacity as an elected officer of:
 - (A) a county, under Section 17-16a-13; or
 - (B) a municipality, under Section 10-3-1313; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (7)(b)(i).

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

- 63H-4-102. Creation -- Members -- Chair -- Powers -- Quorum -- Per diem and expenses -- Annual conflict of interest disclosure statement -- Exception -- Penalties.
- (1) There is created an independent state agency and a body politic and corporate known as the "Heber Valley Historic Railroad Authority."
 - (2) The authority is composed of eight members as follows:

- (a) one member of the county legislative body of Wasatch County;
- (b) the mayor of Heber City;
- (c) the mayor of Midway;
- (d) the executive director of the Department of Transportation or the executive director's designee;
 - (e) the director of the Division of State Parks, or the director's designee; and
- (f) three public members appointed by the governor with the advice and consent of the Senate, being private citizens of the state, as follows:
- (i) two people representing the tourism industry, one each from Wasatch and Utah counties; and
 - (ii) one person representing the public at large.
 - (3) All members shall be residents of the state.
- (4) (a) Except as required by Subsection (4)(b), the three public members are appointed for four-year terms beginning July 1, 2010.
- (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of authority members are staggered so that approximately half of the authority is appointed every two years.
- (5) Any of the three public members may be removed from office by the governor or for cause by an affirmative vote of any four members of the authority.
- (6) When a vacancy occurs in the membership for any reason, the replacement is appointed for the unexpired term by the governor with advice and consent of the Senate for the unexpired term.
- (7) Each public member shall hold office for the term of appointment and until a successor has been appointed and qualified.
- (8) A public member is eligible for reappointment, but may not serve more than two full consecutive terms.
 - (9) The governor shall appoint the chair of the authority from among its members.
- (10) The members shall elect from among their number a vice chair and other officers they may determine.
 - (11) The powers of the authority are vested in its members.

- (12) (a) Four members constitute a quorum for transaction of authority business.
- (b) An affirmative vote of at least four members is necessary for any action taken by the authority.
- (13) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (14) Except as provided in Subsection (20), a member shall, no sooner than January 1 and no later than January 31 of each year during which the member holds office on the authority:
- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
- (b) submit the written disclosure statement to the administrator or clerk of the authority.
- (15) (a) No later than 10 business days after the date on which the member submits the written disclosure statement described in Subsection (14) to the administrator or clerk of the authority, the administrator or clerk shall:
- (i) post an electronic copy of the written disclosure statement on the authority's website; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (15)(a)(i).
- (b) The administrator or clerk shall ensure that the member's written disclosure statement remains posted on the authority's website until the member leaves office.
- (16) The administrator or clerk of the authority shall take the action described in Subsection (17) if:
- (a) a member fails to timely file the written disclosure statement described in Subsection (14); or
- (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(b).

- (17) If a circumstance described in Subsection (16) occurs, the administrator or clerk of the authority shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the member of the violation and direct the member to submit an amended written disclosure statement correcting the problem.
- (18) (a) It is unlawful for a member to fail to submit or amend a written disclosure statement within seven days after the day on which the member receives the notice described in Subsection (17).
 - (b) A member who violates Subsection (18)(a) is guilty of a class B misdemeanor.
- (c) The administrator or clerk of the authority shall report a violation of Subsection (18)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (18)(b), the administrator or clerk of the authority shall impose a civil fine of \$100 against a member who violates Subsection (18)(a).
- (19) The administrator or clerk of the authority shall deposit a fine collected under this section into the authority's account to pay for the costs of administering this section.
- (20) For an individual who is appointed to the authority under Subsection (2)(a), (b), or (c):
 - (a) Subsection (14) does not apply; and
 - (b) the administrator or clerk of the authority shall, instead:
- (i) post an electronic link on the authority's website to the written disclosure statement the member made in the member's capacity as an elected officer of:
 - (A) a county, under Section 17-16a-13; or
 - (B) a municipality, under Section 10-3-1313; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (20)(b)(i).

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

63H-8-201. Creation -- Trustees -- Terms -- Vacancies -- Chair -- Powers -- Quorum -- Per diem and expenses -- Annual conflict of interest disclosure statement -- Penalties.

