

### **Part 3 Regulation of Lobbyists' Activities**

#### **36-11-301 Contingent compensation prohibited.**

A person may not employ or solicit another to serve as a lobbyist for compensation contingent in whole or part upon the passage, defeat, or amendment of legislative action or the approval, modification, or denial of a certain executive action.

Enacted by Chapter 280, 1991 General Session

#### **36-11-302 Improper influence -- Communication with a legislator's employer prohibited.**

A person may not seek to influence the vote of any legislator through communication with the legislator's employer.

Enacted by Chapter 280, 1991 General Session

#### **36-11-303 Prohibition on communicating false information to a public officer.**

A person may not intentionally communicate to a public official any false information materially related to a matter within the responsibility of the public official.

Enacted by Chapter 280, 1991 General Session

#### **36-11-304 Expenditures over certain amounts prohibited -- Exceptions.**

- (1) Except as provided in Subsection (2), a lobbyist, principal, or government officer may not make or offer to make aggregate daily expenditures that exceed:
  - (a) for food or beverage, the food reimbursement rate; or
  - (b) \$10 for expenditures other than food or beverage.
- (2) A lobbyist, principal, or government officer may make aggregate daily expenditures that exceed the limits described in Subsection (1):
  - (a) for the following items, if the expenditure is reported in accordance with Section 36-11-201:
    - (i) food;
    - (ii) beverage;
    - (iii) travel;
    - (iv) lodging; or
    - (v) admission to or attendance at a tour or meeting that is not an approved activity; or
  - (b) if the expenditure is made for a purpose solely unrelated to the public official's position as a public official.

Amended by Chapter 32, 2015 General Session

Amended by Chapter 188, 2015 General Session

#### **36-11-304.5 Disposal of publications.**

If a lobbyist, principal, or government officer makes an expenditure, in the form of a publication, to a public official, the public official may return the publication to the lobbyist, principal, or government officer, donate the publication to a charity or a government entity, or destroy the publication.

Enacted by Chapter 264, 2015 General Session

**36-11-305 Campaign contribution during session prohibited.**

- (1) It is unlawful for a person, lobbyist, principal, or political committee to make a campaign contribution or contract, promise, or agree to make a campaign contribution to a legislator or a legislator's personal campaign committee, or a political action committee controlled by a legislator during the time the Legislature is convened in annual general session, veto override session, or special session.
- (2) It is unlawful for a person, lobbyist, principal, or political committee to make a campaign contribution, or contract, promise, or agree to make a campaign contribution, to the governor, the governor's personal campaign committee, or a political action committee controlled by the governor during the time the Legislature is convened in annual general session, veto override session, special session, or during the time period established by the Utah Constitution, Article VII, Section 8, for the governor to approve or veto bills passed by the Legislature in the annual general session.
- (3) Any person who violates this section is guilty of a class A misdemeanor.

Amended by Chapter 250, 2011 General Session

**36-11-305.5 Lobbyist requirements.**

- (1) The lieutenant governor shall issue to each lobbyist a name tag that includes:
  - (a) the word "Lobbyist" in at least 18-point type; and
  - (b) the first and last name of the lobbyist, in at least 18-point type.
- (2) Beginning on August 1, 2014, a lobbyist may not lobby a public official while the lobbyist is at the capitol hill complex unless the lobbyist is wearing the name tag described in Subsection (1) in plain view.
- (3) A lobbyist shall, at the beginning of making a communication to a public official that constitutes lobbying, inform the public official of the identity of the principal on whose behalf the lobbyist is lobbying.

Enacted by Chapter 335, 2014 General Session

**36-11-306 Conflicts of interest.**

- (1) As used in this section, "conflict of interest" means a circumstance where:
  - (a) the representation of one principal or client will be directly adverse to another principal or client; or
  - (b) there is a significant risk that the representation of one or more principals or clients will be materially limited by the lobbyist's responsibilities to:
    - (i) another principal or client; or
    - (ii) a personal interest of the lobbyist.
- (2) Except as provided in Subsection (3), a lobbyist may not represent a principal or client if the representation involves a conflict of interest.
- (3) Notwithstanding the existence of a conflict of interest, a lobbyist may represent a principal or client if:
  - (a) the lobbyist reasonably believes that the lobbyist will be able to provide competent and diligent representation to each principal or client;
  - (b) the representation is not otherwise prohibited by law;

- (c) the representation does not require the lobbyist to assert a position on behalf of one principal or client that is opposed to the position of another principal or client represented by the lobbyist involving the same legislative issue; and
- (d) each affected principal or client gives informed consent to the conflict of interest in writing.

Enacted by Chapter 233, 2007 General Session

**36-11-307 Ethics training course for lobbyists -- Internet availability -- Content -- Participation tracking -- Penalty.**

- (1) The lieutenant governor shall develop and maintain an ethics training course for lobbyists.
- (2) The ethics training course shall include training materials and exercises that are available on the Internet to lobbyists and to the public.
- (3) The ethics training course shall be designed to assist lobbyists in understanding and complying with current ethical and campaign finance requirements under state law, legislative rules, and federal law.
- (4) The ethics training course shall include provisions for verifying when a lobbyist has successfully completed key training exercises.
- (5) A lobbyist shall successfully complete the key training exercises of the ethics training course once each year.
- (6) A lobbyist who does not complete the training required by this section is subject to a penalty as provided in Section 36-11-401.

Enacted by Chapter 389, 2011 General Session