

1 **LOBBYIST DISCLOSURE AND REGULATION AMENDMENTS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brian S. King**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Lobbyist Disclosure and Regulation Act.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires the lieutenant governor, on the application to obtain a license to engage in
13 lobbying, to include a place for a lobbyist to:

- 14 • provide the contact information of the principal; and
- 15 • indicate whether the principal for whom the lobbyist will lobby is a public

16 entity;

17 ▶ requires the lieutenant governor to prepare an online principal registration form for
18 each principal for whom a lobbyist lobbies;

19 ▶ requires a principal described above to:

- 20 • register as a user of the lobbyist.utah.gov website; and
- 21 • verify that the principal retains or employs the lobbyist to lobby on the

22 principal's behalf;

23 ▶ authorizes the lieutenant governor to disapprove an application for a license to
24 engage in lobbying if the lobbyist seeks to represent both a public and a private
25 person or entity;

26 ▶ authorizes the lieutenant governor to, if a principal fails to verify that the principal
27 retains or employs the lobbyist to engage in lobbying, indicate on the



28 lobbyist.utah.gov website that the lieutenant governor could not verify that the principal retains
29 or employs the lobbyist to lobby on the principal's behalf;

30 ▶ prohibits a person from giving, or offering to give, an economic incentive to a
31 lobbyist for lobbying that is contingent on certain governmental action or inaction;

32 ▶ modifies a provision prohibiting a lobbyist from communicating false information
33 to a public official;

34 ▶ prohibits a licensed lobbyist from accepting employment to lobby on behalf of a
35 public entity in certain circumstances;

36 ▶ prohibits a licensed lobbyist from, in exchange for remuneration, providing services
37 to, or otherwise working on behalf of, the campaign of a candidate for state
38 legislative office;

39 ▶ provides that, for a former state official, the exception to the one-year prohibition on
40 lobbying applies only if the former state official engages in lobbying on behalf of a
41 business that is the former state official's primary source of income; and

42 ▶ makes technical and conforming changes.

43 **Money Appropriated in this Bill:**

44 None

45 **Other Special Clauses:**

46 This bill provides a special effective date.

47 **Utah Code Sections Affected:**

48 AMENDS:

49 **36-11-102**, as last amended by Laws of Utah 2023, Chapter 16

50 **36-11-103**, as last amended by Laws of Utah 2022, Chapter 125

51 **36-11-103.5**, as enacted by Laws of Utah 2022, Chapter 125

52 **36-11-306**, as enacted by Laws of Utah 2007, Chapter 233

53 **36-11-401**, as last amended by Laws of Utah 2022, Chapter 125

54 **67-24-103**, as enacted by Laws of Utah 2009, Chapter 360

55 ENACTS:

56 **36-11-103.3**, Utah Code Annotated 1953

57 **36-11-303.5**, Utah Code Annotated 1953

58 **36-11-305.3**, Utah Code Annotated 1953

59 REPEALS AND REENACTS:

60 **36-11-301**, as enacted by Laws of Utah 1991, Chapter 280

61 **36-11-303**, as enacted by Laws of Utah 1991, Chapter 280



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

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

65 **36-11-102. Definitions.**

66 As used in this chapter:

67 (1) "Aggregate daily expenditures" means:

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

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

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

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

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

80 (ii) attendance at which is approved by:

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

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

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

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

88 (3) "Board of education" means:

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

- 90 (b) the State Board of Education;
- 91 (c) the State Charter School Board created under Section 53G-5-201; or
- 92 (d) a charter school governing board described in Title 53G, Chapter 5, Charter
- 93 Schools.

94 (4) "Capitol hill complex" means the same as that term is defined in Section

95 63C-9-102.

96 (5) (a) "Compensation" means anything of economic value, however designated, that is

97 paid, loaned, granted, given, donated, or transferred to an individual for the provision of

98 services or ownership before any withholding required by federal or state law.