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

- (b) The corporation may also be known and do business as the:
- (i) Utah Housing Finance Association; and
- (ii) Utah Housing Finance Agency in connection with a contract entered into when that was the corporation's legal name.
- (c) No other entity may use the names described in Subsections (1)(a) and (b) without the express approval of the corporation.
- (2) The corporation is governed by a board of trustees composed of the following nine trustees:
- (a) the executive director of the Department of Workforce Services or the executive director's designee;
- (b) the commissioner of the Department of Financial Institutions or the commissioner's designee;
 - (c) the state treasurer or the treasurer's designee; and
 - (d) six public trustees, who are private citizens of the state, as follows:
 - (i) two people who represent the mortgage lending industry;
 - (ii) two people who represent the home building and real estate industry; and
 - (iii) two people who represent the public at large.
 - (3) The governor shall:
- (a) appoint the six public trustees of the corporation with the advice and consent of the Senate in accordance with Title 63G, Chapter 24, Part 2, Vacancies; and
 - (b) ensure that:
 - (i) the six public trustees are from different counties and are residents of the state; and
 - (ii) not more than three of the public trustees are members of the same political party.
- (4) (a) Except as required by Subsection (4)(b), the governor shall appoint the six public trustees to terms of office of four years each.
- (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of corporation trustees are staggered so that approximately half of the board is appointed every two years.
- (5) (a) A public trustee of the corporation may be removed from office for cause either by the governor or by an affirmative vote of six trustees of the corporation.

- (b) When a vacancy occurs in the board of trustees for any reason, the replacement shall be appointed for the unexpired term.
- (c) A public trustee shall hold office for the term of appointment and until the trustee's successor has been appointed and qualified.
- (d) A public trustee is eligible for reappointment but may not serve more than two full consecutive terms.
 - (6) (a) The governor shall select the chair of the corporation.
- (b) The trustees shall elect from among their number a vice chair and other officers they may determine.
 - (7) (a) Five trustees of the corporation constitute a quorum for transaction of business.
- (b) An affirmative vote of at least five trustees is necessary for any action to be taken by the corporation.
- (c) A vacancy in the board of trustees does not impair the right of a quorum to exercise all rights and perform all duties of the corporation.
- (8) A trustee may not receive compensation or benefits for the trustee's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.
- {(9) A}(9) A trustee shall, no sooner than January 1 and no later than January 31 of each year during which the trustee holds office on the board of trustees:
- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
- (b) submit the written disclosure statement to the administrator or clerk of the board of trustees.
- (10) (a) No later than 10 business days after the date on which the trustee submits the written disclosure statement described in Subsection (9) to the administrator or clerk of the board of trustees, the administrator or clerk shall:
 - (i) post a copy of the written disclosure statement on the corporation's website; and
 - (ii) provide the lieutenant governor with a link to the electronic posting described in

Subsection (10)(a)(i).

- (b) The administrator or clerk shall ensure that the trustee's written disclosure statement remains posted on the corporation's website until the trustee leaves office.
- (11) The administrator or clerk of the board of trustees shall take the action described in Subsection (12) if:
- (a) a trustee fails to timely file the written disclosure statement described in Subsection (9); or
- (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(b).
- (12) If a circumstance described in Subsection (11) occurs, the administrator or clerk of the board of trustees shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the trustee of the violation and direct the trustee to submit an amended written disclosure statement correcting the problem.
- (13) (a) It is unlawful for a trustee to fail to submit or amend a written disclosure statement within seven days after the day on which the trustee receives the notice described in Subsection (12).
 - (b) A trustee who violates Subsection (13)(a) is guilty of a class B misdemeanor.
- (c) The administrator or clerk of the board of trustees shall report a violation of Subsection (13)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (13)(b), the administrator or clerk of the board of trustees shall impose a civil fine of \$100 against a member who violates Subsection (13)(a).
- (14) The administrator or clerk of the board shall deposit a fine collected under this section into the corporation's account to pay for the costs of administering this section.
- [(9)] (15) [A] In addition to the written disclosure statement described in Subsection (9), a trustee described in Subsection (2)(d) shall also comply with the conflict of interest provisions described in Section 63G-24-301.

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

63M-14-202. Organization of the authority <u>-- Annual conflict of interest</u> <u>disclosure statement -- Penalties</u>.

