

Senator Curtis S. Bramble proposes the following substitute bill:

LOBBYIST DISCLOSURE AND REGULATION ACT

MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies and clarifies the definitions of lobbyist, lobbying, and a principal;
- ▶ prohibits consideration, a reward, or an incentive for lobbying that is contingent on certain government action and provides criminal and civil penalties for violation of the prohibition;
- ▶ replaces the offense of employing or soliciting a person to lobby for contingent compensation with the offense described in the preceding paragraph;
- ▶ creates an exception to the definition of "expenditure" in relation to certain sporting events, performances, or exhibitions of a state institution of higher education or a non-profit institution of higher education;
- ▶ amends provisions relating to lobbying by a former state official; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **36-11-102**, as last amended by Laws of Utah 2023, Chapter 16

32 **36-11-201**, as last amended by Laws of Utah 2023, Chapter 16

33 **53-1-102**, as last amended by Laws of Utah 2021, Chapters 349, 360

34 **53-1-106**, as last amended by Laws of Utah 2023, Chapters 328, 447

35 **63G-23-102**, as last amended by Laws of Utah 2022, Chapter 125

36 **67-24-103**, as enacted by Laws of Utah 2009, Chapter 360

37 REPEALS AND REENACTS:

38 **36-11-301**, as enacted by Laws of Utah 1991, Chapter 280



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

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

42 **36-11-102. Definitions.**

43 As used in this chapter:

44 (1) "Aggregate daily expenditures" means:

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

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

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

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

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

56 and

- 57 (ii) attendance at which is approved by:
- 58 (A) the speaker of the House of Representatives, if the public official is a member of
59 the House of Representatives or another nonexecutive branch public official; or
- 60 (B) the president of the Senate, if the public official is a member of the Senate or
61 another nonexecutive branch public official; or
- 62 (b) (i) to which a public official who holds a position in the executive branch of state
63 government is invited; and
- 64 (ii) attendance at which is approved by the governor or the lieutenant governor.
- 65 (3) "Board of education" means:
- 66 (a) a local school board described in Title 53G, Chapter 4, School Districts;
- 67 (b) the State Board of Education;
- 68 (c) the State Charter School Board created under Section 53G-5-201; or
- 69 (d) a charter school governing board described in Title 53G, Chapter 5, Charter
70 Schools.
- 71 (4) "Capitol hill complex" means the same as that term is defined in Section
72 63C-9-102.
- 73 (5) (a) "Compensation" means anything of economic value, however designated, that is
74 paid, loaned, granted, given, donated, or transferred to an individual for the provision of
75 services or ownership before any withholding required by federal or state law.
- 76 (b) "Compensation" includes:
- 77 (i) a salary or commission;
- 78 (ii) a bonus;
- 79 (iii) a benefit;
- 80 (iv) a contribution to a retirement program or account;
- 81 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
82 Code, and subject to social security deductions, including a payment in excess of the maximum
83 amount subject to deduction under social security law;
- 84 (vi) an amount that the individual authorizes to be deducted or reduced for salary
85 deferral or other benefits authorized by federal law; or
- 86 (vii) income based on an individual's ownership interest.
- 87 (6) "Compensation payor" means a person who pays compensation to a public official

88 in the ordinary course of business:

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

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

91 (7) "Education action" means:

92 (a) the passage or defeat of a resolution, policy, amendment, or other official action for
93 consideration by a board of education;

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

95 (c) the passage or defeat of a vote on an administrative action taken by a vote of a
96 board of education; or

97 [~~(d) an adjudicative proceeding over which an education official has direct or indirect~~
98 ~~control;~~]

99 [~~(e) a purchasing or contracting decision;~~]

100 [~~(f) drafting or making a policy, resolution, or rule;~~]

101 [~~(g)~~ (d) determining a rate or fee~~;~~~~or~~].