99 (b) "Compensation" includes:

100 (i) a salary or commission;

101 (ii) a bonus;

102 (iii) a benefit;

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

104 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue

105 Code, and subject to social security deductions, including a payment in excess of the maximum

106 amount subject to deduction under social security law;

107 (vi) an amount that the individual authorizes to be deducted or reduced for salary

108 deferral or other benefits authorized by federal law; or

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

110 (6) "Compensation payor" means a person who pays compensation to a public official

111 in the ordinary course of business:

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

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

114 (7) "Conflict of interest" means a circumstance where:

115 (a) a lobbyist's representation of one principal or client will be directly adverse to the

116 interests of another principal or client; or

117 (b) there is a significant risk that a lobbyist's representation of one or more principals

118 or clients will be materially limited by:

119 (i) the lobbyist's responsibilities to another principal or client; or

120 (ii) a personal interest of the lobbyist.

121 ~~[(7)]~~ (8) "Education action" means:

- 122 (a) a resolution, policy, or other official action for consideration by a board of
123 education;
- 124 (b) a nomination or appointment by an education official or a board of education;
- 125 (c) a vote on an administrative action taken by a vote of a board of education;
- 126 (d) an adjudicative proceeding over which an education official has direct or indirect
127 control;
- 128 (e) a purchasing or contracting decision;
- 129 (f) drafting or making a policy, resolution, or rule;
- 130 (g) determining a rate or fee; or
- 131 (h) making an adjudicative decision.

132 ~~[(8)]~~ (9) "Education official" means:

- 133 (a) a member of a board of education;
- 134 (b) an individual appointed to or employed in a position under a board of education, if
135 that individual:
- 136 (i) occupies a policymaking position or makes purchasing or contracting decisions;
- 137 (ii) drafts resolutions or policies or drafts or makes rules;
- 138 (iii) determines rates or fees;
- 139 (iv) makes decisions relating to an education budget or the expenditure of public
140 money; or
- 141 (v) makes adjudicative decisions; or
- 142 (c) an immediate family member of an individual described in Subsection ~~[(8)(a)]~~
143 (9)(a) or (b).

144 ~~[(9)]~~ (10) "Event" means entertainment, a performance, a contest, or a recreational
145 activity that an individual participates in or is a spectator at, including a sporting event, an
146 artistic event, a play, a movie, dancing, or singing.

147 ~~[(10)]~~ (11) "Executive action" means:

- 148 (a) a nomination or appointment by the governor;
- 149 (b) the proposal, drafting, amendment, enactment, or defeat by a state agency of a rule
150 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 151 (c) agency ratemaking proceedings; or

152 (d) an adjudicative proceeding of a state agency.

153 ~~[(11)]~~ (12) (a) "Expenditure" means any of the items listed in this Subsection ~~[(11)(a)]~~
154 (12)(a) when given to or for the benefit of a public official unless consideration of equal or
155 greater value is received:

156 (i) a purchase, payment, or distribution;

157 (ii) a loan, gift, or advance;

158 (iii) a deposit, subscription, or forbearance;

159 (iv) services or goods;

160 (v) money;

161 (vi) real property;

162 (vii) a ticket or admission to an event; or

163 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide
164 any item listed in Subsections ~~[(11)(a)(i)]~~ (12)(a)(i) through (vii).

165 (b) "Expenditure" does not mean:

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

167 (ii) a campaign contribution:

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

171 (B) lawfully given to a person that is not required to report the contribution under a law
172 or ordinance described in Subsection ~~[(11)(b)(ii)(A)]~~ (12)(b)(ii)(A);

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

175 (iv) a devise or inheritance;

176 (v) any item listed in Subsection ~~[(11)(a)]~~ (12)(a) if:

177 (A) given by a relative;

