

## HB0090S01 compared with HB0090

~~deleted text~~ shows text that was in HB0090 but was deleted in HB0090S01.

inserted text shows text that was not in HB0090 but was inserted into HB0090S01.

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Representative Candice B. Pierucci proposes the following substitute bill:

### TRANSPARENCY IN LOBBYING AND DISCLOSURES

#### AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Candice B. Pierucci**

Senate Sponsor: ~~\_\_\_\_\_~~ Michael K. McKell

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#### LONG TITLE

##### General Description:

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

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ defines "foreign agent" and requires a foreign agent to register with the lieutenant governor as a foreign agent;
- ▶ requires a public officeholder to disclose the receipt of a gift provided or paid for by a foreign agent or foreign government;

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- ▶ requires certain public officeholders to make disclosures related to foreign travel that is undertaken in the officeholder's official position;
- ▶ makes provisions of the Lobbyist Disclosure and Regulation Act applicable to a person who lobbies a local official or an education official;
- ▶ amends rulemaking authority within the Office of the Lieutenant Governor;
- ▶ makes changes to the lobbyist license application form;
- ▶ establishes requirements for a foreign agent registration form;
- ▶ requires the name tag of a lobbyist who is a foreign agent to indicate that the lobbyist is a foreign agent;
- ▶ establishes penalties for failure to register as a foreign agent;
- ▶ amends provisions prohibiting contingent compensation for a lobbyist;
- ▶ repeals existing provisions in the Local Government and Board of Education Lobbyist Disclosure and Regulation Act, and incorporates those provisions into the Lobbyist Disclosure and Regulation Act; and
- ▶ makes technical and conforming changes.

### **Money Appropriated in this Bill:**

None

### **Other Special Clauses:**

None

### **Utah Code Sections Affected:**

AMENDS:

- 20A-11-101**, as last amended by Laws of Utah 2021, Chapter 20
- 20A-11-401**, as last amended by Laws of Utah 2018, Chapter 83
- 20A-11-1604**, as last amended by Laws of Utah 2021, Chapter 20
- 36-11-102**, as last amended by Laws of Utah 2021, Chapter 20
- 36-11-103**, as last amended by Laws of Utah 2020, Chapters 22 and 394
- 36-11-106**, as last amended by Laws of Utah 2019, Chapter 339
- 36-11-201**, as last amended by Laws of Utah 2015, Chapter 296
- 36-11-301**, as enacted by Laws of Utah 1991, Chapter 280
- 36-11-304**, as last amended by Laws of Utah 2015, Chapters 32 and 188
- 36-11-305.5**, as enacted by Laws of Utah 2014, Chapter 335

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**36-11-401**, as last amended by Laws of Utah 2020, Chapter 394

**36-11-404**, as last amended by Laws of Utah 2019, Chapter 339

**36-11-405**, as enacted by Laws of Utah 1991, Chapter 280

**63A-14-202**, as last amended by Laws of Utah 2019, Chapter 363

**63A-15-201**, as last amended by Laws of Utah 2019, Chapter 363

**63E-1-401**, as last amended by Laws of Utah 2019, Chapter 363

**63E-1-404**, as last amended by Laws of Utah 2019, Chapter 363

**63G-23-102**, as enacted by Laws of Utah 2018, Chapter 67

### ENACTS:

**36-11-103.5**, Utah Code Annotated 1953

### REPEALS:

**36-11a-101**, as enacted by Laws of Utah 2019, Chapter 363

**36-11a-102**, as enacted by Laws of Utah 2019, Chapter 363

**36-11a-201**, as enacted by Laws of Utah 2019, Chapter 363

**36-11a-202**, as enacted by Laws of Utah 2019, Chapter 363

**36-11a-203**, as enacted by Laws of Utah 2019, Chapter 363

**36-11a-301**, as enacted by Laws of Utah 2019, Chapter 363

**36-11a-302**, as enacted by Laws of Utah 2019, Chapter 363

**36-11a-303**, as enacted by Laws of Utah 2019, Chapter 363

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

Section 1. Section **20A-11-101** is amended to read:

**20A-11-101. Definitions.**

As used in this chapter:

(1) (a) "Address" means the number and street where an individual resides or where a reporting entity has its principal office.

(b) "Address" does not include a post office box.

(2) "Agent of a reporting entity" means:

(a) a person acting on behalf of a reporting entity at the direction of the reporting entity;

(b) a person employed by a reporting entity in the reporting entity's capacity as a

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reporting entity;

(c) the personal campaign committee of a candidate or officeholder;

(d) a member of the personal campaign committee of a candidate or officeholder in the member's capacity as a member of the personal campaign committee of the candidate or officeholder; or

(e) a political consultant of a reporting entity.

(3) "Ballot proposition" includes initiatives, referenda, proposed constitutional amendments, and any other ballot propositions submitted to the voters that are authorized by the Utah Code Annotated 1953.

(4) "Candidate" means any person who:

(a) files a declaration of candidacy for a public office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

(5) "Chief election officer" means:

(a) the lieutenant governor for state office candidates, legislative office candidates, officeholders, political parties, political action committees, corporations, political issues committees, state school board candidates, judges, and labor organizations, as defined in Section 20A-11-1501; and

(b) the county clerk for local school board candidates.

(6) (a) "Contribution" means any of the following when done for political purposes:

(i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;

(ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;

(iii) any transfer of funds from another reporting entity to the filing entity;

(iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;

(v) remuneration from:

(A) any organization or its directly affiliated organization that has a registered lobbyist;

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or

- (B) any agency or subdivision of the state, including school districts;
- (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- (vii) in-kind contributions.

(b) "Contribution" does not include:

(i) services provided by individuals volunteering a portion or all of their time on behalf of the filing entity if the services are provided without compensation by the filing entity or any other person;

(ii) money lent to the filing entity by a financial institution in the ordinary course of business; or

(iii) goods or services provided for the benefit of a political entity at less than fair market value that are not authorized by or coordinated with the political entity.

(7) "Coordinated with" means that goods or services provided for the benefit of a political entity are provided:

- (a) with the political entity's prior knowledge, if the political entity does not object;
- (b) by agreement with the political entity;
- (c) in coordination with the political entity; or
- (d) using official logos, slogans, and similar elements belonging to a political entity.

(8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business organization that is registered as a corporation or is authorized to do business in a state and makes any expenditure from corporate funds for:

- (i) the purpose of expressly advocating for political purposes; or
- (ii) the purpose of expressly advocating the approval or the defeat of any ballot

proposition.

(b) "Corporation" does not mean:

- (i) a business organization's political action committee or political issues committee; or
- (ii) a business entity organized as a partnership or a sole proprietorship.

(9) "County political party" means, for each registered political party, all of the persons within a single county who, under definitions established by the political party, are members of the registered political party.

(10) "County political party officer" means a person whose name is required to be

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submitted by a county political party to the lieutenant governor in accordance with Section 20A-8-402.

