

**Representative Michael K. McKell** proposes the following substitute bill:

**LOBBYIST EXPENDITURES AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael K. McKell**

Senate Sponsor: Karen Mayne

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to expenditures for a public official.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies provisions relating to an approved activity;
- ▶ requires a lobbyist to file certain reports related to the lobbyist's expenditure on a local official or education official;
- ▶ establishes limits for a lobbyist's expenditures on a local official or education official;
- ▶ establishes provisions for the disposal of a publication that qualifies as an expenditure;
- ▶ establishes criminal and civil penalties;
- ▶ grants rulemaking authority to the director of elections within the Office of the Lieutenant Governor; and
- ▶ makes most of the provisions of the Lobbyist Disclosure and Regulation Act applicable to expenditures for a local official or an education official by incorporating those provisions into a Local Government and Board of Education



26 Lobbyist Disclosure and Regulation Act.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **36-11-102**, as last amended by Laws of Utah 2018, Chapters 19 and 67

34 **63A-14-202**, as last amended by Laws of Utah 2018, Chapter 461

35 **63A-15-201**, as renumbered and amended by Laws of Utah 2018, Chapter 461

36 **63E-1-401**, as enacted by Laws of Utah 2001, Chapter 201

37 **63E-1-404**, as enacted by Laws of Utah 2001, Chapter 201

38 **76-10-1602**, as last amended by Laws of Utah 2014, Chapter 167

39 ENACTS:

40 **36-11a-101**, Utah Code Annotated 1953

41 **36-11a-102**, Utah Code Annotated 1953

42 **36-11a-201**, Utah Code Annotated 1953

43 **36-11a-202**, Utah Code Annotated 1953

44 **36-11a-203**, Utah Code Annotated 1953

45 **36-11a-301**, Utah Code Annotated 1953

46 **36-11a-302**, Utah Code Annotated 1953

47 **36-11a-303**, Utah Code Annotated 1953



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

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

51 **36-11-102. Definitions.**

52 As used in this chapter:

53 (1) "Aggregate daily expenditures" means:

54 (a) for a single lobbyist, principal, or government officer, the total of all expenditures  
55 made within a calendar day by the lobbyist, principal, or government officer for the benefit of  
56 an individual public official;

57 (b) for an expenditure made by a member of a lobbyist group, the total of all  
58 expenditures made within a calendar day by every member of the lobbyist group for the benefit  
59 of an individual public official; or

60 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient  
61 lobbyist within a calendar day for the benefit of an individual public official, regardless of  
62 whether the expenditures were attributed to different clients.

63 (2) "Approved activity" means an event, a tour, or a meeting:

64 (a) (i) to which a legislator or another nonexecutive branch public official is invited;

65 and

66 (ii) attendance at which is approved by:

67 (A) the speaker of the House of Representatives, if the public official is a member of  
68 the House of Representatives or another nonexecutive branch public official; or

69 (B) the president of the Senate, if the public official is a member of the Senate or  
70 another nonexecutive branch public official; or

71 (b) (i) to which a public official who holds a position in the executive branch of state  
72 government is invited; and

73 (ii) attendance at which is approved by the governor or the lieutenant governor.

74 (3) "Capitol hill complex" means the same as that term is defined in Section  
75 [63C-9-102](#).

76 (4) (a) "Compensation" means anything of economic value, however designated, that is  
77 paid, loaned, granted, given, donated, or transferred to an individual for the provision of  
78 services or ownership before any withholding required by federal or state law.

79 (b) "Compensation" includes:

80 (i) a salary or commission;

81 (ii) a bonus;

82 (iii) a benefit;

83 (iv) a contribution to a retirement program or account;

84 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue  
85 Code, and subject to Social Security deductions, including a payment in excess of the  
86 maximum amount subject to deduction under Social Security law;

87 (vi) an amount that the individual authorizes to be deducted or reduced for salary

88 deferral or other benefits authorized by federal law; or

89 (vii) income based on an individual's ownership interest.

90 (5) "Compensation payor" means a person who pays compensation to a public official  
91 in the ordinary course of business:

92 (a) because of the public official's ownership interest in the compensation payor; or

93 (b) for services rendered by the public official on behalf of the compensation payor.

94 (6) "Event" means entertainment, a performance, a contest, or a recreational activity  
95 that an individual participates in or is a spectator at, including a sporting event, an artistic  
96 event, a play, a movie, dancing, or singing.

97 (7) "Executive action" means:

98 (a) a nomination or appointment by the governor;

99 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule  
100 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

101 (c) agency ratemaking proceedings; or

102 (d) an adjudicative proceeding of a state agency.

103 (8) (a) "Expenditure" means any of the items listed in this Subsection (8)(a) when  
104 given to or for the benefit of a public official unless consideration of equal or greater value is  
105 received:

106 (i) a purchase, payment, or distribution;

107 (ii) a loan, gift, or advance;

108 (iii) a deposit, subscription, or forbearance;

109 (iv) services or goods;

110 (v) money;

111 (vi) real property;

112 (vii) a ticket or admission to an event; or

113 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide  
114 any item listed in Subsections (8)(a)(i) through (vii).

115 (b) "Expenditure" does not mean:

116 (i) a commercially reasonable loan made in the ordinary course of business;

117 (ii) a campaign contribution reported in accordance with Title 20A, Chapter 11,  
118 Campaign and Financial Reporting Requirements;

119 (iii) printed informational material that is related to the performance of the recipient's  
120 official duties;

121 (iv) a devise or inheritance;

122 (v) any item listed in Subsection (8)(a) if:

123 (A) given by a relative;

124 (B) given by a compensation payor for a purpose solely unrelated to the public  
125 official's position as a public official;

126 (C) the item is food or beverage with a value that does not exceed the food  
127 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed  
128 the food reimbursement rate; or

129 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate  
130 daily expenditures do not exceed \$10;

131 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the  
132 following are invited:

133 (A) all members of the Legislature;

134 (B) all members of a standing or interim committee;

135 (C) all members of an official legislative task force;

136 (D) all members of a party caucus; or

137 (E) all members of a group described in Subsections (8)(b)(vi)(A) through (D) who are  
138 attending a meeting of a national organization whose primary purpose is addressing general  
139 legislative policy;

140 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public  
141 official who is:

142 (A) giving a speech at the event, tour, or meeting;

143 (B) participating in a panel discussion at the event, tour, or meeting; or

144 (C) presenting or receiving an award at the event, tour, or meeting;

145 (viii) a plaque, commendation, or award that:

146 (A) is presented in public;

147 (B) has the name of the individual receiving the plaque, commendation, or award  
148 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or  
149 award;