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

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

- 183 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate
184 daily expenditures do not exceed \$10;
- 185 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the
186 following are invited:
- 187 (A) all members of the Legislature;
- 188 (B) all members of a standing or interim committee;
- 189 (C) all members of an official legislative task force;
- 190 (D) all members of a party caucus; or
- 191 (E) all members of a group described in Subsections [~~(11)(b)(vi)(A)~~] (12)(b)(vi)(A)
192 through (D) who are attending a meeting of a national organization whose primary purpose is
193 addressing general legislative policy;
- 194 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
195 official who is:
- 196 (A) giving a speech at the event, tour, or meeting;
- 197 (B) participating in a panel discussion at the event, tour, or meeting; or
- 198 (C) presenting or receiving an award at the event, tour, or meeting;
- 199 (viii) a plaque, commendation, or award that:
- 200 (A) is presented in public; and
- 201 (B) has the name of the individual receiving the plaque, commendation, or award
202 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or
203 award;
- 204 (ix) a gift that:
- 205 (A) is an item that is not consumable and not perishable;
- 206 (B) a public official, other than a local official or an education official, accepts on
207 behalf of the state;
- 208 (C) the public official promptly remits to the state;
- 209 (D) a property administrator does not reject under Section [63G-23-103](#);
- 210 (E) does not constitute a direct benefit to the public official before or after the public
211 official remits the gift to the state; and
- 212 (F) after being remitted to the state, is not transferred, divided, distributed, or used to
213 distribute a gift or benefit to one or more public officials in a manner that would otherwise

214 qualify the gift as an expenditure if the gift were given directly to a public official;
215 (x) any of the following with a cash value not exceeding \$30:
216 (A) a publication; or
217 (B) a commemorative item;
218 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of
219 which is:
220 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign
221 and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section 10-3-208, Section
222 17-16-6.5, or an applicable ordinance adopted under Subsection 10-3-208(6) or 17-16-6.5(1);
223 (B) to solicit a campaign contribution that a person is not required to report under a law
224 or ordinance described in Subsection [~~(11)(b)(xi)(A)~~] (12)(b)(xi)(A); or
225 (C) charitable solicitation, as defined in Section 13-22-2;
226 (xii) travel to, lodging at, food or beverage served at, and admission to an approved
227 activity;
228 (xiii) sponsorship of an approved activity;
229 (xiv) notwithstanding Subsection [~~(11)(a)(vii)~~] (12)(a)(vii), admission to, attendance
230 at, or travel to or from an event, a tour, or a meeting:
231 (A) that is sponsored by a governmental entity;
232 (B) that is widely attended and related to a governmental duty of a public official;
233 (C) for a local official, that is sponsored by an organization that represents only local
234 governments, including the Utah Association of Counties, the Utah League of Cities and
235 Towns, or the Utah Association of Special Districts; or
236 (D) for an education official, that is sponsored by a public school, a charter school, or
237 an organization that represents only public schools or charter schools, including the Utah
238 Association of Public Charter Schools, the Utah School Boards Association, or the Utah
239 School Superintendents Association; or
240 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
241 public official if that travel results in a financial savings to:
242 (A) for a public official who is not a local official or an education official, the state; or
243 (B) for a public official who is a local official or an education official, the local
244 government or board of education to which the public official belongs.

245 ~~[(12)]~~ (13) "Food reimbursement rate" means the total amount set by the director of the
246 Division of Finance, by rule, under Section [63A-3-107](#), for in-state meal reimbursement, for an
247 employee of the executive branch, for an entire day.

248 ~~[(13)]~~ (14) (a) "Foreign agent" means an individual who engages in lobbying under
249 contract with a foreign government.

250 (b) "Foreign agent" does not include an individual who is recognized by the United
251 States Department of State as a duly accredited diplomatic or consular officer of a foreign
252 government, including a duly accredited honorary consul.

