

Senator Curtis S. Bramble 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

7	Cosponsors:	Jon Hawkins	Stephanie Pitcher
8	Nelson T. Abbott	Sandra Hollins	Susan Pulsipher
9	Cheryl K. Acton	Ken Ivory	Adam Robertson
10	Carl R. Albrecht	Dan N. Johnson	Judy Weeks Rohner
11	Melissa G. Ballard	Marsha Judkins	Angela Romero
12	Stewart E. Barlow	Brian S. King	Douglas V. Sagers
13	Gay Lynn Bennion	Karen Kwan	Mike Schultz
14	Kera Birkeland	Bradley G. Last	Travis M. Seegmiller
15	Brady Brammer	Rosemary T. Lesser	Rex P. Shipp
16	Walt Brooks	Karianne Lisonbee	Casey Snider
17	Jefferson S. Burton	Phil Lyman	Robert M. Spendlove
18	Kay J. Christofferson	A. Cory Maloy	Jeffrey D. Stenquist
19	Clare Collard	Ashlee Matthews	Andrew Stoddard
20	Jennifer Dailey-Provost	Kelly B. Miles	Jordan D. Teuscher
21	James A. Dunnigan	Carol Spackman Moss	Norman K. Thurston
22	Steve Eliason	Jefferson Moss	Raymond P. Ward
23	Matthew H. Gwynn	Doug Owens	Christine F. Watkins
24	Stephen G. Handy	Michael J. Petersen	Elizabeth Weight
25	Suzanne Harrison	Karen M. Peterson	
	Timothy D. Hawkes		



26 Douglas R. Welton

Stephen L. Whyte

Brad R. Wilson

27 Mark A. Wheatley

Ryan D. Wilcox

28

29 **LONG TITLE**

30 **General Description:**

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

32 **Highlighted Provisions:**

33 This bill:

- 34 ▶ defines terms;
- 35 ▶ defines "foreign agent" and requires a foreign agent to register with the lieutenant
- 36 governor as a foreign agent;
- 37 ▶ makes provisions of the Lobbyist Disclosure and Regulation Act applicable to a
- 38 person who lobbies a local official or an education official;
- 39 ▶ amends rulemaking authority within the Office of the Lieutenant Governor;
- 40 ▶ makes changes to the lobbyist license application form;
- 41 ▶ establishes requirements for a foreign agent registration form;
- 42 ▶ requires the name tag of a lobbyist who is a foreign agent to indicate that the
- 43 lobbyist is a foreign lobbyist;
- 44 ▶ establishes penalties for failure to register as a foreign agent;
- 45 ▶ repeals existing provisions in the Local Government and Board of Education
- 46 Lobbyist Disclosure and Regulation Act, and incorporates those provisions into the
- 47 Lobbyist Disclosure and Regulation Act; and
- 48 ▶ makes technical and conforming changes.

49 **Money Appropriated in this Bill:**

50 None

51 **Other Special Clauses:**

52 None

53 **Utah Code Sections Affected:**

54 AMENDS:

55 **36-11-102**, as last amended by Laws of Utah 2021, Chapter 20

- 56 [36-11-103](#), as last amended by Laws of Utah 2020, Chapters 22 and 394
- 57 [36-11-106](#), as last amended by Laws of Utah 2019, Chapter 339
- 58 [36-11-201](#), as last amended by Laws of Utah 2015, Chapter 296
- 59 [36-11-304](#), as last amended by Laws of Utah 2015, Chapters 32 and 188
- 60 [36-11-305.5](#), as enacted by Laws of Utah 2014, Chapter 335
- 61 [36-11-401](#), as last amended by Laws of Utah 2020, Chapter 394
- 62 [36-11-404](#), as last amended by Laws of Utah 2019, Chapter 339
- 63 [36-11-405](#), as enacted by Laws of Utah 1991, Chapter 280
- 64 [63A-14-202](#), as last amended by Laws of Utah 2019, Chapter 363
- 65 [63A-15-201](#), as last amended by Laws of Utah 2019, Chapter 363
- 66 [63E-1-401](#), as last amended by Laws of Utah 2019, Chapter 363
- 67 [63E-1-404](#), as last amended by Laws of Utah 2019, Chapter 363
- 68 [63G-23-102](#), as enacted by Laws of Utah 2018, Chapter 67

