

**Representative Brady Brammer** 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

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**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;
- ▶ 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;



- 26           ▶ creates an exception to the definition of "expenditure" in relation to certain sporting
- 27 events of a state or non-profit institution of higher education; and
- 28           ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           This bill provides a coordination clause.

33 **Utah Code Sections Affected:**

34 AMENDS:

- 35           **36-11-102**, as last amended by Laws of Utah 2023, Chapter 16
- 36           **36-11-103**, as last amended by Laws of Utah 2022, Chapter 125
- 37           **36-11-201**, as last amended by Laws of Utah 2023, Chapter 16
- 38           **36-11-302**, as enacted by Laws of Utah 1991, Chapter 280
- 39           **36-11-303**, as enacted by Laws of Utah 1991, Chapter 280
- 40           **53-1-102**, as last amended by Laws of Utah 2021, Chapters 349, 360
- 41           **53-1-106**, as last amended by Laws of Utah 2023, Chapters 328, 447
- 42           **63E-1-404**, as last amended by Laws of Utah 2022, Chapter 125
- 43           **63G-23-102**, as last amended by Laws of Utah 2022, Chapter 125

44 REPEALS AND REENACTS:

- 45           **36-11-301**, as enacted by Laws of Utah 1991, Chapter 280
- 46           **36-11-401**, as last amended by Laws of Utah 2022, Chapter 125

47 **Utah Code Sections Affected By Coordination Clause:**

- 48           **36-11-302**, as enacted by Laws of Utah 1991, Chapter 280



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

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

52           **36-11-102. Definitions.**

53           As used in this chapter:

54           (1) "Aggregate daily expenditures" means:

55           (a) for a single lobbyist, principal, or government officer, the total of all expenditures

56 made within a calendar day by the lobbyist, principal, or government officer for the benefit of

57 an individual public official;

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

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

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

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

67 (ii) attendance at which is approved by:

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

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

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

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

75 (3) "Board of education" means:

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

77 (b) the State Board of Education;

78 (c) the State Charter School Board created under Section [53G-5-201](#); or

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

81 (4) "Capitol hill complex" means the same as that term is defined in Section  
82 [63C-9-102](#).

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

86 (b) "Compensation" includes:

87 (i) a salary or commission;

- 88 (ii) a bonus;
- 89 (iii) a benefit;
- 90 (iv) a contribution to a retirement program or account;
- 91 (v) a payment includable in gross income, as defined in Section 62, Internal Revenue
- 92 Code, and subject to social security deductions, including a payment in excess of the maximum
- 93 amount subject to deduction under social security law;
- 94 (vi) an amount that the individual authorizes to be deducted or reduced for salary
- 95 deferral or other benefits authorized by federal law; or
- 96 (vii) income based on an individual's ownership interest.
- 97 (6) "Compensation payor" means a person who pays compensation to a public official
- 98 in the ordinary course of business:
  - 99 (a) because of the public official's ownership interest in the compensation payor; or
  - 100 (b) for services rendered by the public official on behalf of the compensation payor.
- 101 [~~(7) "Education action" means:~~]
- 102 [~~(a) a resolution, policy, or other official action for consideration by a board of~~
- 103 ~~education;~~]
- 104 [~~(b) a nomination or appointment by an education official or a board of education;~~]
- 105 [~~(c) a vote on an administrative action taken by a vote of a board of education;~~]
- 106 [~~(d) an adjudicative proceeding over which an education official has direct or indirect~~
- 107 ~~control;~~]
- 108 [~~(e) a purchasing or contracting decision;~~]
- 109 [~~(f) drafting or making a policy, resolution, or rule;~~]
- 110 [~~(g) determining a rate or fee; or~~]
- 111 [~~(h) making an adjudicative decision.~~]
- 112 [~~(8)~~] (7) "Education official" means:
  - 113 (a) a member of a board of education; or
  - 114 (b) an individual appointed to or employed in a position under a board of education~~;~~ if
  - 115 that individual]:
    - 116 [~~(i) occupies a policymaking position or makes purchasing or contracting decisions;~~]
    - 117 [~~(ii) drafts resolutions or policies or drafts or makes rules;~~]
    - 118 [~~(iii) determines rates or fees;~~]

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

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

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

124 ~~[(9)] (8) "Event" means entertainment, a performance, a contest, or a recreational~~  
 125 ~~activity that an individual participates in or is a spectator at, including a sporting event, an~~  
 126 ~~artistic event, a play, a movie, dancing, or singing.~~

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

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

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

131 ~~[(c) agency ratemaking proceedings; or]~~

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

133 (9) "Executive official" means:

134 (a) an elected or appointed official in the executive branch;

135 (b) a member of an agency or other organization in the executive branch; or

136 (c) another member of the executive branch.

