

SB0291S02 compared with SB0291S01

{Omitted text} shows text that was in SB0291S01 but was omitted in SB0291S02

inserted text shows text that was not in SB0291S01 but was inserted into SB0291S02

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.

1

Lobbying Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Brady Brammer
House Sponsor: Jordan D. Teuscher



2

3 **LONG TITLE**

4 **General Description:**

5 This bill amends and enacts provisions relating to lobbying.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ modifies and clarifies the definitions of lobbyist, lobbying, and a principal;
- 10 ▶ modifies the limits for certain expenditures;
- 11 ▶ prohibits consideration, a reward, or an incentive for lobbying that is contingent on certain government action and provides criminal and civil penalties for violation of the prohibition;
- 14 ▶ replaces the offense of employing or soliciting a person to lobby for contingent compensation with the offense described in the preceding paragraph;
- 16 ▶ **creates an exception to the definition of "expenditure" in relation to certain sporting{~~or recreational~~} events, performances, or exhibitions of a state institution of higher education or a private, nonprofit institution of higher education;**
- 19 ▶ amends provisions relating to lobbying by a former state official; and

SB0291S01 compared with SB0291S02

20 ▸ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

26 **AMENDS:**

27 **36-11-102** , as last amended by Laws of Utah 2024, Chapters 425, 438 , as last amended by Laws of
Utah 2024, Chapters 425, 438

28 **36-11-201** , as last amended by Laws of Utah 2023, Chapter 16 , as last amended by Laws of Utah
2023, Chapter 16

29 **36-11-304** , as last amended by Laws of Utah 2023, Chapter 16 , as last amended by Laws of Utah
2023, Chapter 16

30 **53-1-102** , as last amended by Laws of Utah 2024, Chapter 425 , as last amended by Laws of Utah
2024, Chapter 425

31 **53-1-106** , as last amended by Laws of Utah 2024, Chapter 506 , as last amended by Laws of Utah
2024, Chapter 506

32 **63G-23-102** , as last amended by Laws of Utah 2024, Chapter 158 , as last amended by Laws of
Utah 2024, Chapter 158

33 **67-24-103** , as enacted by Laws of Utah 2009, Chapter 360 , as enacted by Laws of Utah 2009,
Chapter 360

34 **REPEALS AND REENACTS:**

35 **36-11-301** , as enacted by Laws of Utah 1991, Chapter 280 , as enacted by Laws of Utah 1991,
Chapter 280

36

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

37 Section 1. Section **36-11-102** is amended to read:

38 **36-11-102. Definitions.**

39 As used in this chapter:

40 (1) "Aggregate daily expenditures" means:

42

SB0291S01 compared with SB0291S02

- (a) for a single lobbyist, principal, or government officer, the total of all expenditures made within a calendar day by the lobbyist, principal, or government officer for the benefit of an individual public official;
- 45 (b) for an expenditure made by a member of a lobbyist group, the total of all expenditures made within a calendar day by every member of the lobbyist group for the benefit of an individual public official; or
- 48 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient lobbyist within a calendar day for the benefit of an individual public official, regardless of whether the expenditures were attributed to different clients.
- 51 (2) "Approved activity" means an event, a tour, or a meeting:
- 52 (a)
- (i) to which a legislator or another nonexecutive branch public official is invited; and
- 54 (ii) attendance at which is approved by:
- 55 (A) the speaker of the House of Representatives, if the public official is a member of the House of Representatives or another nonexecutive branch public official; or
- 58 (B) the president of the Senate, if the public official is a member of the Senate or another nonexecutive branch public official; or
- 60 (b)
- (i) to which a public official who holds a position in the executive branch of state government is invited; and
- 62 (ii) attendance at which is approved by the governor or the lieutenant governor.
- 63 (3) "Board of education" means:
- 64 (a) a local school board described in Title 53G, Chapter 4, School Districts;
- 65 (b) the State Board of Education;
- 66 (c) the State Charter School Board created under Section 53G-5-201; or
- 67 (d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.
- 68 (4) "Capitol hill complex" means capitol hill, as defined in Section 63O-1-101.
- 69 (5)
- (a) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, given, donated, or transferred to an individual for the provision of services or ownership before any withholding required by federal or state law.

SB0291S01 compared with SB0291S02

- 72 (b) "Compensation" includes:
- 73 (i) a salary or commission;
- 74 (ii) a bonus;
- 75 (iii) a benefit;
- 76 (iv) a contribution to a retirement program or account;
- 77 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue Code, and subject
to social security deductions, including a payment in excess of the maximum amount subject to
deduction under social security law;
- 80 (vi) an amount that the individual authorizes to be deducted or reduced for salary deferral or other
benefits authorized by federal law; or
- 82 (vii) income based on an individual's ownership interest.
- 83 (6) "Compensation payor" means a person who pays compensation to a public official in the ordinary
course of business:
- 85 (a) because of the public official's ownership interest in the compensation payor; or
- 86 (b) for services rendered by the public official on behalf of the compensation payor.
- 87 (7) "Education action" means:
- 88 (a) the passage or defeat of a resolution, policy, ~~amendment,~~ or other official action for consideration by
a board of education;
- 90 (b) a nomination or appointment by an education official or a board of education;
- 91 (c) the passage or defeat of a vote on an administrative action taken by a vote of a board of education;
or
- 93 [~~(d) an adjudicative proceeding over which an education official has direct or indirect control;~~]
- 95 [~~(e) a purchasing or contracting decision;~~]
- 96 [~~(f) drafting or making a policy, resolution, or rule;~~]
- 97 [~~(g)~~ (d) determining a rate or fee~~[-or-]~~ .
- 98 [~~(h) making an adjudicative decision.~~]
- 99 (8) "Education official" means:
- 100 (a) a member of a board of education; or
- 101 (b) an individual appointed to or employed in a position under a board of education, if that individual:
- 103 (i) occupies a policymaking position~~[-or makes purchasing or contracting decisions];~~
- 104 [~~(ii) drafts resolutions or policies or drafts or makes rules;~~]

SB0291S01 compared with SB0291S02

- 105 [~~(iii)~~] (ii) determines rates or fees; or
106 [~~(iv)~~] (iii) makes decisions relating to an education budget or the expenditure of public money[~~;~~ ~~or~~] .
108 [~~(v)~~ ~~makes adjudicative decisions;~~ ~~or~~]
109 [(e) ~~an immediate family member of an individual described in Subsection (8)(a) or (b).]~~
110 (9) "Event" means entertainment, a performance, a contest, or a recreational activity that an individual
participates in or is a spectator at, including a sporting event, an artistic event, a play, a movie,
dancing, or singing.
113 (10) "Executive action" means:
114 (a) a nomination or appointment by the governor;
115 (b) the action of the governor in approving or vetoing legislation;
116 [~~(b)~~] (c) the [~~proposal, drafting, amendment, enactment,~~] passage or defeat by a state agency of a rule,
or an amendment to a rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act; or
119 [~~(e)~~] (d) agency ratemaking proceedings[~~;~~ ~~or~~] .
120 [~~(d)~~ ~~an adjudicative proceeding of a state agency.~~]
121 (11) "Executive official" means:
122 (a) an individual elected to an executive office or appointed to fill a vacancy in an executive office; or
124 (b) an individual appointed to or employed in a position in the executive branch of state government, if
that individual:
126 (i) occupies a policymaking position; or
127 (ii) determines rates or fees.
128 [~~(11)~~] (12)
(a) "Expenditure" means any of the items listed in this Subsection [~~(11)(a)~~] (12)(a) when given to or for
the benefit of a public official unless consideration of equal or greater value is received:
131 (i) a purchase, payment, or distribution;
132 (ii) a loan, gift, or advance;
133 (iii) a deposit, subscription, or forbearance;
134 (iv) services or goods;
135 (v) money;
136 (vi) real property;
137 (vii) a ticket or admission to an event; or

