

1 **CONFLICT OF INTEREST DISCLOSURE REQUIREMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: Jacob L. Anderegg

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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