- 150 (ix) a gift that:
- 151 (A) is an item that is not consumable and not perishable;
- 152 (B) a public official accepts on behalf of the state;
- 153 (C) the public official promptly remits to the state;
- 154 (D) a property administrator does not reject under Section [63G-23-103](#);
- 155 (E) does not constitute a direct benefit to the public official before or after the public
- 156 official remits the gift to the state; and
- 157 (F) after being remitted to the state, is not transferred, divided, distributed, or used to
- 158 distribute a gift or benefit to one or more public officials in a manner that would otherwise
- 159 qualify the gift as an expenditure if the gift were given directly to a public official;
- 160 (x) a publication having a cash value not exceeding \$30;
- 161 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of
- 162 which is:
- 163 (A) to solicit contributions reportable under:
- 164 (I) Title 20A, Chapter 11, Campaign and Financial Reporting Requirements; or
- 165 (II) 2 U.S.C. Sec. 434; or
- 166 (B) charitable solicitation, as defined in Section [13-22-2](#);
- 167 (xii) travel to, lodging at, food or beverage served at, and admission to an approved
- 168 activity;
- 169 (xiii) sponsorship of [~~an event that is~~] an approved activity;
- 170 (xiv) notwithstanding Subsection (8)(a)(vii), admission to, attendance at, or travel to or
- 171 from an event, a tour, or a meeting:
- 172 (A) that is sponsored by a governmental entity; or
- 173 (B) that is widely attended and related to a governmental duty of a public official; or
- 174 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
- 175 public official if that travel results in a financial savings to the state.
- 176 (9) "Food reimbursement rate" means the total amount set by the director of the
- 177 Division of Finance, by rule, under Section [63A-3-107](#), for in-state meal reimbursement, for an
- 178 employee of the executive branch, for an entire day.
- 179 (10) (a) "Government officer" means:
- 180 (i) an individual elected to a position in state or local government, when acting within

181 the government officer's official capacity; or

182 (ii) an individual appointed to or employed in a full-time position by state or local  
183 government, when acting within the scope of the individual's employment.

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

186 (11) "Immediate family" means:

187 (a) a spouse;

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

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

190 (12) "Legislative action" means:

191 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or  
192 proposed in either house of the Legislature or its committees or requested by a legislator; and

193 (b) the action of the governor in approving or vetoing legislation.

194 (13) "Lobbying" means communicating with a public official for the purpose of  
195 influencing the passage, defeat, amendment, or postponement of legislative or executive action.

196 (14) (a) "Lobbyist" means:

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

198 (ii) an individual who contracts for economic consideration, other than reimbursement  
199 for reasonable travel expenses, with a principal to lobby a public official.

200 (b) "Lobbyist" does not include:

201 (i) a government officer;

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

203 (iii) a person, including a principal, while appearing at, or providing written comments  
204 to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative  
205 Rulemaking Act or Title 63G, Chapter 4, Administrative Procedures Act;

206 (iv) a person participating on or appearing before an advisory or study task force,  
207 commission, board, or committee, constituted by the Legislature or any agency or department  
208 of state government, except legislative standing, appropriation, or interim committees;

209 (v) a representative of a political party;

210 (vi) an individual representing a bona fide church solely for the purpose of protecting  
211 the right to practice the religious doctrines of the church, unless the individual or church makes

212 an expenditure that confers a benefit on a public official;

213 (vii) a newspaper, television station or network, radio station or network, periodical of  
214 general circulation, or book publisher for the purpose of publishing news items, editorials,  
215 other comments, or paid advertisements that directly or indirectly urge legislative or executive  
216 action;

217 (viii) an individual who appears on the individual's own behalf before a committee of  
218 the Legislature or an agency of the executive branch of state government solely for the purpose  
219 of testifying in support of or in opposition to legislative or executive action; or

220 (ix) an individual representing a business, entity, or industry, who:

221 (A) interacts with a public official, in the public official's capacity as a public official,  
222 while accompanied by a registered lobbyist who is lobbying in relation to the subject of the  
223 interaction or while presenting at a legislative committee meeting at the same time that the  
224 registered lobbyist is attending another legislative committee meeting; and

225 (B) does not make an expenditure for, or on behalf of, a public official in relation to the  
226 interaction or during the period of interaction.

227 (15) "Lobbyist group" means two or more lobbyists, principals, government officers, or  
228 any combination of lobbyists, principals, and officers who each contribute a portion of an  
229 expenditure made to benefit a public official or member of the public official's immediate  
230 family.

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

233 (17) "Multiclient lobbyist" means a single lobbyist, principal, or government officer  
234 who represents two or more clients and divides the aggregate daily expenditure made to benefit  
235 a public official or member of the public official's immediate family between two or more of  
236 those clients.

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

239 (19) "Public official" means:

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

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

242 (iii) an individual appointed to or employed in a position in the executive or legislative



243 branch of state government if that individual:

244 (A) occupies a policymaking position or makes purchasing or contracting decisions;

245 (B) drafts legislation or makes rules;

246 (C) determines rates or fees; or

247 (D) makes adjudicative decisions; or

248 (b) an immediate family member of a person described in Subsection (19)(a).

249 (20) "Public official type" means a notation to identify whether a public official is:

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

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

252 (iii) an individual appointed to or employed in a position in the legislative branch of

253 state government who meets the definition of public official under Subsection (19)(a)(iii); or

254 (iv) an individual appointed to or employed in a position in the executive branch of

255 state government who meets the definition of public official under Subsection (19)(a)(iii); or

256 (b) an immediate family member of a person described in Subsection (19)(a).

257 (21) "Quarterly reporting period" means the three-month period covered by each

258 financial report required under Subsection 36-11-201(2)(a).

259 (22) "Related person" means a person, agent, or employee who knowingly and

260 intentionally assists a lobbyist, principal, or government officer in lobbying.

261 (23) "Relative" means a spouse, child, parent, grandparent, grandchild, brother, sister,

262 parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or spouse

263 of any of these individuals.

264 (24) "Tour" means visiting a location, for a purpose relating to the duties of a public

265 official, and not primarily for entertainment, including:

266 (a) viewing a facility;

267 (b) viewing the sight of a natural disaster; or

268 (c) assessing a circumstance in relation to which a public official may need to take

269 action within the scope of the public official's duties.