SB0291S01 compared with SB0291S02

- 138 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide any item
listed in Subsections [~~(11)(a)(i) through (vii)~~] (12)(a)(i) through (vii).
- 141 (b) "Expenditure" does not [~~mean~~] include:
- 142 (i) a commercially reasonable loan made in the ordinary course of business;
- 143 (ii) a campaign contribution:
- 144 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial Reporting
Requirements, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance adopted under
Subsection 10-3-208(6) or 17-16-6.5(1); or
- 147 (B) lawfully given to a person that is not required to report the contribution under a law or ordinance
described in Subsection [~~(11)(b)(ii)(A)~~] (12)(b)(ii)(A);
- 149 (iii) printed informational material that is related to the performance of the recipient's official duties;
- 151 (iv) a devise or inheritance;
- 152 (v) any item listed in Subsection [~~(11)(a)~~] (12)(a) if:
- 153 (A) given by a relative;
- 154 (B) given by a compensation payor for a purpose solely unrelated to the public official's position as a
public official;
- 156 (C) the item is food or beverage with a value that does not exceed the food reimbursement rate, and the
aggregate daily expenditures for food and beverage do not exceed the food reimbursement rate; or
- 159 (D) the item is not food or beverage, has a value of less than [~~\$10~~] \$25, and the aggregate daily
expenditures do not exceed [~~\$10~~] \$25;
- 161 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the following are
invited:
- 163 (A) all members of the Legislature;
- 164 (B) all members of a standing or interim committee;
- 165 (C) all members of an official legislative task force;
- 166 (D) all members of a party caucus; or
- 167 (E) all members of a group described in Subsections [~~(11)(b)(vi)(A) through (D)~~] (12)(b)(vi)(A)
through (D) who are attending a meeting of a national organization whose primary purpose is
addressing general legislative policy;
- 170 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public official who is:
- 172 (A) giving a speech at the event, tour, or meeting;

SB0291S01 compared with SB0291S02

- 173 (B) participating in a panel discussion at the event, tour, or meeting; or
174 (C) presenting or receiving an award at the event, tour, or meeting;
175 (viii) a plaque, commendation, or award that:
176 (A) is presented in public; and
177 (B) has the name of the individual receiving the plaque, commendation, or award inscribed, etched,
printed, or otherwise permanently marked on the plaque, commendation, or award;
180 (ix) a gift that:
181 (A) is an item that is not consumable and not perishable;
182 (B) a public official, other than a local official or an education official, accepts on behalf of the state;
184 (C) the public official promptly remits to the state;
185 (D) a property administrator does not reject under Section 63G-23-103;
186 (E) does not constitute a direct benefit to the public official before or after the public official remits the
gift to the state; and
188 (F) after being remitted to the state, is not transferred, divided, distributed, or used to distribute a gift
or benefit to one or more public officials in a manner that would otherwise qualify the gift as an
expenditure if the gift were given directly to a public official;
192 (x) any of the following with a cash value not exceeding [~~\$30~~] \$50:
193 (A) a publication; or
194 (B) a commemorative item;
195 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of which is:
197 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign and Financial
Reporting Requirements, 2 U.S.C. Sec. 434, Section 10-3-208, Section 17-16-6.5, or an applicable
ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1);
201 (B) to solicit a campaign contribution that a person is not required to report under a law or ordinance
described in Subsection [~~(11)(b)(xi)(A)~~] (12)(b)(xi)(A); or
203 (C) charitable solicitation, as defined in Section 13-22-2;
204 (xii) travel to, lodging at, food or beverage served at, and admission to an approved activity;
206 (xiii) sponsorship of an approved activity;
207 (xiv) notwithstanding Subsection [~~(11)(a)(vii)~~] (12)(a)(vii), admission to, attendance at, or travel to or
from an event, a tour, or a meeting:
209 (A) that is sponsored by a governmental entity;

SB0291S01 compared with SB0291S02

- 210 (B) that is widely attended and related to a governmental duty of a public official;
- 211 (C) for a local official, that is sponsored by an organization that represents only local governments,
including the Utah Association of Counties, the Utah League of Cities and Towns, or the Utah
Association of Special Districts; or
- 214 (D) for an education official, that is sponsored by a public school, a charter school, or an organization
that represents only public schools or charter schools, including the Utah Association of Public
Charter Schools, the Utah School Boards Association, or the Utah School Superintendents
Association;~~[-or]~~
- 219 (xv) travel to a widely attended tour or meeting related to a governmental duty of a public official if that
travel results in a financial savings to:
- 221 (A) for a public official who is not a local official or an education official, the state; or
- 223 (B) for a public official who is a local official or an education official, the local government or board of
education to which the public official belongs[-] ;
- 225 (xvi) notwithstanding Subsection (12)(a)(vii), admission to, attendance at, or travel to or from a
recreational or sporting event provided by an institution of higher education described in Subsection
53B-2-101(1), or by a private, nonprofit institution of higher education in the state, if:
- 229 (A) the institution of higher education is competing in the recreational or sporting event, or the
recreational or sporting event occurs at a location owned or leased by the institution of higher
education; and
- 232 (B) the purpose of the public official attending the event is to build a relationship between the
institution of higher education and the public official; or
- 234 (xvii) notwithstanding Subsection (12)(a)(vii), admission to, attendance at, or travel to or from a
theatrical, musical, dancing, or other artistic performance, an art exhibition, or another artistic
event provided by an institution of higher education described in Subsection 53B-2-101(1), or by a
private, nonprofit institution of higher education in the state, if:
- 239 (A) the institution of higher education is participating in the event, or the event occurs at a location
owned or leased by the institution of higher education; and
- 241 (B) the purpose of the public official attending the event is to build a relationship between the
institution of higher education and the public official.
- 243

SB0291S01 compared with SB0291S02

~~[(12)]~~ (13) "Food reimbursement rate" means the total amount set by the director of the Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an employee of the executive branch, for an entire day.

246 ~~[(13)]~~ (14)

(a) "Foreign agent" means an individual who engages in lobbying under contract with a foreign government.

248 (b) "Foreign agent" does not include an individual who is recognized by the United States Department of State as a duly accredited diplomatic or consular officer of a foreign government, including a duly accredited honorary consul.

