

1 **CONFLICT OF INTEREST DISCLOSURE REQUIREMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill exempts a member of the State Board of Education from certain disclosure
10 requirements.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ exempts a member of the State Board of Education from certain disclosure
14 requirements under the Utah Public Officers' and Employees' Ethics Act; and
15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 **AMENDS:**

22 **67-16-7**, as last amended by Laws of Utah 1989, Chapter 147

23 **67-16-8**, as last amended by Laws of Utah 1990, Chapter 93

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

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

27 **67-16-7. Disclosure of substantial interest in regulated business -- Exceptions.**



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

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

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

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

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

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

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

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

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

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

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

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

59 (5) This section does not apply to a member of the State Board of Education.

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

61 **67-16-8. Participation in transaction involving business as to which public officer**
62 **or employee has interest -- Exceptions.**

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

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

Legislative Review Note
Office of Legislative Research and General Counsel