

HB0542S02 compared with HB0542S01

~~{deleted text}~~ shows text that was in HB0542S01 but was deleted in HB0542S02.

inserted text shows text that was not in HB0542S01 but was inserted into HB0542S02.

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~~{Representative Brady Brammer}~~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;

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- ▶ replaces the offense of employing or soliciting a person to lobby for contingent compensation with the offense described in the preceding paragraph;
- ~~{ ———→ removes the specific intent requirements from multiple provisions in the Lobbyist Disclosure and Regulation Act;~~
- ~~————→ imposes and modifies administrative penalties and license suspensions for violations of provisions of the Lobbyist Disclosure and Regulation Act;~~
- ~~————→ modifies and clarifies what constitutes a criminal violation of the Lobbyist Disclosure and Regulation Act, and addresses criminal penalties for the violations;~~
- ‡ ▶ 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:

None

Other Special Clauses:

~~{ ——— This bill provides a coordination clause. }~~ None

Utah Code Sections Affected:

AMENDS:

- 36-11-102, as last amended by Laws of Utah 2023, Chapter 16
- ~~{ ——— 36-11-103, as last amended by Laws of Utah 2022, Chapter 125~~
- ‡ 36-11-201, as last amended by Laws of Utah 2023, Chapter 16
- ~~{ ——— 36-11-302, as enacted by Laws of Utah 1991, Chapter 280~~
- ~~———— 36-11-303, as enacted by Laws of Utah 1991, Chapter 280~~
- ‡ 53-1-102, as last amended by Laws of Utah 2021, Chapters 349, 360
- 53-1-106, as last amended by Laws of Utah 2023, Chapters 328, 447
- ~~{ ——— 63E-1-404, as last amended by Laws of Utah 2022, Chapter 125~~
- ‡ 63G-23-102, as last amended by Laws of Utah 2022, Chapter 125
- 67-24-103, as enacted by Laws of Utah 2009, Chapter 360

REPEALS AND REENACTS:

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

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~~{ 36-11-401, as last amended by Laws of Utah 2022, Chapter 125~~

~~Utah Code Sections Affected By Coordination Clause:~~

~~— 36-11-302, as enacted by Laws of Utah 1991, Chapter 280~~

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

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

36-11-102. Definitions.

As used in this chapter:

(1) "Aggregate daily expenditures" means:

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

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

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

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

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

and

(ii) attendance at which is approved by:

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

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

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

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

(3) "Board of education" means:

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

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

Schools.

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

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

(b) "Compensation" includes:

- (i) a salary or commission;
- (ii) a bonus;
- (iii) a benefit;
- (iv) a contribution to a retirement program or account;

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

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

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

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

- (a) because of the public official's ownership interest in the compensation payor; or
- (b) for services rendered by the public official on behalf of the compensation payor.

~~(7)~~ "Education action" means:~~(7)~~

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

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

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

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

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

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

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

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

~~[(8)] (7) "Education official" means:~~

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

~~(b) an individual appointed to or employed in a position under a board of education ~~[(8)~~, if that individual: ~~[(1)]~~~~

~~[(i)] occupies a policymaking position ~~[-or makes purchasing or contracting decisions ~~[(1)]~~];~~~~

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

~~[(iii)] (ii) determines rates or fees; ~~[(1)]~~ or~~

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

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

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

~~[(9)] (8) "Event" means entertainment, a performance, a contest, or a recreational activity that an individual participates in or is a spectator at, including a sporting event, an artistic event, a play, a movie, dancing, or singing.~~

~~[(10) "Executive action" means: ~~[(1)]~~~~

~~[(a) a nomination or appointment by the governor; ~~[(1)]~~~~

~~[(b) the ~~[(1)]~~~~

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

[(b)] (c) the [proposal, drafting, amendment, enactment, or] passage or defeat by a state agency of a rule, or an amendment to a rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; ~~[(1)]~~ or

~~[(e)] (d) agency ratemaking proceedings ~~[-or]~~;~~

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

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~~(9)~~11) "Executive official" means:

(a) an individual elected to an executive office or appointed ~~official in the executive branch;~~

~~(b) a member of an agency or other organization} to fill a vacancy in an executive office; or~~

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

(i) occupies a policymaking position; or

~~(c)ii} another member of the executive branch} determines rates or fees.~~

~~(11)~~ (10)12) (a) "Expenditure" means any of the items listed in this Subsection ~~(11)(a)~~ (10)12(a) when given to or for the benefit of a public official unless consideration of equal or greater value is received:

(i) a purchase, payment, or distribution;

(ii) a loan, gift, or advance;

(iii) a deposit, subscription, or forbearance;

(iv) services or goods;

(v) money;

(vi) real property;

(vii) ~~except as provided in Subsection (10)(b)(xvi), }~~ a ticket or admission to an event;

or

(viii) a contract, promise, or agreement, whether or not legally enforceable, to provide any item listed in Subsections ~~(11)(a)(i) through (vii)~~ (10)12(a)(i) through (vii).

