

1 **LOBBYIST AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Tim Jimenez**

5 Senate Sponsor: Michael S. Kennedy

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Lobbyist Disclosure and Regulation Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ creates and modifies definitions;
- 13 ▶ modifies the lobbyist license application form;
- 14 ▶ modifies the foreign agent registration form;
- 15 ▶ modifies provisions prohibiting the contingent compensation of a lobbyist;
- 16 ▶ enhances the penalty for certain violations of provisions prohibiting the contingent
17 compensation of a lobbyist; and
- 18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **36-11-102**, as last amended by Laws of Utah 2022, Chapter 125

26 **36-11-103**, as last amended by Laws of Utah 2022, Chapter 125

27 **36-11-103.5**, as enacted by Laws of Utah 2022, Chapter 125



28 **36-11-301**, as enacted by Laws of Utah 1991, Chapter 280

29 **36-11-401**, as last amended by Laws of Utah 2022, Chapter 125

30

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

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

33 **36-11-102. Definitions.**

34 As used in this chapter:

35 (1) "Aggregate daily expenditures" means:

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

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

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

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

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

47 and

48 (ii) attendance at which is approved by:

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

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

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

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

56 (3) "Board of education" means:

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

58 (b) the State Board of Education;

59 (c) the State Charter School Board created under Section 53G-5-201; or
60 (d) a charter school governing board described in Title 53G, Chapter 5, Charter
61 Schools.

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

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

67 (b) "Compensation" includes:

68 (i) a salary or commission;

69 (ii) a bonus;

70 (iii) a benefit;

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

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

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

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

78 (6) "Compensation payor" means a person who pays compensation to a public official
79 in the ordinary course of business:

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

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

82 (7) "Education action" means:

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

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

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

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

89 (e) a purchasing or contracting decision;

- 90 (f) drafting or making a policy, resolution, or rule;
- 91 (g) determining a rate or fee; [or]
- 92 (h) making an adjudicative decision[-]; or
- 93 (i) a decision relating to an education budget or the expenditure of public money.
- 94 (8) "Education official" means:
- 95 (a) a member of a board of education;
- 96 (b) an individual appointed to or employed in a position under a board of education, if
- 97 that individual:
- 98 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 99 (ii) drafts resolutions or policies or drafts or makes rules;
- 100 (iii) determines rates or fees;
- 101 (iv) makes decisions relating to an education budget or the expenditure of public
- 102 money; or
- 103 (v) makes adjudicative decisions; or
- 104 (c) an immediate family member of an individual described in Subsection (8)(a) or (b).
- 105 (9) "Event" means entertainment, a performance, a contest, or a recreational activity
- 106 that an individual participates in or is a spectator at, including a sporting event, an artistic
- 107 event, a play, a movie, dancing, or singing.
- 108 (10) "Executive action" means:
- 109 (a) a nomination or appointment by the governor;
- 110 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
- 111 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 112 (c) agency ratemaking proceedings; [or]
- 113 (d) an adjudicative proceeding of a state agency[-]; or
- 114 (e) a decision relating to a government budget or the expenditure of public money.
- 115 (11) (a) "Expenditure" means any of the items listed in this Subsection (11)(a) when
- 116 given to or for the benefit of a public official unless consideration of equal or greater value is
- 117 received:
- 118 (i) a purchase, payment, or distribution;
- 119 (ii) a loan, gift, or advance;
- 120 (iii) a deposit, subscription, or forbearance;

121 (iv) services or goods;
122 (v) money;
123 (vi) real property;
124 (vii) a ticket or admission to an event; or
125 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide
126 any item listed in Subsections (11)(a)(i) through (vii).