251 ~~[(14)]~~ (15) "Foreign government" means a government other than the government of:

252 (a) the United States;

253 (b) a state within the United States;

254 (c) a territory or possession of the United States; or

255 (d) a political subdivision of the United States.

256 (16) "Government action" means:

257 (a) an education action;

258 (b) an executive action;

259 (c) a legislative action; or

260 (d) a local action.

261 ~~[(15)]~~ (17)

(a) "Government officer" means:

262 (i) an individual elected to a position in state or local government, when acting in the capacity of the state or local government position;

264 (ii) an individual elected to a board of education, when acting in the capacity of a member of a board of education;

266 (iii) an individual appointed to fill a vacancy in a position described in Subsection ~~[(15)(a)(i) or (ii)]~~ (17)(a)(i) or (ii), when acting in the capacity of the position; or

268 (iv) an individual appointed to or employed in a full-time position by state government, local government, or a board of education, when acting in the capacity of the individual's appointment or employment.

271 (b) "Government officer" does not mean a member of the legislative branch of state government.

SB0291S01 compared with SB0291S02

- 273 ~~[(16)]~~ (18) "Immediate family" means:
- 274 (a) a spouse;
- 275 (b) a child residing in the household; or
- 276 (c) an individual claimed as a dependent for tax purposes.
- 277 ~~[(17)]~~ (19) "Legislative action" means~~[:]~~
- 278 ~~[(a)]~~ the passage or defeat of a bill, resolution, amendment, nomination, veto override, appropriation,
or other matter pending or proposed in either house of the Legislature or ~~[its]~~ the Legislature's
committees, or requested by a legislator~~[: and]~~ .
- 281 ~~[(b)]~~ the action of the governor in approving or vetoing legislation.
- 282 (20) "Legislative official" means a member, or a member-elect, of the Senate or the House of
Representatives.
- 284 ~~[(18)]~~ (21) "Lobbying" means communicating with a public official for the purpose of influencing ~~[a~~
legislative action, executive action, local action, or education] government action.
- 287 ~~[(19)]~~ (22)
- (a) "Lobbyist" means~~[:]~~ an individual who accepts or agrees to accept employment, payment, a reward,
an incentive, something of value, or other consideration in exchange for lobbying.
- 290 ~~[(i)]~~ an individual who is employed by a principal; or]
- 291 ~~[(ii)]~~ an individual who contracts for economic consideration, other than reimbursement for
reasonable travel expenses, with a principal to lobby a public official.]
- 294 (b) "Lobbyist" includes an individual who engages in lobbying on behalf of an entity, other than a
publicly-traded entity, in which the individual obtained a non-controlling ownership interest within
the immediately preceding 18 months.
- 297 ~~[(b)]~~ (c) "Lobbyist" does not include:
- 298 (i) a government officer;
- 299 (ii) a member or employee of the legislative branch of state government;
- 300 (iii) an individual who, in exchange for lobbying, accepts or agrees to accept only reimbursement for
reasonable travel expenses;
- 302 ~~[(iii)]~~ (iv) a person, including a principal, while appearing at, or providing written comments to, a
hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
or Title 63G, Chapter 4, Administrative Procedures Act;
- 306

SB0291S01 compared with SB0291S02

- ~~[(iv)]~~ (v) a person participating on or appearing before an advisory or study task force, commission, board, or committee, constituted by the Legislature, a local government, a board of education, or any agency or department of state government, except legislative standing, appropriation, or interim committees;
- 310 ~~[(v)]~~ (vi) a representative of a political party;
- 311 ~~[(vi)]~~ (vii) an individual representing a bona fide church solely for the purpose of protecting the right to practice the religious doctrines of the church, unless the individual or church makes an expenditure that confers a benefit on a public official;
- 315 ~~[(vii)]~~ (viii) a newspaper, television station or network, radio station or network, periodical of general circulation, or book publisher for the purpose of publishing news items, editorials, other comments, or paid advertisements that directly or indirectly urge ~~[legislative action, executive action, local action, or education]~~ government action;
- 320 ~~[(viii)]~~ (ix) an individual who appears on the individual's own behalf before a committee of the Legislature, an agency of the executive branch of state government, a board of education, the governing body of a local government, a committee of a local government, or a committee of a board of education, solely for the purpose of testifying in support of or in opposition to ~~[legislative action, executive action, local action, or education]~~ government action; or
- 326 ~~[(ix)]~~ (x) an individual representing a business, entity, or industry, who:
- 327 (A) interacts with a public official, in the public official's capacity as a public official, while accompanied by a registered lobbyist who is lobbying in relation to the subject of the interaction or while presenting at a legislative committee meeting at the same time that the registered lobbyist is attending another legislative committee meeting; and
- 332 (B) does not make an expenditure for, or on behalf of, a public official in relation to the interaction or during the period of interaction.
- 334 ~~[(20)]~~ (23) "Lobbyist group" means two or more lobbyists, principals, government officers, or any combination of lobbyists, principals, and government officers, who each contribute a portion of an expenditure made to benefit a public official or member of the public official's immediate family.
- 338 ~~[(21)]~~ (24) "Local action" means:
- 339 (a) an ordinance or resolution for consideration by a local government;
- 340 (b) a nomination or appointment by a local official or a local government;
- 341 (c) a vote on an administrative action taken by a vote of a local government's legislative body; or

SB0291S01 compared with SB0291S02

- 343 ~~[(d) an adjudicative proceeding over which a local official has direct or indirect control;]~~
344 ~~[(e) a purchasing or contracting decision;]~~
345 ~~[(f) drafting or making a policy, resolution, or rule;]~~
346 ~~[(g) (d) determining a rate or fee [; or] .~~
347 ~~[(h) making an adjudicative decision.]~~
348 ~~[(22)] (25)~~ "Local government" means:
349 ~~(a)~~ a county, city, or town;
350 ~~(b)~~ a special district governed by Title 17B, Limited Purpose Local Government Entities - Special
Districts;
352 ~~(c)~~ a special service district governed by Title 17D, Chapter 1, Special Service District Act;
354 ~~(d)~~ a community reinvestment agency governed by Title 17C, Limited Purpose Local Government
Entities - Community Reinvestment Agency Act;
356 ~~(e)~~ a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
357 ~~(f)~~ a redevelopment agency; or
358 ~~(g)~~ an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter 13, Interlocal
Cooperation Act.
360 ~~[(23)] (26)~~ "Local official" means:
361 ~~(a)~~ an ~~[elected member of a local government]~~ individual elected to a local government office or
appointed to fill a vacancy in a local government office; or
363 ~~(b)~~ an individual appointed to or employed in a position in a local government if that individual:
365 ~~(i)~~ occupies a policymaking position ~~[or makes purchasing or contracting decisions]; or~~
367 ~~[(ii) drafts ordinances or resolutions or drafts or makes rules;]~~
368 ~~[(iii)] (ii)~~ determines rates or fees ~~[; or] .~~
369 ~~[(iv) makes adjudicative decisions; or]~~
370 ~~[(e) an immediate family member of an individual described in Subsection (23)(a) or (b).]~~
371 ~~[(24)] (27)~~ "Meeting" means a gathering of people to discuss an issue, receive instruction, or make a
decision, including a conference, seminar, or summit.
373 ~~[(25)] (28)~~ "Multiclient lobbyist" means a single lobbyist, principal, or government officer who
represents two or more clients and divides the aggregate daily expenditure made to benefit a public
official or member of the public official's immediate family between two or more of those clients.
377

SB0291S01 compared with SB0291S02

~~[(26)] (29)~~ "Principal" means a person that ~~[employs an individual to perform lobbying, either as an employee or as an independent contractor]~~ pays or provides, or agrees or promises to pay or provide, employment, a reward, an incentive, something of value, or other consideration to a person to engage in lobbying.