(b) "Expenditure" does not mean:

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

(ii) a campaign contribution:

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

(B) lawfully given to a person that is not required to report the contribution under a law or ordinance described in Subsection ~~(11)(b)(ii)(A)~~ (10)12(b)(ii)(A);

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

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official duties;

(iv) a devise or inheritance;

(v) any item listed in Subsection [(11)(a)] (10)(12)(a) if:

(A) given by a relative;

(B) given by a compensation payor for a purpose solely unrelated to the public

official's position as a public official;

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

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

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

(A) all members of the Legislature;

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

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

(D) all members of a party caucus; or

(E) all members of a group described in Subsections [~~(11)(b)(vi)(A) through (D)~~] (10)(12)(b)(vi)(A) through (D) who are attending a meeting of a national organization whose primary purpose is addressing general legislative policy;

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

(A) giving a speech at the event, tour, or meeting;

(B) participating in a panel discussion at the event, tour, or meeting; or

(C) presenting or receiving an award at the event, tour, or meeting;

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

(A) is presented in public; and

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

(ix) a gift that:

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

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

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

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

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

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

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

(A) a publication; or

(B) a commemorative item;

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

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

(B) to solicit a campaign contribution that a person is not required to report under a law or ordinance described in Subsection [~~(11)(b)(xi)(A)~~] (~~(10;12)~~(b)(xi)(A)); or

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

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

(xiii) sponsorship of an approved activity;

(xiv) notwithstanding Subsection [~~(11)(a)(vii)~~] (~~(10;12)~~(a)(vii), admission to, attendance at, or travel to or from an event, a tour, or a meeting:

(A) that is sponsored by a governmental entity;

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

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

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

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

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

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

(xvi) notwithstanding Subsection (12)(a)(vii), a ticket or admission to a sporting event provided by an institution of higher education described in Subsection 53B-2-101(1), or a private, nonprofit institution of higher education in the state, if~~[-]~~:

~~—— (A) } the {sporting event is held at the institution of higher education that provides admission to the sporting event;~~

~~—— (B) the institution of higher education has a team or athlete competing in the sporting event; and~~

~~—— (C) a representative of } purpose of the public official attending the event is to build a relationship between the institution of higher education ~~{attends the sporting event with}~~ and the public official ~~} to whom the institution of higher education provides admission to the sporting event~~; or~~

(xvii) notwithstanding Subsection (12)(a)(vii), a ticket or admission to a theatrical, musical, dancing, or other artistic performance, an art exhibition, or another artistic event provided by an institution of higher education described in Subsection 53B-2-101(1), or a private, nonprofit institution of higher education in the state, if~~[-]~~:

~~—— (A) the performance, exhibition, or artistic event is held at the institution of higher education that provides the admission;~~

~~—— (B) the institution of higher education has a student or athlete participating in, or whose work is featured in, the performance, exhibition, or artistic event; and~~

~~—— (C) a representative of } the purpose of the public official attending the event is to build a relationship between the institution of higher education ~~{attends the performance, exhibition, or artistic event with}~~ and the public official ~~} to whom the institution of higher education~~~~

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provides the admission.

[(12)] (~~(11)~~13) "Food reimbursement rate" means the total amount set by the director of the Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an employee of the executive branch, for an entire day.

[(13)] (~~(12)~~14) (a) "Foreign agent" means an individual who engages in lobbying under contract with a foreign government.

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

[(14)] (~~(13)~~15) "Foreign government" means a government other than the government of:

- (a) the United States;
- (b) a state within the United States;
- (c) a territory or possession of the United States; or
- (d) a political subdivision of the United States.