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

- (a) five authority members who represent Colorado River authority areas;
- (b) one authority member who represents the governor; and
- (c) one authority member who represents tribal interests.
- (2) The five Colorado River authority areas, defined by existing county boundaries that reflect the historic and current use of the Colorado River system, include:
- (a) the Central Utah Area composed of Salt Lake, Utah, Juab, Sanpete, Summit, Wasatch, Duchesne, and Uintah counties, located within the service area of the Central Utah Water Conservancy District;
- (b) the Uintah Basin Area composed of Duchesne and Uintah counties, notwithstanding that these counties fall within the Central Utah Area, and Daggett county;
 - (c) the Price and San Rafael Area composed of Carbon and Emery counties;
 - (d) the Virgin River Area composed of Kane and Washington counties; and
 - (e) the State of Utah Area that represents:
 - (i) the remaining counties using the Colorado River system;
- (ii) the Department of Natural Resources and the Department of Natural Resources' divisions; and
- (iii) the users of the Colorado River system that are not specifically included in the other four Colorado River authority areas and include Garfield, Grand, San Juan, and Wayne counties.
 - (3) The members of the authority are:
 - (a) four members appointed as follows:
- (i) a representative of the Central Utah Area appointed by the board of trustees of the Central Utah Water Conservancy District;
- (ii) a representative of the Uintah Basin Area appointed jointly by the boards of trustees of the Duchesne County and Uintah Water Conservancy Districts;
- (iii) a representative of the Price and San Rafael Area appointed jointly by the county commission of Carbon County and the board of trustees of the Emery Water Conservancy District; and
- (iv) a representative of the Virgin River Area appointed by the board of trustees of the Washington County Water Conservancy District;
 - (b) the director of the Division of Water Resources as the representative of the State of

Utah Area created in Subsection (2)(e);

- (c) the executive director of the Department of Natural Resources as the representative of the governor; and
 - (d) a representative of tribal interests who is:
 - (i) appointed by the governor; and
- (ii) a member of a federally recognized Indian tribe if the tribe is, in whole or in part, located within the state and within the Colorado River system.
- (4) A joint appointment required under Subsection (3) requires the agreement of both appointing authorities before the authority member seat is filled.
 - (5) An authority member who is appointed under Subsection (3) shall:
 - (a) be a resident of the state; and
 - (b) have experience and a general knowledge of:
- (i) Colorado River issues and the use of the Colorado River system in the member's respective Colorado River authority area;
 - (ii) the development of the use of the waters of the Colorado River system; and
- (iii) the rights of this state concerning the resources and benefits of the Colorado River system.
 - (6) (a) An appointing authority shall notify the chair of:
 - (i) the appointing authority's initial appointment to the authority; and
 - (ii) the appointment of a new member or when a vacancy is being filled.
 - (b) An appointment of an authority member is effective when received by the chair.
- (c) The initial term of an appointed authority member expires June 30, 2027. Before June 30, 2027, the authority shall adopt a system to stagger the terms of appointed authority members beginning July 1, 2027, and notify each appointing authority of the duration of the term of the appointing authority's authority member. The staggering of terms after July 1, 2027, shall result in approximately one-third of the appointed authority members' terms expiring every two years. After the respective terms of adjustment are complete, subsequent authority members shall be appointed by an appointing authority for six-year terms.
 - (d) An authority member term shall end on June 30. New terms commence on July 1.
- (e) An authority member whose term has expired shall serve until replaced or reappointed by the applicable appointing authority.

- (f) An appointing authority may at any time remove the appointing authority's authority member for neglect of duty or malfeasance in office. If the authority member is jointly appointed, the authority member may only be removed by joint agreement of both appointing authorities.
- (7) In the event of a vacancy in the authority, the chair shall notify the appointing authority of the vacancy and ask that an authority member be promptly appointed.
- (8) (a) An authority member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
- (iii) rules made by the Department of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (b) If an authority member is a full-time employee with either the state or a water conservancy district, the authority member is not eligible for the per diem compensation.
- (9) The executive director appointed under Section 63M-14-401 shall provide staff services to the authority.
- (10) An authority member shall, no sooner than January 1 and no later than January 31 of each year during which the authority member holds office on the authority:
- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
- (b) submit the written disclosure statement to the administrator or clerk of the authority.
- (11) (a) No later than 10 business days after the date on which the authority member submits the written disclosure statement described in Subsection (10) to the administrator or clerk of the authority, the administrator or clerk shall:
 - (i) post a copy of the written disclosure statement on the authority's website; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (11)(a)(i).
- (b) The administrator or clerk shall ensure that the authority member's written disclosure statement remains posted on the authority's website until the authority member leaves office.