270 Section 2. Section 36-11a-101 is enacted to read:

271 **CHAPTER 11a. LOCAL GOVERNMENT AND BOARD OF EDUCATION LOBBYIST**

272 **DISCLOSURE AND REGULATION ACT**

273 **Part 1. General Provisions**

274 **36-11a-101. Title.**

275 This chapter is known as the "Local Government and Board of Education Lobbyist  
276 Disclosure and Regulation Act."

277 Section 3. Section **36-11a-102** is enacted to read:

278 **36-11a-102. Definitions.**

279 As used in this chapter:

280 (1) "Aggregate daily expenditures" means:

281 (a) for a single lobbyist, principal, or government officer, the total of all expenditures  
282 made within a calendar day by the lobbyist, principal, or government officer for the benefit of  
283 an individual local official or education official;

284 (b) for an expenditure made by a member of a lobbyist group, the total of all  
285 expenditures made within a calendar day by every member of the lobbyist group for the benefit  
286 of an individual local official or education official; or

287 (c) for a multiclient lobbyist, the total of all expenditures made by the multiclient  
288 lobbyist within a calendar day for the benefit of an individual local official or education  
289 official, regardless of whether the expenditures were attributed to different clients.

290 (2) "Board of education" means:

291 (a) a local school board described in Title 53G, Chapter 4, School Districts;

292 (b) the State Board of Education;

293 (c) the State Charter School Board created under Section [53G-5-201](#); or

294 (d) a charter school governing board described in Title 53G, Chapter 5, Charter  
295 Schools.

296 (3) (a) "Compensation" means anything of economic value, however designated, that is  
297 paid, loaned, granted, given, donated, or transferred to an individual for the provision of  
298 services or ownership before any withholding required by federal or state law.

299 (b) "Compensation" includes:

300 (i) a salary or commission;

301 (ii) a bonus;

302 (iii) a benefit;

303 (iv) a contribution to a retirement program or account;

304 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue

305 Code, and subject to social security deductions, including a payment in excess of the maximum  
306 amount subject to deduction under social security law;

307 (vi) an amount that the individual authorizes to be deducted or reduced for salary  
308 deferral or other benefits authorized by federal law; or

309 (vii) income based on an individual's ownership interest.

310 (4) "Compensation payor" means a person who pays compensation to a local official or  
311 education official in the ordinary course of business:

312 (a) because of the local official's or education official's ownership interest in the  
313 compensation payor; or

314 (b) for services rendered by the local official or education official on behalf of the  
315 compensation payor.

316 (5) "Education action" means:

317 (a) a resolution, policy, or other official action for consideration by a board of  
318 education;

319 (b) a nomination or appointment by an education official or a board of education;

320 (c) an administrative action taken by a vote of a board of education;

321 (d) an adjudicative proceeding over which an education official has direct or indirect  
322 control;

323 (e) a purchasing or contracting decision;

324 (f) drafting or making a policy, resolution, or rule;

325 (g) determining a rate or fee; or

326 (h) making an adjudicative decision.

327 (6) "Education official" means:

328 (a) a member of a board of education;

329 (b) an individual appointed to or employed in a position under a board of education if  
330 that individual:

331 (i) occupies a policymaking position or makes purchasing or contracting decisions;

332 (ii) drafts resolutions or policies or drafts or makes rules;

333 (iii) determines rates or fees; or

334 (iv) makes adjudicative decisions; or

335 (c) an immediate family member of an individual described in Subsection (6)(a) or (b).

336 (7) "Event" means entertainment, a performance, a contest, or a recreational activity  
337 that an individual participates in or is a spectator at, including a sporting event, an artistic  
338 event, a play, a movie, dancing, or singing.

339 (8) (a) "Expenditure" means any of the items listed in this Subsection (8)(a) when  
340 given to or for the benefit of a local official or education official unless consideration of equal  
341 or greater value is received:

342 (i) a purchase, payment, or distribution;

343 (ii) a loan, gift, or advance;

344 (iii) a deposit, subscription, or forbearance;

345 (iv) services or goods;

346 (v) money;

347 (vi) real property;

348 (vii) a ticket or admission to an event; or

349 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide  
350 any item listed in Subsections (8)(a)(i) through (vii).

351 (b) "Expenditure" does not mean:

352 (i) a commercially reasonable loan made in the ordinary course of business;

353 (ii) a campaign contribution:

354 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Finance  
355 Reporting Requirements, Section [10-3-208](#) or Section [17-16-6.5](#), or an applicable ordinance  
356 described in Subsection [10-3-208\(5\)](#) or Subsection [17-16-6.5\(1\)](#); or

357 (B) lawfully given to a person that is not required to report the contribution under a law  
358 or ordinance described in Subsection (8)(b)(ii)(A);

359 (iii) printed informational material that is related to the performance of the recipient's  
360 official duties;

361 (iv) a devise or inheritance;

362 (v) any item listed in Subsection (8)(a) if:

363 (A) given by a relative;

364 (B) given by a compensation payor for a purpose solely unrelated to the local official's  
365 or education official's position as a local official or education official;

366 (C) the item is food or beverage with a value that does not exceed the food

367 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed  
368 the food reimbursement rate; or

369 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate  
370 daily expenditures do not exceed \$10;

371 (vi) food or beverage that is provided at an event, a tour, or a meeting to a local official  
372 or education official who is:

373 (A) giving a speech at the event, tour, or meeting;

374 (B) participating in a panel discussion at the event, tour, or meeting; or

375 (C) presenting or receiving an award at the event, tour, or meeting;

376 (vii) a plaque, commendation, or award that:

377 (A) is presented in public; and

378 (B) has the name of the individual receiving the plaque, commendation, or award  
379 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or  
380 award;

381 (viii) a publication having a cash value not exceeding \$30;

382 (ix) admission to or attendance at an event, a tour, or a meeting, the primary purpose of  
383 which is:

384 (A) to solicit a contribution that is reportable under 2 U.S.C. Sec. 434, Title 20A,  
385 Chapter 11, Campaign and Financial Reporting Requirements, Section [10-3-208](#) or Section  
386 [17-16-6.5](#), or an applicable ordinance described in Subsection [10-3-208\(5\)](#) or Subsection  
387 [17-16-6.5\(1\)](#);

388 (B) to solicit a campaign contribution that a person is not required to report under a law  
389 or ordinance described in Subsection (8)(b)(ix)(A); or

390 (C) charitable solicitation, as defined in Section [13-22-2](#);

391 (x) notwithstanding Subsection (8)(a)(vii), admission to, attendance at, or travel to or  
392 from an event, a tour, or a meeting for a local official or education official:

393 (A) that is sponsored by a governmental entity, a public school, a charter school, or an  
394 organization that represents only local governmental entities, public schools, or charter schools,  
395 including the Utah Association of Counties, the Utah League of Cities and Towns, the Utah  
396 Association of Special Districts, the Utah Association of Public Charter Schools, the Utah  
397 School Boards Association, or the Utah School Superintendents Association; or

398 (B) that is widely attended and related to a governmental duty of the local official or  
399 education official; or

400 (xi) travel to a widely attended tour or meeting related to a governmental duty of a  
401 local official or education official if that travel results in a financial savings to the local  
402 government or board of education to which the local official or education official belongs.