~~{ (14) (a) "Government action" means action, including action described in Subsection (14)(b), that a government actor:~~

~~—— (i) takes, directs another to take, or has the ability, authority, or responsibility to take or to direct another to take; or~~

~~—— (ii) refuses or fails to take, or refuses or fails to direct another to take, if the government actor has the ability, authority, or responsibility to take the action or to direct that the action be taken.~~

~~—— (b) "Government action" includes taking, directing another to take, refusing or failing to take, or refusing or failing to direct another to take the following action or a similar action:~~

~~—— (i) enacting, passing, repealing, drafting, proposing, amending, supporting, or opposing legislation, a substitute, an amendment, an appropriation, an ordinance, a rule, a policy, a resolution, a decision, an order, or an official opinion;~~

~~—— (ii) making or requesting an appropriation or expenditure;~~

~~—— (iii) making an appropriation or expenditure that is, or requesting that an appropriation or expenditure be, above, below, or at a certain amount;~~

~~—— (iv) voting, voting a certain way, or failing to vote;~~

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- ~~—— (v) making a determination or request regarding whether an item is placed on or removed from an agenda, calendar, or other list of potential action, or whether an item on an agenda, calendar, or other list of potential action is considered;~~
- ~~—— (vi) assigning, or requesting the assigning of, an item described in Subsection (14)(b)(i) to a committee or other body;~~
- ~~—— (vii) holding, or requesting the holding of, an item described in Subsection (14)(b)(i) in a committee or other body;~~
- ~~—— (viii) action taken by a committee or other body;~~
- ~~—— (ix) adding to, including in, or requesting the addition or inclusion of, certain language or items for a draft of, or an introduced version of, an item described in Subsection (14)(b)(i);~~
- ~~—— (x) removing from, or requesting the removal of, certain language or items from a draft of, or an introduced version of, an item described in Subsection (14)(b)(i);~~
- ~~—— (xi) calling or adjourning, requesting the calling or adjourning, or voting to call or adjourn a session, hearing, or meeting;~~
- ~~—— (xii) signing legislation into law;~~
- ~~—— (xiii) a veto or a veto override;~~
- ~~—— (xiv) holding an adjudicative or administrative proceeding, making an adjudicative or administrative decision, or taking an adjudicative or administrative action;~~
- ~~—— (xv) a purchasing or contracting decision;~~
- ~~—— (xvi) a rate or fee determination; or~~
- ~~—— (xvii) making, requesting, or confirming a nomination or appointment;~~
- ~~—— (15) "Government actor" means:~~
 - ~~—— (a) the Legislature, the House of Representatives, the Senate, a legislative committee, a legislative task force, or another instrumentality of the legislative branch of state government;~~
 - ~~—— (b) a legislative official;~~
 - ~~—— (c) an executive branch agency, office, bureau, or another instrumentality of the executive branch of state government;~~
 - ~~—— (d) an executive official;~~
 - ~~—— (e) a board of education, the State Board of Regents, or another instrumentality of the state public education system or the state system of higher education;~~
 - ~~—— (f) an education official;~~

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~~— (g) local government, a local legislative body, or an agency, office, bureau, or another instrumentality of local government; or~~

~~— (h) a local government official.~~

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

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

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

(iii) an individual appointed to fill a vacancy in a position described in Subsection [(15)(a)(i) or (ii)] (16)(a)(i) or (ii), when acting in the capacity of the position; or

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

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

(17) "Government action" means:

(a) an education action;

(b) an executive action;

(c) a legislative action; or

(d) a local action.

[(16)] ~~(17)~~ (18) "Immediate family" means:

(a) a spouse;

(b) a child residing in the household; or

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

[(17)] (19) "Legislative action" means ~~{:}~~

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

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

~~(18)~~ (20) "Legislative official" means ~~{:}~~

~~—~~ ~~(a)~~ ‡ a member, or a member elect, of the Utah Senate or the Utah House of

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Representatives ~~{; or}~~.

~~{~~ ~~(b) an employee of the Legislature.~~

~~}~~ [(18)] ~~(19)~~ (21) "Lobbying" means communicating with a public official for the purpose of influencing [a legislative action, executive action, local action, or education] government action.

~~(19)~~ ~~(20)~~ (22) (a) "Lobbyist" means[:] an individual who accepts or agrees to accept payment, a reward, an incentive, something of value, or other consideration in exchange for lobbying.