69 ENACTS:

- 70 [36-11-103.5](#), Utah Code Annotated 1953

71 REPEALS:

- 72 [36-11a-101](#), as enacted by Laws of Utah 2019, Chapter 363
- 73 [36-11a-102](#), as enacted by Laws of Utah 2019, Chapter 363
- 74 [36-11a-201](#), as enacted by Laws of Utah 2019, Chapter 363
- 75 [36-11a-202](#), as enacted by Laws of Utah 2019, Chapter 363
- 76 [36-11a-203](#), as enacted by Laws of Utah 2019, Chapter 363
- 77 [36-11a-301](#), as enacted by Laws of Utah 2019, Chapter 363
- 78 [36-11a-302](#), as enacted by Laws of Utah 2019, Chapter 363
- 79 [36-11a-303](#), as enacted by Laws of Utah 2019, Chapter 363

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

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

83 **36-11-102. Definitions.**

84 As used in this chapter:

- 85 (1) "Aggregate daily expenditures" means:
- 86 (a) for a single lobbyist, principal, or government officer, the total of all expenditures

87 made within a calendar day by the lobbyist, principal, or government officer for the benefit of
88 an individual public official;

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

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

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

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

98 (ii) attendance at which is approved by:

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

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

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

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

106 (3) "Board of education" means:

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

108 (b) the State Board of Education;

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

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

112 [~~3~~] (4) "Capitol hill complex" means the same as that term is defined in Section
113 63C-9-102.

114 [~~4~~] (5) (a) "Compensation" means anything of economic value, however designated,
115 that is paid, loaned, granted, given, donated, or transferred to an individual for the provision of
116 services or ownership before any withholding required by federal or state law.

117 (b) "Compensation" includes:

- 118 (i) a salary or commission;
- 119 (ii) a bonus;
- 120 (iii) a benefit;
- 121 (iv) a contribution to a retirement program or account;
- 122 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
- 123 Code, and subject to ~~[Social Security]~~ social security deductions, including a payment in excess
- 124 of the maximum amount subject to deduction under ~~[Social Security]~~ social security law;
- 125 (vi) an amount that the individual authorizes to be deducted or reduced for salary
- 126 deferral or other benefits authorized by federal law; or
- 127 (vii) income based on an individual's ownership interest.
- 128 ~~[(5)]~~ (6) "Compensation payor" means a person who pays compensation to a public
- 129 official in the ordinary course of business:
- 130 (a) because of the public official's ownership interest in the compensation payor; or
- 131 (b) for services rendered by the public official on behalf of the compensation payor.
- 132 (7) "Education action" means:
- 133 (a) a resolution, policy, or other official action for consideration by a board of
- 134 education;
- 135 (b) a nomination or appointment by an education official or a board of education;
- 136 (c) a vote on an administrative action taken by a vote of a board of education;
- 137 (d) an adjudicative proceeding over which an education official has direct or indirect
- 138 control;
- 139 (e) a purchasing or contracting decision;
- 140 (f) drafting or making a policy, resolution, or rule;
- 141 (g) determining a rate or fee; or
- 142 (h) making an adjudicative decision.
- 143 (8) "Education official" means:
- 144 (a) a member of a board of education;
- 145 (b) an individual appointed to or employed in a position under a board of education, if
- 146 that individual:
- 147 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 148 (ii) drafts resolutions or policies or drafts or makes rules;