253 ~~[(14)]~~ (15) "Foreign government" means a government other than the government of:

254 (a) the United States;

255 (b) a state within the United States;

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

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

258 ~~[(15)]~~ (16) (a) "Government officer" means:

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

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

263 (iii) an individual appointed to fill a vacancy in a position described in Subsection

264 ~~[(15)(a)(i)]~~ (16)(a)(i) or (ii), when acting in the capacity of the position; or

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

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

270 ~~[(16)]~~ (17) "Immediate family" means:

271 (a) a spouse;

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

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

274 ~~[(17)]~~ (18) "Legislative action" means:

275 (a) a bill, resolution, amendment, nomination, veto override, or other matter pending or

276 proposed in either house of the Legislature or its committees or requested by a legislator; and

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

278 ~~[(+8)]~~ (19) "Lobbying" means communicating with a public official for the purpose of
279 influencing a legislative action, executive action, local action, or education action.

280 ~~[(+9)]~~ (20) (a) "Lobbyist" means:

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

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

284 (b) "Lobbyist" does not include:

285 (i) a government officer;

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

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

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

294 (v) a representative of a political party;

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

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

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

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

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

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

314 ~~[(20)]~~ (21) "Lobbyist group" means two or more lobbyists, principals, government
315 officers, or any combination of lobbyists, principals, and government officers, who each
316 contribute a portion of an expenditure made to benefit a public official or member of the public
317 official's immediate family.

318 ~~[(21)]~~ (22) "Local action" means:

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

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

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

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

324 (e) a purchasing or contracting decision;

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

326 (g) determining a rate or fee; or

327 (h) making an adjudicative decision.

328 ~~[(22)]~~ (23) "Local government" means:

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

330 (b) a special district governed by Title 17B, Limited Purpose Local Government
331 Entities - Special Districts;

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

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

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

337 (f) a redevelopment agency; or

338 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter
339 13, Interlocal Cooperation Act.

340 [~~(23)~~] (24) "Local official" means:

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

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

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

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

346 (iii) determines rates or fees; or

347 (iv) makes adjudicative decisions; or

348 (c) an immediate family member of an individual described in Subsection [~~(23)~~](a)
349 (24)(a) or (b).

350 [~~(24)~~] (25) "Meeting" means a gathering of people to discuss an issue, receive
351 instruction, or make a decision, including a conference, seminar, or summit.

352 [~~(25)~~] (26) "Multiclient lobbyist" means a single lobbyist, principal, or government
353 officer who represents two or more clients and divides the aggregate daily expenditure made to
354 benefit a public official or member of the public official's immediate family between two or
355 more of those clients.

356 [~~(26)~~] (27) "Principal" means a person that employs an individual to perform lobbying,
357 either as an employee or as an independent contractor.

358 [~~(27)~~] (28) "Public official" means:

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

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

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

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

364 (B) drafts legislation or makes rules;

365 (C) determines rates or fees; or

366 (D) makes adjudicative decisions;

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

368 (c) a local official; or

369 (d) an education official.

370 ~~[(28)]~~ (29) "Public official type" means a notation to identify whether a public official
371 is:

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

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

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

377 (iv) an individual appointed to or employed in a position in the executive branch of
378 state government who meets the definition of public official under Subsection ~~[(27)(a)(iii)]~~
379 (28)(a)(iii);

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

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

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

386 ~~[(29)]~~ (30) "Quarterly reporting period" means the three-month period covered by each
387 financial report required under Subsection [36-11-201\(2\)\(a\)](#).

388 ~~[(30)]~~ (31) "Related person" means a person, agent, or employee who knowingly and
389 intentionally assists a lobbyist, principal, or government officer in lobbying.

390 ~~[(31)]~~ (32) "Relative" means:

391 (a) a spouse;

392 (b) a child, parent, grandparent, grandchild, brother, sister, parent-in-law,
393 brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin; or

394 (c) a spouse of an individual described in Subsection ~~[(31)(b)]~~ (32)(b).

395 ~~[(32)]~~ (33) "Tour" means visiting a location, for a purpose relating to the duties of a
396 public official, and not primarily for entertainment, including:

397 (a) viewing a facility;

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

399 (c) assessing a circumstance in relation to which a public official may need to take

400 action within the scope of the public official's duties.