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

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

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

~~(b)~~ (c) "Lobbyist" does not include:

(i) a government officer;

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

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

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

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

~~(v)~~ (vi) a representative of a political party;

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

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

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

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

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

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

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

~~[(20)]~~ (21;23) "Lobbyist group" means two or more lobbyists, principals, government officers, or any combination of lobbyists, principals, and government officers, who each contribute a portion of an expenditure made to benefit a public official or member of the public official's immediate family.

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

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

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

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

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

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

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

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

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

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

- (a) a county, city, town, or metro township;
- (b) a special district governed by Title 17B, Limited Purpose Local Government

Entities - Special Districts;

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

Act;

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

Government Entities - Community Reinvestment Agency Act;

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

- (f) a redevelopment agency; or

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

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

(a) an ~~electe~~~~d~~ ~~{~~ ~~or~~ ~~appointed~~ ~~}~~ member of a local government ~~{~~ ~~or~~ ~~local~~ ~~legislative~~ ~~body~~ ~~; }~~ individual elected to a local government office or appointed to fill a vacancy in a local government office; or

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

~~{ }~~ (i) occupies a policymaking position ~~[~~ ~~or~~ ~~makes~~ ~~purchasing~~ ~~or~~ ~~contracting~~ ~~decisions~~ ~~{ }~~ ; or

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

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

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

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

~~[(24)]~~ [(27)] "Meeting" means a gathering of people to discuss an issue, receive instruction, or make a decision, including a conference, seminar, or summit.

~~[(25)]~~ [(28)] "Multiclient lobbyist" means a single lobbyist, principal, or government officer who represents two or more clients and divides the aggregate daily expenditure made to benefit a public official or member of the public official's immediate family between two or more of those clients.

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~~[(26)]~~[(29)] "Principal" means a person that ~~[employs an individual to perform lobbying, either as an employee or as an independent contractor]~~ pays or provides, or agrees or promises to pay or provide, a reward, an incentive, something of value, or other consideration to a person to engage in lobbying.

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

~~[(a) (i) a member of the Legislature;]~~

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

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

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

~~[(B) drafts legislation or makes rules;]~~

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

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

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

~~[(c) a local official; or]~~

~~[(d) an education official.]~~

~~[(27);~~[(30)] "Public official" means:

(a) an education official;

(b) an executive official;

(c) a legislative official;

(d) a local official; or

(e) an immediate family member of an official described in Subsections ~~[(27);~~[(30)](a)

through (d).

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

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

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

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

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

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state government ~~off~~ who meets the definition of ~~public~~ executive official ~~under Subsection (27)(a)(iii)];~~

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

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

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

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

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

~~(31)~~ (34) "Relative" means:

(a) a spouse;

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

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

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

(a) viewing a facility;

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

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

Section 2. Section ~~{36-11-103}~~ 36-11-201 is amended to read:

~~{~~ ~~36-11-103. Licensing requirements.~~

~~(1) (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the lieutenant governor by completing [the form required by] and submitting the lobbying license application form described in this section.~~

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

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

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- ~~—— (i) a place for the lobbyist's name and business address;~~
- ~~—— (ii) a place for the following information for each principal for whom the lobbyist works or is hired as an independent contractor:
 - ~~—— (A) the principal's name;~~
 - ~~—— (B) the principal's business address;~~
 - ~~—— (C) the name of each public official that the principal employs and the nature of the employment with the public official; and~~
 - ~~—— (D) the general purposes, interests, and nature of the principal;~~~~
- ~~—— (iii) a place for the name and address of the person who paid or will pay the lobbyist's licensing fee, if the fee is not paid by the lobbyist;~~
- ~~—— (iv) a place for the lobbyist to disclose:
 - ~~—— (A) any elected or appointed position that the lobbyist holds in state or local government, if any, and~~
 - ~~—— (B) the name of each public official that the lobbyist employs and the nature of the employment with the public official, if any;~~~~
- ~~—— (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist will be reimbursed;~~
- ~~—— (vi) a statement that an individual is required to register as a foreign agent under Section 36-11-103.5 before engaging in lobbying on behalf of a foreign government;~~
- ~~—— (vii) a place for the lobbyist to indicate whether the lobbyist would like to register as a foreign agent; and~~
- ~~—— (viii) a certification to be signed by the lobbyist that certifies that the information provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and belief;~~
- ~~—— (2) Each lobbyist who obtains a license under this section shall update the licensure information when the lobbyist accepts employment for lobbying by a new client.~~
- ~~—— (3) (a) Except as provided in Subsection (4), the lieutenant governor shall grant a lobbying license to an applicant who:
 - ~~—— (i) files an application with the lieutenant governor that contains the information required by this section and, if applicable, Section 36-11-103.5;~~
 - ~~—— (ii) completes the training required by Section 36-11-307; and~~~~