381 ~~[(27)] (30)~~ "Public official" means:

382 ~~(a)~~ an education official;

383 ~~(b)~~ an executive official;

384 ~~(c)~~ a legislative official;

385 ~~(d)~~ a local official; or

386 ~~(e)~~ an immediate family member of an official or individual described in Subsections (30)(a) through (d).

388 ~~[(a)]~~

~~(i)~~ a member of the Legislature;

389 ~~[(ii)]~~ an individual elected to a position in the executive branch of state government; or

390 ~~[(iii)]~~ an individual appointed to or employed in a position in the executive or legislative branch of state government if that individual:

392 ~~[(A)]~~ occupies a policymaking position or makes purchasing or contracting decisions;

394 ~~[(B)]~~ drafts legislation or makes rules;

395 ~~[(C)]~~ determines rates or fees; or

396 ~~[(D)]~~ makes adjudicative decisions;

397 ~~[(b)]~~ an immediate family member of a person described in Subsection (27)(a);

398 ~~[(c)]~~ a local official; or

399 ~~[(d)]~~ an education official.

400 ~~[(28)] (31)~~ "Public official type" means a notation to identify whether a public official is:

401 ~~(a)~~

~~(i)~~ a member of the Legislature;

402 ~~(ii)~~ an individual elected to a position in the executive branch of state government;

403 ~~(iii)~~ an individual appointed to or employed in a position in the legislative branch of state government who meets the definition of ~~[public]~~ legislative official ~~[under Subsection (27)(a)(iii)]~~;

406 ~~(iv)~~ an individual appointed to or employed in a position in the executive branch of state government who meets the definition of ~~[public]~~ executive official ~~[under Subsection (27)(a)(iii)]~~;

SB0291S01 compared with SB0291S02

- 409 (v) a local official, including a description of the type of local government for which the individual is a
local official; or
- 411 (vi) an education official, including a description of the type of board of education for which the
individual is an education official; or
- 413 (b) an immediate family member of an individual described in ~~Subsection (27)(a), (c), or~~
~~(d)~~ Subsections (30)(a) through (d).
- 415 ~~(29)~~ (32) "Quarterly reporting period" means the three-month period covered by each financial report
required under Subsection 36-11-201(2)(a).
- 417 ~~(30)~~ (33) "Related person" means a person, agent, or employee who ~~knowingly and intentionally~~
~~]~~ assists a lobbyist, principal, or government officer in lobbying.
- 419 ~~(31)~~ (34) "Relative" means:
- 420 (a) a spouse;
- 421 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law,
nephew, niece, aunt, uncle, or first cousin; or
- 423 (c) a spouse of an individual described in Subsection ~~(31)(b)~~ (34)(b).
- 424 ~~(32)~~ (35) "Tour" means visiting a location, for a purpose relating to the duties of a public official, and
not primarily for entertainment, including:
- 426 (a) viewing a facility;
- 427 (b) viewing the sight of a natural disaster; or
- 428 (c) assessing a circumstance in relation to which a public official may need to take action within the
scope of the public official's duties.
- notwithstanding Subsection (12)(a)(vii), admission to, attendance at, or travel to or from a sporting
{ ←H→ } { {for recreational} } { ←H→ } event provided by an institution of higher education described in
Subsection 53B-2-101(1), or by a private, nonprofit institution of higher education in the state, if:
- 229 ~~{(A)}~~ the institution of higher education is competing in the sporting { ←H→ } { {for recreational} } {
←H→ } event; { ←H→ } { { } {and} { } } { {or} } { } ←H→ }
- 230 ~~{(B) the purpose of the public official attending the event is to build a relationship between the~~
~~institution of higher education and the public official; or }~~
- 232 ~~{(xvii) { notwithstanding Subsection (12)(a)(vii), admission to, attendance at, or travel to or from a~~
~~theatrical, musical, dancing, or other artistic performance, an art exhibition, or another artistic~~

SB0291S01 compared with SB0291S02

event provided by an institution of higher education described in Subsection 53B-2-101(1), or by a private, nonprofit institution of higher education in the state, if: }

237 {~~(A)~~} the institution is participating in the event; { ~~Ĥ~~→ { } {~~{~~} ~~{and}~~ {~~}~~} {~~{or}~~} {~~}~~} ←Ĥ }

238 {~~(B)~~} {~~the purpose of the public official attending the event is to build a relationship between the institution of higher education and the public official.~~}

240 {~~{(12)}~~} ~~(13)~~ {~~"Food reimbursement rate" means the total amount set by the director of the Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an employee of the executive branch, for an entire day.~~}

243 {~~{(13)}~~} ~~(14)~~}

{~~(a)~~} {~~"Foreign agent" means an individual who engages in lobbying under contract with a foreign government.~~}

245 {~~(b)~~} {~~"Foreign agent" does not include an individual who is recognized by the United States Department of State as a duly accredited diplomatic or consular officer of a foreign government, including a duly accredited honorary consul.~~}

248 {~~{(14)}~~} ~~(15)~~ {~~"Foreign government" means a government other than the government of:~~}

249 {~~(a)~~} {~~the United States;~~}

250 {~~(b)~~} {~~a state within the United States;~~}

251 {~~(c)~~} {~~a territory or possession of the United States; or~~}

252 {~~(d)~~} {~~a political subdivision of the United States.~~}

253 {~~(16)~~} ~~"Government action" means:~~}

254 {~~(a)~~} {~~an education action;~~}

255 {~~(b)~~} {~~an executive action;~~}

256 {~~(c)~~} {~~a legislative action; or~~}

257 {~~(d)~~} {~~a local action.~~}

258 {~~{(15)}~~} ~~(17)~~}

{~~(a)~~} {~~"Government officer" means:~~}

259 (i) {~~an individual elected to a position in state or local government, when acting in the capacity of the state or local government position;~~}

261 (ii) {~~an individual elected to a board of education, when acting in the capacity of a member of a board of education;~~}