(11) "Detailed listing" means:

(a) for each contribution or public service assistance:

(i) the name and address of the individual or source making the contribution or public service assistance, except to the extent that the name or address of the individual or source is unknown;

(ii) the amount or value of the contribution or public service assistance; and

(iii) the date the contribution or public service assistance was made; and

(b) for each expenditure:

(i) the amount of the expenditure;

(ii) the goods or services acquired by the expenditure; and

(iii) the date the expenditure was made.

(12) (a) "Donor" means a person that gives money, including a fee, due, or assessment for membership in the corporation, to a corporation without receiving full and adequate consideration for the money.

(b) "Donor" does not include a person that signs a statement that the corporation may not use the money for an expenditure or political issues expenditure.

(13) "Election" means each:

(a) regular general election;

(b) regular primary election; and

(c) special election at which candidates are eliminated and selected.

(14) "Electioneering communication" means a communication that:

(a) has at least a value of \$10,000;

(b) clearly identifies a candidate or judge; and

(c) is disseminated through the Internet, newspaper, magazine, outdoor advertising facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly identified candidate's or judge's election date.

(15) (a) "Expenditure" means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:

(i) any disbursement from contributions, receipts, or from the separate bank account

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required by this chapter;

(ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

(iii) an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

(iv) compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;

(v) a transfer of funds between the filing entity and a candidate's personal campaign committee;

(vi) goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value; or

(vii) an independent expenditure, as defined in Section 20A-11-1702.

(b) "Expenditure" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;

(ii) money lent to a reporting entity by a financial institution in the ordinary course of business; or

(iii) anything listed in Subsection (15)(a) that is given by a reporting entity to candidates for office or officeholders in states other than Utah.

(16) "Federal office" means the office of president of the United States, United States Senator, or United States Representative.

(17) "Filing entity" means the reporting entity that is required to file a financial statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(18) "Financial statement" includes any summary report, interim report, verified financial statement, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

(19) "Foreign agent" means the same as that term is defined in Section 36-11-102.

(20) "Foreign government" means a government other than the government of:

(a) the United States;

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(b) a state within the United States;

(c) a territory or possession of the United States; or

(d) a political subdivision of the United States.

~~[(19)]~~ (21) "Governing board" means the individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee, political party, or corporation.

~~[(20)]~~ (22) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal Incorporation, by which a geographical area becomes legally recognized as a city, town, or metro township.

~~[(21)]~~ (23) "Incorporation election" means the election conducted under Section 10-2a-210 or 10-2a-404.

~~[(22)]~~ (24) "Incorporation petition" means a petition described in Section 10-2a-208.

~~[(23)]~~ (25) "Individual" means a natural person.

~~[(24)]~~ (26) "In-kind contribution" means anything of value, other than money, that is accepted by or coordinated with a filing entity.

~~[(25)]~~ (27) "Interim report" means a report identifying the contributions received and expenditures made since the last report.

~~[(26)]~~ (28) "Legislative office" means the office of state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

~~[(27)]~~ (29) "Legislative office candidate" means a person who:

(a) files a declaration of candidacy for the office of state senator or state representative;

(b) declares oneself to be a candidate for, or actively campaigns for, the position of speaker of the House of Representatives, president of the Senate, or the leader, whip, and assistant whip of any party caucus in either house of the Legislature; or

(c) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a legislative office.

~~[(28)]~~ (30) "Loan" means any of the following provided by a person that benefits a filing entity if the person expects repayment or reimbursement:

(a) an expenditure made using any form of payment;



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(b) money or funds received by the filing entity;

(c) the provision of a good or service with an agreement or understanding that payment or reimbursement will be delayed; or

(d) use of any line of credit.

~~[(29)]~~ (31) "Major political party" means either of the two registered political parties that have the greatest number of members elected to the two houses of the Legislature.

~~[(30)]~~ (32) "Officeholder" means a person who holds a public office.

(33) "Owned or controlled by a foreign government" means that a foreign government has greater than a 50% ownership interest in the corporation.

~~[(31)]~~ (34) "Party committee" means any committee organized by or authorized by the governing board of a registered political party.

~~[(32)]~~ (35) "Person" means both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, and labor organizations, as defined in Section 20A-11-1501.

~~[(33)]~~ (36) "Personal campaign committee" means the committee appointed by a candidate to act for the candidate as provided in this chapter.

~~[(34)]~~ (37) "Personal use expenditure" has the same meaning as provided under Section 20A-11-104.

~~[(35)]~~ (38) (a) "Political action committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

(i) solicit or receive contributions from any other person, group, or entity for political purposes; or

(ii) make expenditures to expressly advocate for any person to refrain from voting or to vote for or against any candidate or person seeking election to a municipal or county office.

(b) "Political action committee" includes groups affiliated with a registered political party but not authorized or organized by the governing board of the registered political party that receive contributions or makes expenditures for political purposes.

(c) "Political action committee" does not mean:

(i) a party committee;

(ii) any entity that provides goods or services to a candidate or committee in the regular

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course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account;

(v) a corporation, except a corporation a major purpose of which is to act as a political action committee; or

(vi) a personal campaign committee.

~~[(36)]~~ (39) (a) "Political consultant" means a person who is paid by a reporting entity, or paid by another person on behalf of and with the knowledge of the reporting entity, to provide political advice to the reporting entity.

(b) "Political consultant" includes a circumstance described in Subsection ~~[(36)]~~ (39)(a), where the person:

(i) has already been paid, with money or other consideration;

(ii) expects to be paid in the future, with money or other consideration; or

(iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.

~~[(37)]~~ (40) "Political convention" means a county or state political convention held by a registered political party to select candidates.

~~[(38)]~~ (41) "Political entity" means a candidate, a political party, a political action committee, or a political issues committee.

~~[(39)]~~ (42) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

(i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;

(ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or

(iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot.

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(b) "Political issues committee" does not mean:

(i) a registered political party or a party committee;

(ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;

(iii) an individual;

(iv) individuals who are related and who make contributions from a joint checking account;

(v) a corporation, except a corporation a major purpose of which is to act as a political issues committee; or

(vi) a group of individuals who:

(A) associate together for the purpose of challenging or supporting a single ballot proposition, ordinance, or other governmental action by a county, city, town, local district, special service district, or other local political subdivision of the state;

(B) have a common liberty, property, or financial interest that is directly impacted by the ballot proposition, ordinance, or other governmental action;

(C) do not associate together, for the purpose described in Subsection [~~(39)~~]  
(42)(b)(vi)(A), via a legal entity;

(D) do not receive funds for challenging or supporting the ballot proposition, ordinance, or other governmental action from a person other than an individual in the group; and

(E) do not expend a total of more than \$5,000 for the purpose described in Subsection [~~(39)~~] (42)(b)(vi)(A).

