

Title HR5. Lobbyist Ethics and Enforcement

Chapter 1 General Provisions

HR5-1-101 Definitions.

As used in this House Rule:

- (1)
 - (a) "Government official" means:
 - (i) an individual elected to a position in state or local government when acting within the individual's official capacity; and
 - (ii) an individual appointed to or employed in a full-time or part-time position by state or local government when acting within the scope of employment or within the individual's official capacity.
 - (b) "Government official" does not mean a member of the legislative branch of state government.
- (2) "Lobbyist" has the meaning identified in Utah Code Subsections 36-11-102(11)(a) and (b).
- (3)
 - (a) "Volunteer lobbyist" means a person not registered as a lobbyist who engages in lobbying within the meaning of Utah Code Subsection 36-11-102(10).
 - (b) "Volunteer lobbyist" does not mean an individual who appears on the individual's own behalf to engage in lobbying within the meaning of Utah Code Subsection 36-11-102(10).

Chapter 2 Lobbyist Ethics

HR5-2-101 Lobbyist code of ethics.

A lobbyist, volunteer lobbyist, or government official may not:

- (1) attempt to influence a representative, elected or appointed state official, state employee, or legislative employee by means of deceit or by threat of violence or economic or political reprisal against any person or property, with intent by doing so to alter or affect the representative's, elected or appointed state official's, state employee's, or legislative employee's decision, vote, opinion, or action concerning any matter that is to be considered or performed by the representative, official, or employee or the agency or body of which the representative, official, or employee is a member;
- (2) knowingly provide false information to a representative, elected or appointed state official, state employee, or legislative employee as to any material fact pertaining to any legislation;
- (3) knowingly omit, conceal, or falsify in any manner information required by the lobbyist registration and lobbyist disclosure reports;
- (4) participate in committee assignments or leadership races of the House of Representatives;
- (5) cause or influence the introduction of any piece of legislation, substitute, or amendment for the purpose of afterwards becoming employed to secure its passage or defeat;
- (6) misappropriate or misuse legislative office supplies;
- (7) use legislative reproduction or facsimile machines without paying for that use;
- (8) enter or use a representative's, elected or appointed state official's, state employee's, or legislative employee's office, phone, computer, or parking space without explicit permission;

- (9) attempt to remove or remove any document from any representative's or legislative employee's office, desk, file cabinet, reproduction machine, facsimile machine, or any other place without explicit permission;
- (10) engage in sexually harassing behavior or behavior violating the state's sexual harassment policy toward representatives or employees of the Legislature;
- (11) offer employment to a representative or legislative employee that impairs the representative's or legislative employee's independence of judgement as to their official duties;
- (12) offer employment that would require or induce a representative or legislative employee to disclose records classified as private, protected, or controlled;
- (13) use or disclose for personal financial gain any records classified as private, protected, or controlled that were obtained from a representative or legislative employee or conspire with any person for that purpose; or
- (14) induce or seek to induce a representative or legislative employee to commit a violation of any provision of this House rule.

Chapter 3

Enforcement of Lobbyist Code of Ethics

HR5-3-101 Enforcement -- Written complaint.

- (1) To initiate an ethics complaint against a lobbyist, volunteer lobbyist, or government official who has violated the lobbyist code of ethics established in HR5-2-101, three representatives shall file a written complaint with the speaker of the House, the House minority leader, and the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint.
- (2) The written complaint shall contain:
 - (a) the name and address of each of the three representatives who are filing the complaint;
 - (b) the name of the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint;
 - (c) the nature of the alleged violation, citing specifically to the provisions of HR5-2-101 that the lobbyist, volunteer lobbyist, or government official is alleged to have violated;
 - (d) all documents that support the complaint as an attachment to it; and
 - (e) the facts alleged to support the complaint.
- (3)
 - (a) A complaint filed under this rule is a protected record under Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, until referred to the House Management Committee for action, because disclosure of the information in the complaint would constitute a clearly unwarranted invasion of personal privacy and that disclosure is not in the public interest.
 - (b) A complaint filed under this rule that is dismissed by the speaker and minority leader is a protected record under Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, because disclosure of the information in the complaint would constitute a clearly unwarranted invasion of personal privacy and that disclosure is not in the public interest.

HR5-3-102 Enforcement -- Speaker review -- Minority leader review.