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

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

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

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

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

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

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

418 (11) "Immediate family" means:

419 (a) a spouse;

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

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

422 (12) "Lobbying" means communicating with a local official or education official for  
423 the purpose of influencing a local action or education action.

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

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

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

428 (b) "Lobbyist" does not include:

- 429 (i) a government officer;  
430 (ii) a member or employee of the legislative branch of state government;  
431 (iii) a person participating on or appearing before an advisory or study task force,  
432 commission, board, or committee, constituted by a local government or board of education;  
433 (iv) a representative of a political party;  
434 (v) an individual representing a bona fide church solely for the purpose of protecting  
435 the right to practice the religious doctrines of the church, unless the individual or church makes  
436 an expenditure that confers a benefit on a local official or education official;  
437 (vi) a newspaper, television station or network, radio station or network, periodical of  
438 general circulation, or book publisher for the purpose of publishing news items, editorials,  
439 other comments, or paid advertisements that directly or indirectly urge local action or education  
440 action;  
441 (vii) an individual who appears on the individual's own behalf before a board of  
442 education, the governing body of a local government, or a committee of a local government or  
443 board of education, solely for the purpose of testifying in support of or in opposition to local  
444 action or education action; or  
445 (viii) an individual representing a business, entity, or industry, who:  
446 (A) interacts with a local official or education official, in the local official's or  
447 education official's capacity as a local official or education official, while accompanied by a  
448 lobbyist who is lobbying in relation to the subject of the interaction; and  
449 (B) does not make an expenditure for, or on behalf of, a local official or education  
450 official in relation to the interaction or during the period of interaction.  
451 (14) "Lobbyist group" means two or more lobbyists, principals, government officers, or  
452 any combination of lobbyists, principals, and government officers, who each contribute a  
453 portion of an expenditure made to benefit a local official or education official or member of the  
454 local official's or education official's immediate family.  
455 (15) "Local action" means:  
456 (a) an ordinance or resolution for consideration by a local government;  
457 (b) a nomination or appointment by a local official or a local government;  
458 (c) an administrative action taken by a vote of a local government's legislative body;  
459 (d) an adjudicative proceeding over which a local official has direct or indirect control;

- 460 (e) a purchasing or contracting decision;
- 461 (f) drafting or making a policy, resolution, or rule;
- 462 (g) determining a rate or fee; or
- 463 (h) making an adjudicative decision.
- 464 (16) "Local government" means:
- 465 (a) a county, city, town, or metro township;
- 466 (b) a local district governed by Title 17B, Limited Purpose Local Government Entities
- 467 - Local Districts;
- 468 (c) a special service district governed by Title 17D, Chapter 1, Special Service District
- 469 Act;
- 470 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local
- 471 Government Entities - Community Reinvestment Agency Act;
- 472 (e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;
- 473 (f) a redevelopment agency; or
- 474 (g) an interlocal entity or a joint or cooperative undertaking governed by Title 11,
- 475 Chapter 13, Interlocal Cooperation Act.
- 476 (17) "Local official" means:
- 477 (a) an elected member of a local government;
- 478 (b) an individual appointed to or employed in a position in a local government if that
- 479 individual:
- 480 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 481 (ii) drafts ordinances or resolutions or drafts or makes rules;
- 482 (iii) determines rates or fees; or
- 483 (iv) makes adjudicative decisions; or
- 484 (c) an immediate family member of an individual described in Subsection (17)(a) or
- 485 (b).
- 486 (18) "Meeting" means a gathering of people to discuss an issue, receive instruction, or
- 487 make a decision, including a conference, seminar, or summit.
- 488 (19) "Multiclient lobbyist" means a single lobbyist, principal, or government officer
- 489 who represents two or more clients and divides the aggregate daily expenditure made to benefit
- 490 a local official or education official or member of the local official's or education official's



491 immediate family between two or more of those clients.

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

494 (21) "Quarterly reporting period" means the three-month period covered by each  
495 financial report required under Section [36-11a-201](#).

496 (22) "Related person" means a person, agent, or employee who knowingly and  
497 intentionally assists a lobbyist, principal, or government officer in lobbying.

498 (23) "Relative" means:

499 (a) a spouse;

500 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law,  
501 brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or

502 (c) a spouse of an individual described in Subsection (23)(b).

503 (24) "Tour" means the visit of a location by a local official or education official, for a  
504 purpose relating to the duties of the local official or education official, and not primarily for  
505 entertainment, including:

506 (a) viewing a facility;

507 (b) viewing the sight of a natural disaster; or

508 (c) assessing a circumstance in relation to which a local official or education official  
509 may need to take action within the scope of the local official's or education official's duties.

510 (25) "Type of public official" means a notation to identify whether an individual is:

511 (a) a local official, including a notation of the type of local government for which the  
512 individual is a local official;

513 (b) an education official, including a notation of the type of board of education for  
514 which the individual is an education official; or

515 (c) an immediate family member of an individual described in Subsection (6)(a),  
516 (6)(b), (17)(a), or (17)(b).

517 Section 4. Section **36-11a-201** is enacted to read:

518 **Part 2. Disclosure of Expenditures**

519 **36-11a-201. Lobbyist, principal, and government officer financial reporting**  
520 **requirements -- Prohibition for related person to make expenditures.**

521 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), a lobbyist shall file financial

522 reports with the lieutenant governor on or before the due dates specified in Subsection (2).

523 (ii) A lobbyist who has not made an expenditure during a quarterly reporting period is  
524 not required to file a quarterly financial report for that quarterly reporting period.

525 (iii) A lobbyist who is not required to file any quarterly reports under this section for a  
526 calendar year shall, on or before January 10 of the following year, file a financial report listing  
527 the amount of the expenditures for the entire preceding year as "none."

528 (b) Except as provided in Subsection (1)(c), a government officer or principal that  
529 makes an expenditure during any of the quarterly reporting periods under Subsection (2)(a)  
530 shall file a financial report with the lieutenant governor on or before the date that a report for  
531 that quarter is due.

532 (c) A government officer is not required to report an expenditure made by the  
533 government officer to another government officer if:

534 (i) the government officer making the expenditure is a county government officer and  
535 the government officer receiving the expenditure is also a county government officer,  
536 regardless of whether the government officers are from the same county;

537 (ii) the government officer making the expenditure is a municipal government officer  
538 and the individual receiving the expenditure is also a municipal government officer, regardless  
539 of whether the government officers are from the same municipality; or

540 (iii) the government officer making the expenditure is a local government officer and  
541 the individual receiving the expenditure is a local government officer in the same local  
542 government or in the same type of local government in another jurisdiction.

