

Senator Don L. Ipson proposes the following substitute bill:

LOBBYIST LICENSING MODIFICATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

House Sponsor: Mike Schultz

LONG TITLE

General Description:

This bill amends provisions of the Lobbyist Disclosure and Regulation Act.

Highlighted Provisions:

This bill:

- ▶ clarifies provisions relating to financial reports;
- ▶ requires the lieutenant governor to provide, and a lobbyist to take, an annual training course relating to harassment;
- ▶ amends existing rulemaking authority within the Office of the Lieutenant Governor;
- ▶ amends lobbyist licensing provisions;
- ▶ prohibits a lobbyist from:
 - engaging in harassment;
 - retaliating against an individual for filing a harassment complaint or another complaint described in this bill;
 - retaliating against a person for cooperating in an investigation described in this bill; or
 - otherwise interfering with an investigation described in this bill;
- ▶ requires a lobbyist to cooperate with an investigation described in this bill;
- ▶ provides penalties for a lobbyist who violates the provisions of this bill; ~~and~~ and ~~and~~



26 ~~H→ [→ permits a lobbyist to file a complaint of harassment against an executive worker or a~~
27 ~~legislative worker; and] ←H~~

28 ▶ makes technical and conforming amendments.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 **AMENDS:**

35 **36-11-103**, as last amended by Laws of Utah 2015, Chapter 188

36 **36-11-106**, as last amended by Laws of Utah 2002, Chapter 317

37 **36-11-307**, as enacted by Laws of Utah 2011, Chapter 389

38 **36-11-401**, as last amended by Laws of Utah 2015, Chapter 258

39 **36-11-404**, as last amended by Laws of Utah 2008, Chapter 382

40 **ENACTS:**

41 **36-11-501**, Utah Code Annotated 1953



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

44 Section 1. Section **36-11-103** is amended to read:

45 **36-11-103. Licensing requirements.**

46 (1) (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the
47 lieutenant governor by completing the form required by this section.

48 (b) The lieutenant governor shall issue licenses to qualified lobbyists.

49 (c) The lieutenant governor shall prepare a Lobbyist License Application Form that
50 includes:

51 (i) a place for the lobbyist's name and business address;

52 (ii) a place for the following information for each principal for whom the lobbyist
53 works or is hired as an independent contractor:

54 (A) the principal's name;

55 (B) the principal's business address;

56 (C) the name of each public official that the principal employs and the nature of the

119 calendar days after the day on which the report is received by the lieutenant governor.

120 Section 3. Section **36-11-307** is amended to read:

121 **36-11-307. Ethics and unlawful harassment training course for lobbyists --**
 122 **Internet availability -- Content -- Participation tracking -- Penalty.**

123 (1) (a) As used in this section, "harassment" means the same as that term is defined in
 124 Subsection 36-11-501(1)(b).

125 ~~[(4)]~~ (b) The lieutenant governor shall develop and maintain [an ethics training course]
 126 online training courses for lobbyists on ethics and harassment.

127 ~~(2) [The ethics]~~ A training course described in Subsection (1) shall include training
 128 materials and exercises that are available on the Internet to lobbyists and to the public.

129 (3) The lieutenant governor shall design the ethics training course [shall be designed]
 130 to assist lobbyists in understanding and complying with current ethical and campaign finance
 131 requirements under state law, legislative rules, and federal law.

132 (4) The lieutenant governor:

133 (a) shall design the harassment training course to assist lobbyists in understanding and
 134 complying with state and federal legal requirements relating to unlawful harassment; and

135 (b) may enter into an agreement with the Department of Human Resource Management
 136 to assist the lieutenant governor in providing the harassment training described in this section.

137 ~~[(4)]~~ (5) [The ethics] A training course described in this section shall include
 138 provisions for verifying when a lobbyist has successfully completed [key training exercises] the
 139 training.

140 ~~[(5) A lobbyist shall successfully complete the key training exercises of the ethics~~
 141 ~~training course once each year.]~~

142 ~~[(6) A lobbyist who does not complete the training required by this section is subject to~~
 143 ~~a penalty as provided in Section 36-11-401.]~~

144 (6) A lobbyist shall, ~~§~~→ [within 30 days before the day on which] after ←~~§~~ the lobbyist
 144a applies for a
 145 lobbying license or a lobbying license renewal ~~§~~→ , but before the lobbyist receives the license or
 145a renewal ←~~§~~ :

146 (a) successfully complete the training courses described in this section; and

147 (b) provide to the lieutenant governor a document, signed by the lobbyist, indicating
 148 that the lobbyist has read, understands, and will comply with Subsections 36-11-501 (2) and
 149 (3), the Legislature's harassment policy, and the state executive branch's harassment policies.

243 (ii) the executive branch or the executive branch's designee may, if warranted, conduct
 244 an investigation and take action to remediate any violation.

245 (5) (a) The lieutenant governor may take an action described in Subsection (6) against
 246 a lobbyist if the lieutenant governor finds, after giving the lobbyist notice and an opportunity to
 247 be heard, that the lobbyist:

248 (i) engaged in a serious violation, or multiple violations, of this section, the
 249 Legislature's harassment policy, or a state executive branch's harassment policy;

250 (ii) retaliates against a complainant, a witness, or another person for:

251 (A) filing a complaint alleging a violation of this section;

252 (B) conducting or cooperating with an investigation; or

253 (C) taking action to remediate unlawful harassment; or

254 (iii) interferes with, or fails to fully cooperate with, an investigation of an alleged
 255 violation of this section.

256 (b) The lieutenant governor shall post on the lieutenant governor's website a copy of
 257 the Legislature's harassment policy and the executive branch's harassment policies.

258 (6) If the lieutenant governor makes a finding described in Subsection (5)(a), the
 259 lieutenant governor may, taking into account the seriousness of the violation or the seriousness
 260 or frequency of multiple violations, do either or both of the following:

261 (a) impose an administrative fine against the lobbyist, not to exceed \$2,000; or

262 (b) suspend the lobbyist's license for a period of up to five years.

263 (7) A record that relates to an investigation under this section is a protected record, to
 264 the extent permitted by Title 63G, Chapter 2, Government Records Access and Management
 265 Act.

266 ~~H→ [(8) (a) A lobbyist who is a victim of harassment by an executive worker may file a~~
 267 ~~complaint under the state executive branch's applicable harassment policy.~~

268 ~~(b) A lobbyist who is a victim of harassment by a legislative worker may file a~~
 269 ~~complaint under the Legislature's harassment policy.] ←H~~