263

SB0291S01 compared with SB0291S02

- (iii) ~~{ an individual appointed to fill a vacancy in a position described in Subsection } { } {(15)(a)(i) or (ii)} }~~ (17)(a)(i) or (ii) ~~{, when acting in the capacity of the position; or~~
- 265 (iv) ~~{ an individual appointed to or employed in a full-time position by state government, local government, or a board of education, when acting in the capacity of the individual's appointment or employment. }~~
- 268 ~~{(b)} {"Government officer" does not mean a member of the legislative branch of state government. }~~
- 270 ~~{(16)}(18)} {"Immediate family" means: }~~
- 271 ~~{(a)} { a spouse; }~~
- 272 ~~{(b)} { a child residing in the household; or }~~
- 273 ~~{(c)} { an individual claimed as a dependent for tax purposes. }~~
- 274 ~~{(17)}(19)} {"Legislative action" means } { } { : } { }~~
- 275 ~~{(a)} } the passage or defeat of ~~{ a bill, resolution, amendment, nomination, veto override, } appropriation, { or other matter pending or proposed in either house of the Legislature or { } { its } }~~ the Legislature's ~~{ committees } , { or requested by a legislator { } { ; and } }~~ .~~
- 278 ~~{(b)} { the action of the governor in approving or vetoing legislation. } }~~
- 279 ~~{(20)} {"Legislative official" means a member, or a member-elect, of the Senate or the House of Representatives. }~~
- 281 ~~{(18)}(21)} {"Lobbying" means communicating with a public official for the purpose of influencing } { } { a legislative action, executive action, local action, or education } }~~ government ~~{ action. }~~
- 284 ~~{(19)}(22)} {"Lobbyist" means } { } { : } }~~ an individual who accepts or agrees to accept employment, payment, a reward, an incentive, something of value, or other consideration in exchange for lobbying.
- 287 ~~{(i)} { an individual who is employed by a principal; or } }~~
- 288 ~~{(ii)} { an individual who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official. } }~~
- 291 ~~{(b)} {"Lobbyist" includes an individual who engages in lobbying on behalf of an entity, other than a publicly-traded entity, in which the individual obtained a non-controlling ownership interest within the immediately preceding 18 months. }~~
- 294 ~~{(b)}(c)} {"Lobbyist" does not include: }~~
- 295 ~~{(i)} { a government officer; }~~

SB0291S01 compared with SB0291S02

- 296 {(ii)} a member or employee of the legislative branch of state government; }
- 297 {(iii)} {an individual who, in exchange for lobbying, accepts or agrees to accept only reimbursement for
reasonable travel expenses; }
- 299 ~~{(iii)}~~ (iv) { a person, including a principal, while appearing at, or providing written comments to, a
hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
or Title 63G, Chapter 4, Administrative Procedures Act; }
- 303 ~~{(iv)}~~ (v) { a person participating on or appearing before an advisory or study task force, commission,
board, or committee, constituted by the Legislature, a local government, a board of education, or
any agency or department of state government, except legislative standing, appropriation, or interim
committees; }
- 307 ~~{(v)}~~ (vi) { a representative of a political party; }
- 308 ~~{(vi)}~~ (vii) { an individual representing a bona fide church solely for the purpose of protecting the
right to practice the religious doctrines of the church, unless the individual or church makes an
expenditure that confers a benefit on a public official; }
- 312 ~~{(vii)}~~ (viii) { a newspaper, television station or network, radio station or network, periodical of
general circulation, or book publisher for the purpose of publishing news items, editorials, other
comments, or paid advertisements that directly or indirectly urge } { } { legislative action, executive
action, local action, or education } } } government { -action; }
- 317 ~~{(viii)}~~ (ix) { an individual who appears on the individual's own behalf before a committee of the
Legislature, an agency of the executive branch of state government, a board of education, the
governing body of a local government, a committee of a local government, or a committee of
a board of education, solely for the purpose of testifying in support of or in opposition to } { }
{ legislative action, executive action, local action, or education } } } government { -action; or }
- 323 ~~{(ix)}~~ (x) { an individual representing a business, entity, or industry, who: }
- 324 (A) { interacts with a public official, in the public official's capacity as a public official, while
accompanied by a registered lobbyist who is lobbying in relation to the subject of the interaction or
while presenting at a legislative committee meeting at the same time that the registered lobbyist is
attending another legislative committee meeting; and }
- 329 (B) { does not make an expenditure for, or on behalf of, a public official in relation to the interaction
or during the period of interaction. }

331

SB0291S01 compared with SB0291S02

- 335 ~~{{(20)}(23)}~~ {"Lobbyist group" means two or more lobbyists, principals, government officers, or any
combination of lobbyists, principals, and government officers, who each contribute a portion of an
expenditure made to benefit a public official or member of the public official's immediate family.}
- 336 ~~{{(21)}(24)}~~ {"Local action" means:}
- 337 ~~{{(a)}~~ {an ordinance or resolution for consideration by a local government;}
- 338 ~~{{(b)}~~ {a nomination or appointment by a local official or a local government;}
- 339 ~~{{(c)}~~ a vote on an administrative action taken by a vote of a local government's legislative body; } or
- 340 ~~{{(d)}~~ {an adjudicative proceeding over which a local official has direct or indirect control; } {}
- 341 ~~{{(e)}~~ {a purchasing or contracting decision; } {}
- 342 ~~{{(f)}~~ {drafting or making a policy, resolution, or rule; } {}
- 343 ~~{{(g)}(d)}~~ {determining a rate or fee} {} {; or} {} .
- 344 ~~{{(h)}~~ {making an adjudicative decision.} {}
- 345 ~~{{(22)}(25)}~~ {"Local government" means:}
- 346 ~~{{(a)}~~ {a county, city, or town;}
- 347 ~~{{(b)}~~ {a special district governed by Title 17B, Limited Purpose Local Government Entities – Special
Districts;}
- 349 ~~{{(c)}~~ {a special service district governed by Title 17D, Chapter 1, Special Service District Act;}
- 351 ~~{{(d)}~~ {a community reinvestment agency governed by Title 17C, Limited Purpose Local Government
Entities – Community Reinvestment Agency Act;}
- 353 ~~{{(e)}~~ {a conservation district governed by Title 17D, Chapter 3, Conservation District Act;}
- 354 ~~{{(f)}~~ {a redevelopment agency; or}
- 355 ~~{{(g)}~~ {an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter 13,
Interlocal Cooperation Act.}
- 357 ~~{{(23)}(26)}~~ {"Local official" means:}
- 358 ~~{{(a)}~~ {an } {} {elected member of a local government} {} individual elected to a local government
office or appointed to fill a vacancy in a local government office{; } or
- 360 ~~{{(b)}~~ {an individual appointed to or employed in a position in a local government if that individual:}
- 362 ~~{{(i)}~~ {occupies a policymaking position} {} {or makes purchasing or contracting decisions} {} ; } or
- 364 ~~{{(ii)}~~ {drafts ordinances or resolutions or drafts or makes rules; } {}
- 365 ~~{{(iii)}(ii)}~~ {determines rates or fees} {} {; or} {} .
- 366 ~~{{(iv)}~~ {makes adjudicative decisions; or} {}