- (12) The administrator or clerk of the authority shall take the action described in Subsection (13) if:
- (a) an authority member fails to timely file the written disclosure statement described in Subsection (10); or
- (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(b).
- (13) If a circumstance described in Subsection (12) occurs, the administrator or clerk of the authority shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the authority member of the violation and direct the authority member to submit an amended written disclosure statement correcting the problem.
- (14) (a) It is unlawful for an authority member to fail to submit or amend a written disclosure statement within seven days after the day on which the authority member receives the notice described in Subsection (13).
- (b) An authority member who violates Subsection (14)(a) is guilty of a class B misdemeanor.
- (c) The administrator or clerk of the authority shall report a violation of Subsection (14)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (14)(b), the administrator or clerk of the authority shall impose a civil fine of \$100 against an authority member who violates Subsection (14)(a).
- (15) The administrator or clerk of the authority shall deposit a fine collected under this section into the authority's account to pay for the costs of administering this section.

Section $\frac{(26)}{36}$. Section 67-16-3 is amended to read:

67-16-3. Definitions.

As used in this chapter:

- (1) "Agency" means:
- (a) any department, division, agency, commission, board, council, committee, authority, or any other institution of the state or any of its political subdivisions; or
 - (b) an association as defined in Section 53G-7-1101.
 - (2) "Agency head" means the chief executive or administrative officer of any agency.
 - (3) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,

aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.

- (4) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
- (5) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.
- (6) "Conflict of interest disclosure website" means the Candidate and Officeholder

 Conflict of Interest Disclosure Website described in Section 20A-11-1602.5.
- † {[](6){](7)} "Controlled, private, or protected information" means information classified as controlled, private, or protected in Title 63G, Chapter 2, Government Records Access and Management Act, or other applicable provision of law.
 - (7) "Filing clerk" means:
 - (a) the special district clerk, for a special public officer who holds an office on:
 - (i) the board of trustees of a special district; or
 - (ii) the governing body of a special service district; or
- (b) the school district administrator, for a special public officer who holds an office on a local school board.
 - (8) "Governing body" means:
- (a) the legislative body of a county, city, or town that establishes a special service district, if an administrative control board has not been appointed under Section 17D-1-301; or
- (b) the administrative control board of a special service district, if the administrative control board has been appointed under Section 17D-1-301.
- [(7)] (18) "Governmental action" means any action on the part of the state, a political subdivision, or an agency, including:
 - (a) any decision, determination, finding, ruling, or order; and
- (b) any grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval, or the denial thereof, or the failure to act in respect to.

- [(8)] ((9)10) "Improper disclosure" means disclosure of controlled, private, or protected information to any person who does not have the right to receive the information.
- [(9)] (\(\frac{\{10\}11}\)} "Legislative employee" means any officer or employee of the Legislature, or any committee of the Legislature, who is appointed or employed to serve, either with or without compensation, for an aggregate of less than 800 hours during any period of 365 days. "Legislative employee" does not include legislators.
- [(10)] ((11)12) "Legislator" means a member or member-elect of either house of the Legislature of the state of Utah.
- [(11)] (12) "Political subdivision" means a district, school district, or any other political subdivision of the state that is not an agency, but does not include a municipality or a county.
- $[\frac{(12)}{(13)}]$ (a) "Public employee" means a person who is not a public officer who is employed on a full-time, part-time, or contract basis by:
 - (i) the state;
 - (ii) a political subdivision of the state; or
 - (iii) an association as defined in Section 53G-7-1101.
 - (b) "Public employee" does not include legislators or legislative employees.
 - $[\frac{(13)}{(14)}]$ (a) "Public officer" means an elected or appointed officer:
 - (i) (A) of the state;
 - (B) of a political subdivision of the state; or
 - (C) an association as defined in Section 53G-7-1101; and
 - (ii) who occupies a policymaking post.
 - (b) "Public officer" includes a special public officer.
 - [(b)] (c) "Public officer" does not include legislators or legislative employees.
- (\frac{\frac{15}{16}}{16}) "Special public officer" means a public officer who is an elected or appointed member of:
 - (a) the board of trustees of a special district
- (b) or the {administrative control board} governing body of a special service district, if the special district or the special service district has an annual budget that is equal to or exceeds 10 times the revenue and expenditure amount described in Subsection 51-2a-201(1); or
 - ({c}b) a local school board.