102 [~~(h) making an adjudicative decision.~~]

103 (8) "Education official" means:

104 (a) a member of a board of education; or

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

107 (i) occupies a policymaking position [~~or makes purchasing or contracting decisions~~];

108 [~~(ii) drafts resolutions or policies or drafts or makes rules;~~]

109 [~~(iii)~~ (ii) determines rates or fees; or

110 [~~(iv)~~ (iii) makes decisions relating to an education budget or the expenditure of public
111 money~~;~~~~or~~].

112 [~~(v) makes adjudicative decisions; or~~]

113 [~~(c) an immediate family member of an individual described in Subsection (8)(a) or~~

114 ~~(b).~~]

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

118 (10) "Executive action" means:

119 (a) a nomination or appointment by the governor;

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

121 ~~[(b)]~~ (c) ~~the [proposal, drafting, amendment, enactment, or] passage or~~ defeat by a state

122 agency of a rule, or an amendment to a rule made in accordance with Title 63G, Chapter 3,

123 Utah Administrative Rulemaking Act; or

124 ~~[(c)]~~ (d) agency ratemaking proceedings~~[-or].~~

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

126 (11) "Executive official" means:

127 (a) an individual elected to an executive office or appointed to fill a vacancy in an

128 executive office; or

129 (b) an individual appointed to or employed in a position in the executive branch of

130 state government if that individual:

131 (i) occupies a policymaking position; or

132 (ii) determines rates or fees.

133 ~~[(H)]~~ (12) (a) "Expenditure" means any of the items listed in this Subsection ~~[(H)(a)]~~

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

135 greater value is received:

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

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

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

139 (iv) services or goods;

140 (v) money;

141 (vi) real property;

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

143 (viii) a contract, promise, or agreement, whether or not legally enforceable, to provide

144 any item listed in Subsections ~~[(H)(a)(i) through (vii)]~~ (12)(a)(i) through (vii).

145 (b) "Expenditure" does not mean:

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

147 (ii) a campaign contribution:

148 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial

149 Reporting Requirements, Section [10-3-208](#), Section [17-16-6.5](#), or any applicable ordinance

150 adopted under Subsection ~~10-3-208~~(6) or ~~17-16-6.5~~(1); or
151 (B) lawfully given to a person that is not required to report the contribution under a law
152 or ordinance described in Subsection [~~(11)(b)(ii)(A)~~] (12)(b)(ii)(A);
153 (iii) printed informational material that is related to the performance of the recipient's
154 official duties;
155 (iv) a devise or inheritance;
156 (v) any item listed in Subsection [~~(11)(a)~~] (12)(a) if:
157 (A) given by a relative;
158 (B) given by a compensation payor for a purpose solely unrelated to the public
159 official's position as a public official;
160 (C) the item is food or beverage with a value that does not exceed the food
161 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed
162 the food reimbursement rate; or
163 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate
164 daily expenditures do not exceed \$10;
165 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the
166 following are invited:
167 (A) all members of the Legislature;
168 (B) all members of a standing or interim committee;
169 (C) all members of an official legislative task force;
170 (D) all members of a party caucus; or
171 (E) all members of a group described in Subsections [~~(11)(b)(vi)(A) through (D)~~]
172 (12)(b)(vi)(A) through (D) who are attending a meeting of a national organization whose
173 primary purpose is addressing general legislative policy;
174 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
175 official who is:
176 (A) giving a speech at the event, tour, or meeting;
177 (B) participating in a panel discussion at the event, tour, or meeting; or
178 (C) presenting or receiving an award at the event, tour, or meeting;
179 (viii) a plaque, commendation, or award that:
180 (A) is presented in public; and

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

184 (ix) a gift that:

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

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

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

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

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

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

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

196 (A) a publication; or

197 (B) a commemorative item;

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

200 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign
201 and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section [10-3-208](#), Section
202 [17-16-6.5](#), or an applicable ordinance adopted under Subsection [10-3-208\(6\)](#) or [17-16-6.5\(1\)](#);