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- ~~—— (iii) pays a \$60 licensing fee.~~
- ~~—— (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals and expires on December 31 each year.~~
- ~~—— (4) (a) The lieutenant governor may disapprove an application for a lobbying license:~~
 - ~~—— (i) if [the applicant has been convicted of violating Section 76-8-103, 76-8-107, 76-8-108, or 76-8-303], within five years before the [date of] day on which the applicant submits the lobbying license application[;], the applicant:~~
 - ~~—— (A) is convicted of a violation described in Subsection 36-11-401(3)(a)(i);~~
 - ~~—— (B) failed to file a financial report described in Section 36-11-201 within 30 days after the day on which the lieutenant governor notified the applicant that the applicant failed to timely file the financial report; or~~
 - ~~—— (C) committed a subsequent violation described in Subsection 36-11-401(2)(b)(ii);~~
 - ~~—— (ii) if, within one year before the [date of] day on which the applicant submits the lobbying license application, the applicant is convicted of a violation [of:] described in Subsection 36-11-401(2)(a)(i):~~
 - ~~—— [(A) Section 76-8-104; or]~~
 - ~~—— [(B) Section 76-9-102, if the violation is a misdemeanor that occurs at an official meeting;]~~
 - ~~—— (iii) if the lieutenant governor finds that, within one year before the day on which the applicant submits the lobbying license application, the applicant committed a violation described in Subsection 36-11-401(2)(a)(ii);~~
 - ~~—— (iv) if, within one year before the day on which the applicant submits the lobbying license application, the applicant committed a subsequent violation described in Subsection 36-11-401(1)(b)(ii);~~
 - ~~—— [(iii)] (v) during the term of any suspension imposed under Section 36-11-401;~~
 - ~~—— [(iv)] (vi) if the applicant has not complied with Subsection 36-11-307(6);~~
 - ~~—— [(v)] (vii) during the term of a suspension imposed under Subsection 36-11-501(3);~~
 - ~~—— [(vi)] (viii) if the lobbyist fails to pay a fine imposed under [Subsection 36-11-501(3)] this chapter; or~~
 - ~~—— [(vii) if, within one year before the date of the lobbying license application, the applicant has been found to have willingly and knowingly:]~~

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~~———[(A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403; or]~~

~~———[(B) filed a document required by this chapter that the lobbyist knew contained materially false information or omitted material information; or]~~

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

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

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

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

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

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

~~———Section 3. Section 36-11-201 is amended to read:~~

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

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

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

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

(b) Except as provided in Subsection (1)(c), a government officer or principal that

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makes an expenditure during any of the quarterly reporting periods under Subsection (2)(a) shall file a financial report with the lieutenant governor on or before the date that a report for that quarter is due.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) A financial report shall contain:

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- (a) the total amount of expenditures made to benefit any public official during the quarterly reporting period;
- (b) the total amount of expenditures made, by the type of public official, during the quarterly reporting period;
- (c) for the financial report due on January 10:
 - (i) the total amount of expenditures made to benefit any public official during the last calendar year; and
 - (ii) the total amount of expenditures made, by the type of public official, during the last calendar year;
- (d) a disclosure of each expenditure made during the quarterly reporting period to reimburse or pay for travel or lodging for a public official, including:
 - (i) each travel destination and each lodging location;
 - (ii) the name of each public official who benefitted from the expenditure on travel or lodging;
 - (iii) the public official type of each public official named;
 - (iv) for each public official named, a listing of the amount and purpose of each expenditure made for travel or lodging; and
 - (v) the total amount of expenditures listed under Subsection (3)(d)(iv);
- (e) a disclosure of aggregate daily expenditures greater than \$10 made during the quarterly reporting period including:
 - (i) the date and purpose of the expenditure;
 - (ii) the location of the expenditure;
 - (iii) the name of any public official benefitted by the expenditure;
 - (iv) the type of the public official benefitted by the expenditure; and
 - (v) the total monetary worth of the benefit that the expenditure conferred on any public official;
- (f) for each public official who was employed by the lobbyist, principal, or government officer, a list that provides:
 - (i) the name of the public official; and
 - (ii) the nature of the employment with the public official;
- (g) each bill or resolution, by number and short title, on behalf of which the lobbyist,

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principal, or government officer made an expenditure to a public official;

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

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

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

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

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

(5) The lieutenant governor shall:

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

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

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

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

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

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

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

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

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

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licensing requirements of this chapter.