127 (b) "Expenditure" does not mean:

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

129 (ii) a campaign contribution:

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

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

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

137 (iv) a devise or inheritance;

138 (v) any item listed in Subsection (11)(a) if:

139 (A) given by a relative;

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

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

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

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

149 (A) all members of the Legislature;

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

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

- 152 (D) all members of a party caucus; or
- 153 (E) all members of a group described in Subsections (11)(b)(vi)(A) through (D) who
- 154 are attending a meeting of a national organization whose primary purpose is addressing general
- 155 legislative policy;
- 156 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
- 157 official who is:
 - 158 (A) giving a speech at the event, tour, or meeting;
 - 159 (B) participating in a panel discussion at the event, tour, or meeting; or
 - 160 (C) presenting or receiving an award at the event, tour, or meeting;
 - 161 (viii) a plaque, commendation, or award that:
 - 162 (A) is presented in public; and
 - 163 (B) has the name of the individual receiving the plaque, commendation, or award
 - 164 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or
 - 165 award;
 - 166 (ix) a gift that:
 - 167 (A) is an item that is not consumable and not perishable;
 - 168 (B) a public official, other than a local official or an education official, accepts on
 - 169 behalf of the state;
 - 170 (C) the public official promptly remits to the state;
 - 171 (D) a property administrator does not reject under Section [63G-23-103](#);
 - 172 (E) does not constitute a direct benefit to the public official before or after the public
 - 173 official remits the gift to the state; and
 - 174 (F) after being remitted to the state, is not transferred, divided, distributed, or used to
 - 175 distribute a gift or benefit to one or more public officials in a manner that would otherwise
 - 176 qualify the gift as an expenditure if the gift were given directly to a public official;
 - 177 (x) any of the following with a cash value not exceeding \$30:
 - 178 (A) a publication; or
 - 179 (B) a commemorative item;
 - 180 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of
 - 181 which is:
 - 182 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign

183 and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section 10-3-208, Section
184 17-16-6.5, or an applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1);

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

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

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

190 (xiii) sponsorship of an approved activity;

191 (xiv) notwithstanding Subsection (11)(a)(vii), admission to, attendance at, or travel to
192 or from an event, a tour, or a meeting:

193 (A) that is sponsored by a governmental entity;

194 (B) that is widely attended and related to a governmental duty of a public official;

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

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

202 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
203 public official if that travel results in a financial savings to:

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

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

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

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

212 (i) a foreign government[-];

213 (ii) an official of a foreign government;

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

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

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

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

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

224 (A) has a broad industry membership; and

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

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

227 (a) the United States;

228 (b) a state within the United States;

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

230 (d) a political subdivision of the United States.

231 (15) (a) "Government officer" means:

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

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

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

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

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

243 (16) "Immediate family" means:

244 (a) a spouse;

- 245 (b) a child residing in the household; or
- 246 (c) an individual claimed as a dependent for tax purposes.
- 247 (17) "Legislative action" means:
- 248 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or
- 249 proposed in either house of the Legislature or its committees or requested by a legislator; [~~and~~]
- 250 (b) the action of the governor in approving or vetoing legislation[-:]; or
- 251 (c) a decision relating to a tax, a government budget, or the expenditure of public
- 252 money.
- 253 (18) "Lobbying" means communicating with a public official for the purpose of
- 254 influencing a legislative action, executive action, local action, or education action.
- 255 (19) (a) "Lobbyist" means:
- 256 (i) an individual who is employed by a principal; or
- 257 (ii) an individual who contracts for economic consideration, other than reimbursement
- 258 for reasonable travel expenses, with a principal to lobby a public official.
- 259 (b) "Lobbyist" does not include:
- 260 (i) a government officer;
- 261 (ii) a member or employee of the legislative branch of state government;
- 262 (iii) a person, including a principal, while appearing at, or providing written comments
- 263 to, a hearing conducted in accordance with Title 63G, Chapter 3, Utah Administrative
- 264 Rulemaking Act₂, or Title 63G, Chapter 4, Administrative Procedures Act;
- 265 (iv) a person participating on or appearing before an advisory or study task force,
- 266 commission, board, or committee, constituted by the Legislature, a local government, a board
- 267 of education, or any agency or department of state government, except legislative standing,
- 268 appropriation, or interim committees;
- 269 (v) a representative of a political party;
- 270 (vi) an individual representing a bona fide church solely for the purpose of protecting
- 271 the right to practice the religious doctrines of the church, unless the individual or church makes
- 272 an expenditure that confers a benefit on a public official;
- 273 (vii) a newspaper, television station or network, radio station or network, periodical of
- 274 general circulation, or book publisher for the purpose of publishing news items, editorials,
- 275 other comments, or paid advertisements that directly or indirectly urge legislative action,

276 executive action, local action, or education action;

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

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

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

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

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

293 (21) "Local action" means:

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

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

296 (c) a vote on an administrative action taken by a vote of a local government's
297 legislative body;

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

299 (e) a purchasing or contracting decision;

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

301 (g) determining a rate or fee; [or]

302 (h) making an adjudicative decision[.]; or

303 (i) a decision relating to a local government tax, a local government budget, or the
304 expenditure of public money.

