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36-11a-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 local official or education 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 local official or education 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 local official or education official, regardless of whether the expenditures were attributed to different clients.
- (2) "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.
- (3)
 - (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.
- (4) "Compensation payor" means a person who pays compensation to a local official or education official in the ordinary course of business:
 - (a) because of the local official's or education official's ownership interest in the compensation payor; or
 - (b) for services rendered by the local official or education official on behalf of the compensation payor.
- (5) "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) 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.
- (6) "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; or
 - (iv) makes adjudicative decisions; or
 - (c) an immediate family member of an individual described in Subsection (6)(a) or (b).
- (7) "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.
- (8)
 - (a) "Expenditure" means any of the items listed in this Subsection (8)(a) when given to or for the benefit of a local official or education 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 (8)(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 or Section 17-16-6.5, or an applicable ordinance described in Subsection 10-3-208(5) or Subsection 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 (8)(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 (8)(a) if:
 - (A) given by a relative;
 - (B) given by a compensation payor for a purpose solely unrelated to the local official's or education official's position as a local official or education 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 a local official or education 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;
 - (vii) 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;
 - (viii) a publication having a cash value not exceeding \$30;
 - (ix) 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 2 U.S.C. Sec. 434, Title 20A, Chapter 11, Campaign and Financial Reporting Requirements, Section 10-3-208 or Section 17-16-6.5, or an applicable ordinance described in Subsection 10-3-208(5) or Subsection 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 (8)(b)(ix)(A); or
 - (C) charitable solicitation, as defined in Section 13-22-2;
 - (x) notwithstanding Subsection (8)(a)(vii), admission to, attendance at, or travel to or from an event, a tour, or a meeting for a local official or education official:
 - (A) that is sponsored by a governmental entity, a public school, a charter school, or an organization that represents only local governmental entities, public schools, or charter schools, including the Utah Association of Counties, the Utah League of Cities and Towns, the Utah Association of Special Districts, the Utah Association of Public Charter Schools, the Utah School Boards Association, or the Utah School Superintendents Association; or
 - (B) that is widely attended and related to a governmental duty of the local official or education official; or
 - (xi) travel to a widely attended tour or meeting related to a governmental duty of a local official or education official if that travel results in a financial savings to the local government or board of education to which the local official or education official belongs.
- (9) "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.
- (10)
- (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 (10)(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 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.
- (11) "Immediate family" means:
- (a) a spouse;
 - (b) a child residing in the household; or

- (c) an individual claimed as a dependent for tax purposes.
- (12) "Lobbying" means communicating with a local official or education official for the purpose of influencing a local action or education action.
- (13)
 - (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 local official or education 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 participating on or appearing before an advisory or study task force, commission, board, or committee, constituted by a local government or board of education;
 - (iv) a representative of a political party;
 - (v) 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 local official or education official;
 - (vi) 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 local action or education action;
 - (vii) an individual who appears on the individual's own behalf before a board of education, the governing body of a local government, or a committee of a local government or board of education, solely for the purpose of testifying in support of or in opposition to local action or education action; or
 - (viii) an individual representing a business, entity, or industry, who:
 - (A) interacts with a local official or education official, in the local official's or education official's capacity as a local official or education official, while accompanied by a lobbyist who is lobbying in relation to the subject of the interaction; and
 - (B) does not make an expenditure for, or on behalf of, a local official or education official in relation to the interaction or during the period of interaction.
- (14) "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 local official or education official or member of the local official's or education official's immediate family.
- (15) "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) 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.
- (16) "Local government" means:
 - (a) a county, city, town, or metro township;
 - (b) a local district governed by Title 17B, Limited Purpose Local Government Entities - Local 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 or cooperative undertaking governed by Title 11, Chapter 13, Interlocal Cooperation Act.
- (17) "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 (17)(a) or (b).
- (18) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make a decision, including a conference, seminar, or summit.
- (19) "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 local official or education official or member of the local official's or education official's immediate family between two or more of those clients.
- (20) "Principal" means a person that employs an individual to perform lobbying, either as an employee or as an independent contractor.
- (21) "Quarterly reporting period" means the three-month period covered by each financial report required under Section 36-11a-201.
- (22) "Related person" means a person, agent, or employee who knowingly and intentionally assists a lobbyist, principal, or government officer in lobbying.
- (23) "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 (23)(b).
- (24) "Tour" means the visit of a location by a local official or education official, for a purpose relating to the duties of the local official or education 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 local official or education official may need to take action within the scope of the local official's or education official's duties.
- (25) "Type of public official" means a notation to identify whether an individual is:
- (a) a local official, including a notation of the type of local government for which the individual is a local official;
 - (b) an education official, including a notation of the type of board of education for which the individual is an education official; or
 - (c) an immediate family member of an individual described in Subsection (6)(a), (6)(b), (17)(a), or (17)(b).