149 (iii) determines rates or fees;
150 (iv) makes decisions relating to an education budget or the expenditure of public
151 money; or
152 (v) makes adjudicative decisions; or
153 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
154 ~~[(6)]~~ (9) "Event" means entertainment, a performance, a contest, or a recreational
155 activity that an individual participates in or is a spectator at, including a sporting event, an
156 artistic event, a play, a movie, dancing, or singing.
157 ~~[(7)]~~ (10) "Executive action" means:
158 (a) a nomination or appointment by the governor;
159 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
160 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
161 (c) agency ratemaking proceedings; or
162 (d) an adjudicative proceeding of a state agency.
163 ~~[(8)]~~ (11) (a) "Expenditure" means any of the items listed in this Subsection ~~[(8)]~~
164 (11)(a) when given to or for the benefit of a public official unless consideration of equal or
165 greater value is received:
166 (i) a purchase, payment, or distribution;
167 (ii) a loan, gift, or advance;
168 (iii) a deposit, subscription, or forbearance;
169 (iv) services or goods;
170 (v) money;
171 (vi) real property;
172 (vii) a ticket or admission to an event; or
173 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide
174 any item listed in Subsections ~~[(8)]~~ (11)(a)(i) through (vii).
175 (b) "Expenditure" does not mean:
176 (i) a commercially reasonable loan made in the ordinary course of business;
177 (ii) a campaign contribution;
178 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial
179 Reporting Requirements~~;~~, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance

180 adopted under Subsection [10-3-208\(6\)](#) or [17-16-6.5\(1\)](#); or
181 (B) lawfully given to a person that is not required to report the contribution under a law
182 or ordinance described in Subsection (11)(b)(ii)(A);
183 (iii) printed informational material that is related to the performance of the recipient's
184 official duties;
185 (iv) a devise or inheritance;
186 (v) any item listed in Subsection [~~(8)~~] (11)(a) if:
187 (A) given by a relative;
188 (B) given by a compensation payor for a purpose solely unrelated to the public
189 official's position as a public official;
190 (C) the item is food or beverage with a value that does not exceed the food
191 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed
192 the food reimbursement rate; or
193 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate
194 daily expenditures do not exceed \$10;
195 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the
196 following are invited:
197 (A) all members of the Legislature;
198 (B) all members of a standing or interim committee;
199 (C) all members of an official legislative task force;
200 (D) all members of a party caucus; or
201 (E) all members of a group described in Subsections [~~(8)~~] (11)(b)(vi)(A) through (D)
202 who are attending a meeting of a national organization whose primary purpose is addressing
203 general legislative policy;
204 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
205 official who is:
206 (A) giving a speech at the event, tour, or meeting;
207 (B) participating in a panel discussion at the event, tour, or meeting; or
208 (C) presenting or receiving an award at the event, tour, or meeting;
209 (viii) a plaque, commendation, or award that:
210 (A) is presented in public; and

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

214 (ix) a gift that:

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

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

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

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

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

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

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

226 (A) a publication; or

227 (B) a commemorative item;

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

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

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

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

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

239 (xiii) sponsorship of an approved activity;

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

- 242 (A) that is sponsored by a governmental entity; [~~or~~]
- 243 (B) that is widely attended and related to a governmental duty of a public official; [~~or~~]
- 244 (C) for a local official, that is sponsored by an organization that represents only local
- 245 governments, including the Utah Association of Counties, the Utah League of Cities and
- 246 Towns, or the Utah Association of Special Districts; or
- 247 (D) for an education official, that is sponsored by a public school, a charter school, or
- 248 an organization that represents only public schools or charter schools, including the Utah
- 249 Association of Public Charter Schools, the Utah School Boards Association, or the Utah
- 250 School Superintendents Association; or
- 251 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
- 252 public official if that travel results in a financial savings to [~~the state~~.];
- 253 (A) for a public official who is not a local official or an education official, the state; or
- 254 (B) for a public official who is a local official or an education official, the local
- 255 government or board of education to which the public official belongs.
- 256 [~~(9)~~] (12) "Food reimbursement rate" means the total amount set by the director of the
- 257 Division of Finance, by rule, under Section [63A-3-107](#), for in-state meal reimbursement, for an
- 258 employee of the executive branch, for an entire day.
- 259 (13) (a) "Foreign agent" means an individual who engages in lobbying under contract
- 260 with a foreign government.
- 261 (b) "Foreign agent" does not include an individual who is recognized by the United
- 262 States Department of State as a duly accredited diplomatic or consular officer of a foreign
- 263 government, including a duly accredited honorary consul.
- 264 (14) "Foreign government" means a government other than the government of:
- 265 (a) the United States;
- 266 (b) a state within the United States;
- 267 (c) a territory or possession of the United States; or
- 268 (d) a political subdivision of the United States.
- 269 [~~(10)~~] (15) (a) "Government officer" means:
- 270 (i) an individual elected to a position in state or local government, when acting [~~within~~
- 271 ~~the government officer's official capacity; or~~] in the capacity of the state or local government
- 272 position;