SB0291S01 compared with SB0291S02

- 367 ~~{(e)}~~ ~~{an immediate family member of an individual described in Subsection (23)(a) or (b).}~~ ~~{}~~
- 368 ~~{(24)}~~ ~~(27)~~ ~~{ "Meeting" means a gathering of people to discuss an issue, receive instruction, or make a~~
~~decision, including a conference, seminar, or summit. }~~
- 370 ~~{(25)}~~ ~~(28)~~ ~~{ "Multi-client lobbyist" means a single lobbyist, principal, or government officer who~~
~~represents two or more clients and divides the aggregate daily expenditure made to benefit a public~~
~~official or member of the public official's immediate family between two or more of those clients. }~~
- 374 ~~{(26)}~~ ~~(29)~~ ~~{ "Principal" means a person that } ~~{}~~ ~~{ employs an individual to perform lobbying, either~~
~~as an employee or as an independent contractor } ~~{}~~ ~~pays or provides, or agrees or promises to pay~~
~~or provide, employment, a reward, an incentive, something of value, or other consideration to a~~
~~person to engage in lobbying { :~~~~~~
- 378 ~~{(27)}~~ ~~(30)~~ ~~"Public official" means: }~~
- 379 ~~{(a) an education official; }~~
- 380 ~~{(b) an executive official; }~~
- 381 ~~{(c) a legislative official; }~~
- 382 ~~{(d) a local official; or }~~
- 383 ~~{(e) {an immediate family member of an official or individual described in Subsections (30)(a) through~~
~~(d). }~~
- 385 ~~{(a)}~~
- ~~{(i) {a member of the Legislature; } ~~{}~~~~
- 386 ~~{(ii) {an individual elected to a position in the executive branch of state government; or } ~~{}~~~~
- 387 ~~{(iii) {an individual appointed to or employed in a position in the executive or legislative branch of~~
~~state government if that individual; } ~~{}~~~~
- 389 ~~{(A) {occupies a policymaking position or makes purchasing or contracting decisions; } ~~{}~~~~
- 391 ~~{(B) {drafts legislation or makes rules; } ~~{}~~~~
- 392 ~~{(C) {determines rates or fees; or } ~~{}~~~~
- 393 ~~{(D) {makes adjudicative decisions; } ~~{}~~~~
- 394 ~~{(b) {an immediate family member of a person described in Subsection (27)(a); } ~~{}~~~~
- 395 ~~{(c) {a local official; or } ~~{}~~~~
- 396 ~~{(d) {an education official. } ~~{}~~~~
- 397 ~~{(28)}~~ ~~(31)~~ ~~{ "Public official type" means a notation to identify whether a public official is: }~~
- 398 ~~{(a)}~~

SB0291S01 compared with SB0291S02

- {(i)} {a member of the Legislature;}
- 399 {(ii)} {an individual elected to a position in the executive branch of state government;}
- 400 {(iii)} {an individual appointed to or employed in a position in the legislative branch of state
government who meets the definition of } {{ } {public} }} legislative {official{{ } {{-under
Subsection (27)(a)(iii)}} }} {;} {;}
- 403 {(iv)} {an individual appointed to or employed in a position in the executive branch of state
government who meets the definition of } {{ } {public} }} executive {official{{ } {{-under Subsection
(27)(a)(iii)}} }} {;} {;}
- 406 {(v)} {a local official, including a description of the type of local government for which the individual
is a local official; or }
- 408 {(vi)} {an education official, including a description of the type of board of education for which the
individual is an education official; or }
- 410 {(b)} {an immediate family member of an individual described in } {{ } {Subsection (27)(a), (c), or (d)}}
}} Subsections (30)(a) through (d){:
- 412 {{(29)}(32)} {"Quarterly reporting period" means the three-month period covered by each financial
report required under Subsection 36-11-201(2)(a).}
- 414 {{(30)}(33)} {"Related person" means a person, agent, or employee who } {{ } {knowingly and
intentionally } }} { assists a lobbyist, principal, or government officer in lobbying. }
- 416 {{(31)}(34)} {"Relative" means: }
- 417 {(a)} {a spouse; }
- 418 {(b)} {a child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-
law, nephew, niece, aunt, uncle, or first cousin; or }
- 420 {(c)} {a spouse of an individual described in Subsection } {{ } {{(31)(b)}} }} (34)(b){:
- 421 {{(32)}(35)} {"Tour" means visiting a location, for a purpose relating to the duties of a public official,
and not primarily for entertainment, including: }
- 423 {(a)} {viewing a facility; }
- 424 {(b)} {viewing the sight of a natural disaster; or }
- 425 {(e)} {assessing a circumstance in relation to which a public official may need to take action within the
scope of the public official's duties. }

430 Section 2. Section **36-11-201** is amended to read:

431

SB0291S01 compared with SB0291S02

36-11-201. Lobbyist, principal, and government officer financial reporting requirements -- Prohibition for related person to make expenditures.

- 430 (1)
- (a)
- (i) Except as provided in Subsection (1)(a)(ii), a lobbyist shall file financial reports with the lieutenant governor on or before the due dates specified in Subsection (2).
- 433 (ii) A lobbyist who has not made an expenditure during a quarterly reporting period is not required to file a quarterly financial report for that quarterly reporting period.
- 435 (iii) A lobbyist who is not required to file any quarterly reports under this section for a calendar year shall, on or before January 10 of the following year, file a financial report listing the amount of the expenditures for the entire preceding year as "none."
- 439 (b) Except as provided in Subsection (1)(c), a government officer or principal that makes an expenditure during any of the quarterly reporting periods under Subsection (2)(a) shall file a financial report with the lieutenant governor on or before the date that a report for that quarter is due.
- 443 (c)
- (i) As used in this Subsection (1)(c), "same local government type" means:
- 444 (A) for a county government, the same county government or another county government;
- 446 (B) for a municipal government, the same municipal government or another municipal government;
- 448 (C) for a board of education, the same board of education;
- 449 (D) for a local school board described in Title 53G, Chapter 4, School Districts, the same local school board or another local school board;
- 451 (E) for a special district, the same special district or another special district or a special service district;
- 453 (F) for a special service district, the same special service district or another special service district or a special district; or
- 455 (G) for a participant in an interlocal agreement, another participant in the same interlocal agreement.
- 457 (ii) A local official or an education official is not required, under this section, to report an expenditure made by the local official or education official to another local official or education official of the same local government type as the local official or education official making the expenditure.