[(14)] ($\{16\}$ 17) "State" means the state of Utah.

[(15)] ({17}18) "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding capital stock of a corporation or a 10% interest in any other business entity.

Section $\frac{27}{37}$. Section 67-16-6 is amended to read:

67-16-6. Receiving compensation for assistance in transaction involving an agency — {Filing sworn}Sworn statement.

- (1) Except as provided in Subsection [(5)] (6), it is an offense for a public officer or public employee to receive or agree to receive compensation for assisting any person or business entity in any transaction involving an agency unless (2)
- (a) the public officer or public employee files a sworn, written statement [containing the information required by] disclosing the information described in Subsection (2) with:

 $\{(a), (a), (b), (b)\}$ the head of the officer or employee's own agency;

{[}(b){] (ii)} the agency head of the agency with which the transaction is being conducted; [and]

 $\{(c)\}$ the state attorney general [-]; and

- (2) The [statement] {disclosures} sworn statement described in Subsection (1) shall contain:
 - (a) the name and address of the public officer or public employee involved;
 - (b) the name of the public officer's or public employee's agency;
 - (c) the name and address of the person or business entity being or to be assisted; and
 - (d) a brief description of:
 - (i) the transaction as to which service is rendered or is to be rendered; and
 - (ii) the nature of the service performed or to be performed.
- (3) [The statement required to be filed under Subsection (1) shall be filed within] A public officer or public employee shall file the sworn statement described in Subsection (1) {(a)} on or before the earlier of:

- (a) 10 days after the date [of any agreement between the public officer or public employee and the person or business entity being assisted] on which the public officer or public employee and the person or business entity being assisted enter into an agreement; or
- (b) the [receipt of compensation, whichever is earlier] public officer's or public employee's receipt of compensation.
- (4) {A public officer who is} In accordance with Subsection (1)(d), a special public officer shall {make} file the {website disclosure described in Subsection (1)(b)} sworn statement with the filing clerk on or before the earlier of the deadlines described in Subsections (3)(a) and (b).
 - (5) A filing clerk who receives the sworn statement described in Subsection (1) shall:
- (a) post a copy of the special public officer's sworn statement on, as applicable, the special district's, special service district's, or school district's website; and
- (b) ensure that the sworn statement remains posted on the website described in Subsection (5)(a) until the special public officer leaves office.
- [4] (5)6 The [statement is] sworn statement described in Subsection (1)(a) is public information and shall be available for examination by the public.
- [(5)] ((6)7) This section does not apply to a public officer or public employee who engages in conduct that constitutes a violation of this section to the extent that the public officer or public employee is chargeable, for the same conduct, under Section 63G-6a-2404 or Section 76-8-105.

Section $\frac{28}{38}$. Section 67-16-7 is amended to read:

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

- (1) Except as provided in Subsection (5), a public officer or public employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity that is subject to the regulation of the agency by which the public officer or public employee is employed shall disclose [any] a position held in the entity and the precise nature and value of the public officer's or public employee's interest in the entity:
 - (a) upon first becoming a public officer or public employee;
- (b) whenever the public officer's or public employee's position in the business entity changes significantly; and
 - (c) if the value of the public officer's or public employee's interest in the entity

increases significantly.