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

Section ~~{4}~~3. Section **36-11-301** is repealed and reenacted to read:

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

~~{(1) As used in this section:~~

- ~~— (a) "Actor" means the same as that term is defined in Section 76-1-101.5.~~
- ~~— (b) "Anything of value" includes anything of any worth or potential worth, regardless of whether the worth is speculative or may only be realized in the future, including:~~
 - ~~— (i) money;~~
 - ~~— (ii) a tangible or intangible item;~~
 - ~~— (iii) an ownership interest or other interest in personal property, real property, an entity, a venture, or another matter or thing;~~
 - ~~— (iv) intellectual property;~~
 - ~~— (v) royalties;~~
 - ~~— (vi) stocks or bonds;~~
 - ~~— (vii) accounts receivable;~~
 - ~~— (viii) forgiveness of debt;~~
 - ~~— (ix) a loan made below fair market value;~~
 - ~~— (x) a loan made upon beneficial terms that are provided without compensation, at fair market value, for the terms;~~
 - ~~— (xi) goods or services;~~
 - ~~— (xii) the use of real or personal property;~~
 - ~~— (xiii) travel, or goods or services incidental to travel;~~
 - ~~— (xiv) entertainment; or~~
 - ~~— (xv) participation in, or attendance at, an event.~~
- ~~— (2) }It is unlawful for {an actor to:~~
 - ~~— (a) give, offer to give, agree to give, or promise to give anything of value to a person as consideration, a reward for, or an incentive for lobbying, if the consideration, reward, or incentive, or the value of the consideration, reward, or incentive is based on:~~

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~~(i) whether certain government action occurs or does not occur;~~
~~(ii) the circumstances under which, or the manner in which, certain government action occurs or does not occur; or~~
~~(iii) the timing with which certain government action occurs or does not occur; or~~
~~(b) } a lobbyist to solicit, accept, or agree to accept anything of value from a person as consideration for, a reward for, or an incentive for, lobbying, if ~~the consideration, reward, or incentive, or the value of~~;~~

(1) the consideration, reward, or incentive is based on;

~~(i) } whether certain government action occurs or does not occur;~~
~~(ii) the circumstances under which, or the manner in which, certain government action occurs or does not occur; or~~
~~(iii) the timing with which certain government action occurs or does not occur.~~
~~(3) A violation of Subsection (2) is a class B misdemeanor.~~
~~(4) A person who violates this section is, in addition to the applicable criminal penalties, subject to:~~
~~(a) an administrative fine imposed by the lieutenant governor of the greater of:~~
~~(i) up to \$10,000; or~~
~~(ii) the total value of the things the actor gave, offered, agreed to give, or promised to give in violation of this section; and~~
~~(b) if the actor is a lobbyist, suspension of the actor's lobbying license for up to five years.~~
~~(5) A person may appeal a penalty imposed under Subsection (4) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.~~

The following section is affected by a coordination clause at the end of this bill.

~~Section 5. Section **36-11-302** is amended to read:~~

~~**36-11-302. Improper influence -- Communication with a legislator's employer prohibited.**~~

~~(1) A person may not seek to influence the vote of any legislator through communication with the legislator's employer.~~

~~(2) A violation of Subsection (1) is a class B misdemeanor.~~

~~Section 6. Section **36-11-303** is amended to read:~~

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~~**36-11-303. Prohibition on communicating false information to a public officer:**~~

~~(1) A person may not intentionally communicate to a public official any false information materially related to a matter within the responsibility of the public official.~~

~~(2) A violation of Subsection (1) is a class B misdemeanor.~~

~~Section 7. Section 36-11-401 is repealed and reenacted to read:~~

~~**36-11-401. Administrative penalties and license suspensions:**~~

~~(1) (a) Except as provided in Subsection (2), a person is subject to the penalties described in Subsection (1)(b) if the lieutenant governor finds that the person has:~~

~~(i) intentionally or knowingly violated Subsection 36-11-103(1)(a) or Section 36-11-403, relating to lobbying without a license;~~

~~(ii) violated Subsection 36-11-103(2), relating to updating licensing information;~~