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

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

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

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

282 ~~[(H)]~~ (16) "Immediate family" means:

283 (a) a spouse;

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

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

286 ~~[(H)]~~ (17) "Legislative action" means:

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

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

290 ~~[(H)]~~ (18) "Lobbying" means communicating with a public official for the purpose of
291 influencing ~~[the passage, defeat, amendment, or postponement of legislative or]~~ a legislative
292 action, executive action, local action, or education action.

293 ~~[(H)]~~ (19) (a) "Lobbyist" means:

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

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

297 (b) "Lobbyist" does not include:

298 (i) a government officer;

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

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

303 (iv) a person participating on or appearing before an advisory or study task force,

304 commission, board, or committee, constituted by the Legislature, a local government, a board
 305 of education, or any agency or department of state government, except legislative standing,
 306 appropriation, or interim committees;

307 (v) a representative of a political party;

308 (vi) an individual representing a bona fide church solely for the purpose of protecting
 309 the right to practice the religious doctrines of the church, unless the individual or church makes
 310 an expenditure that confers a benefit on a public official;

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

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

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

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

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

327 [~~(15)~~] (20) "Lobbyist group" means two or more lobbyists, principals, government
 328 officers, or any combination of lobbyists, principals, and government officers, who each
 329 contribute a portion of an expenditure made to benefit a public official or member of the public
 330 official's immediate family.

331 (21) "Local action" means:

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

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

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

335 legislative body;

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

337 (e) a purchasing or contracting decision;

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

339 (g) determining a rate or fee; or

340 (h) making an adjudicative decision.

341 (22) "Local government" means:

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

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

344 - Local Districts;

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

346 Act;

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

348 Government Entities - Community Reinvestment Agency Act;

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

350 (f) a redevelopment agency; or

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

352 13, Interlocal Cooperation Act.

353 (23) "Local official" means:

354 (a) an elected member of a local government;

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

356 individual:

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

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

359 (iii) determines rates or fees; or

360 (iv) makes adjudicative decisions; or

361 (c) an immediate family member of an individual described in Subsection (23)(a) or

362 (b).

363 ~~[(16)]~~ (24) "Meeting" means a gathering of people to discuss an issue, receive

364 instruction, or make a decision, including a conference, seminar, or summit.

365 ~~[(17)]~~ (25) "Multiclient lobbyist" means a single lobbyist, principal, or government

366 officer who represents two or more clients and divides the aggregate daily expenditure made to
 367 benefit a public official or member of the public official's immediate family between two or
 368 more of those clients.

369 ~~[(18)]~~ (26) "Principal" means a person that employs an individual to perform lobbying,
 370 either as an employee or as an independent contractor.

371 ~~[(19)]~~ (27) "Public official" means:

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

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

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

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

377 (B) drafts legislation or makes rules;

378 (C) determines rates or fees; or

379 (D) makes adjudicative decisions; ~~[or]~~

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

381 (c) a local official; or

382 (d) an education official.

383 ~~[(20)]~~ (28) "Public official type" means a notation to identify whether a public official
 384 is:

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

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

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

389 (27)(a)(iii); ~~[or]~~

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

392 (27)(a)(iii); ~~[or]~~

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

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

397 (b) an immediate family member of ~~[a person]~~ an individual described in Subsection
398 ~~[(19)] (27)(a), (c), or (d).~~

399 ~~[(21)] (29)~~ "Quarterly reporting period" means the three-month period covered by each
400 financial report required under Subsection ~~36-11-201~~(2)(a).

401 ~~[(22)] (30)~~ "Related person" means a person, agent, or employee who knowingly and
402 intentionally assists a lobbyist, principal, or government officer in lobbying.