- (1)
 - (a) After receiving the complaint, the speaker shall meet with the representatives who filed the complaint, the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint, and any other persons who have relevant information about the complaint.
 - (b) In that meeting, the speaker may choose to meet with those persons together or separately.
- (2)
 - (a) After the meeting, the speaker shall inform the minority leader that the speaker recommends that:
 - (i) the complaint be dismissed;
 - (ii) the lobbyist, volunteer lobbyist, or government official be privately chastised and the complaint be dismissed; or
 - (iii) the House Management Committee be convened to hear the complaint.
 - (b)
 - (i) After receipt of the speaker's recommendation, the minority leader shall meet with the representatives who filed the complaint, the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint, and any other persons who have relevant information about the complaint.
 - (ii) In that meeting, the minority leader may choose to meet with those persons together or separately.
 - (c) After the meeting, the minority leader shall prepare a letter informing the speaker that the minority leader:
 - (i) concurs in the speaker's recommendation for disposition of the complaint; or
 - (ii) does not concur in the speaker's recommendation for disposition of the complaint.
 - (d) If the minority leader concurs in the speaker's recommendation, the speaker shall implement the decision.
 - (e) If the minority leader does not concur in the speaker's recommendation, the speaker shall, within 30 days after having received the written complaint, convene the House Management Committee to hear the complaint.

HR5-3-103 Enforcement -- Hearing -- Staff.

- (1) If the speaker must convene the House Management Committee, the speaker shall, after consultation with the House minority leader, schedule a House Management Committee meeting to adjudicate the complaint.
- (2)
 - (a) The committee must comply with the procedures and requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act, including the procedures and requirements for closing a meeting.
 - (b) The Office of Legislative Research and General Counsel shall staff the committee.
- (3)
 - (a) At the hearing, the committee shall review the complaint.
 - (b) The committee may allow the representatives who filed the complaint to address and be questioned by the committee.
 - (c) The committee shall provide the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint with the opportunity to address and be questioned by the committee.
 - (d) The committee may allow other persons with information relevant to the complaint to address and be questioned by the committee.
 - (e)

- (i) The complainants, the lobbyist, volunteer lobbyist, or government official, and any witness appearing before the committee may have legal counsel present.
- (ii) That counsel may privately advise their client about the client's legal rights when specifically requested to do so by their client, but may not address the committee, ask questions of any party or witness, or engage in oral arguments with the committee.
- (iii) If counsel fails to abide by any of these rules, the committee may exclude the counsel from the meeting.

HR5-3-104 Enforcement -- Penalty.

- (1) If the House Management Committee determines by a preponderance of the evidence that the lobbyist, volunteer lobbyist, or government official has violated one or more provisions of HR5-2-101, the committee may impose any sanction against the lobbyist, volunteer lobbyist, or government official that is not forbidden by the United States Constitution or the Utah Constitution.
- (2) Appropriate sanctions include, but are not limited to, any, all, or some combination of the following:
 - (a) prohibiting the lobbyist, volunteer lobbyist, or government official from access to some or all of the legislative area of the state capitol for a period of time; and
 - (b) recommending an adjudicative proceeding be filed with the lieutenant governor against the lobbyist under Utah Code Title 36, Chapter 11, Part 4, Penalties and Statutory Construction.

Chapter 4
Approved Meeting or Activity

HR5-4-101 Approval for a meeting or activity paid for by lobbyist, principal, or government officer.

- (1) This rule governs the approval of a meeting or activity as authorized by Utah Code Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act, which provides that travel to, lodging at, food or beverage served at, sponsorship of an official event of, official entertainment at, and admission to an approved meeting or activity are not expenditures regulated by the act.
- (2) As provided by Utah Code Section 36-11-102, an "approved meeting or activity" means a meeting or an activity:
 - (a) to which a representative is invited;
 - (b) the expenses for the representative's attendance at which are paid by a lobbyist, principal, or state or federal government officer; and
 - (c) the legislator's attendance at which is approved by the speaker of the House.
- (3) The speaker of the House may only approve a meeting or an activity if:
 - (a) the primary purpose of the meeting or activity is to provide information on issues that the House may consider; and
 - (b) any sporting, recreational, or artistic event provided as an official event or entertainment of the meeting or activity is not the primary purpose of the meeting or activity.
- (4)
 - (a) A representative shall submit a written request for approval of a meeting or activity to the speaker of the House.

- (b) A written request shall contain:
 - (i) the meeting's or activity's date and location;
 - (ii) a description of the meeting's or activity's primary purpose;
 - (iii) a list of any official event or entertainment provided as part of the meeting or activity; and
 - (iv) the name of a lobbyist, principal, or state or federal government officer paying for any item described in Subsection (1) and the estimated cost of the item.
- (5) Within two business days of approving a meeting or activity, the written request and approval shall be posted on the House's website.