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

402 **36-11-103. Licensing requirements.**

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

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

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

408 (i) a place for the lobbyist's name [~~and business address~~], business address, and phone
409 number;

410 (ii) a place for the following information for each principal [~~for whom the lobbyist~~
411 ~~works or is hired as an independent contractor~~] that retains or employs the lobbyist:

412 (A) the principal's name;

413 (B) the principal's business address and primary phone number;

414 (C) the name, phone number, and email address of an individual at the principal's
415 business address who is familiar with the lobbyist and authorized to act on behalf of the
416 principal in matters pertaining to the lobbyist;

417 [~~(C)~~] (D) the name of each public official that the principal employs and the nature of
418 the employment with the public official; and

419 [~~(D)~~] (E) the general purposes, interests, and nature of the principal;

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

422 (iv) a place for the lobbyist to indicate whether the principal is a public entity, as
423 defined in Section [36-11-303.5](#);

424 [~~(iv)~~] (v) a place for the lobbyist to disclose:

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

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

429 [~~(v)~~] (vi) a place for the lobbyist to disclose the types of expenditures for which the
430 lobbyist will be reimbursed;

431 [~~(vi)~~] (vii) a statement that an individual is required to register as a foreign agent under
432 Section [36-11-103.5](#) before engaging in lobbying on behalf of a foreign government;

433 [~~(vii)~~] (viii) a place for the lobbyist to indicate whether the lobbyist would like to
434 register as a foreign agent; and

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

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

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

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

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

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

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

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

449 (i) if the applicant has been convicted of violating Section [76-8-103](#), [76-8-107](#),
450 [76-8-108](#), or [76-8-303](#) within five years before the date of the lobbying license application;

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

453 (A) Section [76-8-104](#); or

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

456 (iii) during the term of any suspension imposed under Section [36-11-401](#);

457 (iv) if the applicant has not complied with Subsection [36-11-307\(6\)](#);

458 (v) during the term of a suspension imposed under Subsection [36-11-501\(3\)](#);

459 (vi) if the lobbyist fails to pay a fine imposed under Subsection [36-11-501\(3\)](#);

460 (vii) if the disclosure of principals under Subsection (1)(c)(ii) indicates a violation of
461 Section [36-11-303.5](#);

462 [~~(vii)~~] (viii) if, within one year before the date of the lobbying license application, the
463 applicant has been found to have willingly and knowingly:

464 (A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303,
465 36-11-303.5, 36-11-304, 36-11-305, or 36-11-403; or

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

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

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

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

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

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

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

484 Section 3. Section 36-11-103.3 is enacted to read:

485 **36-11-103.3. Principal registration form.**

486 (1) For each principal that a lobbyist discloses under Subsection 36-11-103(1)(c)(ii) or
487 (2), the lieutenant governor shall prepare a principal registration form on the lobbyist.utah.gov
488 website that includes:

489 (a) the name, business address, and phone number of the lobbyist;

490 (b) the name, business address, and primary phone number of the principal;

491 (c) a statement indicating that the lobbyist has disclosed to the lieutenant governor that
492 the lobbyist will be lobbying on behalf of the principal;

493 (d) a place for the principal to:

494 (i) register as a user of the lobbyist.utah.gov website; and

495 (ii) verify whether the principal retains or employs the lobbyist to lobby on behalf of
496 the principal; and

497 (e) a certification to be electronically signed by the principal, or an agent of the
498 principal, verifying that the information the principal or agent provides under Subsection (1)(d)
499 is true, accurate, and complete to the best of the principal's or agent's knowledge and belief.

