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 workplace discrimination and harassment;
- amends existing rulemaking authority within the Office of the Lieutenant Governor;
- amends lobbyist licensing provisions;
- prohibits a lobbyist from:
  - violating federal laws governing workplace harassment and discrimination; and
  - violating policies governing workplace harassment and discrimination adopted by the Utah Senate, the Utah House, and the Utah executive branch;
- provides penalties for a lobbyist who violates the provisions of this bill;
- permits a lobbyist to file a complaint of workplace discrimination or harassment against an executive worker or a legislative worker; and
- makes technical and conforming amendments.

Money Appropriated in this Bill:
None

Other Special Clauses:
None

Utah Code Sections Affected:
Be it enacted by the Legislature of the state of Utah:

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

36-11-103. Licensing requirements.

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

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

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

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

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

(A) the principal's name;

(B) the principal's business address;

(C) the name of each public official that the principal employs and the nature of the employment with the public official; and

(D) the general purposes, interests, and nature of the principal;

(iii) a place for the name and address of the person who paid or will pay the lobbyist's registration fee, if the fee is not paid by the lobbyist;

(iv) a place for the lobbyist to disclose:
(A) any elected or appointed position that the lobbyist holds in state or local
government, if any; and
(B) the name of each public official that the lobbyist employs and the nature of the
employment with the public official, if any;
(v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist
will be reimbursed; and
(vi) a certification to be signed by the lobbyist that certifies that the information
provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and
belief.
(2) Each lobbyist who obtains a license under this section shall update the licensure
information when the lobbyist accepts employment for lobbying by a new client.
(3) (a) Except as provided in Subsection (4), the lieutenant governor shall grant a
lobbying license to an applicant who:
(i) files an application with the lieutenant governor that contains the information
required by this section; [and]
(ii) completes the training required by Section 36-11-307; and
(iii) pays a $60 filing fee.
(b) A license entitles a person to serve as a lobbyist on behalf of one or more principals
and expires on December 31 [of] each [even-numbered] year.
(4) (a) The lieutenant governor may disapprove an application for a lobbying license:
(i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107,
76-8-108, or 76-8-303 within five years before the date of the lobbying license application;
(ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304
within one year before the date of the lobbying license application;
(iii) during the term of any suspension imposed under Section 36-11-401;
(iv) if the applicant has not complied with Subsection 36-11-307(6);
(v) during the term of a suspension imposed under Subsection 36-11-501(3);
(vi) if the lobbyist fails to pay a fine imposed under Subsection 36-11-501(3);
[iv] (vii) if, within one year before the date of the lobbying license application, the applicant has been found to have willingly and knowingly:

(A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403; or

(B) filed a document required by this chapter that the lobbyist knew contained materially false information or omitted material information; or

[vii] (viii) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter 24, Lobbying Restrictions Act.

(b) An applicant may appeal the disapproval in accordance with the procedures established by the lieutenant governor under this chapter and Title 63G, Chapter 4, Administrative Procedures Act.

(5) The lieutenant governor shall deposit each license fee into the General Fund as a dedicated credit to be used by the lieutenant governor to pay the cost of administering the license program described in this section.

(6) A principal need not obtain a license under this section, but if the principal makes expenditures to benefit a public official without using a lobbyist as an agent to confer those benefits, the principal shall disclose those expenditures as required by Section 36-11-201.

(7) Government officers need not obtain a license under this section, but shall disclose any expenditures made to benefit public officials as required by Section 36-11-201.

(8) Surrender, cancellation, or expiration of a lobbyist license does not absolve the lobbyist of the duty to file the financial reports if the lobbyist is otherwise required to file the reports by Section 36-11-201.

Section 2. Section 36-11-106 is amended to read:

36-11-106. Financial reports are public documents.

(1) Any person may:

(a) without charge, inspect a license application or financial report filed with the lieutenant governor in accordance with this chapter; and

(b) make a copy of a financial report after paying for the actual costs of the copy.
114 (2) The lieutenant governor shall make financial reports filed in accordance with this
115 chapter available for viewing on the Internet at the lieutenant governor's website within seven
116 calendar days after the day on which the report is received by the lieutenant governor.
117
118 Section 3. Section 36-11-307 is amended to read:
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120 36-11-307. Ethics and unlawful harassment training course for lobbyists --
121 Internet availability -- Content -- Participation tracking -- Penalty.
122
123 (1) The lieutenant governor shall develop and maintain an ethics training course for
124 online training courses educating lobbyists about:
125
126 (a) federal workplace discrimination and harassment prohibitions and requirements;
127 (b) the Utah Senate's, Utah House's, and the executive branch's policies governing
128 workplace discrimination and harassment prohibitions, policies, and procedures; and
129 (c) state and federal requirements governing lobbyists, including lobbyist ethical
130 requirements.
131
132 (2) A training course described in Subsection (1) shall include training
133 materials and exercises that are available on the Internet to lobbyists and to the public.
134
135 (3) The lieutenant governor shall design the ethics training course to assist lobbyists in understanding and complying with current ethical and campaign finance
136 requirements under state law, legislative rules, and federal law.
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138 (4) The lieutenant governor may enter into an agreement with the Department of
139 Human Resource Management to assist the lieutenant governor in providing the workplace
140 discrimination and harassment training described in this section.
141
142 [(4)] (5) A training course described in this section shall include
143 provisions for verifying when a lobbyist has successfully completed the training.
144
145 [(5) A lobbyist shall successfully complete the key training exercises of the ethics
146 training course once each year.]
147
148 [(6) A lobbyist who does not complete the training required by this section is subject to
149 a penalty as provided in Section 36-11-401.]
(6) (a) A lobbyist shall, within 30 days after the day on which the lobbyist applies for a lobbying license or a lobbying license renewal:

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

(ii) provide to the lieutenant governor a document, signed by the lobbyist, certifying that the lobbyist has:

(A) completed the training courses required by this section; and

(B) received, read, understands, and will comply with the workplace discrimination and harassment policies adopted by the Utah Senate, the Utah House, and Utah's executive branch.

(b) The lieutenant governor may not issue a lobbying license, or renew a lobbying license, until the lieutenant governor has received from the lobbyist the document required by Subsection (6)(a).

(7) A signature described in Subsection (6)(b) may be an electronic signature.

Section 4. Section 36-11-401 is amended to read:

36-11-401. Penalties.

(1) Any person who intentionally violates Section 36-11-103, 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403, 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 lobbyist.

(2) Any person who intentionally fails to file a financial report required by this chapter, omits material information from a license application form or financial report, or files false information on a license application form or 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 lobbyist.

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

(4) (a) When a lobbyist is convicted of violating Section 76-8-103, 76-8-107, 76-8-108, or 76-8-303, the lieutenant governor shall suspend the lobbyist's license for up to five years from the date of the conviction.

(b) When a lobbyist is convicted of violating Section 76-8-104 or 76-8-304, the lieutenant governor shall suspend a lobbyist's license for up to one year from the date of conviction.

(5) (a) Any person who intentionally violates Section 36-11-301, 36-11-302, or 36-11-303 is guilty of a class B misdemeanor.

(b) The lieutenant governor shall suspend the lobbyist license of any person convicted under any of these sections for up to one year.

(c) The suspension shall be in addition to any administrative penalties imposed by the lieutenant governor under this section.

(d) Any person with evidence of a possible violation of this chapter may submit that evidence to the lieutenant governor for investigation and resolution.

(6) A lobbyist who does not complete the training required by Section 36-11-307 is subject to the following penalties:

(a) an administrative penalty of up to $1,000 for each failure to complete the training required by Section 36-11-307; and

(b) for two or more failures to complete the training required by Section 36-11-307 within 24 months, suspension of the lobbyist's lobbying license.

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

Section 5. Section 36-11-404 is amended to read:

36-11-404. Lieutenant governor's procedures.
(1) [The lieutenant governor] Except as otherwise provided under Section 36-11-501, the director of elections within the Office of the Lieutenant Governor shall make rules that provide:

(a) for the appointment of an administrative law judge to adjudicate alleged violations of this [section] chapter and to impose penalties under this [section] chapter;

(b) procedures for license applications, disapprovals, suspensions, revocations, and reinstatements that comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.

(2) The lieutenant governor shall develop forms needed for the registration and disclosure provisions [of] described in this chapter.

Section 6. Section 36-11-501 is enacted to read:

**Part 5. Unlawful Harassment**

**36-11-501. Unlawful harassment -- Investigation -- Penalties.**

(1) A lobbyist may not engage in conduct that violates:

(a) federal workplace discrimination and harassment requirements;

(b) Utah Senate or Utah House policies governing workplace discrimination or harassment;

(c) Utah executive branch policies governing workplace discrimination or harassment;

or

(d) any combination of Subsections (1) (a), (b), or (c).

(2) (a) The lieutenant governor may take an action described in Subsection (3) against a lobbyist if the lieutenant governor finds, after giving the lobbyist notice and an opportunity to be heard, that the lobbyist engaged in a serious violation, or multiple violations, of this section.

(b) The lieutenant governor shall post on the lieutenant governor's website a copy of the Utah Senate's harassment policy, the Utah House's harassment policy, and the executive branch's harassment policies.

(3) If the lieutenant governor makes a finding described in Subsection (2)(a), the lieutenant governor may, taking into account the seriousness of the violation or the seriousness
or frequency of multiple violations, do either or both of the following:

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

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

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

(5) (a) A lobbyist who is a victim of workplace discrimination or harassment by an executive worker may file a complaint under the state executive branch's applicable workplace discrimination and harassment policy.

(b) A lobbyist who is a victim of workplace discrimination or harassment by a legislative worker may file a complaint under the Utah Senate's workplace discrimination and harassment policy or the Utah House's workplace discrimination and harassment policy.