[~~(40)~~] (43) (a) "Political issues contribution" means any of the following:

(i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or anything of value given to a political issues committee;

(ii) an express, legally enforceable contract, promise, or agreement to make a political issues donation to influence the approval or defeat of any ballot proposition;

(iii) any transfer of funds received by a political issues committee from a reporting entity;

(iv) compensation paid by another reporting entity for personal services rendered without charge to a political issues committee; and

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(v) goods or services provided to or for the benefit of a political issues committee at less than fair market value.

(b) "Political issues contribution" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

~~[(41)]~~ (44) (a) "Political issues expenditure" means any of the following when made by a political issues committee or on behalf of a political issues committee by an agent of the reporting entity:

(i) any payment from political issues contributions made for the purpose of influencing the approval or the defeat of:

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

(ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for the express purpose of influencing the approval or the defeat of:

(A) a ballot proposition; or

(B) an incorporation petition or incorporation election;

(iii) an express, legally enforceable contract, promise, or agreement to make any political issues expenditure;

(iv) compensation paid by a reporting entity for personal services rendered by a person without charge to a political issues committee; or

(v) goods or services provided to or for the benefit of another reporting entity at less than fair market value.

(b) "Political issues expenditure" does not include:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political issues committee; or

(ii) money lent to a political issues committee by a financial institution in the ordinary course of business.

~~[(42)]~~ (45) "Political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote

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for or against any:

(a) candidate or a person seeking a municipal or county office at any caucus, political convention, or election; or

(b) judge standing for retention at any election.

~~[(43)]~~ (46) (a) "Poll" means the survey of a person regarding the person's opinion or knowledge of an individual who has filed a declaration of candidacy for public office, or of a ballot proposition that has legally qualified for placement on the ballot, which is conducted in person or by telephone, facsimile, Internet, postal mail, or email.

(b) "Poll" does not include:

(i) a ballot; or

(ii) an interview of a focus group that is conducted, in person, by one individual, if:

(A) the focus group consists of more than three, and less than thirteen, individuals; and

(B) all individuals in the focus group are present during the interview.

~~[(44)]~~ (47) "Primary election" means any regular primary election held under the election laws.

~~[(45)]~~ (48) "Publicly identified class of individuals" means a group of 50 or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial statement the individuals are listed.

~~[(46)]~~ (49) "Public office" means the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state school board member, state senator, state representative, speaker of the House of Representatives, president of the Senate, and the leader, whip, and assistant whip of any party caucus in either house of the Legislature.

~~[(47)]~~ (50) (a) "Public service assistance" means the following when given or provided to an officeholder to defray the costs of functioning in a public office or aid the officeholder to communicate with the officeholder's constituents:

(i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to an officeholder; or

(ii) goods or services provided at less than fair market value to or for the benefit of the officeholder.

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(b) "Public service assistance" does not include:

(i) anything provided by the state;

(ii) services provided without compensation by individuals volunteering a portion or all of their time on behalf of an officeholder;

(iii) money lent to an officeholder by a financial institution in the ordinary course of business;

(iv) news coverage or any publication by the news media; or

(v) any article, story, or other coverage as part of any regular publication of any organization unless substantially all the publication is devoted to information about the officeholder.

~~[(48)]~~ (51) "Receipts" means contributions and public service assistance.

~~[(49)]~~ (52) "Registered lobbyist" means a person licensed under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

~~[(50)]~~ (53) "Registered political action committee" means any political action committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.

~~[(51)]~~ (54) "Registered political issues committee" means any political issues committee that is required by this chapter to file a statement of organization with the Office of the Lieutenant Governor.

~~[(52)]~~ (55) "Registered political party" means an organization of voters that:

(a) participated in the last regular general election and polled a total vote equal to 2% or more of the total votes cast for all candidates for the United States House of Representatives for any of its candidates for any office; or

(b) has complied with the petition and organizing procedures of Chapter 8, Political Party Formation and Procedures.

~~[(53)]~~ (56) (a) "Remuneration" means a payment:

(i) made to a legislator for the period the Legislature is in session; and

(ii) that is approximately equivalent to an amount a legislator would have earned during the period the Legislature is in session in the legislator's ordinary course of business.

(b) "Remuneration" does not mean anything of economic value given to a legislator by:

(i) the legislator's primary employer in the ordinary course of business; or

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(ii) a person or entity in the ordinary course of business:

(A) because of the legislator's ownership interest in the entity; or

(B) for services rendered by the legislator on behalf of the person or entity.

~~[(54)]~~ (57) "Reporting entity" means a candidate, a candidate's personal campaign committee, a judge, a judge's personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization, as defined in Section 20A-11-1501.

~~[(55)]~~ (58) "School board office" means the office of state school board.

~~[(56)]~~ (59) (a) "Source" means the person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

(b) "Source" means, for political action committees and corporations, the political action committee and the corporation as entities, not the contributors to the political action committee or the owners or shareholders of the corporation.

~~[(57)]~~ (60) "State office" means the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.

~~[(58)]~~ (61) "State office candidate" means a person who:

(a) files a declaration of candidacy for a state office; or

(b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination, election, or appointment to a state office.

~~[(59)]~~ (62) "Summary report" means the year end report containing the summary of a reporting entity's contributions and expenditures.

~~[(60)]~~ (63) "Supervisory board" means the individual or group of individuals that allocate expenditures from a political issues committee.

Section 2. Section **20A-11-401** is amended to read:

**20A-11-401. Officeholder financial reporting requirements -- Year-end summary report -- Officeholder as a political action committee officer -- Anonymous contribution or public service assistance.**

(1) (a) Each officeholder shall file a summary report by January 10 of each year.

(b) An officeholder that is required to file a summary report both as an officeholder and as a candidate for office under the requirements of this chapter may file a single summary

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report as a candidate and an officeholder, provided that the combined report meets the requirements of:

(i) this section; and

(ii) the section that provides the requirements for the summary report filed by the officeholder in the officeholder's capacity of a candidate for office.

(2) (a) Each summary report shall include the following information as of December 31 of the previous year:

(i) the net balance of the last summary report, if any;

(ii) a single figure equal to the total amount of receipts received since the last summary report, if any;

(iii) a single figure equal to the total amount of expenditures made since the last summary report, if any;

(iv) a detailed listing of each contribution and public service assistance received since the last summary report;

(v) for each nonmonetary contribution:

(A) the fair market value of the contribution with that information provided by the contributor; and

(B) a specific description of the contribution;

(vi) for a gift received in the officeholder's official capacity that the officeholder knows or has reason to know was funded or provided, in whole or in part, by a foreign agent or a foreign government:

(A) the source of the gift;

(B) the approximate fair market value of the gift; and

(C) a specific description of the gift;

~~(vii)~~ (vii) a detailed listing of each expenditure made since the last summary report;

~~(viii)~~ (viii) for each nonmonetary expenditure, the fair market value of the expenditure;

~~(ix)~~ (ix) a net balance for the year consisting of the net balance from the last summary report plus all receipts minus all expenditures; and

~~(x)~~ (x) the name of a political action committee for which the officeholder is designated as an officer who has primary decision-making authority under Section



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20A-11-601.