403 ~~[(23)] (31)~~ "Relative" means:

404 (a) a spouse~~[-];~~

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

408 (c) a spouse of an individual described in Subsection (31)(b).

409 ~~[(24)] (32)~~ "Tour" means visiting a location, for a purpose relating to the duties of a
410 public official, and not primarily for entertainment, including:

411 (a) viewing a facility;

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

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

415 Section 2. Section **36-11-103** is amended to read:

416 **36-11-103. Licensing requirements.**

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

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

420 (c) The lieutenant governor shall prepare a ~~[Lobbyist License Application Form]~~
421 lobbyist license application form that includes:

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

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

425 (A) the principal's name;

426 (B) the principal's business address;

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

428 employment with the public official; and

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

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

432 (iv) a place for the lobbyist to disclose:

433 (A) any elected or appointed position that the lobbyist holds in state or local
434 government, if any; and

435 (B) the name of each public official that the lobbyist employs and the nature of the
436 employment with the public official, if any;

437 (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist
438 will be reimbursed; ~~and~~

439 (vi) a statement that an individual is required to register as a foreign agent under
440 Section 36-11-103.5 before engaging in lobbying on behalf of a foreign government;

441 (vii) a place for the lobbyist to indicate whether the lobbyist would like to register as a
442 foreign agent; and

443 ~~[(vi)]~~ (viii) a certification to be signed by the lobbyist that certifies that the information
444 provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and
445 belief.

446 (2) Each lobbyist who obtains a license under this section shall update the licensure
447 information when the lobbyist accepts employment for lobbying by a new client.

448 (3) (a) Except as provided in Subsection (4), the lieutenant governor shall grant a
449 lobbying license to an applicant who:

450 (i) files an application with the lieutenant governor that contains the information
451 required by this section and, if applicable, Section 36-11-103.5;

452 (ii) completes the training required by Section 36-11-307; and

453 (iii) pays a \$60 licensing fee.

454 (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals
455 and expires on December 31 each year.

456 (4) (a) The lieutenant governor may disapprove an application for a lobbying license:

457 (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107,
458 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;

459 (ii) if, within one year before the date of the lobbying license application, the applicant
460 is convicted of a violation of:

461 (A) Section 76-8-104; or

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

464 (iii) during the term of any suspension imposed under Section 36-11-401;

465 (iv) if the applicant has not complied with Subsection 36-11-307(6);

466 (v) during the term of a suspension imposed under Subsection 36-11-501(3);

467 (vi) if the lobbyist fails to pay a fine imposed under Subsection 36-11-501(3);

468 (vii) if, within one year before the date of the lobbying license application, the
469 applicant has been found to have willingly and knowingly:

470 (A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303,
471 36-11-304, 36-11-305, or 36-11-403; or

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

474 (viii) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter
475 24, Lobbying Restrictions Act.

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

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

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

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

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

490 Section 3. Section **36-11-103.5** is enacted to read:

491 **36-11-103.5. Registering as foreign agent.**

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

494 (2) If a lobbyist indicates on the lobbyist license application form described in Section
495 36-11-103, or otherwise indicates to the lieutenant governor that the lobbyist would like to
496 register as a foreign agent, the lieutenant governor shall provide the lobbyist a foreign agent
497 registration form that includes:

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

500 (b) a place for the lobbyist to list each foreign government for which the lobbyist is
501 registering as a foreign agent;

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

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

506 (3) (a) A lobbyist who registers as a foreign agent under this section shall update the
507 information in the lobbyist's foreign agent registration form when the lobbyist agrees to lobby
508 on behalf of a foreign government that is not listed in the lobbyist's foreign agent registration
509 form.

510 (b) A lobbyist may not lobby on behalf of a foreign government that is not listed in the
511 lobbyist's foreign agent registration form.