137 ~~[(11)] (10) (a) "Expenditure" means any of the items listed in this Subsection ~~[(11)(a)]~~~~  
 138 ~~(10)(a) when given to or for the benefit of a public official unless consideration of equal or~~  
 139 ~~greater value is received:~~

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

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

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

143 (iv) services or goods;

144 (v) money;

145 (vi) real property;

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

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

149 (b) "Expenditure" does not mean:

- 150 (i) a commercially reasonable loan made in the ordinary course of business;
- 151 (ii) a campaign contribution:
  - 152 (A) reported in accordance with Title 20A, Chapter 11, Campaign and Financial
  - 153 Reporting Requirements, Section 10-3-208, Section 17-16-6.5, or any applicable ordinance
  - 154 adopted under Subsection 10-3-208(6) or 17-16-6.5(1); or
  - 155 (B) lawfully given to a person that is not required to report the contribution under a law
  - 156 or ordinance described in Subsection [~~(11)(b)(ii)(A)~~] (10)(b)(ii)(A);
- 157 (iii) printed informational material that is related to the performance of the recipient's
- 158 official duties;
- 159 (iv) a devise or inheritance;
- 160 (v) any item listed in Subsection [~~(11)(a)~~] (10)(a) if:
  - 161 (A) given by a relative;
  - 162 (B) given by a compensation payor for a purpose solely unrelated to the public
  - 163 official's position as a public official;
  - 164 (C) the item is food or beverage with a value that does not exceed the food
  - 165 reimbursement rate, and the aggregate daily expenditures for food and beverage do not exceed
  - 166 the food reimbursement rate; or
  - 167 (D) the item is not food or beverage, has a value of less than \$10, and the aggregate
  - 168 daily expenditures do not exceed \$10;
- 169 (vi) food or beverage that is provided at an event, a tour, or a meeting to which the
- 170 following are invited:
  - 171 (A) all members of the Legislature;
  - 172 (B) all members of a standing or interim committee;
  - 173 (C) all members of an official legislative task force;
  - 174 (D) all members of a party caucus; or
  - 175 (E) all members of a group described in Subsections [~~(11)(b)(vi)(A) through (D)~~]
  - 176 (10)(b)(vi)(A) through (D) who are attending a meeting of a national organization whose
  - 177 primary purpose is addressing general legislative policy;
- 178 (vii) food or beverage that is provided at an event, a tour, or a meeting to a public
- 179 official who is:
  - 180 (A) giving a speech at the event, tour, or meeting;

- 181 (B) participating in a panel discussion at the event, tour, or meeting; or
- 182 (C) presenting or receiving an award at the event, tour, or meeting;
- 183 (viii) a plaque, commendation, or award that:
  - 184 (A) is presented in public; and
  - 185 (B) has the name of the individual receiving the plaque, commendation, or award
  - 186 inscribed, etched, printed, or otherwise permanently marked on the plaque, commendation, or
  - 187 award;
- 188 (ix) a gift that:
  - 189 (A) is an item that is not consumable and not perishable;
  - 190 (B) a public official, other than a local official or an education official, accepts on
  - 191 behalf of the state;
  - 192 (C) the public official promptly remits to the state;
  - 193 (D) a property administrator does not reject under Section [63G-23-103](#);
  - 194 (E) does not constitute a direct benefit to the public official before or after the public
  - 195 official remits the gift to the state; and
  - 196 (F) after being remitted to the state, is not transferred, divided, distributed, or used to
  - 197 distribute a gift or benefit to one or more public officials in a manner that would otherwise
  - 198 qualify the gift as an expenditure if the gift were given directly to a public official;
- 199 (x) any of the following with a cash value not exceeding \$30:
  - 200 (A) a publication; or
  - 201 (B) a commemorative item;
  - 202 (xi) admission to or attendance at an event, a tour, or a meeting, the primary purpose of
  - 203 which is:
    - 204 (A) to solicit a contribution that is reportable under Title 20A, Chapter 11, Campaign
    - 205 and Financial Reporting Requirements, 2 U.S.C. Sec. 434, Section [10-3-208](#), Section
    - 206 [17-16-6.5](#), or an applicable ordinance adopted under Subsection [10-3-208\(6\)](#) or [17-16-6.5\(1\)](#);
    - 207 (B) to solicit a campaign contribution that a person is not required to report under a law
    - 208 or ordinance described in Subsection ~~[(11)(b)(xi)(A)]~~ [\(10\)\(b\)\(xi\)\(A\)](#); or
    - 209 (C) charitable solicitation, as defined in Section [13-22-2](#);
    - 210 (xii) travel to, lodging at, food or beverage served at, and admission to an approved
    - 211 activity;