203 (B) to solicit a campaign contribution that a person is not required to report under a law
204 or ordinance described in Subsection ~~[(11)(b)(xi)(A)]~~ (12)(b)(xi)(A); or

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

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

208 (xiii) sponsorship of an approved activity;

209 (xiv) notwithstanding Subsection ~~[(11)(a)(vii)]~~ (12)(a)(vii), admission to, attendance
210 at, or travel to or from an event, a tour, or a meeting:

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

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

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

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

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

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

223 (B) for a public official who is a local official or an education official, the local
224 government or board of education to which the public official belongs[-];

225 (xvi) notwithstanding Subsection (12)(a)(vii), a ticket or admission to a sporting event
226 provided by an institution of higher education described in Subsection 53B-2-101(1), or a
227 private, nonprofit institution of higher education in the state, if the purpose of the public
228 official attending the event is to build a relationship between the institution of higher education
229 and the public official; or

230 (xvii) notwithstanding Subsection (12)(a)(vii), a ticket or admission to a theatrical,
231 musical, dancing, or other artistic performance, an art exhibition, or another artistic event
232 provided by an institution of higher education described in Subsection 53B-2-101(1), or a
233 private, nonprofit institution of higher education in the state, if the purpose of the public
234 official attending the event is to build a relationship between the institution of higher education
235 and the public official.

236 [~~(12)~~] (13) "Food reimbursement rate" means the total amount set by the director of the
237 Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an
238 employee of the executive branch, for an entire day.

239 [~~(13)~~] (14) (a) "Foreign agent" means an individual who engages in lobbying under
240 contract with a foreign government.

241 (b) "Foreign agent" does not include an individual who is recognized by the United
242 States Department of State as a duly accredited diplomatic or consular officer of a foreign

243 government, including a duly accredited honorary consul.

244 ~~[(14)]~~ (15) "Foreign government" means a government other than the government of:

245 (a) the United States;

246 (b) a state within the United States;

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

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

249 ~~[(15)]~~ (16) (a) "Government officer" means:

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

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

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

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

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

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

261 (17) "Government action" means:

262 (a) an education action;

263 (b) an executive action;

264 (c) a legislative action; or

265 (d) a local action.

266 ~~[(16)]~~ (18) "Immediate family" means:

267 (a) a spouse;

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

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

270 ~~[(17)]~~ (19) "Legislative action" means ~~[-(a)]~~ the passage or defeat of a bill, resolution,
271 amendment, nomination, veto override, appropriation, or other matter pending or proposed in
272 either house of the Legislature or its committees or requested by a legislator ~~[-and].~~

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

274 (20) "Legislative official" means a member, or a member elect, of the Utah Senate or
 275 the Utah House of Representatives.

276 ~~[(+18)]~~ (21) "Lobbying" means communicating with a public official for the purpose of
 277 influencing ~~[a legislative action, executive action, local action, or education]~~ government
 278 action.

279 ~~[(+19)]~~ (22) (a) "Lobbyist" means~~[:]~~ an individual who accepts or agrees to accept
 280 payment, a reward, an incentive, something of value, or other consideration in exchange for
 281 lobbying.

282 ~~[(i) an individual who is employed by a principal; or]~~

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

285 (b) "Lobbyist" includes an individual who engages in lobbying on behalf of an entity in
 286 which the individual obtained a non-controlling ownership interest within the immediately
 287 preceding 18 months.

288 ~~[(b)]~~ (c) "Lobbyist" does not include:

289 (i) a government officer;

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

291 (iii) an individual who, in exchange for lobbying, accepts or agrees to accept only
 292 reimbursement for reasonable travel expenses;

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

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

300 ~~[(v)]~~ (vi) a representative of a political party;

301 ~~[(vi)]~~ (vii) an individual representing a bona fide church solely for the purpose of
 302 protecting the right to practice the religious doctrines of the church, unless the individual or
 303 church makes an expenditure that confers a benefit on a public official;

304 ~~[(vii)]~~ (viii) a newspaper, television station or network, radio station or network,