305 (22) "Local government" means:

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

307 (b) a local district governed by Title 17B, Limited Purpose Local Government Entities
308 - Local Districts;

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

311 (d) a community reinvestment agency governed by Title 17C, Limited Purpose Local
312 Government Entities - Community Reinvestment Agency Act;

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

314 (f) a redevelopment agency; or

315 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
316 13, Interlocal Cooperation Act.

317 (23) "Local official" means:

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

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

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

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

323 (iii) determines rates or fees; ~~[or]~~

324 (iv) makes adjudicative decisions; or

325 (v) makes decisions relating to a local government tax, a local government budget, or
326 the expenditure of public money; or

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

328 (b).

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

331 (25) "Multiclient lobbyist" means a single lobbyist, principal, or government officer
332 who represents two or more clients and divides the aggregate daily expenditure made to benefit
333 a public official or member of the public official's immediate family between two or more of
334 those clients.

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

337 ~~[(26)]~~ (27) "Principal" means a person that employs an individual to perform lobbying,

338 either as an employee or as an independent contractor.

339 ~~[(27)]~~ (28) "Public official" means:

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

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

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

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

345 (B) drafts legislation or makes rules;

346 (C) determines rates or fees; ~~[or]~~

347 (D) makes adjudicative decisions; or

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

350 (b) an immediate family member of a person described in Subsection ~~[(27)(a)]~~ (28)(a);

351 (c) a local official; or

352 (d) an education official.

353 ~~[(28)]~~ (29) "Public official type" means a notation to identify whether a public official
354 is:

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

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

357 (iii) an individual appointed to or employed in a position in the legislative branch of
358 state government who meets the definition of public official under Subsection ~~[(27)]~~

359 (28)(a)(iii);

360 (iv) an individual appointed to or employed in a position in the executive branch of
361 state government who meets the definition of public official under Subsection ~~[(27)]~~

362 (28)(a)(iii);

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

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

367 (b) an immediate family member of an individual described in Subsection ~~[(27)(a), (c),~~
368 ~~or (d)]~~ (28)(a), (c), or (d).

369 (30) "Public money" means the same as that term is defined in Section 76-1-101.5.

370 [~~(29)~~] (31) "Quarterly reporting period" means the three-month period covered by each
 371 financial report required under Subsection 36-11-201(2)(a).

372 [~~(30)~~] (32) "Related person" means a person, agent, or employee who knowingly and
 373 intentionally assists a lobbyist, principal, or government officer in lobbying.

374 [~~(31)~~] (33) "Relative" means:

375 (a) a spouse;

376 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law,

377 brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or

378 (c) a spouse of an individual described in Subsection [~~(31)(b)~~] (33)(b).

379 [~~(32)~~] (34) "Tour" means visiting a location, for a purpose relating to the duties of a
 380 public official, and not primarily for entertainment, including:

381 (a) viewing a facility;

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

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

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

386 **36-11-103. Licensing requirements.**

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

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

390 (c) The lieutenant governor shall prepare a lobbyist license application form that
 391 includes:

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

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

395 (A) the principal's name;

396 (B) the principal's business address;

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

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

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

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

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

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

407 (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist
408 will be reimbursed;

409 (vi) a statement that an individual is required to register as a foreign agent under
410 Section [36-11-103.5](#) before engaging in lobbying on behalf of:

411 (A) a foreign government;

412 (B) an official of a foreign government;

413 (C) a foreign corporation that the individual knows or has reason to know is owned or
414 controlled by a foreign government; or

415 (D) an official of a foreign corporation that the individual knows or has reason to know
416 is owned or controlled by a foreign government;

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

419 (viii) a certification to be signed by the lobbyist that certifies that the information
420 provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and
421 belief.