- (2) The disclosure required under Subsection (1) shall be made :
- (a) in a sworn statement filed with:
 - $\{(a), (b), (b), (c)\}$ for a public officer or a public employee of the state, the attorney general;
- {[}(b){] (ii)} for a public officer or a public employee of a political subdivision, the chief governing body of the political subdivision;
- $\{[](c)\{](iii)\}$ the head of the agency with which the public officer or public employee is affiliated; [and]
- $\{\{\}\}$ (d) $\{\}$ (iv) $\}$ for a public employee, the public employee's immediate supervisor[:]; and
- (\{b\}e) for a public officer who is a special public officer, \{on the conflict of interest\} disclosure website.
- (3)} the filing clerk of the board or trustees, governing body, or local school board, as applicable, of which the special public officer is an elected or appointed member.
 - (3) A filing clerk who receives the sworn statement described in Subsection (1) shall:
- (a) post a copy of the special public officer's sworn statement on, as applicable, the special district's, special service district's, or school district's website; and
- (b) ensure that the sworn statement remains posted on the website described in Subsection (3)(a) until the special public officer leaves office.
- [(3)] (4) (a) This section does not apply to instances where the total value of the substantial interest does not exceed [(3)] (3) 5,000.
- (b) A life insurance policy or an annuity is not required to be considered in determining the value of a substantial interest under this section.
- [(4)] (5) A disclosure made under this section is a public record and a person with whom a disclosure is filed under Subsection (2) shall make the disclosure available for public inspection.
- [(5)] (6) A public officer {, other than a special public officer, who is required to file a disclosure on the conflict of interest disclosure website} is not required to file {[]}a{] the} disclosure under this section if the public officer files a disclosure under Section 20A-11-1604.

Section {29}39. Section 67-16-16 is enacted to read:

67-16-16. Special public officer -- Annual conflict of interest disclosure statement

-- Exception -- Penalties.

- (1) Except as provided in Subsection (7), a special public officer shall, no sooner than January 1 and no later than January 31 of each year during which the special public officer holds elected or appointed office:
- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
 - (b) submit the written disclosure statement to the filing clerk.
- (2) (a) No later than 10 business days after the day on which a special public officer submits the written disclosure statement described in Subsection (1) to the filing clerk, the filing clerk shall:
- (i) post an electronic copy of the written disclosure statement on, as applicable, the special district's, special service district's, or school district's website; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (2)(a)(i).
- (b) The filing clerk shall ensure that the special public officer's written disclosure statement remains posted on the website described in Subsection (2)(a)(i) until the special public officer leaves office.
 - (3) The filing clerk shall take the action described in Subsection (4) if:
 - (a) a special public officer fails to timely submit a written disclosure statement; or
- (b) a submitted written disclosure statement does not comply with the requirements of Section 20A-11-1604(6).
- (4) If a circumstance described in Subsection (3) occurs, the filing clerk shall, within five days after the day on which the filing clerk determines that a violation occurred, notify the special public officer of the violation and direct the special public officer to submit an amended report correcting the problem.
- (5) (a) It is unlawful for a special public officer to fail to submit or amend a written disclosure statement within seven days after the day on which the special public officer receives the notice described in Subsection (4).
- (b) A special public officer who violates Subsection (5)(a) is guilty of a class B misdemeanor.
 - (c) The filing clerk shall report a violation of Subsection (5)(a) to the attorney general.

- (d) In addition to the criminal penalty described in Subsection (5)(b), the filing clerk shall impose a civil fine of \$100 against a special public officer who violates Subsection (5)(a).
- (6) The filing clerk shall deposit a fine collected under this section into the, as applicable, special district's, special service district's, or school district's general fund as a dedicated credit to pay for the costs of administering this section.
- (7) For a special public officer who is also a state legislator, a member of the legislative body of a county or municipality, or who is otherwise required to make the written disclosure statement described in Subsection (1) under another provision of law:
 - (a) Subsection (1) does not apply; and
 - (b) the filing clerk shall, instead:
- (i) post an electronic link on the website described in Subsection (2)(a)(i) to the written disclosure statement the special public officer made in the special public officer's capacity as:
- (A) a state legislator, under Title 20A, Chapter 11, Part 16, Conflict of Interest Disclosures;
 - (B) an elected officer of a county, under Section 17-16a-13;
 - (C) an elected officer of a municipality, under Section 10-3-1313; or
- (D) an individual who is otherwise required make the written disclosure statement described in Subsection (1) under another provision of law; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (7)(b)(i).
 - Section 40. Section 73-32-302 is amended to read:
- 73-32-302. Advisory council created -- Staffing -- Per diem and travel expenses -Annual conflict of interest disclosure statement -- Exception -- Penalties.
- (1) There is created an advisory council known as the "Great Salt Lake Advisory Council" consisting of 11 members listed in Subsection (2).
- (2) (a) The governor shall appoint the following members, with the advice and consent of the Senate:
 - (i) one representative of industry representing the extractive industry;
 - (ii) one representative of industry representing aquaculture;
 - (iii) one representative of conservation interests;
 - (iv) one representative of a migratory bird protection area as defined in Section