500 (2) The lieutenant governor shall, no later than 10 business days after the day on which
501 the lieutenant governor issues a license to a lobbyist under Subsection 36-11-103(3)(a), or 10
502 business days after the day on which a lobbyist updates the lobbyist's licensure information
503 under Subsection 36-11-103(2), email a notice to the individual the lobbyist identifies under
504 Subsection 36-11-103(1)(c)(ii)(C) that:

505 (a) contains a link to the lobbyist.utah.gov website; and

506 (b) directs the principal to:

507 (i) register as a user of the website; and

508 (ii) verify whether the principal retains or employs the lobbyist to lobby on behalf of
509 the principal.

510 (3) A principal who receives the email notice described in Subsection (2) shall
511 complete and submit the principal registration form described in Subsection (1):

512 (a) no later than 30 days after the date that appears on the email notice; or

513 (b) if the principal is a foreign government, no later than 45 days after the date that
514 appears on the email notice.

515 (4) (a) If a principal does not submit the principal registration form to the lieutenant
516 governor before the deadline described in Subsection (3), the lieutenant governor shall include
517 a notice on the lobbyist.utah.gov website indicating that the lieutenant governor could not
518 verify whether the principal retains or employs the lobbyist to lobby on behalf of the principal.

519 (b) If the lieutenant governor receives a completed principal registration form from a
520 principal after the deadline described in Subsection (3), the lieutenant governor shall remove
521 the notification described in Subsection (4)(a) from the lobbyist.utah.gov website.

522 Section 4. Section 36-11-103.5 is amended to read:

523 **36-11-103.5. Registering as foreign agent.**

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

526 (2) If a lobbyist indicates on the lobbyist license application form described in Section
527 [36-11-103](#), or otherwise indicates to the lieutenant governor that the lobbyist would like to
528 register as a foreign agent, the lieutenant governor shall provide the lobbyist a foreign agent
529 registration form that includes:

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

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

534 (c) a place for the lobbyist to list a business address for each foreign government
535 described in Subsection (2)(b);

536 (d) a place for the lobbyist to identify the name, phone number, and email address of an
537 individual at the foreign government's business address who is familiar with the lobbyist and
538 authorized to act on behalf of the foreign government in matters pertaining to the lobbyist;

539 [~~(e)~~] (e) a place for the lobbyist to describe the issues on which the lobbyist expects to
540 engage in lobbying as a foreign agent; and

541 [~~(f)~~] (f) a certification for the lobbyist to sign, certifying that the information the
542 lobbyist provides in the form is true, accurate, and complete.

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

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

549 Section 5. Section [36-11-301](#) is repealed and reenacted to read:

550 **36-11-301. Contingent consideration prohibited.**

551 A person may not give, offer to give, or promise to give anything of economic value to
552 a lobbyist as consideration for lobbying, if the consideration is based, in whole or in part, on
553 the passage, defeat, amendment, approval, modification, or denial of a legislative action, a local
554 action, an executive action, or an education action.

555 Section 6. Section [36-11-303](#) is repealed and reenacted to read:

556 **36-11-303. Prohibition on communicating false information to a public official.**

557 A person may not intentionally communicate to a public official false information that
558 is materially related to a legislative action, a local action, an executive action, or an education
559 action over which the public official is responsible.

560 Section 7. Section [36-11-303.5](#) is enacted to read:

561 **36-11-303.5. Limitation on lobbying for public official or public entity.**

562 (1) As used in this section:

563 (a) (i) "Public entity" means:

564 (A) the state;

565 (B) a county, city, town, metro township, school district, special district, special service
566 district, community reinvestment agency, an entity created by an interlocal agreement adopted
567 under Title 11, Chapter 13, Interlocal Cooperation Act, or another political subdivision of the
568 state; or

569 (C) an independent entity.

570 (ii) "Public entity" includes an agency, bureau, office, department, division, board,
571 commission, institution, laboratory, or other instrumentality of an entity described in
572 Subsection (1)(a)(i).

573 (b) "Independent entity" means the same as that term is defined in Section [63E-1-102](#).