543 (2) (a) A financial report is due quarterly on the following dates:

544 (i) April 10, for the period of January 1 through March 31;

545 (ii) July 10, for the period of April 1 through June 30;

546 (iii) October 10, for the period of July 1 through September 30; and

547 (iv) January 10, for the period of October 1 through December 31 of the previous year.

548 (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday,  
549 the report is due on the next succeeding business day.

550 (c) A financial report is timely filed if it is filed electronically before the close of  
551 regular office hours on or before the due date.

552 (3) A financial report shall contain:

- 553 (a) the total amount of expenditures made to benefit any local official or education  
554 official during the quarterly reporting period;
- 555 (b) the total amount of expenditures made, by the type of official, during the quarterly  
556 reporting period;
- 557 (c) for the financial report due on January 10:
- 558 (i) the total amount of expenditures made to benefit any local official or education  
559 official during the last calendar year; and
- 560 (ii) the total amount of expenditures made, by the type of official, during the last  
561 calendar year;
- 562 (d) a disclosure of each expenditure made during the quarterly reporting period to  
563 reimburse or pay for travel or lodging for a local official or education official, including:
- 564 (i) each travel destination and each lodging location;
- 565 (ii) the name of each local official or education official who benefitted from the  
566 expenditure on travel or lodging;
- 567 (iii) the type of official of each local official or education official named;
- 568 (iv) for each local official or education official named, a listing of the amount and  
569 purpose of each expenditure made for travel or lodging; and
- 570 (v) the total amount of expenditures listed under Subsection (3)(d)(iv);
- 571 (e) a disclosure of aggregate daily expenditures greater than \$10 made during the  
572 quarterly reporting period including:
- 573 (i) the date and purpose of the expenditure;
- 574 (ii) the location of the expenditure;
- 575 (iii) the name of any local official or education official benefitted by the expenditure;
- 576 (iv) the type of official benefitted by the expenditure; and
- 577 (v) the total monetary worth of the benefit that the expenditure conferred on any local  
578 official or education official;
- 579 (f) for each local official or education official who was employed by the lobbyist,  
580 principal, or government officer, a list that provides:
- 581 (i) the name of the local official or education official; and
- 582 (ii) the nature of the employment with the local official or education official;
- 583 (g) a description of each local action or education action regarding which the lobbyist,

584 principal, or government officer made an expenditure to a local official or education official;

585 (h) the general purposes, interests, and nature of the entities that the lobbyist, principal,  
586 or government officer filing the report represents; and

587 (i) for a lobbyist, a certification that the information provided in the report is true,  
588 accurate, and complete to the lobbyist's best knowledge and belief.

589 (4) A related person may not, while assisting a lobbyist, principal, or government  
590 officer in lobbying, make an expenditure that benefits a local official or education official  
591 under circumstances that would otherwise fall within the disclosure requirements of this  
592 chapter if the expenditure was made by the lobbyist, principal, or government officer.

593 (5) The lieutenant governor:

594 (a) shall provide a reporting system that allows a lobbyist, principal, or government  
595 officer to submit a financial report required by this chapter via the Internet; and

596 (b) may integrate the reporting system described in Subsection (5)(a) with the reporting  
597 system described in Subsection 36-11-201(5)(b).

598 (6) (a) A lobbyist and a principal shall continue to file a financial report required by  
599 this section until the lobbyist or principal files a statement with the lieutenant governor that:

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

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

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

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

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

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

612 **36-11a-202. Expenditures over certain amounts prohibited -- Exceptions.**

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

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

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

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

619 (a) for the following items, if the expenditure is reported in accordance with Section  
620 36-11a-201:

621 (i) food;

622 (ii) beverage;

623 (iii) travel;

624 (iv) lodging; or

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

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

628 (3) This section does not apply to an expenditure made by a government officer to  
629 another government officer if:

630 (i) the government officer making the expenditure is a county government officer and  
631 the government officer receiving the expenditure is also a county government officer,  
632 regardless of whether the government officers are from the same county;

633 (ii) the government officer making the expenditure is a municipal government officer  
634 and the individual receiving the expenditure is also a municipal government officer, regardless  
635 of whether the government officers are from the same municipality; or

636 (iii) the government officer making the expenditure is a local government officer and  
637 the individual receiving the expenditure is a local government officer in the same local  
638 government or in the same type of local government in another jurisdiction.

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

640 **36-11a-203. Disposal of publications.**

641 If a lobbyist, principal, or government officer makes an expenditure, in the form of a  
642 publication, to a local official or education official, the local official or education official may  
643 return the publication to the lobbyist, principal, or government officer, donate the publication  
644 to a charity or a government entity, or destroy the publication.

645 Section 7. Section **36-11a-301** is enacted to read:

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**Part 3. Penalties and Statutory Construction**

**36-11a-301. Penalties.**

(1) A person who intentionally violates Section 36-11a-201 or 36-11a-202 is subject to the following penalties:

(a) an administrative penalty of up to \$1,000 for each violation; and

(b) for each subsequent violation of that same section within 24 months, either:

(i) an administrative penalty of up to \$5,000; or

(ii) suspension of the violator's lobbying license for up to one year, if the person is a registered lobbyist under Section 36-11-103.

(2) Any person who intentionally fails to file a financial report required by this chapter, omits material information from a financial report, or files false information on a financial report, is subject to the following penalties:

(a) an administrative penalty of up to \$1,000 for each violation; or

(b) suspension of the violator's lobbying license for up to one year, if the person is a registered lobbyist under Section 36-11-103.

(3) In addition to any penalty imposed under Subsection (1) or (2), a person who intentionally fails to file a financial report required by this chapter on the date the report is due is subject to a penalty of up to \$50 per day for each day that the report is late.

(4) A person with evidence of a possible violation of this chapter may submit the evidence to the lieutenant governor for investigation.

(5) Nothing in this chapter creates a third-party cause of action or appeal rights.

Section 8. Section **36-11a-302** is enacted to read:

**36-11a-302. Lieutenant governor's procedures.**

The director of elections within the Office of the Lieutenant Governor shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that provide for the appointment of an administrative law judge to adjudicate alleged violations of this chapter and to impose penalties under this chapter.

Section 9. Section **36-11a-303** is enacted to read:

**36-11a-303. Construction and interpretation -- Freedom of expression, participation, and press -- Non-preemption.**

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

677 (a) a person's right of freedom of expression and participation in government; or

678 (b) freedom of the press.