(b) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.

(3) The summary report shall contain a paragraph signed by the officeholder certifying that, to the best of the officeholder's knowledge, all receipts and all expenditures have been reported as of December 31 of the last calendar year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

(4) An officeholder may:

(a) receive public service assistance from a political action committee registered under Section 20A-11-601; and

(b) be designated by a political action committee as an officer who has primary decision-making authority as described in Section 20A-11-601.

(5) Within 31 days after receiving a contribution or public service assistance that is cash or a negotiable instrument, exceeds \$50, and is from an unknown source, an officeholder shall disburse the amount of the contribution or public service assistance to:

(a) the treasurer of the state or a political subdivision for deposit into the state's or political subdivision's general fund; or

(b) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code.

Section 3. Section **20A-11-1604** is amended to read:

**20A-11-1604. Failure to disclose conflict of interest -- Failure to comply with reporting requirements.**

(1) (a) Before or during the execution of any order, settlement, declaration, contract, or any other official act of office in which a state constitutional officer has actual knowledge that the state constitutional officer has a conflict of interest that is not stated in the conflict of interest disclosure, the state constitutional officer shall publicly declare that the state constitutional officer may have a conflict of interest and what that conflict of interest is.

(b) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that the legislator has a conflict of interest that is not stated in the conflict of interest disclosure, the legislator shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what

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that conflict is.

(c) Before or during any vote on any rule, resolution, order, or any other board matter in which a member of the State Board of Education has actual knowledge that the member has a conflict of interest that is not stated in the conflict of interest disclosure, the member shall orally declare to the board that the member may have a conflict of interest and what that conflict of interest is.

(2) Any public declaration of a conflict of interest that is made under Subsection (1) shall be noted:

(a) on the official record of the action taken, for a state constitutional officer;

(b) in the minutes of the committee meeting or in the Senate or House Journal, as applicable, for a legislator; or

(c) in the minutes of the meeting or on the official record of the action taken, for a member of the State Board of Education.

(3) A state constitutional officer shall make a complete conflict of interest disclosure on the website:

(a) (i) no sooner than January 1 each year, and before January 11 each year; or

(ii) if the state constitutional officer takes office after January 10, within 10 days after the day on which the state constitutional officer takes office; and

(b) each time the state constitutional officer changes employment.

(4) A legislator shall make a complete conflict of interest disclosure on the website:

(a) (i) no sooner than January 1 each year, and before January 11 each year; or

(ii) if the legislator takes office after January 10, within 10 days after the day on which the legislator takes office; and

(b) each time the legislator changes employment.

(5) A member of the State Board of Education shall make a complete conflict of interest disclosure on the website:

(a) (i) no sooner than January 1 each year, and before January 11 each year; or

(ii) if the member takes office after January 10, within 10 days after the day on which the member takes office; and

(b) each time the member changes employment.

(6) A conflict of interest disclosure described in Subsection (3), (4), or (5) shall

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include:

- (a) the regulated officeholder's name;
- (b) the name and address of each of the regulated officeholder's current employers and each of the regulated officeholder's employers during the preceding year;
- (c) for each employer described in Subsection (6)(b), a brief description of the employment, including the regulated officeholder's occupation and, as applicable, job title;
- (d) for each entity in which the regulated officeholder is an owner or officer, or was an owner or officer during the preceding year:
  - (i) the name of the entity;
  - (ii) a brief description of the type of business or activity conducted by the entity; and
  - (iii) the regulated officeholder's position in the entity;
- (e) in accordance with Subsection (7), for each individual from whom, or entity from which, the regulated officeholder has received \$5,000 or more in income during the preceding year:
  - (i) the name of the individual or entity; and
  - (ii) a brief description of the type of business or activity conducted by the individual or entity;
- (f) for each entity in which the regulated officeholder holds any stocks or bonds having a fair market value of \$5,000 or more as of the date of the disclosure form or during the preceding year, but excluding funds that are managed by a third party, including blind trusts, managed investment accounts, and mutual funds:
  - (i) the name of the entity; and
  - (ii) a brief description of the type of business or activity conducted by the entity;
- (g) for each entity not listed in Subsections (6)(d) through (f) in which the regulated officeholder currently serves, or served in the preceding year, on the board of directors or in any other type of paid leadership capacity:
  - (i) the name of the entity or organization;
  - (ii) a brief description of the type of business or activity conducted by the entity; and
  - (iii) the type of advisory position held by the regulated officeholder;
- (h) at the option of the regulated officeholder, a description of any real property in which the regulated officeholder holds an ownership or other financial interest that the

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regulated officeholder believes may constitute a conflict of interest, including a description of the type of interest held by the regulated officeholder in the property;

(i) the name of the regulated officeholder's spouse and any other adult residing in the regulated officeholder's household who is not related by blood or marriage, as applicable;

(j) for the regulated officeholder's spouse, the information that a regulated officeholder is required to provide under Subsection (6)(b);

(k) a brief description of the employment and occupation of each adult who:

(i) resides in the regulated officeholder's household; and

(ii) is not related to the regulated officeholder by blood or marriage;

(l) if the regulated officeholder traveled to or within a foreign country in the officeholder's official capacity in the preceding year, a description of:

(i) each foreign travel destination, including the duration of the regulated officeholder's stay at each destination;

(ii) the purpose of the regulated officeholder's travel to each foreign destination; and

(iii) the approximate fair market value of any good, service, or other benefit provided to the regulated officeholder incidental to the foreign travel;

~~(m)~~ (m) at the option of the regulated officeholder, a description of any other matter or interest that the regulated officeholder believes may constitute a conflict of interest;

~~(n)~~ (n) the date the form was completed;

~~(o)~~ (o) a statement that the regulated officeholder believes that the form is true and accurate to the best of the regulated officeholder's knowledge; and

~~(p)~~ (p) the signature of the regulated officeholder.

(7) In making the disclosure described in Subsection (6)(e), a regulated officeholder who provides goods or services to multiple customers or clients as part of a business or a licensed profession is only required to provide the information described in Subsection (6)(e) in relation to the entity or practice through which the regulated officeholder provides the goods or services and is not required to provide the information described in Subsection (6)(e) in relation to the regulated officeholder's individual customers or clients.

(8) The disclosure requirements described in this section do not prohibit a regulated officeholder from voting or acting on any matter.

(9) A regulated officeholder may amend a conflict of interest disclosure described in

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this part at any time.

(10) A regulated officeholder who violates the requirements of Subsection (1) is guilty of a class B misdemeanor.

(11) (a) A regulated officeholder who intentionally or knowingly violates a provision of this section, other than Subsection (1), is guilty of a class B misdemeanor.

(b) In addition to the criminal penalty described in Subsection (11)(a), the lieutenant governor shall impose a civil penalty of \$100 against a regulated officeholder who violates a provision of this section, other than Subsection (1).