SB0291S01 compared with SB0291S02

- 461 (2)
- (a) A financial report is due quarterly on the following dates:
- 462 (i) April 10, for the period of January 1 through March 31;
- 463 (ii) July 10, for the period of April 1 through June 30;
- 464 (iii) October 10, for the period of July 1 through September 30; and
- 465 (iv) January 10, for the period of October 1 through December 31 of the previous year.
- 467 (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday, the report is due on the next succeeding business day.
- 469 (c) A financial report is timely filed if it is filed electronically before the close of regular office hours on or before the due date.
- 471 (3) A financial report shall contain:
- 472 (a) the total amount of expenditures made to benefit any public official during the quarterly reporting period;
- 474 (b) the total amount of expenditures made, by the type of public official, during the quarterly reporting period;
- 476 (c) for the financial report due on January 10:
- 477 (i) the total amount of expenditures made to benefit any public official during the last calendar year; and
- 479 (ii) the total amount of expenditures made, by the type of public official, during the last calendar year;
- 481 (d) a disclosure of each expenditure made during the quarterly reporting period to reimburse or pay for travel or lodging for a public official, including:
- 483 (i) each travel destination and each lodging location;
- 484 (ii) the name of each public official who benefitted from the expenditure on travel or lodging;
- 486 (iii) the public official type of each public official named;
- 487 (iv) for each public official named, a listing of the amount and purpose of each expenditure made for travel or lodging; and
- 489 (v) the total amount of expenditures listed under Subsection (3)(d)(iv);
- 490 (e) a disclosure of aggregate daily expenditures greater than [~~\$10~~] \$25 made during the quarterly reporting period including:
- 492 (i) the date and purpose of the expenditure;
- 493 (ii) the location of the expenditure;
- 494 (iii) the name of any public official benefitted by the expenditure;

SB0291S01 compared with SB0291S02

- 495 (iv) the type of the public official benefitted by the expenditure; and
496 (v) the total monetary worth of the benefit that the expenditure conferred on any public official;
498 (f) for each public official who was employed by the lobbyist, principal, or government officer, a list
that provides:
500 (i) the name of the public official; and
501 (ii) the nature of the employment with the public official;
502 (g) each bill or resolution, by number and short title, on behalf of which the lobbyist, principal, or
government officer made an expenditure to a public official;
504 (h) a description of each ~~[executive]~~ government action on behalf of which the lobbyist, principal, or
government officer made an expenditure to a public official;
506 (i) a description of each ~~[local action or education]~~ government action regarding which the lobbyist,
principal, or government officer made an expenditure to a local official or education official;
509 (j) the general purposes, interests, and nature of the entities that the lobbyist, principal, or government
officer filing the report represents; and
511 (k) for a lobbyist, a certification that the information provided in the report is true, accurate, and
complete to the lobbyist's best knowledge and belief.
513 (4) A related person may not, while assisting a lobbyist, principal, or government officer in lobbying,
make an expenditure that benefits a public official under circumstances that would otherwise fall
within the disclosure requirements of this chapter if the expenditure was made by the lobbyist,
principal, or government officer.
517 (5) The lieutenant governor shall:
518 (a)
519 (i) develop a preprinted form for a financial report required by this section; and
521 (ii) make copies of the form available to a lobbyist, principal, or government officer who requests a
form; and
523 (b) provide a reporting system that allows a lobbyist, principal, or government officer to submit a
financial report required by this chapter via the Internet.
(6)
526 (a) A lobbyist and a principal shall continue to file a financial report required by this section until the
lobbyist or principal files a statement with the lieutenant governor that:
(i)

SB0291S01 compared with SB0291S02

(A) for a lobbyist, states that the lobbyist has ceased lobbying activities; or

527 (B) for a principal, states that the principal no longer employs an individual as a lobbyist;

529 (ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's license;

531 (iii) contains a listing, as required by this section, of all previously unreported expenditures that
have been made through the date of the statement; and

533 (iv) states that the lobbyist or principal will not make any additional expenditure that is not
disclosed on the statement unless the lobbyist or principal complies with the disclosure and
licensing requirements of this chapter.

536 (b) Except as provided in Subsection (1)(a)(ii), a lobbyist or principal that is required to file a financial
report under this section is required to file the report quarterly until the lobbyist or principal files the
statement required by Subsection (6)(a).

542 Section 3. Section **36-11-301** is repealed and re-enacted to read:

543 **36-11-301. Contingent consideration, reward, or incentive prohibited.**

It is unlawful for a lobbyist to solicit, accept, or agree to accept anything of value from a
person as consideration for, a reward for, or an incentive for, lobbying, if:

543 (1) the consideration, reward, or incentive is based on whether certain government action occurs or does
not occur; or

545 (2) the value of the consideration is calculated based the amount appropriated for a certain program or
expenditure made by the entity lobbied.

550 Section 4. Section **36-11-304** is amended to read:

551 **36-11-304. Expenditures over certain amounts prohibited -- Exceptions.**

549 (1) Except as provided in Subsection (2) or (3), a lobbyist, principal, or government officer may not
make or offer to make aggregate daily expenditures that exceed:

551 (a) for food or beverage, the food reimbursement rate;[~~or~~]

552 (b) [~~\$10~~] except as provided in Subsection (1)(c), \$25 for expenditures other than food or beverage[-];
or

554 (c) \$50 for expenditures for a publication or a commemorative item.

555 (2) A lobbyist, principal, or government officer may make aggregate daily expenditures that exceed the
limits described in Subsection (1):

557 (a) for the following items, if the expenditure is reported in accordance with Section 36-11-201:

559 (i) food;

SB0291S01 compared with SB0291S02

- 560 (ii) beverage;
561 (iii) travel;
562 (iv) lodging; or
563 (v) admission to or attendance at a tour or meeting that is not an approved activity; or
564 (b) if the expenditure is made for a purpose solely unrelated to the public official's position as a public
official.
- 566 (3)
- (a) As used in this Subsection (3), "same local government type" means:
- 567 (i) for a county government, the same county government or another county government;
569 (ii) for a municipal government, the same municipal government or another municipal government;
571 (iii) for a board of education, the same board of education;
572 (iv) for a local school board described in Title 53G, Chapter 4, School Districts, the same local
school board or another local school board;
574 (v) for a special district, the same special district or another special district or a special service
district;
576 (vi) for a special service district, the same special service district or another special service district
or a special district; or
578 (vii) for a participant in an interlocal agreement, another participant in the same interlocal
agreement.
- 580 (b) This section does not apply to an expenditure made by a local official or an education official to
another local official or education official of the same local government type as the local official or
education official making the expenditure.
- 586 Section 5. Section **53-1-102** is amended to read:
587 **53-1-102. Definitions.**
- 585 (1) As used in this title:
- 586 (a) "Capitol hill complex" means capitol hill, as defined in Section 63O-1-101.
587 (b) "Commissioner" means the commissioner of public safety appointed under Section 53-1-107.
589 (c) "Department" means the Department of Public Safety created in Section 53-1-103.
590 (d) "Governor-elect" means an individual whom the board of canvassers determines to be the successful
candidate for governor after a general election for the office of governor.
593 (e) "Law enforcement agency" means an entity or division of:

SB0291S01 compared with SB0291S02

- 594 (i)
- (A) the federal government, a state, or a political subdivision of a state;
- 595 (B) a state institution of higher education; or
- 596 (C) a private institution of higher education, if the entity or division is certified by the commissioner under Title 53, Chapter 19, Certification of Private Law Enforcement Agency; and
- 599 (ii) that exists primarily to prevent and detect crime and enforce criminal laws, statutes, and ordinances.
- 601 (f) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
- 603 (g) "Motor vehicle" means every self-propelled vehicle and every vehicle propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except motorized wheel chairs and vehicles moved solely by human power.
- 606 (h) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13, Peace Officer Classifications.
- 608 (i) "Public official" means~~[the same as that term is defined in Section 36-11-102.]~~ :
- 609 (i) a member of the Legislature;
- 610 (ii) an individual elected to a position in the executive branch of state government;
- 611 (iii) an individual appointed to or employed in a position in the executive or legislative branch of state government, if that individual:
- 613 (A) occupies a policymaking position;
- 614 (B) makes purchasing or contracting decisions;
- 615 (C) drafts legislation or makes rules;
- 616 (D) determines rates or fees; or
- 617 (E) makes adjudicative decisions;
- 618 (iv) an elected member of a local government, as defined in Section 36-11-102;
- 619 (v) an individual appointed to or employed in a position in a local government, as defined in Section 36-11-102, if that individual:
- 621 (A) occupies a policymaking position;
- 622 (B) makes purchasing or contracting decisions;
- 623 (C) drafts ordinances or resolutions, or drafts or makes rules;
- 624 (D) determines rates or fees; or
- 625 (E) makes adjudicative decisions;
- 626 (vi) a member of a board of education, as defined in Section 36-11-102;

SB0291S01 compared with SB0291S02

- 627 (vii) an individual appointed to or employed in a position under a board of education, as defined in
628 Section 36-11-102, if that individual:
- 629 (A) occupies a policymaking position;
630 (B) makes purchasing or contracting decisions;
631 (C) drafts resolutions or policies, or drafts or makes rules;
632 (D) determines rates or fees;
633 (E) makes decisions relating to an education budget or the expenditure of public money; or
634 (F) makes adjudicative decisions; or
- 635 (viii) an immediate family member of an individual described in Subsections (1)(i)(i) through (vii).
- 636 (j) "State institution of higher education" means the same as that term is defined in Section 53B-3-102.
637 (k) "Vehicle" means every device in, upon, or by which any person or property is or may be transported
638 or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.
- 639 (2) The definitions provided in Subsection (1) are to be applied throughout this title in addition to
640 definitions that are applicable to specific chapters or parts.
- 641 Section 6. Section **53-1-106** is amended to read:
- 642 **53-1-106. Department duties -- Powers.**
- 643 (1) In addition to the responsibilities contained in this title, the department shall:
- 644 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic Code, including:
- 645 (i) setting performance standards for towing companies to be used by the department, as required by
646 Section 41-6a-1406; and
- 647 (ii) advising the Department of Transportation regarding the safe design and operation of school buses,
648 as required by Section 41-6a-1304;
- 649 (b) make rules to establish and clarify standards pertaining to the curriculum and teaching methods of a
650 motor vehicle accident prevention course under Section 31A-19a-211;
- 651 (c) aid in enforcement efforts to combat drug trafficking;
- 652 (d) meet with the Division of Technology Services to formulate contracts, establish priorities, and
653 develop funding mechanisms for dispatch and telecommunications operations;
- 654 (e) provide assistance to the State Commission on Criminal and Juvenile Justice and the Utah Office for
655 Victims of Crime in conducting research or monitoring victims' programs, as required by Section
656 63M-7-507;
- 657 (f) develop sexual assault exam protocol standards in conjunction with the Utah Hospital Association;

SB0291S01 compared with SB0291S02

- 666 (g) engage in emergency planning activities, including preparation of policy and procedure and
rulemaking necessary for implementation of the federal Emergency Planning and Community Right
to Know Act of 1986, as required by Section 53-2a-702;
- 670 (h) implement the provisions of Section 53-2a-402, the Emergency Management Assistance Compact;
- 672 (i) ensure that any training or certification required of a public official, as defined in Section 53-1-102,
or a public employee, as [those terms are] defined in Section 63G-22-102, complies with Title 63G,
Chapter 22, State Training and Certification Requirements, if the training or certification is required:
- 676 (i) under this title;
- 677 (ii) by the department; or
- 678 (iii) by an agency or division within the department;
- 679 (j) employ a law enforcement officer as a public safety liaison to be housed at the State Board of
Education who shall work with the State Board of Education to:
- 681 (i) support training with relevant state agencies for school resource officers as described in Section
53G-8-702;
- 683 (ii) coordinate the creation of model policies and memorandums of understanding for a local education
agency and a local law enforcement agency; and
- 685 (iii) ensure cooperation between relevant state agencies, a local education agency, and a local law
enforcement agency to foster compliance with disciplinary related statutory provisions, including
Sections 53E-3-516 and 53G-8-211;
- 688 (k) provide for the security and protection of public officials, public officials' staff, and the capitol hill
complex in accordance with the provisions of this part;
- 690 (l) fulfill the duties described in Sections 77-36-2.1 and 78B-7-120 related to lethality assessments; and
- 692 (m) fulfill the duties described in Section 63L-13-201 related to restricted foreign entities.
- 694 (2)
- (a) The department shall establish a schedule of fees as required or allowed in this title for services
provided by the department.
- 696 (b) All fees not established in statute shall be established in accordance with Section 63J-1-504.
- 698 (3) The department may establish or contract for the establishment of an Organ Procurement Donor
Registry in accordance with Section 26B-8-319.

703 Section 7. Section **63G-23-102** is amended to read:

704 **63G-23-102. Definitions.**

SB0291S01 compared with SB0291S02

As used in this chapter:

703 (1) "Public official" means, except as provided in Subsection (3), the same as that term is defined in
Section ~~[36-11-102]~~ 53-1-102.

705 (2) "Public official" includes a judge or justice of:

706 (a) the Utah Supreme Court;

707 (b) the Utah Court of Appeals;

708 (c) a district court;

709 (d) a juvenile court; or

710 (e) the Business and Chancery Court.

711 (3) "Public official" does not include a local official or an education official as defined in Section
36-11-102.

716 Section 8. Section **67-24-103** is amended to read:

717 **67-24-103. Qualified prohibitions on lobbyists -- Time limit -- Exceptions.**

715 (1) Except as provided in Subsection (2), a former state official [~~serv~~ing on or after May 12, 2009,] may
not become a lobbyist or engage in lobbying that would require registration as a lobbyist under Title
36, Chapter 11, Lobbyist Disclosure and Regulation Act, for one calendar year, beginning on the
day the state official leaves office and ending on the one-year anniversary of that day.

720 (2) This section does not apply if the former state official[-] :

721 (a) engages in lobbying on behalf of:

722 [~~(a)~~] (i) [~~himself~~] the former state official; or

723 [~~(b)~~] (ii) a business with which [~~he~~] the former state official is associated, unless the primary activity of
the business is lobbying or governmental relations[-] ; or

725 (b) lobbies only outside the branch of government where the former state official served.

729 Section 9. **Effective date.**

Effective Date.

This bill takes effect on May 7, 2025.

3-5-25 7:19 PM