512 Section 4. Section **36-11-106** is amended to read:

513 **36-11-106. Financial reports are public documents.**

514 (1) Any person may:

515 (a) without charge, inspect a lobbyist license application, foreign agent registration
516 form, or financial report filed with the lieutenant governor in accordance with this chapter; and

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

519 (2) The lieutenant governor shall make financial reports filed in accordance with this
520 chapter available for viewing on the Internet at the lieutenant governor's website within seven

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

522 Section 5. Section 36-11-201 is amended to read:

523 **36-11-201. Lobbyist, principal, and government officer financial reporting**
524 **requirements -- Prohibition for related person to make expenditures.**

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

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

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

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

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

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

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

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

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

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

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

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

550 (ii) A local official or an education official is not required, under this section, to report
551 an expenditure made by the local official or education official to another local official or

552 education official of the same local government type as the local official or education official
553 making the expenditure.

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

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

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

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

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

559 (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday,

560 the report is due on the next succeeding business day.

561 (c) A financial report is timely filed if it is filed electronically before the close of

562 regular office hours on or before the due date.

563 (3) A financial report shall contain:

564 (a) the total amount of expenditures made to benefit any public official during the
565 quarterly reporting period;

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

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

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

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

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

575 (i) each travel destination and each lodging location;

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

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

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

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

582 (e) a disclosure of aggregate daily expenditures greater than \$10 made during the

583 quarterly reporting period including:

584 (i) the date and purpose of the expenditure;

585 (ii) the location of the expenditure;

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

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

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

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

592 (i) the name of the public official; and

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

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

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

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

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

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

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

608 (5) The lieutenant governor shall:

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

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

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

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

616 [~~(i) states:~~]

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

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

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

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

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

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

631 Section 6. Section **36-11-304** is amended to read:

632 **36-11-304. Expenditures over certain amounts prohibited -- Exceptions.**

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

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

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

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

639 (a) for the following items, if the expenditure is reported in accordance with Section
640 36-11-201:

641 (i) food;

642 (ii) beverage;

643 (iii) travel;

644 (iv) lodging; or

645 (v) admission to or attendance at a tour or meeting that is not an approved activity; or
646 (b) if the expenditure is made for a purpose solely unrelated to the public official's
647 position as a public official.

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

649 (i) for a county government, the same county government or another county
650 government;

651 (ii) for a municipal government, the same municipal government or another municipal
652 government;

653 (iii) for a board of education, the same board of education;

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

656 (v) for a local district, the same local district or another local district or a special
657 service district;

658 (vi) for a special service district, the same special service district or another special
659 service district or a local district; or

660 (vii) for a participant in an interlocal agreement, another participant in the same
661 interlocal agreement.

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

665 Section 7. Section **36-11-305.5** is amended to read:

666 **36-11-305.5. Lobbyist requirements.**

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

668 (a) the word "Lobbyist" in at least 18-point type; ~~[and]~~

669 (b) the first and last name of the lobbyist, in at least 18-point type[-]; and

670 (c) if the lobbyist is registered as a foreign agent under Section [36-11-103.5](#), the words
671 "Registered Foreign Lobbyist" in at least 14-point type.

672 (2) ~~[Beginning on August 1, 2014, a]~~ A lobbyist may not lobby a public official while
673 the lobbyist is at the capitol hill complex unless the lobbyist is wearing the name tag described
674 in Subsection (1), with the information described in Subsection (1), in plain view.

675 (3) A lobbyist shall, at the beginning of making a communication to a public official

676 that constitutes lobbying, inform the public official of the identity of the principal on whose
677 behalf the lobbyist is lobbying.

678 Section 8. Section **36-11-401** is amended to read:

679 **36-11-401. Penalties.**

680 (1) Any person who intentionally violates Section [36-11-103](#), [36-11-103.5](#), [36-11-201](#),
681 [36-11-301](#), [36-11-302](#), [36-11-303](#), [36-11-304](#), [36-11-305](#), or [36-11-403](#), is subject to the
682 following penalties:

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

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

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

686 (ii) suspension of the violator's lobbying license for up to one year, if the person is a
687 lobbyist.

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

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

693 (b) suspension of the violator's lobbying license for up to one year, if the person is a
694 lobbyist.