Section 4. Section **36-11-102** is amended to read:

### **36-11-102. Definitions.**

As used in this chapter:

(1) "Aggregate daily expenditures" means:

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

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

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

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

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

(ii) attendance at which is approved by:

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

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

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

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

(3) "Board of education" means:

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

(b) the State Board of Education;

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

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

~~[(3)]~~ (4) "Capitol hill complex" means the same as that term is defined in Section 63C-9-102.

~~[(4)]~~ (5) (a) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, given, donated, or transferred to an individual for the provision of services or ownership before any withholding required by federal or state law.

(b) "Compensation" includes:

(i) a salary or commission;

(ii) a bonus;

(iii) a benefit;

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

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

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

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

~~[(5)]~~ (6) "Compensation payor" means a person who pays compensation to a public official in the ordinary course of business:

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

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

(7) "Education action" means:

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

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

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

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

(e) a purchasing or contracting decision;

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

(g) determining a rate or fee;

(h) a decision relating to an education budget or the expenditure of public money; or

(i) making an adjudicative decision.

(8) "Education official" means:

(a) a member of a board of education;

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

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

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

(iii) determines rates or fees;

(iv) makes decisions relating to an education budget or the expenditure of public money; or

(v) makes adjudicative decisions; or

(c) an immediate family member of an individual described in Subsection (8)(a) or (b).

~~[(6)]~~ (9) "Event" means entertainment, a performance, a contest, or a recreational activity that an individual participates in or is a spectator at, including a sporting event, an artistic event, a play, a movie, dancing, or singing.

~~[(7)]~~ (10) "Executive action" means:

(a) a nomination or appointment by the governor;

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

(c) agency ratemaking proceedings; ~~[or]~~

(d) a decision relating to a government budget or the expenditure of public money; or

~~[(d)]~~ (e) an adjudicative proceeding of a state agency.

~~[(8)]~~ (11) (a) "Expenditure" means any of the items listed in this Subsection ~~[(8)]~~

(11)(a) when given to or for the benefit of a public official unless consideration of equal or

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greater value is received:

- (i) a purchase, payment, or distribution;
- (ii) a loan, gift, or advance;
- (iii) a deposit, subscription, or forbearance;
- (iv) services or goods;
- (v) money;
- (vi) real property;
- (vii) a ticket or admission to an event; or
- (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide

any item listed in Subsections [~~(8)~~] (11)(a)(i) through (vii).

(b) "Expenditure" does not mean:

- (i) a commercially reasonable loan made in the ordinary course of business;
- (ii) a campaign contribution;

(A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial Reporting Requirements[;], Section 10-3-208, Section 17-16-6.5, or any applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1); or

(B) lawfully given to a person that is not required to report the contribution under a law or ordinance described in Subsection (11)(b)(ii)(A);

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

- (iv) a devise or inheritance;
- (v) any item listed in Subsection [~~(8)~~] (11)(a) if:

(A) given by a relative;

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

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

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

(vi) food or beverage that is provided at an event, a tour, or a meeting to which the



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following are invited:

- (A) all members of the Legislature;
- (B) all members of a standing or interim committee;
- (C) all members of an official legislative task force;
- (D) all members of a party caucus; or
- (E) all members of a group described in Subsections [~~(8)~~] (11)(b)(vi)(A) through (D)

who are attending a meeting of a national organization whose primary purpose is addressing general legislative policy;

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

- (A) giving a speech at the event, tour, or meeting;
- (B) participating in a panel discussion at the event, tour, or meeting; or
- (C) presenting or receiving an award at the event, tour, or meeting;

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

(A) is presented in public; and

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

(ix) a gift that:

(A) is an item that is not consumable and not perishable;

(B) a public official, other than a local official or an education official, accepts on behalf of the state;

(C) the public official promptly remits to the state;

(D) a property administrator does not reject under Section 63G-23-103;

(E) does not constitute a direct benefit to the public official before or after the public official remits the gift to the state; and

(F) after being remitted to the state, is not transferred, divided, distributed, or used to distribute a gift or benefit to one or more public officials in a manner that would otherwise qualify the gift as an expenditure if the gift were given directly to a public official;

(x) any of the following with a cash value not exceeding \$30:

(A) a publication; or

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(B) a commemorative item;

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

(A) to solicit ~~[contributions]~~ a contribution that is reportable under~~[(F)]~~ Title 20A, Chapter 11, Campaign and Financial Reporting Requirements~~[-or (H)]~~, 2 U.S.C. Sec. 434~~[-or (B)]~~, Section 10-3-208, Section 17-16-6.5, or an applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1);

(B) to solicit a campaign contribution that a person is not required to report under a law or ordinance described in Subsection (11)(b)(xi)(A); or

(C) charitable solicitation, as defined in Section 13-22-2;

(xii) travel to, lodging at, food or beverage served at, and admission to an approved activity;

(xiii) sponsorship of an approved activity;

(xiv) notwithstanding Subsection ~~[(8)]~~ (11)(a)(vii), admission to, attendance at, or travel to or from an event, a tour, or a meeting:

(A) that is sponsored by a governmental entity; ~~[or]~~

(B) that is widely attended and related to a governmental duty of a public official; ~~[or]~~

(C) for a local official, that is sponsored by an organization that represents only local governments, including the Utah Association of Counties, the Utah League of Cities and Towns, or the Utah Association of Special Districts; or

(D) for an education official, that is sponsored by a public school, a charter school, or an organization that represents only public schools or charter schools, including the Utah Association of Public Charter Schools, the Utah School Boards Association, or the Utah School Superintendents Association; or

(xv) travel to a widely attended tour or meeting related to a governmental duty of a public official if that travel results in a financial savings to ~~[the state.];~~

(A) for a public official who is not a local official or an education official, the state; or

(B) for a public official who is a local official or an education official, the local government or board of education to which the public official belongs.

~~[(9)]~~ (12) "Food reimbursement rate" means the total amount set by the director of the Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an

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employee of the executive branch, for an entire day.

(13) (a) "Foreign agent" means an individual who engages in lobbying under contract with:

(i) a foreign government;

(ii) an official of a foreign government;

(iii) a foreign corporation that the individual knows or has reason to know is owned, funded, or controlled by a foreign government, or acting as a pass-through for funding from a foreign government; or

(iv) an official of a foreign corporation that the individual knows or has reason to know is owned, funded, or controlled by a foreign government, or acting as a pass-through for funding from a foreign government.

(b) "Foreign agent" does not include an individual who:

(i) is recognized by the United States Department of State as a duly accredited diplomatic or consular officer of a foreign government, including a duly accredited honorary consul; or

(ii) engages in lobbying on behalf of a foreign corporation or an official of a foreign corporation solely in the individual's capacity as a lobbyist for a trade association that:

(A) has a broad industry membership; and

(B) includes members that are foreign corporations or officials of foreign corporations.