679 (2) This chapter does not prevent a local government or public education entity from  
680 enacting an ordinance or adopting a policy, that the local government or public education entity  
681 otherwise has the lawful authority to enact or adopt, that is stricter than the requirements of this  
682 chapter.

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

684 **63A-14-202. Independent Executive Branch Ethics Commission -- Membership.**

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

688 (i) two members who served:

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

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

693 (ii) one member who:

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

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

696 (iii) two citizen members.

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

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

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

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

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

706 (v) if an executive branch elected official fails to submit names to the governor within  
707 15 days after the day on which the governor makes the determination described in Subsection

708 (1)(b)(ii), the governor shall directly appoint a person to fill the applicable membership  
709 position.

710 (2) A member of the commission may not, during the member's term of office on the  
711 commission, act or serve as:

712 (a) an officeholder as defined in Section [20A-11-101](#);

713 (b) an agency head as defined in Section [67-16-3](#);

714 (c) a lobbyist as defined in Section [36-11-102](#) or [36-11a-102](#);

715 (d) a principal as defined in Section [36-11-102](#) or [36-11a-102](#); or

716 (e) an employee of the state.

717 (3) (a) Except as provided in Subsection (3)(b), each member of the commission shall  
718 serve a four-year term.

719 (b) The governor shall set the first term of two of the members of the commission at  
720 two years, so that approximately half of the commission is appointed, or reappointed, every  
721 two years.

722 (c) When a vacancy occurs in the commission's membership for any reason, the  
723 governor shall appoint a replacement member for the unexpired term of the vacating member,  
724 in accordance with Subsection (1).

725 (d) The governor may not appoint a member to serve more than two full terms, whether  
726 those terms are two or four years.

727 (e) (i) The governor, or a majority of the commission, may remove a member from the  
728 commission only for cause.

729 (ii) The governor may not remove a member from the commission during any period of  
730 time when the commission is investigating or considering a complaint alleging an ethics  
731 violation against the governor or lieutenant governor.

732 (f) If a commission member determines that the commission member has a conflict of  
733 interest in relation to a complaint, the remaining members of the commission shall appoint an  
734 individual to serve in that member's place for the purpose of reviewing that complaint.

735 (4) (a) A member of the commission may not receive compensation or benefits for the  
736 member's service, but may receive per diem and expenses incurred in the performance of the  
737 member's official duties at the rates established by the Division of Finance under Sections  
738 [63A-3-106](#) and [63A-3-107](#).



739 (b) A member may decline to receive per diem and expenses for the member's service.

740 (5) (a) The commission members shall convene a meeting annually each January and  
741 elect, by majority vote, a chair from among the commission members.

742 (b) An individual may not serve as chair for more than two consecutive years.

743 (6) The commission:

744 (a) is an independent entity established within the department for budgetary and  
745 general administrative purposes only; and

746 (b) is not under the direction or control of the department, the executive director, or  
747 any other officer or employee of the department.

748 Section 11. Section **63A-15-201** is amended to read:

749 **63A-15-201. Commission established -- Membership.**

750 (1) There is established a Political Subdivisions Ethics Review Commission.

751 (2) The commission is composed of seven individuals, each of whom is registered to  
752 vote in this state and appointed by the governor with the advice and consent of the Senate, as  
753 follows:

754 (a) one member who has served, but no longer serves, as a judge of a court of record in  
755 this state;

756 (b) one member who has served as a mayor or municipal council member no more  
757 recently than four years before the date of appointment;

758 (c) one member who has served as a member of a local board of education no more  
759 recently than four years before the date of appointment;

760 (d) two members who are lay persons; and

761 (e) two members, each of whom is one of the following:

762 (i) a municipal mayor no more recently than four years before the date of appointment;

763 (ii) a municipal council member no more recently than four years before the date of  
764 appointment;

765 (iii) a county mayor no more recently than four years before the date of appointment;

766 (iv) a county commissioner no more recently than four years before the date of  
767 appointment;

768 (v) a special service district administrative control board member no more recently  
769 than four years before the date of appointment;

770 (vi) a local district board of trustees member no more recently than four years before  
771 the date of appointment; or

772 (vii) a judge who has served, but no longer serves, as a judge of a court of record in  
773 this state.

774 (3) (a) A member of the commission may not, during the member's term of office on  
775 the commission, act or serve as:

776 (i) a political subdivision officer;

777 (ii) a political subdivision employee;

778 (iii) an agency head as defined in Section [67-16-3](#);

779 (iv) a lobbyist as defined in Section [36-11-102](#) or [36-11a-102](#); or

780 (v) a principal as defined in Section [36-11-102](#) or [36-11a-102](#).

781 (b) In addition to the seven members described in Subsection (2), the governor shall,  
782 with the advice and consent of the Senate, appoint one individual as an alternate member of the  
783 commission who:

784 (i) may be a lay person;

785 (ii) shall be registered to vote in the state; and

786 (iii) complies with the requirements described in Subsection (3)(a).

787 (c) The alternate member described in Subsection (3)(b):

788 (i) shall serve as a member of the commission in the place of one of the seven members  
789 described in Subsection (2) if that member is temporarily unable or unavailable to participate in  
790 a commission function or is disqualified under Section [63A-15-303](#); and

791 (ii) may not cast a vote on the commission unless the alternate member is serving in  
792 the capacity described in Subsection (3)(c)(i).

793 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each member of the commission  
794 shall serve a four-year term.

795 (ii) When appointing the initial members upon formation of the commission, a member  
796 described in Subsections (2)(b) through (d) shall be appointed to a two-year term so that  
797 approximately half of the commission is appointed every two years.

798 (b) (i) When a vacancy occurs in the commission's membership for any reason, a  
799 replacement member shall be appointed for the unexpired term of the vacating member using  
800 the procedures and requirements of Subsection (2).

801 (ii) For the purposes of this section, an appointment for an unexpired term of a  
802 vacating member is not considered a full term.

803 (c) A member may not be appointed to serve for more than two full terms, whether  
804 those terms are two or four years.

805 (d) A member of the commission may resign from the commission by giving one  
806 month's written notice of the resignation to the governor.

807 (e) The governor shall remove a member from the commission if the member:

808 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;

809 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral  
810 turpitude; or

811 (iii) fails to meet the qualifications of office as provided in this section.

812 (f) (i) If a commission member is accused of wrongdoing in a complaint, or if a  
813 commission member has a conflict of interest in relation to a matter before the commission:

814 (A) the alternate member described in Subsection (3)(b) shall serve in the member's  
815 place for the purposes of reviewing the complaint; or

816 (B) if the alternate member has already taken the place of another commission member  
817 or is otherwise not available, the commission shall appoint another individual to temporarily  
818 serve in the member's place for the purposes of reviewing the complaint.

