

245 Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an
 246 employee of the executive branch, for an entire day.

247 (10) (a) "Government officer" means:

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

250 (ii) an individual elected or appointed to a board of education, when acting in the
 251 capacity of a member of a board of education;

252 (iii) an individual appointed to fill a vacancy in a position described in Subsection
 253 (10)(a)(i) or (ii), when acting in the capacity of the position; or

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

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

259 (11) "Immediate family" means:

260 (a) a spouse;

261 (b) a child residing in the household; or

262 (c) an individual claimed as a dependent for tax purposes.

263 (12) ~~H~~→ (a) ←~~H~~ "Lobbying" means communicating with a local official or
 263a education official for
 264 the purpose of influencing a local action or education action.

264a **~~H~~→ (b) "Lobbying" does not include communicating with a local official or education**
 264b **official for the sole purpose of encouraging a local government or school to join an**
 264c **organization that lobbies on behalf of local governments or schools. ←~~H~~**

265 (13) (a) "Lobbyist" means:

266 (i) an individual who is employed by a principal; or

267 (ii) an individual who contracts for economic consideration, other than reimbursement
 268 for reasonable travel expenses, with a principal to lobby a local official or education official.

269 (b) "Lobbyist" does not include:

270 (i) a government officer;

271 (ii) a member or employee of the legislative branch of state government;

272 (iii) a person participating on or appearing before an advisory or study task force,
 273 commission, board, or committee, constituted by a local government or board of education;

274 (iv) a representative of a political party;

275 (v) an individual representing a bona fide church solely for the purpose of protecting

431 lobbyist;

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

434 (iii) states that the lobbyist or principal will not make any additional expenditure that is
 435 not disclosed on the statement unless the lobbyist or principal complies with the disclosure
 436 requirements of this chapter.

437 (b) Except as provided in Subsection (1)(a)(ii), a ~~H→~~ [person] lobbyist or principal ~~←H~~
 437a that is required to file a
 438 financial report under this section is required to file the report quarterly until the ~~H→~~ [person]
 438a lobbyist or principal ~~←H~~ files
 439 the statement required by Subsection (6)(a).

440 Section 5. Section **36-11a-202** is enacted to read:

441 **36-11a-202. Expenditures over certain amounts prohibited -- Exceptions.**

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

444 (a) for food or beverage, the food reimbursement rate; or

445 (b) \$10 for expenditures other than food or beverage.

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

448 (a) for the following items, if the expenditure is reported in accordance with Section
 449 36-11a-201:

450 (i) food;

451 (ii) beverage;

452 (iii) travel;

453 (iv) lodging; or

454 (v) admission to or attendance at a tour or meeting; or

455 (b) if the expenditure is made for a purpose solely unrelated to the local official's or
 456 education official's position as a local official or education official.

457 Section 6. Section **36-11a-203** is enacted to read:

458 **36-11a-203. Disposal of publications.**

459 If a lobbyist, principal, or government officer makes an expenditure, in the form of a
 460 publication, to a local official or education official, the local official or education official may
 461 return the publication to the lobbyist, principal, or government officer, donate the publication

493 participation, and press ~~§~~ -- Non-preemption ~~§~~ .

494 ~~§~~ (1) ~~§~~ No provision of this chapter may be construed in a manner that limits:

495 ~~§~~ [(1)] (a) ~~§~~ a person's right of freedom of expression and participation in government; or

496 ~~§~~ [(2)] (b) ~~§~~ freedom of the press.

496a ~~§~~ (2) This chapter does not prevent a local government from enacting an ordinance or
 496b adopting a policy, that the local government otherwise has the lawful authority to enact or
 496c adopt, that is stricter than the requirements of this chapter. ~~§~~

497 Section 10. Section **63A-14-202** is amended to read:

498 **63A-14-202. Independent Executive Branch Ethics Commission -- Membership.**

499 (1) (a) There is created the Independent Executive Branch Ethics Commission,
 500 consisting of the following five members appointed by the governor, each of whom shall be
 501 registered to vote in the state at the time of appointment:

502 (i) two members who served:

503 (A) as elected officials in state government no more recently than four years before the
 504 day on which the member is appointed; or

505 (B) in a management position in the state executive branch no more recently than four
 506 years before the day on which the member is appointed;

507 (ii) one member who:

508 (A) has served, but no longer actively serves, as a judge of a court in the state; or

509 (B) is a licensed attorney in the state and is not, and has not been, a judge; and

510 (iii) two citizen members.

511 (b) The governor shall make appointments to the commission as follows:

512 (i) each executive branch elected official, other than the governor, shall select, and
 513 provide to the governor, at least two names for potential appointment to one of the membership
 514 positions described in Subsection (1)(a);

515 (ii) the governor shall determine which of the executive branch elected officials
 516 described in Subsection (1)(b)(i) shall select names for which membership position;

517 (iii) the governor shall appoint to the commission one of the names provided by each
 518 executive branch elected official described in Subsection (1)(b)(i);

519 (iv) the governor shall directly appoint the remaining member of the commission; and

520 (v) if an executive branch elected official fails to submit names to the governor within
 521 15 days after the day on which the governor makes the determination described in Subsection
 522 (1)(b)(ii), the governor shall directly appoint a person to fill the applicable membership
 523 position.