~~(10)~~ (14) (a) "Government officer" means:

(i) an individual elected to a position in state or local government, when acting [~~within the government officer's official capacity; or~~] in the capacity of the state or local government position;

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

(iii) an individual appointed to fill a vacancy in a position described in Subsection (14)(a)(i) or (ii), when acting in the capacity of the position; or

~~(ii)~~ (iv) an individual appointed to or employed in a full-time position by state [~~or~~] government, local government, or a board of education, when acting [~~within the scope~~] in the capacity of the individual's appointment or employment.

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

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government.

~~[(11)]~~ (15) "Immediate family" means:

- (a) a spouse;
- (b) a child residing in the household; or
- (c) an individual claimed as a dependent for tax purposes.

~~[(12)]~~ (16) "Legislative action" means:

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

(b) a decision relating to a tax, a government budget, or the expenditure of public money; or

~~[(b)]~~ (c) the action of the governor in approving or vetoing legislation.

~~[(13)]~~ (17) "Lobbying" means communicating with a public official for the purpose of influencing ~~[the passage, defeat, amendment, or postponement of legislative or]~~ a legislative action, executive action, local action, or education action.

~~[(14)]~~ (18) (a) "Lobbyist" means:

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

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

(b) "Lobbyist" does not include:

(i) a government officer;

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

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

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

(v) a representative of a political party;

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

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an expenditure that confers a benefit on a public official;

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

(viii) an individual who appears on the individual's own behalf before a committee of the Legislature [~~or~~], an agency of the executive branch of state government, a board of education, the governing body of a local government, a committee of a local government, or a committee of a board of education, solely for the purpose of testifying in support of or in opposition to legislative [~~or~~] action, executive action, local action, or education action; or

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

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

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

~~(15)~~ (19) "Lobbyist group" means two or more lobbyists, principals, government officers, or any combination of lobbyists, principals, and government officers, who each contribute a portion of an expenditure made to benefit a public official or member of the public official's immediate family.

(20) "Local action" means:

(a) an ordinance or resolution for consideration by a local government;

(b) a nomination or appointment by a local official or a local government;

(c) a vote on an administrative action taken by a vote of a local government's

legislative body;

(d) an adjudicative proceeding over which a local official has direct or indirect control;

(e) a purchasing or contracting decision;

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

(g) determining a rate or fee;

(h) a decision relating to a local government tax, a local government budget, or the

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expenditure of public money; or

(i) making an adjudicative decision.

(21) "Local government" means:

(a) a county, city, town, or metro township;

(b) a local district governed by Title 17B, Limited Purpose Local Government Entities

- Local Districts;

(c) a special service district governed by Title 17D, Chapter 1, Special Service District

Act;

(d) a community reinvestment agency governed by Title 17C, Limited Purpose Local

Government Entities - Community Reinvestment Agency Act;

(e) a conservation district governed by Title 17D, Chapter 3, Conservation District Act;

(f) a redevelopment agency; or

(g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter

13, Interlocal Cooperation Act.

(22) "Local official" means:

(a) an elected member of a local government;

(b) an individual appointed to or employed in a position in a local government if that

individual:

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

(ii) drafts ordinances or resolutions or drafts or makes rules;

(iii) determines rates or fees;

(iv) makes decisions relating to a local government tax, a local government budget, or

the expenditure of public money; or

(v) makes adjudicative decisions; or

(c) an immediate family member of an individual described in Subsection (22)(a) or

(b).

[~~(16)~~] (23) "Meeting" means a gathering of people to discuss an issue, receive instruction, or make a decision, including a conference, seminar, or summit.

[~~(17)~~] (24) "Multiclient lobbyist" means a single lobbyist, principal, or government officer who represents two or more clients and divides the aggregate daily expenditure made to benefit a public official or member of the public official's immediate family between two or

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more of those clients.

(25) "Owned or controlled by a foreign government" means that a foreign government has greater than a 50% ownership interest in the corporation.

~~[(18)]~~ (26) "Principal" means a person that employs an individual to perform lobbying, either as an employee or as an independent contractor.

~~[(19)]~~ (27) "Public official" means:

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

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

(iii) an individual appointed to or employed in a position in the executive or legislative branch of state government if that individual:

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

(B) drafts legislation or makes rules;

(C) determines rates or fees; ~~[\sigma]~~

(D) makes decisions relating to a tax, a government budget, or the expenditure of public money; or

~~[(D)]~~ (E) makes adjudicative decisions; ~~[\sigma]~~

(b) an immediate family member of a person described in Subsection ~~[(19)]~~ (27)(a)~~[-];~~

(c) a local official; or

(d) an education official.

~~[(20)]~~ (28) "Public official type" means a notation to identify whether a public official is:

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

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

(iii) an individual appointed to or employed in a position in the legislative branch of state government who meets the definition of public official under Subsection ~~[(19)]~~

(27)(a)(iii); ~~[\sigma]~~

(iv) an individual appointed to or employed in a position in the executive branch of state government who meets the definition of public official under Subsection ~~[(19)]~~

(27)(a)(iii); ~~[\sigma]~~

(v) a local official, including a description of the type of local government for which the individual is a local official; or

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(vi) an education official, including a description of the type of board of education for which the individual is an education official; or

(b) an immediate family member of ~~[a person]~~ an individual described in Subsection ~~[(19)] (27)(a), (c), or (d).~~

(29) "Public money" means the same as that term is defined in Section 76-1-601.

~~[(21)] (30)~~ (30) "Quarterly reporting period" means the three-month period covered by each financial report required under Subsection 36-11-201(2)(a).

~~[(22)] (31)~~ (31) "Related person" means a person, agent, or employee who knowingly and intentionally assists a lobbyist, principal, or government officer in lobbying.

~~[(23)] (32)~~ (32) "Relative" means:

(a) a spouse~~;~~;

(b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin~~;~~ or spouse of any of these individuals~~.~~; or

(c) a spouse of an individual described in Subsection (32)(b).

~~[(24)] (33)~~ (33) "Tour" means visiting a location, for a purpose relating to the duties of a public official, and not primarily for entertainment, including:

(a) viewing a facility;

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

(c) assessing a circumstance in relation to which a public official may need to take action within the scope of the public official's duties.

Section 5. 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]~~ 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:



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- (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 licensing 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 statement that an individual is required to register as a foreign agent under Section 36-11-103.5 before engaging in lobbying on behalf of:
    - (A) a foreign government or an official of a foreign government; or
    - (B) a foreign corporation, or an official of a foreign corporation, that the individual knows or has reason to know is owned or controlled by a foreign government;
  - (vii) a place for the lobbyist to indicate whether the lobbyist would like to register as a foreign agent; and
  - ~~(vi)~~ (viii) 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, if applicable, Section 36-11-103.5;
  - (ii) completes the training required by Section 36-11-307; and

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(iii) pays a \$60 licensing fee.

(b) A license entitles a person to serve as a lobbyist on behalf of one or more principals and expires on December 31 each 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, within one year before the date of the lobbying license application, the applicant is convicted of a violation of:

(A) Section 76-8-104; or

(B) Section 76-9-102, if the violation is a misdemeanor that occurs at an official meeting;

(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);

(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

(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 licensing 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

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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 6. Section **36-11-103.5** is enacted to read:

### **36-11-103.5. Registering as foreign agent.**

(1) Before engaging in lobbying as a foreign agent, a foreign agent shall register with the lieutenant governor under this section.

