

***Effective 2/27/2023***

***Effective until 5/1/2024***

**36-11-102 Definitions.**

As used in this chapter:

- (1) "Aggregate daily expenditures" means:
  - (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;
  - (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
  - (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.
- (2) "Approved activity" means an event, a tour, or a meeting:
  - (a)
    - (i) to which a legislator or another nonexecutive branch public official is invited; and
    - (ii) attendance at which is approved by:
      - (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
      - (B) the president of the Senate, if the public official is a member of the Senate or another nonexecutive branch public official; or
  - (b)
    - (i) to which a public official who holds a position in the executive branch of state government is invited; and
    - (ii) attendance at which is approved by the governor or the lieutenant governor.
- (3) "Board of education" means:
  - (a) a local school board described in Title 53G, Chapter 4, School Districts;
  - (b) the State Board of Education;
  - (c) the State Charter School Board created under Section 53G-5-201; or
  - (d) a charter school governing board described in Title 53G, Chapter 5, Charter Schools.
- (4) "Capitol hill complex" means the same as that term is defined in Section 63C-9-102.
- (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.
  - (b) "Compensation" includes:
    - (i) a salary or commission;
    - (ii) a bonus;
    - (iii) a benefit;
    - (iv) a contribution to a retirement program or account;
    - (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;
    - (vi) an amount that the individual authorizes to be deducted or reduced for salary deferral or other benefits authorized by federal law; or
    - (vii) income based on an individual's ownership interest.

- (6) "Compensation payor" means a person who pays compensation to a public official in the ordinary course of business:
- (a) because of the public official's ownership interest in the compensation payor; or
  - (b) for services rendered by the public official on behalf of the compensation payor.
- (7) "Education action" means:
- (a) a resolution, policy, or other official action for consideration by a board of education;
  - (b) a nomination or appointment by an education official or a board of education;
  - (c) a vote on an administrative action taken by a vote of a board of education;
  - (d) an adjudicative proceeding over which an education official has direct or indirect control;
  - (e) a purchasing or contracting decision;
  - (f) drafting or making a policy, resolution, or rule;
  - (g) determining a rate or fee; or
  - (h) making an adjudicative decision.
- (8) "Education official" means:
- (a) a member of a board of education;
  - (b) an individual appointed to or employed in a position under a board of education, if that individual:
    - (i) occupies a policymaking position or makes purchasing or contracting decisions;
    - (ii) drafts resolutions or policies or drafts or makes rules;
    - (iii) determines rates or fees;
    - (iv) makes decisions relating to an education budget or the expenditure of public money; or
    - (v) makes adjudicative decisions; or
  - (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
- (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.
- (10) "Executive action" means:
- (a) a nomination or appointment by the governor;
  - (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
  - (c) agency ratemaking proceedings; or
  - (d) an adjudicative proceeding of a state agency.
- (11)
- (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when given to or for the benefit of a public official unless consideration of equal or greater value is received:
    - (i) a purchase, payment, or distribution;
    - (ii) a loan, gift, or advance;
    - (iii) a deposit, subscription, or forbearance;
    - (iv) services or goods;
    - (v) money;
    - (vi) real property;
    - (vii) a ticket or admission to an event; or
    - (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide any item listed in Subsections (11)(a)(i) through (vii).
  - (b) "Expenditure" does not mean:
    - (i) a commercially reasonable loan made in the ordinary course of business;
    - (ii) a campaign contribution;

- (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
- (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);
- (iii) printed informational material that is related to the performance of the recipient's official duties;
- (iv) a devise or inheritance;
- (v) any item listed in Subsection (11)(a) if:
  - (A) given by a relative;
  - (B) given by a compensation payor for a purpose solely unrelated to the public official's position as a public official;
  - (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
  - (D) the item is not food or beverage, has a value of less than \$10, and the aggregate daily expenditures do not exceed \$10;
- (vi) food or beverage that is provided at an event, a tour, or a meeting to which the following are invited:
  - (A) all members of the Legislature;
  - (B) all members of a standing or interim committee;
  - (C) all members of an official legislative task force;
  - (D) all members of a party caucus; or
  - (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D) who are attending a meeting of a national organization whose primary purpose is addressing general legislative policy;
- (vii) food or beverage that is provided at an event, a tour, or a meeting to a public official who is:
  - (A) giving a speech at the event, tour, or meeting;
  - (B) participating in a panel discussion at the event, tour, or meeting; or
  - (C) presenting or receiving an award at the event, tour, or meeting;
- (viii) a plaque, commendation, or award that:
  - (A) is presented in public; and
  - (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;
- (ix) a gift that:
  - (A) is an item that is not consumable and not perishable;
  - (B) a public official, other than a local official or an education official, accepts on behalf of the state;
  - (C) the public official promptly remits to the state;
  - (D) a property administrator does not reject under Section 63G-23-103;
  - (E) does not constitute a direct benefit to the public official before or after the public official remits the gift to the state; and
  - (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;
- (x) any of the following with a cash value not exceeding \$30:
  - (A) a publication; or