305 periodical of general circulation, or book publisher for the purpose of publishing news items,
 306 editorials, other comments, or paid advertisements that directly or indirectly urge [~~legislative~~
 307 ~~action, executive action, local action, or education~~] government action;

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

314 [~~(ix)~~] (x) an individual representing a business, entity, or industry, who:

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

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

321 [~~(20)~~] (23) "Lobbyist group" means two or more lobbyists, principals, government
 322 officers, or any combination of lobbyists, principals, and government officers, who each
 323 contribute a portion of an expenditure made to benefit a public official or member of the public
 324 official's immediate family.

325 [~~(21)~~] (24) "Local action" means:

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

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

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

329 legislative body; or

330 [~~(d) an adjudicative proceeding over which a local official has direct or indirect~~
 331 ~~control;~~]

332 [~~(e) a purchasing or contracting decision;~~]

333 [~~(f) drafting or making a policy, resolution, or rule;~~]

334 [~~(g)~~] (d) determining a rate or fee[~~;~~ or].

335 [~~(h) making an adjudicative decision.~~]

336 [~~(22)~~] (25) "Local government" means:

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

338 (b) a special district governed by Title 17B, Limited Purpose Local Government

339 Entities - Special Districts;

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

341 Act;

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

343 Government Entities - Community Reinvestment Agency Act;

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

345 (f) a redevelopment agency; or

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

347 13, Interlocal Cooperation Act.

348 [~~(23)~~] (26) "Local official" means:

349 (a) an ~~[elected member of a local government;]~~ individual elected to a local

350 government office or appointed to fill a vacancy in a local government office; or

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

352 individual:

353 (i) occupies a policymaking position ~~[or makes purchasing or contracting decisions]; or~~

354 ~~[(ii) drafts ordinances or resolutions or drafts or makes rules;]~~

355 ~~[(iii)]~~ (ii) determines rates or fees~~[-or]~~.

356 ~~[(iv) makes adjudicative decisions; or]~~

357 ~~[(e) an immediate family member of an individual described in Subsection (23)(a) or~~

358 ~~(b).]~~

359 [~~(24)~~] (27) "Meeting" means a gathering of people to discuss an issue, receive

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

361 [~~(25)~~] (28) "Multiclient lobbyist" means a single lobbyist, principal, or government

362 officer who represents two or more clients and divides the aggregate daily expenditure made to

363 benefit a public official or member of the public official's immediate family between two or

364 more of those clients.

365 [~~(26)~~] (29) "Principal" means a person that ~~[employs an individual to perform~~

366 ~~lobbying, either as an employee or as an independent contractor]~~ pays or provides, or agrees or

367 promises to pay or provide, a reward, an incentive, something of value, or other consideration
368 to a person to engage in lobbying.

- 369 ~~[(27) "Public official" means:]~~
- 370 ~~[(a) (i) a member of the Legislature;]~~
- 371 ~~[(ii) an individual elected to a position in the executive branch of state government; or]~~
- 372 ~~[(iii) an individual appointed to or employed in a position in the executive or~~
- 373 ~~legislative branch of state government if that individual:]~~
- 374 ~~[(A) occupies a policymaking position or makes purchasing or contracting decisions;]~~
- 375 ~~[(B) drafts legislation or makes rules;]~~
- 376 ~~[(C) determines rates or fees; or]~~
- 377 ~~[(D) makes adjudicative decisions;]~~
- 378 ~~[(b) an immediate family member of a person described in Subsection (27)(a);]~~
- 379 ~~[(c) a local official; or]~~
- 380 ~~[(d) an education official.]~~

381 (30) "Public official" means:

- 382 (a) an education official;
- 383 (b) an executive official;
- 384 (c) a legislative official;
- 385 (d) a local official; or
- 386 (e) an immediate family member of an official described in Subsections (30)(a)

387 through (d).