~~(iii) violated Subsection 36-11-103(6) or (7), relating to the disclosure of expenditures;~~

~~(iv) violated Subsection 36-11-201(4), relating to a related person making an expenditure; or~~

~~(v) failed to timely file a financial report described in this chapter.~~

~~(b) The penalties applicable to Subsection (1)(a) are:~~

~~(i) except as provided in Subsection (1)(b)(ii), an administrative penalty of up to \$1,000 for each violation; or~~

~~(ii) for a subsequent violation of the same provision, described in Subsection (1)(a), within two years after the day on which the person last violated the provision:~~

~~(A) an administrative penalty of up to \$5,000; and~~

~~(B) suspension of the violator's lobbying license for up to one year.~~

~~(2) (a) A person is subject to the penalties described in Subsection (2)(b) if:~~

~~(i) the person is convicted of:~~

~~(A) Section 76-8-104, Threats to influence official or political action; or~~

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

~~(ii) the lieutenant governor finds that the person has:~~

~~(A) intentionally violated Subsection 36-11-103(2), relating to updating licensing information;~~

~~(B) intentionally violated Subsection 36-11-103(6) or (7), relating to the disclosure of~~

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expenditures;

~~—— (C) intentionally violated Subsection 36-11-201(4), relating to a related person making an expenditure;~~

~~—— (D) intentionally failed to timely file a financial report described in this chapter;~~

~~—— (E) violated Section 36-11-103.5, Registering as a foreign agent, if the applicant knew or should have known that the person on whose behalf they lobbied was a foreign government;~~

~~—— (F) violated Section 36-11-302, Improper influence -- Communication with a legislator's employer prohibited;~~

~~—— (G) violated Section 36-11-303, Prohibition on communicating false information to a public officer;~~

~~—— (H) violated Section 36-11-304, Expenditures over certain amounts prohibited;~~

~~—— (I) intentionally violated Subsection 36-11-201(1), (2), or (6), relating to financial reporting requirements;~~

~~—— (J) violated Subsection 36-11-201(4), relating to making an expenditure;~~

~~—— (K) violated Section 36-11-305.5(2), relating to name tag requirements;~~

~~—— (L) intentionally violated Subsection 36-11-305.5(3), relating to communicating the identity of a principal;~~

~~—— (M) violated Section 36-11-306, Conflicts of interest; or~~

~~—— (N) provided information that the applicant knew or should have known was false or misleading in, or knowingly omitted material information from, an application, report, or other disclosure described in this chapter.~~

~~—— (b) The penalties applicable to a violation described in Subsection (2)(a) are:~~

~~—— (i) except as provided in Subsection (2)(b)(ii):~~

~~—— (A) an administrative penalty of up to \$5,000; and~~

~~—— (B) suspension of the violator's lobbying license for up to one year; or~~

~~—— (ii) for a subsequent violation of the same provision, described in Subsection (2)(a), within two years after the day on which the person last violated the provision:~~

~~—— (A) an administrative penalty of up to \$10,000; and~~

~~—— (B) suspension of the violator's lobbying license for up to five years.~~

~~—— (3) (a) A person is subject to the penalties described in Subsection (3)(b) if the person:~~

~~—— (i) is convicted of:~~

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- ~~— (A) Section 76-8-103, Bribery or offering a bribe;~~
- ~~— (B) Section 76-8-107, Alteration of proposed legislative bill or resolution;~~
- ~~— (C) Section 76-8-108, Alteration of enrolled legislative bill or resolution;~~
- ~~— (D) Section 76-8-303, Prevention of Legislature or public servants from meeting or organizing;~~
- ~~— (E) Section 36-11-301, Contingent consideration, reward, or incentive prohibited; or~~
- ~~— (F) Section 36-11-305, Campaign contribution during session prohibited; or~~
- ~~— (ii) fails to file a financial report described in Section 36-11-201 within 30 days after the day on which the lieutenant governor notifies the person that the person failed to timely file the financial report.~~
- ~~— (b) The penalties applicable to a violation described in Subsection (3)(a) are:~~
 - ~~— (i) except as provided in Subsection 36-11-301(4)(a), an administrative penalty of up to \$10,000; and~~
 - ~~— (ii) suspension of the violator's lobbying license for up to five years.~~
- ~~— (4) The administrative penalties and license suspensions described in this section are in addition to any criminal penalties imposed for the violation.~~
- ~~— (5) A person may appeal a penalty imposed under this section in accordance with Title 63G, Chapter 4, Administrative Procedures Act.~~
- ~~— (6) A person with evidence of a possible violation of this chapter may submit the evidence to the lieutenant governor for investigation.~~
- ~~— (7) This chapter does not create a third-party cause of action} or~~
- (2) the value of the consideration is based on the value of an appropriation.