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

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

426 (i) files an application with the lieutenant governor that contains the information
427 required by this section and, if applicable, Section [36-11-103.5](#);

428 (ii) completes the training required by Section [36-11-307](#); and

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

430 (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals

431 and expires on December 31 each year.

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

433 (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107,
434 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;

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

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

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

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

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

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

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

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

446 (A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303,
447 36-11-304, 36-11-305, or 36-11-403; or

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

450 (viii) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter
451 24, Lobbying Restrictions Act.

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

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

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

461 (7) Government officers need not obtain a license under this section, but shall disclose

462 any expenditures made to benefit public officials as required by Section 36-11-201.

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

466 Section 3. Section 36-11-103.5 is amended to read:

467 **36-11-103.5. Registering as foreign agent.**

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

470 (2) If a lobbyist indicates on the lobbyist license application form described in Section
471 36-11-103, or otherwise indicates to the lieutenant governor that the lobbyist would like to
472 register as a foreign agent, the lieutenant governor shall provide the lobbyist a foreign agent
473 registration form that includes:

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

476 (b) a place for the lobbyist to list each [~~foreign government~~] each of the following for
477 which the lobbyist is registering as a foreign agent[;]:

478 (i) a foreign government;

479 (ii) an official of a foreign government;

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

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

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

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

488 (3) (a) A lobbyist who registers as a foreign agent under this section shall update the
489 information in the lobbyist's foreign agent registration form when the lobbyist agrees to lobby
490 on behalf of [~~a foreign government~~] any of the following that [~~is~~] are not listed in the lobbyist's
491 foreign agent registration form[-]:

492 (i) a foreign government;

493 (ii) an official of a foreign government;

494 (iii) a foreign corporation that the lobbyist knows or has reason to know is owned or

495 controlled by a foreign government; or

496 (iv) an official of a foreign corporation that the lobbyist knows or has reason to know is

497 owned or controlled by a foreign government.

498 (b) A lobbyist may not lobby on behalf of a [~~foreign government~~] person described in

499 Subsections (3)(a)(i), (ii), (iii), or (iv) that is not listed in the lobbyist's foreign agent

500 registration form.

501 Section 4. Section **36-11-301** is amended to read:

502 **36-11-301. Contingent compensation prohibited.**

503 (1) A person may not employ or solicit another person to serve as a lobbyist for

504 compensation contingent in whole or part upon:

505 (a) the passage, defeat, or amendment of legislative action; [or]

506 (b) the approval, modification, or denial of [~~a certain~~] an executive action[-];

507 (c) the passage, defeat, denial, modification, or a certain outcome of a local action; or

508 (d) the passage, defeat, denial, modification, or a certain outcome of an education

509 action.

510 (2) A person may not accept employment as, or otherwise agree with another person to

511 serve as, a lobbyist for compensation contingent in whole or in part upon:

512 (a) the passage, defeat, or amendment of legislative action;

513 (b) the approval, modification, or denial of executive action;

514 (c) the passage, defeat, denial, modification, or a certain outcome of a local action; or

515 (d) the passage, defeat, denial, modification, or a certain outcome of an education

516 action.

517 Section 5. Section **36-11-401** is amended to read:

518 **36-11-401. Penalties.**

519 (1) Any person who intentionally violates Section [36-11-103](#), [36-11-103.5](#), [36-11-201](#),

520 [36-11-301](#), [36-11-302](#), [36-11-303](#), [36-11-304](#), [36-11-305](#), or [36-11-403](#), is subject to the

521 following penalties:

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

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

524 (i) an administrative penalty of up to \$5,000; or
 525 (ii) suspension of the violator's lobbying license for up to one year, if the person is a
 526 lobbyist.

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

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

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

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

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

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

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

545 (b) A person who intentionally violates Section 36-11-301 is guilty of a ~~H~~ **third-degree**
 546 **felony** **class A misdemeanor** ~~←H~~ if the person knows, or reasonably should have known, that all
 546a or part of the
 547 compensation is public money.

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

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

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

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