388 ~~[(28)]~~ (31) "Public official type" means a notation to identify whether a public official
389 is:

- 390 (a) (i) a member of the Legislature;
- 391 (ii) an individual elected to a position in the executive branch of state government;
- 392 (iii) an individual appointed to or employed in a position in the legislative branch of
- 393 state government who meets the definition of ~~[public]~~ legislative official ~~[under Subsection~~
- 394 ~~(27)(a)(iii)]~~;
- 395 (iv) an individual appointed to or employed in a position in the executive branch of
- 396 state government who meets the definition of ~~[public]~~ executive official ~~[under Subsection~~
- 397 ~~(27)(a)(iii)]~~;

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

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

402 (b) an immediate family member of an individual described in [~~Subsection (27)(a), (c),~~
403 ~~or (d)~~] Subsections (30)(a) through (d).

404 [~~(29)~~] (32) "Quarterly reporting period" means the three-month period covered by each
405 financial report required under Subsection 36-11-201(2)(a).

406 [~~(30)~~] (33) "Related person" means a person, agent, or employee who [~~knowingly and~~
407 ~~intentionally~~] assists a lobbyist, principal, or government officer in lobbying.

408 [~~(31)~~] (34) "Relative" means:

409 (a) a spouse;

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

412 (c) a spouse of an individual described in Subsection [~~(31)(b)~~] (34)(b).

413 [~~(32)~~] (35) "Tour" means visiting a location, for a purpose relating to the duties of a
414 public official, and not primarily for entertainment, including:

415 (a) viewing a facility;

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

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

419 Section 2. Section **36-11-201** is amended to read:

420 **36-11-201. Lobbyist, principal, and government officer financial reporting**
421 **requirements -- Prohibition for related person to make expenditures.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 460 (3) A financial report shall contain:
- 461 (a) the total amount of expenditures made to benefit any public official during the
462 quarterly reporting period;
- 463 (b) the total amount of expenditures made, by the type of public official, during the
464 quarterly reporting period;
- 465 (c) for the financial report due on January 10:
- 466 (i) the total amount of expenditures made to benefit any public official during the last
467 calendar year; and
- 468 (ii) the total amount of expenditures made, by the type of public official, during the last
469 calendar year;
- 470 (d) a disclosure of each expenditure made during the quarterly reporting period to
471 reimburse or pay for travel or lodging for a public official, including:
- 472 (i) each travel destination and each lodging location;
- 473 (ii) the name of each public official who benefitted from the expenditure on travel or
474 lodging;
- 475 (iii) the public official type of each public official named;
- 476 (iv) for each public official named, a listing of the amount and purpose of each
477 expenditure made for travel or lodging; and
- 478 (v) the total amount of expenditures listed under Subsection (3)(d)(iv);
- 479 (e) a disclosure of aggregate daily expenditures greater than \$10 made during the
480 quarterly reporting period including:
- 481 (i) the date and purpose of the expenditure;
- 482 (ii) the location of the expenditure;
- 483 (iii) the name of any public official benefitted by the expenditure;
- 484 (iv) the type of the public official benefitted by the expenditure; and
- 485 (v) the total monetary worth of the benefit that the expenditure conferred on any public
486 official;
- 487 (f) for each public official who was employed by the lobbyist, principal, or government
488 officer, a list that provides:
- 489 (i) the name of the public official; and
- 490 (ii) the nature of the employment with the public official;

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

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

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

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

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

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

506 (5) The lieutenant governor shall:

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

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

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

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

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

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

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

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

521 (iv) states that the lobbyist or principal will not make any additional expenditure that is

522 not disclosed on the statement unless the lobbyist or principal complies with the disclosure and
523 licensing requirements of this chapter.

524 (b) Except as provided in Subsection (1)(a)(ii), a lobbyist or principal that is required
525 to file a financial report under this section is required to file the report quarterly until the
526 lobbyist or principal files the statement required by Subsection (6)(a).