(2) If a lobbyist indicates on the lobbyist license application form described in Section 36-11-103, or otherwise indicates to the lieutenant governor that the lobbyist would like to register as a foreign agent, the lieutenant governor shall provide the lobbyist a foreign agent registration form that includes:

(a) a place for the lobbyist's name, address, business telephone number, and principal place of business;

(b) a place for the lobbyist to list each of the following for which the lobbyist is registering as a foreign agent:

(i) a foreign government;

(ii) an official of a foreign government;

(iii) a foreign corporation that the lobbyist knows or has reason to know is owned or controlled by a foreign government; or

(iv) an official of a foreign corporation that the lobbyist knows or has reason to know is owned or controlled by a foreign government;

(c) a place for the lobbyist to describe the issues on which the lobbyist expects to engage in lobbying as a foreign agent; and

(d) a certification for the lobbyist to sign, certifying that the information the lobbyist provides in the form is true, accurate, and complete.

(3) (a) A lobbyist who registers as a foreign agent under this section shall update the information in the lobbyist's foreign agent registration form when the lobbyist agrees to lobby on behalf of any of the following that are not listed in the lobbyist's foreign agent registration

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form:

(i) a foreign government;

(ii) an official of a foreign government;

(iii) a foreign corporation that the lobbyist knows or has reason to know is owned or controlled by a foreign government; or

(iv) an official of a foreign corporation that the lobbyist knows or has reason to know is owned or controlled by a foreign government.

(b) A lobbyist may not lobby on behalf of a person described in Subsections (3)(a)(i) through (iv) that is not listed in the lobbyist's foreign agent registration form.

Section 7. 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 lobbyist license application, foreign agent registration form, or financial report filed with the lieutenant governor in accordance with this chapter; and

(b) make a copy of [a] an application, form, or financial report described in Subsection (1)(a) after paying for the actual costs of the copy.

(2) The lieutenant governor shall make financial reports filed in accordance with this chapter available for viewing on the Internet at the lieutenant governor's website within seven calendar days after the day on which the report is received by the lieutenant governor.

Section 8. Section **36-11-201** is amended to read:

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

(1) (a) (i) Except as provided in Subsection (1)(a)(ii), a lobbyist shall file financial reports with the lieutenant governor on or before the due dates specified in Subsection (2).

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

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

(b) [A] Except as provided in Subsection (1)(c), a government officer or principal that makes an expenditure during any of the quarterly reporting periods under Subsection (2)(a)

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shall file a financial report with the lieutenant governor on or before the date that a report for that quarter is due.

(c) (i) As used in this Subsection (1)(c), "same local government type" means:

(A) for a county government, the same county government or another county government;

(B) for a municipal government, the same municipal government or another municipal government;

(C) for a board of education, the same board of education;

(D) for a local school board described in Title 53G, Chapter 4, School Districts, the same local school board or another local school board;

(E) for a local district, the same local district or another local district or a special service district;

(F) for a special service district, the same special service district or another special service district or a local district; or

(G) for a participant in an interlocal agreement, another participant in the same interlocal agreement.

(ii) A local official or an education official is not required, under this section, to report an expenditure made by the local official or education official to another local official or education official of the same local government type as the local official or education official making the expenditure.

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

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

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

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

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

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

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

(3) A financial report shall contain:

(a) the total amount of expenditures made to benefit any public official during the

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quarterly reporting period;

(b) the total amount of expenditures made, by the type of public official, during the quarterly reporting period;

(c) for the financial report due on January 10:

(i) the total amount of expenditures made to benefit any public official during the last calendar year; and

(ii) the total amount of expenditures made, by the type of public official, during the last calendar year;

(d) a disclosure of each expenditure made during the quarterly reporting period to reimburse or pay for travel or lodging for a public official, including:

(i) each travel destination and each lodging location;

(ii) the name of each public official who benefitted from the expenditure on travel or lodging;

(iii) the public official type of each public official named;

(iv) for each public official named, a listing of the amount and purpose of each expenditure made for travel or lodging; and

(v) the total amount of expenditures listed under Subsection (3)(d)(iv);

(e) a disclosure of aggregate daily expenditures greater than \$10 made during the quarterly reporting period including:

(i) the date and purpose of the expenditure;

(ii) the location of the expenditure;

(iii) the name of any public official benefitted by the expenditure;

(iv) the type of the public official benefitted by the expenditure; and

(v) the total monetary worth of the benefit that the expenditure conferred on any public official;

(f) for each public official who was employed by the lobbyist, principal, or government officer, a list that provides:

(i) the name of the public official; and

(ii) the nature of the employment with the public official;

(g) each bill or resolution, by number and short title, on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official;

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(h) a description of each executive action on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official;

(i) a description of each local action or education action regarding which the lobbyist, principal, or government officer made an expenditure to a local official or education official;

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

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

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

(5) The lieutenant governor shall:

(a) (i) develop a preprinted form for a financial report required by this section; and

(ii) make copies of the form available to a lobbyist, principal, or government officer who requests a form; and

(b) provide a reporting system that allows a lobbyist, principal, or government officer to submit a financial report required by this chapter via the Internet.

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

~~(i) states:~~

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

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

(ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's license;

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

(iv) states that the lobbyist or principal will not make any additional expenditure that is not disclosed on the statement unless the lobbyist or principal complies with the disclosure and licensing requirements of this chapter.

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(b) Except as provided in Subsection (1)(a)(ii), a ~~[person that fails to renew the lobbyist's license or otherwise ceases to be licensed]~~ lobbyist or principal that is required to file a financial report under this section is required to file the report quarterly until the ~~[person]~~ lobbyist or principal files the statement required by Subsection (6)(a).

Section 9. Section **36-11-301** is amended to read:

### **36-11-301. Contingent compensation prohibited.**

(1) A person may not employ, or solicit another person to serve, as a lobbyist for compensation contingent in whole or part upon:

- (a) the passage, defeat, or amendment of legislative action ~~[or]~~;
- (b) the approval, modification, or denial of ~~[a certain]~~ executive action~~[-]~~;
- (c) the passage, defeat, denial, modification, or a certain outcome of a local action; or
- (d) the passage, defeat, denial, modification, or a certain outcome of an education

action.

(2) A person may not accept employment as, or otherwise agree with another person to serve as, a lobbyist for compensation contingent in whole or in part upon:

- (a) the passage, defeat, or amendment of legislative action;
- (b) the approval, modification, or denial of executive action;
- (c) the passage, defeat, denial, modification, or a certain outcome of a local action; or
- (d) the passage, defeat, denial, modification, or a certain outcome of an education

action.

Section 10. Section **36-11-304** is amended to read:

### **36-11-304. Expenditures over certain amounts prohibited -- Exceptions.**

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

- (a) for food or beverage, the food reimbursement rate; or
- (b) \$10 for expenditures other than food or beverage.