Section ~~{8}~~4. Section **53-1-102** is amended to read:

53-1-102. Definitions.

- (1) As used in this title:
 - (a) "Capitol hill complex" means the same as that term is defined in Section 63C-9-102.
 - (b) "Commissioner" means the commissioner of public safety appointed under Section 53-1-107.
 - (c) "Department" means the Department of Public Safety created in Section 53-1-103.
 - (d) "Governor-elect" means an individual whom the board of canvassers determines to

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be the successful candidate for governor after a general election for the office of governor.

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

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

(B) a state institution of higher education; or

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

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

(f) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

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

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

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

(i) a member of the Legislature;

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

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

(A) occupies a policymaking position;

(B) makes purchasing or contracting decisions;

(C) drafts legislation or makes rules;

(D) determines rates or fees; or

(E) makes adjudicative decisions;

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

(v) an individual appointed to or employed in a position in a local government, as defined in Section 36-11-102, if that individual:

(A) occupies a policymaking position;

(B) makes purchasing or contracting decisions;

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

(D) determines rates or fees; or

(E) makes adjudicative decisions;

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

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

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

(A) occupies a policymaking position;

(B) makes purchasing or contracting decisions;

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

(D) determines rates or fees;

(E) makes decisions relating to an education budget or the expenditure of public

money; or

(F) makes adjudicative decisions; or

(viii) an immediate family member of an individual described in Subsections (1)(i)(i)

through (vii).

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

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

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

Section ~~49~~5. Section **53-1-106** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

(h) implement the provisions of Section 53-2a-402, the Emergency Management Assistance Compact;

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

(i) under this title;

(ii) by the department; or

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

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

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

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

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

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

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

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

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

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

Section ~~{10}6~~. Section ~~{63E-1-404}~~ 63G-23-102 is amended to read:

~~{63E-1-404. Penalties for violation.~~

~~———— (1) A person who knowingly violates this part:~~

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

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

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

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

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

~~———— Section 11. Section 63G-23-102 is amended to read:~~

~~———— }63G-23-102. Definitions.~~

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As used in this chapter:

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

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

(a) the Utah Supreme Court;

(b) the Utah Court of Appeals; or

(c) a district court.

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

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

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

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

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

(a) engages in lobbying on behalf of:

[(a) himself]

(i) the former state official; or

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

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

Section ~~{12}~~ 8. **Effective date.**

This bill takes effect on May 1, 2024.

~~{~~ Section 13. Coordinating H.B. 542 with H.B. 138, and S.B. 183.

~~—~~ If H.B. 542, Lobbyist Disclosure and Regulation Act Modifications, and H.B. 138, Lobbyist Disclosure and Regulation Act Amendments, both pass and become law, if H.B. 542, Lobbyist Disclosure and Regulation Act Modifications, and S.B. 183, Lobbyist Activities Amendments, both pass and become law; or if H.B. 542, Lobbyist Disclosure and Regulation

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~~Act Modifications, H.B. 138, Lobbyist Disclosure and Regulation Act Amendments, and S.B. 183, Lobbyist Activities Amendments, all pass and become law, the Legislature intends that, on May 1, 2024, Section 36-11-302 be amended to read:~~

~~—— "36-11-302. Improper influence -- Communication with an elected official's employer prohibited.~~

~~—— [A person may not seek to influence the vote of any legislator through communication with the legislator's employer.](1) As used in this section:~~

~~—— (a) "Elected official" means:~~

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

~~—— (ii) a member of the legislative body of a local government;~~

~~—— (iii) a member of a board of education; or~~

~~—— (iv) the mayor of a city, town, or metro township.~~

~~—— (b) "Elected official" includes a person who is appointed to fill a vacancy in the office of an elected official described in Subsection (1)(a).~~

~~—— (2) A person may not communicate with an elected official's employer with the intent to influence, coerce, or intimidate the elected official's action on a vote or another official act.~~

~~—— (3) A violation of Subsection (2) is a class B misdemeanor."~~

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