527 Section 3. Section **36-11-301** is repealed and reenacted to read:

528 **36-11-301. Contingent consideration, reward, or incentive prohibited.**

529 It is unlawful for a lobbyist to solicit, accept, or agree to accept anything of value from
530 a person as consideration for, a reward for, or an incentive for, lobbying, if:

531 (1) the consideration, reward, or incentive is based on whether certain government
532 action occurs or does not occur; or

533 (2) the value of the consideration is based on the value of an appropriation.

534 Section 4. Section **53-1-102** is amended to read:

535 **53-1-102. Definitions.**

536 (1) As used in this title:

537 (a) "Capitol hill complex" means the same as that term is defined in Section
538 **63C-9-102**.

539 (b) "Commissioner" means the commissioner of public safety appointed under Section
540 **53-1-107**.

541 (c) "Department" means the Department of Public Safety created in Section **53-1-103**.

542 (d) "Governor-elect" means an individual whom the board of canvassers determines to
543 be the successful candidate for governor after a general election for the office of governor.

544 (e) "Law enforcement agency" means an entity or division of:

545 (i) (A) the federal government, a state, or a political subdivision of a state;

546 (B) a state institution of higher education; or

547 (C) a private institution of higher education, if the entity or division is certified by the
548 commissioner under Title 53, Chapter 19, Certification of Private Law Enforcement Agency;
549 and

550 (ii) that exists primarily to prevent and detect crime and enforce criminal laws, statutes,
551 and ordinances.

552 (f) "Law enforcement officer" means the same as that term is defined in Section

553 53-13-103.

554 (g) "Motor vehicle" means every self-propelled vehicle and every vehicle propelled by
555 electric power obtained from overhead trolley wires, but not operated upon rails, except
556 motorized wheel chairs and vehicles moved solely by human power.

557 (h) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13,
558 Peace Officer Classifications.

559 (i) "Public official" means [~~the same as that term is defined in Section 36-11-102.~~];

560 (i) a member of the Legislature;

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

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

564 (A) occupies a policymaking position;

565 (B) makes purchasing or contracting decisions;

566 (C) drafts legislation or makes rules;

567 (D) determines rates or fees; or

568 (E) makes adjudicative decisions;

569 (iv) an elected member of a local government, as defined in Section 36-11-102;

570 (v) an individual appointed to or employed in a position in a local government, as

571 defined in Section 36-11-102, if that individual:

572 (A) occupies a policymaking position;

573 (B) makes purchasing or contracting decisions;

574 (C) drafts ordinances or resolutions or drafts or makes rules;

575 (D) determines rates or fees; or

576 (E) makes adjudicative decisions;

577 (vi) a member of a board of education, as defined in Section 36-11-102;

578 (vii) an individual appointed to or employed in a position under a board of education,

579 as defined in Section 36-11-102, if that individual:

580 (A) occupies a policymaking position;

581 (B) makes purchasing or contracting decisions;

582 (C) drafts resolutions or policies or drafts or makes rules;

583 (D) determines rates or fees;

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

586 (F) makes adjudicative decisions; or

587 (viii) an immediate family member of an individual described in Subsections (1)(i)(i)
588 through (vii).

589 (j) "State institution of higher education" means the same as that term is defined in
590 Section 53B-3-102.

591 (k) "Vehicle" means every device in, upon, or by which any person or property is or
592 may be transported or drawn upon a highway, excepting devices used exclusively upon
593 stationary rails or tracks.

594 (2) The definitions provided in Subsection (1) are to be applied throughout this title in
595 addition to definitions that are applicable to specific chapters or parts.