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

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

701 (b) When a lobbyist is convicted of violating Section [76-8-104](#), or Section [76-9-102](#) if
702 the violation is a misdemeanor that occurs at an official meeting, the lieutenant governor shall
703 suspend a lobbyist's license for up to one year from the date of conviction.

704 (5) (a) ~~Any~~ A person who intentionally violates Section [36-11-301](#), [36-11-302](#), or
705 [36-11-303](#) is guilty of a class B misdemeanor.

706 (b) The lieutenant governor shall suspend the lobbyist license of any person convicted

707 under any of these sections for up to one year.

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

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

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

713 Section 9. Section **36-11-404** is amended to read:

714 **36-11-404. Lieutenant governor's procedures.**

715 (1) Except as otherwise provided under Section **36-11-501**, the director of elections
716 within the Office of the Lieutenant Governor shall make rules, in accordance with Title 63G,
717 Chapter 3, Utah Administrative Rulemaking Act, that provide:

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

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

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

725 Section 10. Section **36-11-405** is amended to read:

726 **36-11-405. Construction and interpretation -- Freedom of expression,**
727 **participation, and press.**

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

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

732 (b) freedom of the press.

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

737 Section 11. Section **63A-14-202** is amended to read:

738 **63A-14-202. Independent Executive Branch Ethics Commission -- Membership.**

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

742 (i) two members who served:

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

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

747 (ii) one member who:

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

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

750 (iii) two citizen members.

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

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

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

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

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

760 (v) if an executive branch elected official fails to submit names to the governor within
761 15 days after the day on which the governor makes the determination described in Subsection
762 (1)(b)(ii), the governor shall directly appoint a person to fill the applicable membership
763 position.

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

766 (a) an officeholder as defined in Section 20A-11-101;

767 (b) an agency head as defined in Section 67-16-3;

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

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

770 (e) an employee of the state.

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

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

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

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

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

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

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

789 (4) (a) A member of the commission may not receive compensation or benefits for the
790 member's service, but may receive per diem and expenses incurred in the performance of the
791 member's official duties at the rates established by the Division of Finance under Sections
792 63A-3-106 and 63A-3-107.

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

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

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

797 (6) The commission:

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

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

802 Section 12. Section **63A-15-201** is amended to read:

803 **63A-15-201. Commission established -- Membership.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

830 (i) a political subdivision officer;

- 831 (ii) a political subdivision employee;
- 832 (iii) an agency head as defined in Section 67-16-3;
- 833 (iv) a lobbyist as defined in Section 36-11-102 [~~or 36-11a-102~~]; or
- 834 (v) a principal as defined in Section 36-11-102 [~~or 36-11a-102~~].
- 835 (b) In addition to the seven members described in Subsection (2), the governor shall,
- 836 with the advice and consent of the Senate, appoint one individual as an alternate member of the
- 837 commission who:
 - 838 (i) may be a lay person;
 - 839 (ii) shall be registered to vote in the state; and
 - 840 (iii) complies with the requirements described in Subsection (3)(a).
- 841 (c) The alternate member described in Subsection (3)(b):
 - 842 (i) shall serve as a member of the commission in the place of one of the seven members
 - 843 described in Subsection (2) if that member is temporarily unable or unavailable to participate in
 - 844 a commission function or is disqualified under Section 63A-15-303; and
 - 845 (ii) may not cast a vote on the commission unless the alternate member is serving in
 - 846 the capacity described in Subsection (3)(c)(i).
- 847 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), each member of the commission
- 848 shall serve a four-year term.
 - 849 (ii) When appointing the initial members upon formation of the commission, a member
 - 850 described in Subsections (2)(b) through (d) shall be appointed to a two-year term so that
 - 851 approximately half of the commission is appointed every two years.
- 852 (b) (i) When a vacancy occurs in the commission's membership for any reason, a
- 853 replacement member shall be appointed for the unexpired term of the vacating member using
- 854 the procedures and requirements of Subsection (2).
 - 855 (ii) For the purposes of this section, an appointment for an unexpired term of a
 - 856 vacating member is not considered a full term.
- 857 (c) A member may not be appointed to serve for more than two full terms, whether
- 858 those terms are two or four years.
- 859 (d) A member of the commission may resign from the commission by giving one
- 860 month's written notice of the resignation to the governor.
- 861 (e) The governor shall remove a member from the commission if the member:

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

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

864 turpitude; or

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

866 (f) (i) If a commission member is accused of wrongdoing in a complaint, or if a

867 commission member has a conflict of interest in relation to a matter before the commission:

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

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

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

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

875 (B) may be a lay person;

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

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

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

880 (b) (i) A member may receive per diem and expenses incurred in the performance of
881 the member's official duties at the rates established by the Division of Finance under Sections
882 [63A-3-106](#) and [63A-3-107](#).

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

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

886 Section 13. Section **63E-1-401** is amended to read:

887 **63E-1-401. Definitions.**

888 As used in this part:

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

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

892 (b) stock or other investments;

- 893 (c) goodwill;
- 894 (d) real property;
- 895 (e) an ownership interest;
- 896 (f) a license;
- 897 (g) a cause of action; and
- 898 (h) any similar property.
- 899 (2) "Business interest" means:
 - 900 (a) holding the position of trustee, director, officer, or other similar position with a
 - 901 business entity; or
 - 902 (b) the ownership, either legally or equitably, of at least 10% of the outstanding shares
 - 903 of a corporation or 10% interest in any other business entity, being held by:
 - 904 (i) an individual;
 - 905 (ii) the individual's spouse;
 - 906 (iii) a minor child of the individual; or
 - 907 (iv) any combination of Subsections (2)(b)(i) through (iii).
 - 908 (3) "Interested party" means a person that held or holds the position of trustee, director,
 - 909 officer, or other similar position with an independent entity within:
 - 910 (a) five years prior to the date of an action described in Subsection (5); or
 - 911 (b) during the privatization of an independent entity.
 - 912 (4) "Lobbyist" is a person that provided or provides services as a lobbyist, as defined in
 - 913 Section ~~36-11-102~~ [or ~~36-11a-102~~], within:
 - 914 (a) five years prior to the date of an action described in Subsection (5); or
 - 915 (b) during the privatization of an independent entity.
 - 916 (5) (a) "Privatized" means an action described in Subsection (5)(b) taken under
 - 917 circumstances in which the operations of the independent entity are continued by a successor
 - 918 entity that:
 - 919 (i) is privately owned;
 - 920 (ii) is unaffiliated to the state; and
 - 921 (iii) receives any asset of the independent entity.
 - 922 (b) An action referred to in Subsection (5)(a) includes:
 - 923 (i) the repeal of the authorizing statute of an independent entity and the revision to state

924 laws to terminate the relationship between the state and the independent entity;

925 (ii) the dissolution of the independent entity;

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

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

928 Section 14. Section **63E-1-404** is amended to read:

929 **63E-1-404. Penalties for violation.**

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

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

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

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

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

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

945 Section 15. Section **63G-23-102** is amended to read:

946 **63G-23-102. Definitions.**

947 As used in this chapter:

948 (1) "Public official" means, except as provided in Subsection (3), the same as that term
949 is defined in Section 36-11-102.

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

951 (a) the Utah Supreme Court;

952 (b) the Utah Court of Appeals; or

953 (c) a district court.

954 (3) "Public official" does not include a local official or an education official as defined

955 in Section [36-11-102](#).

956 Section 16. **Repealer.**

957 This bill repeals:

958 Section [36-11a-101](#), **Title.**

959 Section [36-11a-102](#), **Definitions.**

960 Section [36-11a-201](#), **Lobbyist, principal, and government officer financial**

961 **reporting requirements -- Prohibition for related person to make expenditures.**

962 Section [36-11a-202](#), **Expenditures over certain amounts prohibited -- Exceptions.**

963 Section [36-11a-203](#), **Disposal of publications.**

964 Section [36-11a-301](#), **Penalties.**

965 Section [36-11a-302](#), **Lieutenant governor's procedures.**

966 Section [36-11a-303](#), **Construction and interpretation -- Freedom of expression,**

967 **participation, and press -- Non-preemption.**