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

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

- (i) food;



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- (ii) beverage;
- (iii) travel;
- (iv) lodging; or
- (v) admission to or attendance at a tour or meeting that is not an approved activity; or
- (b) if the expenditure is made for a purpose solely unrelated to the public official's

position as a public official.

(3) (a) As used in this Subsection (3), "same local government type" means:

- (i) for a county government, the same county government or another county government;
- (ii) for a municipal government, the same municipal government or another municipal government;
- (iii) for a board of education, the same board of education;
- (iv) for a local school board described in Title 53G, Chapter 4, School Districts, the same local school board or another local school board;
- (v) for a local district, the same local district or another local district or a special service district;
- (vi) for a special service district, the same special service district or another special service district or a local district; or
- (vii) for a participant in an interlocal agreement, another participant in the same interlocal agreement.

(b) This section does not apply to an expenditure made by a local official or an education official to another local official or education official of the same local government type as the local official or education official making the expenditure.

Section 11. Section **36-11-305.5** is amended to read:

### **36-11-305.5. Lobbyist requirements.**

(1) The lieutenant governor shall issue to each lobbyist a name tag that includes:

- (a) the word "Lobbyist" in at least 18-point type; [~~and~~]
- (b) the first and last name of the lobbyist, in at least 18-point type[~~;~~]; and
- (c) if the lobbyist is registered as a foreign agent under Section 36-11-103.5, the words "Registered Foreign ~~Agent~~Lobbyist" in at least 14-point type.

(2) [~~Beginning on August 1, 2014, a~~] A lobbyist may not lobby a public official while

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the lobbyist is at the capitol hill complex unless the lobbyist is wearing the name tag described in Subsection (1), with the information described in Subsection (1), in plain view.

(3) A lobbyist shall, at the beginning of making a communication to a public official that constitutes lobbying, inform the public official of the identity of the principal on whose behalf the lobbyist is lobbying.

Section 12. Section **36-11-401** is amended to read:

### **36-11-401. Penalties.**

(1) Any person who intentionally violates Section 36-11-103, 36-11-103.5, 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 Section 76-9-102 if the violation is a misdemeanor that occurs at an official meeting, the lieutenant governor shall suspend a lobbyist's license for up to one year from the date of conviction.

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(5) (a) ~~[Any]~~ Except as provided in Subsection (5)(b), a person who intentionally violates Section 36-11-301, 36-11-302, or 36-11-303 is guilty of a class B misdemeanor.

(b) A person who intentionally violates Section 36-11-301 is guilty of a third degree felony if the person knows, or reasonably should have known, that all or part of the compensation is public money.

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

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

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

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

Section 13. Section **36-11-404** is amended to read:

### **36-11-404. Lieutenant governor's procedures.**

(1) Except as otherwise provided under Section 36-11-501, 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:

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

(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 described in this chapter.

Section 14. Section **36-11-405** is amended to read:

### **36-11-405. Construction and interpretation -- Freedom of expression, participation, and press.**

(1) No provision of this chapter may be construed~~[- interpreted, or enforced so as to limit, impair, abridge, or destroy any]~~ in a manner that limits:

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

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(b) freedom of the press.

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

Section 15. Section **63A-14-202** is amended to read:

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

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

(i) two members who served:

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

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

(ii) one member who:

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

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

(iii) two citizen members.

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

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

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

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

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

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

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position.

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

- (a) an officeholder as defined in Section 20A-11-101;
- (b) an agency head as defined in Section 67-16-3;
- (c) a lobbyist as defined in Section 36-11-102 [~~or 36-11a-102~~];
- (d) a principal as defined in Section 36-11-102 [~~or 36-11a-102~~]; or
- (e) an employee of the state.

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

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

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

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

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

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

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

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

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

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

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

(6) The commission:

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

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

Section 16. Section **63A-15-201** is amended to read:

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

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

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

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

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

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

(d) two members who are lay persons; and

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

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

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

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

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

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

(vi) a local district board of trustees member no more recently than four years before

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the date of appointment; or

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

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

- (i) a political subdivision officer;
- (ii) a political subdivision employee;
- (iii) an agency head as defined in Section 67-16-3;
- (iv) a lobbyist as defined in Section 36-11-102 [~~or 36-11a-102~~]; or
- (v) a principal as defined in Section 36-11-102 [~~or 36-11a-102~~].

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

- (i) may be a lay person;
- (ii) shall be registered to vote in the state; and
- (iii) complies with the requirements described in Subsection (3)(a).
- (c) The alternate member described in Subsection (3)(b):

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

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

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

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

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

(ii) For the purposes of this section, an appointment for an unexpired term of a

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vacating member is not considered a full term.

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

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

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

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

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

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

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

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

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

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

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

(B) may be a lay person;

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

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

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

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

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

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

Section 17. Section **63E-1-401** is amended to read:



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### 63E-1-401. Definitions.

As used in this part:

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

- (a) cash, except reasonable compensation or salary for services rendered;
- (b) stock or other investments;
- (c) goodwill;
- (d) real property;
- (e) an ownership interest;
- (f) a license;
- (g) a cause of action; and
- (h) any similar property.

(2) "Business interest" means:

(a) holding the position of trustee, director, officer, or other similar position with a business entity; or

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

- (i) an individual;
- (ii) the individual's spouse;
- (iii) a minor child of the individual; or
- (iv) any combination of Subsections (2)(b)(i) through (iii).

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

- (a) five years prior to the date of an action described in Subsection (5); or
- (b) during the privatization of an independent entity.

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

- (a) five years prior to the date of an action described in Subsection (5); or
- (b) during the privatization of an independent entity.

(5) (a) "Privatized" means an action described in Subsection (5)(b) taken under circumstances in which the operations of the independent entity are continued by a successor

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entity that:

- (i) is privately owned;
- (ii) is unaffiliated to the state; and
- (iii) receives any asset of the independent entity.

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

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

- (ii) the dissolution of the independent entity;
- (iii) the merger or consolidation of the independent entity with another entity; or
- (iv) the sale of all or substantially all of the assets of the independent entity.

Section 18. Section **63E-1-404** is amended to read:

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

(1) A person who knowingly violates this part:

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

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

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

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

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

Section 19. Section **63G-23-102** is amended to read:

### **63G-23-102. Definitions.**

As used in this chapter:

(1) "Public official" means, except as provided in Subsection (3), the same as that term

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is defined in Section 36-11-102.

(2) "Public official" includes a judge or justice of:

- (a) the Utah Supreme Court;
- (b) the Utah Court of Appeals; or
- (c) a district court.

(3) "Public official" does not include a local official or an education official as defined in Section 36-11-102.

Section 20. **Repealer.**

This bill repeals:

Section **36-11a-101, Title.**

Section **36-11a-102, Definitions.**

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

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

Section **36-11a-203, Disposal of publications.**

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

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

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