596 Section 5. Section 53-1-106 is amended to read:

597 **53-1-106. Department duties -- Powers.**

598 (1) In addition to the responsibilities contained in this title, the department shall:

599 (a) make rules and perform the functions specified in Title 41, Chapter 6a, Traffic
600 Code, including:

601 (i) setting performance standards for towing companies to be used by the department,
602 as required by Section 41-6a-1406; and

603 (ii) advising the Department of Transportation regarding the safe design and operation
604 of school buses, as required by Section 41-6a-1304;

605 (b) make rules to establish and clarify standards pertaining to the curriculum and
606 teaching methods of a motor vehicle accident prevention course under Section 31A-19a-211;

607 (c) aid in enforcement efforts to combat drug trafficking;

608 (d) meet with the Division of Technology Services to formulate contracts, establish
609 priorities, and develop funding mechanisms for dispatch and telecommunications operations;

610 (e) provide assistance to the Crime Victim Reparations Board and the Utah Office for
611 Victims of Crime in conducting research or monitoring victims' programs, as required by
612 Section 63M-7-505;

613 (f) develop sexual assault exam protocol standards in conjunction with the Utah
614 Hospital Association;

615 (g) engage in emergency planning activities, including preparation of policy and
616 procedure and rulemaking necessary for implementation of the federal Emergency Planning
617 and Community Right to Know Act of 1986, as required by Section [53-2a-702](#);

618 (h) implement the provisions of Section [53-2a-402](#), the Emergency Management
619 Assistance Compact;

620 (i) ensure that any training or certification required of a public official, as defined in
621 Section [53-1-102](#), or public employee, as ~~[those terms are]~~ defined in Section [63G-22-102](#),
622 complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the
623 training or certification is required:

624 (i) under this title;

625 (ii) by the department; or

626 (iii) by an agency or division within the department;

627 (j) employ a law enforcement officer as a public safety liaison to be housed at the State
628 Board of Education who shall work with the State Board of Education to:

629 (i) support training with relevant state agencies for school resource officers as
630 described in Section [53G-8-702](#);

631 (ii) coordinate the creation of model policies and memorandums of understanding for a
632 local education agency and a local law enforcement agency; and

633 (iii) ensure cooperation between relevant state agencies, a local education agency, and
634 a local law enforcement agency to foster compliance with disciplinary related statutory
635 provisions, including Sections [53E-3-516](#) and [53G-8-211](#);

636 (k) provide for the security and protection of public officials, public officials' staff, and
637 the capitol hill complex in accordance with the provisions of this part; and

638 (l) fulfill the duties described in Sections [77-36-2.1](#) and [78B-7-120](#) related to lethality
639 assessments.

640 (2) (a) The department shall establish a schedule of fees as required or allowed in this
641 title for services provided by the department.

642 (b) All fees not established in statute shall be established in accordance with Section
643 [63J-1-504](#).

644 (3) The department may establish or contract for the establishment of an Organ
645 Procurement Donor Registry in accordance with Section [26B-8-319](#).

646 Section 6. Section **63G-23-102** is amended to read:

647 **63G-23-102. Definitions.**

648 As used in this chapter:

649 (1) "Public official" means, except as provided in Subsection (3), the same as that term
650 is defined in Section [~~36-11-102~~] 53-1-102.

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

652 (a) the Utah Supreme Court;

653 (b) the Utah Court of Appeals; or

654 (c) a district court.

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

657 Section 7. Section **67-24-103** is amended to read:

658 **67-24-103. Qualified prohibitions on lobbyists -- Time limit -- Exceptions.**

659 (1) Except as provided in Subsection (2), a former state official [~~serving on or after~~
660 ~~May 12, 2009,~~] may not become a lobbyist or engage in lobbying that would require
661 registration as a lobbyist under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act,
662 for one calendar year, beginning on the day the state official leaves office and ending on the
663 one-year anniversary of that day.

664 (2) This section does not apply if the former state official:

665 (a) engages in lobbying on behalf of:

666 [~~(a)~~ ~~himself~~]

667 (i) the former state official; or

668 [~~(b)~~ (ii)] a business with which [~~he~~] the former state official is associated, unless the
669 primary activity of the business is lobbying or governmental relations[-]; or

670 (b) lobbies only outside the branch of government where the former state official
671 served.

672 Section 8. **Effective date.**

673 This bill takes effect on May 1, 2024.