23A-13-101;

- (v) one representative who is an elected official from municipal government, or the elected official's designee;
- (vi) five representatives who are elected officials from county government, or the elected official's designee, one each representing:
 - (A) Box Elder County;
 - (B) Davis County;
 - (C) Salt Lake County;
 - (D) Tooele County; and
 - (E) Weber County; and
 - (vii) one representative of a publicly owned treatment works.
- (3) (a) Except as required by Subsection (3)(b), each member shall serve a four-year term.
- (b) Notwithstanding Subsection (3)(a), at the time of appointment or reappointment, the governor shall adjust the length of terms of voting members to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.
- (c) When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement for the unexpired term with the advice and consent of the Senate.
 - (d) A member shall hold office until the member's successor is appointed and qualified.
 - (4) The council shall determine:
 - (a) the time and place of meetings; and
 - (b) any other procedural matter not specified in this chapter.
 - (5) (a) Attendance of six members at a meeting of the council constitutes a quorum.
- (b) A vote of the majority of the members present at a meeting when a quorum is present constitutes an action of the council.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

63A-3-107.

- (7) The office, the department, and the Department of Environmental Quality shall coordinate and provide necessary staff assistance to the council.
- (8) Except as provided in Subsection (14), a council member shall, no sooner than January 1 and no later than January 31 of each year during which the council member holds office on the council:
- (a) prepare a written conflict of interest disclosure statement that contains a response to each item of information described in Subsection 20A-11-1604(6); and
 - (b) submit the written disclosure statement to the administrator or clerk of the council.
- (9) (a) No later than 10 business days after the date on which the council member submits the written disclosure statement described in Subsection (8) to the administrator or clerk of the council, the administrator or clerk shall:
- (i) post an electronic copy of the written disclosure statement on the council's website; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (9)(a)(i).
- (b) The administrator or clerk of the council shall ensure that the council member's written disclosure statement remains posted on the council's website until the council member leaves office.
- (10) The administrator or clerk of the council shall take the action described in Subsection (11) if:
- (a) a council member fails to timely file the written disclosure statement described in Subsection (8); or
- (b) a submitted written disclosure statement does not comply with the requirements of Subsection 20A-11-1604(b).
- (11) If a circumstance described in Subsection (10) occurs, the administrator or clerk of the council shall, within five days after the day on which the administrator or clerk determines that a violation occurred, notify the council member of the violation and direct the council member to submit an amended written disclosure statement correcting the problem.
- (12) (a) It is unlawful for a council member to fail to submit or amend a written disclosure statement within seven days after the day on which the council member receives the

notice described in Subsection (11).

- (b) A council member who violates Subsection (12)(a) is guilty of a class B misdemeanor.
- (c) The administrator or clerk of the council shall report a violation of Subsection (12)(a) to the attorney general.
- (d) In addition to the criminal penalty described in Subsection (12)(b), the administrator or clerk of the council shall impose a civil fine of \$100 against a council member who violates Subsection (12)(a).
- (13) The administrator or clerk of the council shall deposit a fine collected under this section into the council's account to pay for the costs of administering this section.
 - (14) For an individual appointed to the council under Subsection (2)(a)(v) or (vi):
 - (a) Subsection (8) does not apply; and
 - (b) the administrator or clerk of the council shall, instead:
- (i) post an electronic link on the council's website to the written disclosure statement the council member made in the council member's capacity as an elected officer of:
 - (A) a county, under Section 17-16a-13; or
 - (B) a municipality, under Section 10-3-1313; and
- (ii) provide the lieutenant governor with a link to the electronic posting described in Subsection (14)(b)(i).

Section 41. Effective date.

This bill takes effect on May 1, 2024.