819 (ii) An individual appointed by the commission under Subsection (4)(f)(i)(B):

820 (A) is not required to be confirmed by the Senate;

821 (B) may be a lay person;

822 (C) shall be registered to vote in the state; and

823 (D) shall comply with Subsection (3)(a).

824 (5) (a) Except as provided in Subsection (5)(b)(i), a member of the commission may  
825 not receive compensation or benefits for the member's service.

826 (b) (i) A member may receive per diem and expenses incurred in the performance of  
827 the member's official duties at the rates established by the Division of Finance under Sections  
828 [63A-3-106](#) and [63A-3-107](#).

829 (ii) A member may decline to receive per diem and expenses for the member's service.

830 (6) The commission members shall, by a majority vote, elect a commission chair from  
831 among the commission members.

832 Section 12. Section **63E-1-401** is amended to read:

833 **63E-1-401. Definitions.**

834 As used in this part:

835 (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and

836 includes:

837 (a) cash, except reasonable compensation or salary for services rendered;

838 (b) stock or other investments;

839 (c) goodwill;

840 (d) real property;

841 (e) an ownership interest;

842 (f) a license;

843 (g) a cause of action; and

844 (h) any similar property.

845 (2) "Business interest" means:

846 (a) holding the position of trustee, director, officer, or other similar position with a

847 business entity; or

848 (b) the ownership, either legally or equitably, of at least 10% of the outstanding shares  
849 of a corporation or 10% interest in any other business entity, being held by:

850 (i) an individual;

851 (ii) the individual's spouse;

852 (iii) a minor child of the individual; or

853 (iv) any combination of Subsections (2)(b)(i) through (iii).

854 (3) "Interested party" means a person that held or holds the position of trustee, director,  
855 officer, or other similar position with an independent entity within:

856 (a) five years prior to the date of an action described in Subsection (5); or

857 (b) during the privatization of an independent entity.

858 (4) "Lobbyist" is a person that provided or provides services as a lobbyist, as defined in  
859 Section [36-11-102](#) or [36-11a-102](#), within:

860 (a) five years prior to the date of an action described in Subsection (5); or

861 (b) during the privatization of an independent entity.

862 (5) (a) "Privatized" means an action described in Subsection (5)(b) taken under

863 circumstances in which the operations of the independent entity are continued by a successor  
864 entity that:

865 (i) is privately owned;

866 (ii) is unaffiliated to the state; and

867 (iii) receives any asset of the independent entity.

868 (b) An action referred to in Subsection (5)(a) includes:

869 (i) the repeal of the authorizing statute of an independent entity and the revision to state  
870 laws to terminate the relationship between the state and the independent entity;

871 (ii) the dissolution of the independent entity;

872 (iii) the merger or consolidation of the independent entity with another entity; or

873 (iv) the sale of all or substantially all of the assets of the independent entity.

874 Section 13. Section **63E-1-404** is amended to read:

875 **63E-1-404. Penalties for violation.**

876 (1) A person who knowingly violates this part:

877 (a) is guilty of a third degree felony if the combined value of any compensation or  
878 assets received by the person as a result of the violation is equal to or greater than \$10,000; or

879 (b) is guilty of a class A misdemeanor if the combined value of any compensation or  
880 assets received by the person as a result of the violation is less than \$10,000.

881 (2) (a) In addition to any penalty imposed under Subsection (1), a person that violates  
882 this part shall return to the successor of the independent entity any compensation or assets  
883 received in violation of this part.

884 (b) If the assets received by the person in violation of this part are no longer in the  
885 possession of the person, the person shall pay the successor of the independent entity an  
886 amount equal to the fair market value of the asset at the time the person received the asset.

887 (3) Notwithstanding [~~Subsection~~] Subsections [36-11-401\(3\)](#) and [36-11a-301\(3\)](#), if a  
888 lobbyist violates Subsection [63E-1-402\(2\)\(b\)\(i\)](#), the lobbyist is guilty of the crime outlined in  
889 Subsection (1), which crime shall be determined by the value of compensation or assets  
890 received by the lobbyist.

891 Section 14. Section **76-10-1602** is amended to read:

892 **76-10-1602. Definitions.**

893 As used in this part:

894 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,  
895 business trust, association, or other legal entity, and any union or group of individuals  
896 associated in fact although not a legal entity, and includes illicit as well as licit entities.

897 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the  
898 commission of at least three episodes of unlawful activity, which episodes are not isolated, but  
899 have the same or similar purposes, results, participants, victims, or methods of commission, or  
900 otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall  
901 demonstrate continuing unlawful conduct and be related either to each other or to the  
902 enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have  
903 occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful  
904 activity as defined by this part shall have occurred within five years of the commission of the  
905 next preceding act alleged as part of the pattern.

906 (3) "Person" includes any individual or entity capable of holding a legal or beneficial  
907 interest in property, including state, county, and local governmental entities.

908 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request,  
909 command, encourage, or intentionally aid another person to engage in conduct which would  
910 constitute any offense described by the following crimes or categories of crimes, or to attempt  
911 or conspire to engage in an act which would constitute any of those offenses, regardless of  
912 whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor  
913 or a felony:

914 (a) any act prohibited by the criminal provisions of Title 13, Chapter 10, Unauthorized  
915 Recording Practices Act;

916 (b) any act prohibited by the criminal provisions of Title 19, Environmental Quality  
917 Code, Sections 19-1-101 through 19-7-109;

918 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary  
919 purpose of sale, trade, or other pecuniary gain, in violation of Title 23, Wildlife Resources  
920 Code of Utah, or Section 23-20-4;

921 (d) false claims for medical benefits, kickbacks, and any other act prohibited by Title  
922 26, Chapter 20, Utah False Claims Act, Sections 26-20-1 through 26-20-12;

923 (e) any act prohibited by the criminal provisions of Title 32B, Chapter 4, Criminal  
924 Offenses and Procedure Act;