574 (2) A lobbyist who holds a license to lobby under Section [36-11-103](#) may not:

575 (a) if the lobbyist lobbies for a private individual or entity, also lobby for a public
576 official or public entity; or

577 (b) if the lobbyist lobbies for a public official or public entity, also lobby for a private
578 individual or entity.

579 Section 8. Section [36-11-305.3](#) is enacted to read:

580 **36-11-305.3. Campaign work prohibited.**

581 A lobbyist who holds a license to engage in lobbying may not accept anything of
582 economic value from a candidate for elected office, other than federal office, or the candidate's
583 personal campaign committee in exchange for assisting, supporting, providing services to, or
584 otherwise working on behalf of the candidate's campaign.

585 Section 9. Section [36-11-306](#) is amended to read:

586 **36-11-306. Conflicts of interest -- Waiver.**587 [~~(1) As used in this section, "conflict of interest" means a circumstance where:]~~588 [~~(a) the representation of one principal or client will be directly adverse to another~~
589 ~~principal or client; or]~~590 [~~(b) there is a significant risk that the representation of one or more principals or clients~~
591 ~~will be materially limited by the lobbyist's responsibilities to:]~~592 [~~(i) another principal or client; or]~~593 [~~(ii) a personal interest of the lobbyist.]~~594 [~~(2)~~] (1) Except as provided in Subsection [~~(3)~~] (2), a lobbyist may not represent a
595 principal or client if the lobbyist's representation of the principal or client involves a conflict of
596 interest.597 [~~(3)~~] (2) Notwithstanding the existence of a conflict of interest, a lobbyist may
598 represent a principal or client if:599 (a) the lobbyist reasonably believes that the lobbyist will be able to provide competent
600 and diligent representation to each principal or client;

601 (b) the representation is not otherwise prohibited by law;

602 (c) the representation does not require the lobbyist to assert a position on behalf of one
603 principal or client that is opposed to the position of another principal or client represented by
604 the lobbyist involving the same legislative issue; [~~and]~~605 (d) the lobbyist discloses the conflict of interest to each principal or client; and606 [~~(d)~~] (e) each affected principal or client [gives informed consent to the conflict of
607 interest in writing] gives informed consent to waive the conflict of interest.608 Section 10. Section **36-11-401** is amended to read:609 **36-11-401. Penalties.**610 (1) Any person who intentionally violates Section [36-11-103](#), [36-11-103.5](#), [36-11-201](#),
611 [36-11-301](#), [36-11-302](#), [36-11-303](#), [36-11-303.5](#), [36-11-304](#), [36-11-305](#), [36-11-305.3](#), or
612 [36-11-403](#), is subject to the following penalties:

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

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

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

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

617 lobbyist.

618 (2) Any person who intentionally fails to file a financial report required by this chapter,
619 omits material information from a license application form or financial report, or files false
620 information on a license application form or financial report, is subject to the following

621 penalties:

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

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

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

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

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

634 (5) (a) A person who intentionally violates Section 36-11-301, 36-11-302, or
635 36-11-303 is guilty of a class B misdemeanor.

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

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

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

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

643 Section 11. Section 67-24-103 is amended to read:

644 **67-24-103. Qualified prohibitions on lobbyists -- Time limit -- Exceptions.**

645 (1) Except as provided in Subsection (2), a former state official serving on or after May
646 12, 2009, may not become a lobbyist or engage in lobbying that would require registration as a
647 lobbyist under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act, for one calendar

648 year, beginning on the day the former state official leaves office and ending on the one-year
649 anniversary of that day.

650 (2) This section does not apply [~~if the former state official engages in lobbying on~~
651 ~~behalf of~~] to lobbying by a former state official on behalf of:

652 (a) [~~himself~~] the former state official; or

653 (b) [~~a business with which he is associated~~] a business that is the former state official's
654 primary source of income, unless the [~~primary~~] principal activity of the business is lobbying or
655 governmental relations.

656 Section 12. **Effective date.**

657 This bill takes effect on January 1, 2025.