- (B) a commemorative item;
- (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of which is:
  - (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);
  - (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); or
  - (C) charitable solicitation, as defined in Section 13-22-2;
- (xii) travel to, lodging at, food or beverage served at, and admission to an approved activity;
- (xiii) sponsorship of an approved activity;
- (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to or from an event, a tour, or a meeting:
  - (A) that is sponsored by a governmental entity;
  - (B) that is widely attended and related to a governmental duty of a public official;
  - (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
  - (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
- (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:
  - (A) for a public official who is not a local official or an education official, the state; or
  - (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.
- (12) "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.
- (13)
  - (a) "Foreign agent" means an individual who engages in lobbying under contract with a foreign government.
  - (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.
- (14) "Foreign government" means a government other than the government of:
  - (a) the United States;
  - (b) a state within the United States;
  - (c) a territory or possession of the United States; or
  - (d) a political subdivision of the United States.
- (15)
  - (a) "Government officer" means:
    - (i) an individual elected to a position in state or local government, when acting in the capacity of the state or local government position;
    - (ii) an individual elected to a board of education, when acting in the capacity of a member of a board of education;

- (iii) an individual appointed to fill a vacancy in a position described in Subsection (15)(a)(i) or (ii), when acting in the capacity of the position; or
  - (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.
- (b) "Government officer" does not mean a member of the legislative branch of state government.
- (16) "Immediate family" means:
  - (a) a spouse;
  - (b) a child residing in the household; or
  - (c) an individual claimed as a dependent for tax purposes.
- (17) "Legislative action" means:
  - (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or proposed in either house of the Legislature or its committees or requested by a legislator; and
  - (b) the action of the governor in approving or vetoing legislation.
- (18) "Lobbying" means communicating with a public official for the purpose of influencing a legislative action, executive action, local action, or education action.
- (19)
  - (a) "Lobbyist" means:
    - (i) an individual who is employed by a principal; or
    - (ii) an individual who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official.
  - (b) "Lobbyist" does not include:
    - (i) a government officer;
    - (ii) a member or employee of the legislative branch of state government;
    - (iii) 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;
    - (iv) 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;
    - (v) a representative of a political party;
    - (vi) 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;
    - (vii) 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 action;
    - (viii) 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 action; or
    - (ix) an individual representing a business, entity, or industry, who:
      - (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

(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.

(20) "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.

(21) "Local action" means:

- (a) an ordinance or resolution for consideration by a local government;
- (b) a nomination or appointment by a local official or a local government;
- (c) a vote on an administrative action taken by a vote of a local government's legislative body;
- (d) an adjudicative proceeding over which a local official has direct or indirect control;
- (e) a purchasing or contracting decision;
- (f) drafting or making a policy, resolution, or rule;
- (g) determining a rate or fee; or
- (h) making an adjudicative decision.

(22) "Local government" means:

- (a) a county, city, town, or metro township;
- (b) a special district governed by Title 17B, Limited Purpose Local Government Entities - Special Districts;
- (c) a special service district governed by Title 17D, Chapter 1, Special Service District Act;
- (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act;
- (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
- (f) a redevelopment agency; or
- (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter 13, Interlocal Cooperation Act.

(23) "Local official" means:

- (a) an elected member of a local government;
- (b) an individual appointed to or employed in a position in a local government if that individual:
  - (i) occupies a policymaking position or makes purchasing or contracting decisions;
  - (ii) drafts ordinances or resolutions or drafts or makes rules;
  - (iii) determines rates or fees; or
  - (iv) makes adjudicative decisions; or
- (c) an immediate family member of an individual described in Subsection (23)(a) or (b).

(24) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make a decision, including a conference, seminar, or summit.

(25) "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.

(26) "Principal" means a person that employs an individual to perform lobbying, either as an employee or as an independent contractor.

(27) "Public official" means:

- (a)
  - (i) a member of the Legislature;
  - (ii) an individual elected to a position in the executive branch of state government; or

- (iii) an individual appointed to or employed in a position in the executive or legislative branch of state government if that individual:
    - (A) occupies a policymaking position or makes purchasing or contracting decisions;
    - (B) drafts legislation or makes rules;
    - (C) determines rates or fees; or
    - (D) makes adjudicative decisions;
  - (b) an immediate family member of a person described in Subsection (27)(a);
  - (c) a local official; or
  - (d) an education official.
- (28) "Public official type" means a notation to identify whether a public official is:
- (a)
    - (i) a member of the Legislature;
    - (ii) an individual elected to a position in the executive branch of state government;
    - (iii) an individual appointed to or employed in a position in the legislative branch of state government who meets the definition of public official under Subsection (27)(a)(iii);
    - (iv) an individual appointed to or employed in a position in the executive branch of state government who meets the definition of public official under Subsection (27)(a)(iii);
    - (v) a local official, including a description of the type of local government for which the individual is a local official; or
    - (vi) an education official, including a description of the type of board of education for which the individual is an education official; or
  - (b) an immediate family member of an individual described in Subsection (27)(a), (c), or (d).
- (29) "Quarterly reporting period" means the three-month period covered by each financial report required under Subsection 36-11-201(2)(a).
- (30) "Related person" means a person, agent, or employee who knowingly and intentionally assists a lobbyist, principal, or government officer in lobbying.
- (31) "Relative" means:
- (a) a spouse;
  - (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
  - (c) a spouse of an individual described in Subsection (31)(b).
- (32) "Tour" means visiting a location, for a purpose relating to the duties of a public official, and not primarily for entertainment, including:
- (a) viewing a facility;
  - (b) viewing the sight of a natural disaster; or
  - (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.