- 925 (f) any act prohibited by the criminal provisions of Title 57, Chapter 11, Utah Uniform  
926 Land Sales Practices Act;
- 927 (g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah  
928 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act,  
929 Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,  
930 Clandestine Drug Lab Act;
- 931 (h) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform  
932 Securities Act;
- 933 (i) any act prohibited by the criminal provisions of Title 63G, Chapter 6a, Utah  
934 Procurement Code;
- 935 (j) assault or aggravated assault, Sections 76-5-102 and 76-5-103;
- 936 (k) a threat of terrorism, Section 76-5-107.3;
- 937 (l) criminal homicide, Sections 76-5-201, 76-5-202, and 76-5-203;
- 938 (m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;
- 939 (n) human trafficking, human smuggling, or aggravated human trafficking, Sections  
940 76-5-308, 76-5-309, and 76-5-310;
- 941 (o) sexual exploitation of a minor, Section 76-5b-201;
- 942 (p) arson or aggravated arson, Sections 76-6-102 and 76-6-103;
- 943 (q) causing a catastrophe, Section 76-6-105;
- 944 (r) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;
- 945 (s) burglary of a vehicle, Section 76-6-204;
- 946 (t) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;
- 947 (u) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;
- 948 (v) theft, Section 76-6-404;
- 949 (w) theft by deception, Section 76-6-405;
- 950 (x) theft by extortion, Section 76-6-406;
- 951 (y) receiving stolen property, Section 76-6-408;
- 952 (z) theft of services, Section 76-6-409;
- 953 (aa) forgery, Section 76-6-501;
- 954 (bb) fraudulent use of a credit card, Sections 76-6-506.2, 76-6-506.3, 76-6-506.5, and  
955 76-6-506.6;

- 956 (cc) deceptive business practices, Section 76-6-507;
- 957 (dd) bribery or receiving bribe by person in the business of selection, appraisal, or
- 958 criticism of goods, Section 76-6-508;
- 959 (ee) bribery of a labor official, Section 76-6-509;
- 960 (ff) defrauding creditors, Section 76-6-511;
- 961 (gg) acceptance of deposit by insolvent financial institution, Section 76-6-512;
- 962 (hh) unlawful dealing with property by fiduciary, Section 76-6-513;
- 963 (ii) bribery or threat to influence contest, Section 76-6-514;
- 964 (jj) making a false credit report, Section 76-6-517;
- 965 (kk) criminal simulation, Section 76-6-518;
- 966 (ll) criminal usury, Section 76-6-520;
- 967 (mm) fraudulent insurance act, Section 76-6-521;
- 968 (nn) retail theft, Section 76-6-602;
- 969 (oo) computer crimes, Section 76-6-703;
- 970 (pp) identity fraud, Section 76-6-1102;
- 971 (qq) mortgage fraud, Section 76-6-1203;
- 972 (rr) sale of a child, Section 76-7-203;
- 973 (ss) bribery to influence official or political actions, Section 76-8-103;
- 974 (tt) threats to influence official or political action, Section 76-8-104;
- 975 (uu) receiving bribe or bribery by public servant, Section 76-8-105;
- 976 (vv) receiving bribe or bribery for endorsement of person as public servant, Section
- 977 76-8-106;
- 978 (ww) official misconduct, Sections 76-8-201 and 76-8-202;
- 979 (xx) obstruction of justice, Section 76-8-306;
- 980 (yy) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;
- 981 (zz) false or inconsistent material statements, Section 76-8-502;
- 982 (aaa) false or inconsistent statements, Section 76-8-503;
- 983 (bbb) written false statements, Section 76-8-504;
- 984 (ccc) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
- 985 (ddd) retaliation against a witness, victim, or informant, Section 76-8-508.3;
- 986 (eee) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;



- 987 (fff) tampering with evidence, Section [76-8-510.5](#);
- 988 (ggg) falsification or alteration of government record, Section [76-8-511](#), if the record is  
989 a record described in Title 20A, Election Code, [or] Title 36, Chapter 11, Lobbyist Disclosure  
990 and Regulation Act, or Title 36, Chapter 11a, Local Government and Board of Education  
991 Lobbyist Disclosure and Regulation Act;
- 992 (hhh) public assistance fraud in violation of Section [76-8-1203](#), [76-8-1204](#), or  
993 [76-8-1205](#);
- 994 (iii) unemployment insurance fraud, Section [76-8-1301](#);
- 995 (jjj) intentionally or knowingly causing one animal to fight with another, Subsection  
996 [76-9-301\(2\)\(d\)](#) or (e), or Section [76-9-301.1](#);
- 997 (kkk) possession, use, or removal of explosives, chemical, or incendiary devices or  
998 parts, Section [76-10-306](#);
- 999 (lll) delivery to common carrier, mailing, or placement on premises of an incendiary  
1000 device, Section [76-10-307](#);
- 1001 (mmm) possession of a deadly weapon with intent to assault, Section [76-10-507](#);
- 1002 (nnn) unlawful marking of pistol or revolver, Section [76-10-521](#);
- 1003 (ooo) alteration of number or mark on pistol or revolver, Section [76-10-522](#);
- 1004 (ppp) forging or counterfeiting trademarks, trade name, or trade device, Section  
1005 [76-10-1002](#);
- 1006 (qqq) selling goods under counterfeited trademark, trade name, or trade devices,  
1007 Section [76-10-1003](#);
- 1008 (rrr) sales in containers bearing registered trademark of substituted articles, Section  
1009 [76-10-1004](#);
- 1010 (sss) selling or dealing with article bearing registered trademark or service mark with  
1011 intent to defraud, Section [76-10-1006](#);
- 1012 (ttt) gambling, Section [76-10-1102](#);
- 1013 (uuu) gambling fraud, Section [76-10-1103](#);
- 1014 (vvv) gambling promotion, Section [76-10-1104](#);
- 1015 (www) possessing a gambling device or record, Section [76-10-1105](#);
- 1016 (xxx) confidence game, Section [76-10-1109](#);
- 1017 (yyy) distributing pornographic material, Section [76-10-1204](#);

- 1018 (zzz) inducing acceptance of pornographic material, Section 76-10-1205;
- 1019 (aaaa) dealing in harmful material to a minor, Section 76-10-1206;
- 1020 (bbbb) distribution of pornographic films, Section 76-10-1222;
- 1021 (cccc) indecent public displays, Section 76-10-1228;
- 1022 (dddd) prostitution, Section 76-10-1302;
- 1023 (eeee) aiding prostitution, Section 76-10-1304;
- 1024 (ffff) exploiting prostitution, Section 76-10-1305;
- 1025 (gggg) aggravated exploitation of prostitution, Section 76-10-1306;
- 1026 (hhhh) communications fraud, Section 76-10-1801;
- 1027 (iiii) any act prohibited by the criminal provisions of Part 19, Money Laundering and
- 1028 Currency Transaction Reporting Act;
- 1029 (jjjj) vehicle compartment for contraband, Section 76-10-2801;
- 1030 (kkkk) any act prohibited by the criminal provisions of the laws governing taxation in
- 1031 this state; and
- 1032 (llll) any act illegal under the laws of the United States and enumerated in 18 U.S.C.
- 1033 Sec. 1961(1)(B), (C), and (D).