- 212 (xiii) sponsorship of an approved activity;
- 213 (xiv) notwithstanding Subsection [~~(11)(a)(vii)~~] (10)(a)(vii), admission to, attendance
- 214 at, or travel to or from an event, a tour, or a meeting:
- 215 (A) that is sponsored by a governmental entity;
- 216 (B) that is widely attended and related to a governmental duty of a public official;
- 217 (C) for a local official, that is sponsored by an organization that represents only local
- 218 governments, including the Utah Association of Counties, the Utah League of Cities and
- 219 Towns, or the Utah Association of Special Districts; or
- 220 (D) for an education official, that is sponsored by a public school, a charter school, or
- 221 an organization that represents only public schools or charter schools, including the Utah
- 222 Association of Public Charter Schools, the Utah School Boards Association, or the Utah
- 223 School Superintendents Association; [~~or~~]
- 224 (xv) travel to a widely attended tour or meeting related to a governmental duty of a
- 225 public official if that travel results in a financial savings to:
- 226 (A) for a public official who is not a local official or an education official, the state; or
- 227 (B) for a public official who is a local official or an education official, the local
- 228 government or board of education to which the public official belongs[-];
- 229 (xvi) admission to a sporting event provided by an institution of higher education
- 230 described in Subsection 53B-2-101(1), or a private, nonprofit institution of higher education in
- 231 the state, if:
- 232 (A) the sporting event is held at the institution of higher education that provides
- 233 admission to the sporting event;
- 234 (B) the institution of higher education has a team or athlete competing in the sporting
- 235 event; and
- 236 (C) a representative of the institution of higher education attends the sporting event
- 237 with the public official to whom the institution of higher education provides admission to the
- 238 sporting event; or
- 239 (xvii) admission to a theatrical, musical, dancing, or other artistic performance, an art
- 240 exhibition, or another artistic event provided by an institution of higher education described in
- 241 Subsection 53B-2-101(1), or a private, nonprofit institution of higher education in the state, if:
- 242 (A) the performance, exhibition, or artistic event is held at the institution of higher



243 education that provides the admission;

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

246 (C) a representative of the institution of higher education attends the performance,  
247 exhibition, or artistic event with the public official to whom the institution of higher education  
248 provides the admission.

249 [~~(12)~~] (11) "Food reimbursement rate" means the total amount set by the director of the  
250 Division of Finance, by rule, under Section 63A-3-107, for in-state meal reimbursement, for an  
251 employee of the executive branch, for an entire day.

252 [~~(13)~~] (12) (a) "Foreign agent" means an individual who engages in lobbying under  
253 contract with a foreign government.

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

257 [~~(14)~~] (13) "Foreign government" means a government other than the government of:

258 (a) the United States;

259 (b) a state within the United States;

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

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

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

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

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

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

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

- 274 (ii) making or requesting an appropriation or expenditure;
- 275 (iii) making an appropriation or expenditure that is, or requesting that an appropriation
- 276 or expenditure be, above, below, or at a certain amount;
- 277 (iv) voting, voting a certain way, or failing to vote;
- 278 (v) making a determination or request regarding whether an item is placed on or
- 279 removed from an agenda, calendar, or other list of potential action, or whether an item on an
- 280 agenda, calendar, or other list of potential action is considered;
- 281 (vi) assigning, or requesting the assigning of, an item described in Subsection (14)(b)(i)
- 282 to a committee or other body;
- 283 (vii) holding, or requesting the holding of, an item described in Subsection (14)(b)(i) in
- 284 a committee or other body;
- 285 (viii) action taken by a committee or other body;
- 286 (ix) adding to, including in, or requesting the addition or inclusion of, certain language
- 287 or items for a draft of, or an introduced version of, an item described in Subsection (14)(b)(i);
- 288 (x) removing from, or requesting the removal of, certain language or items from a draft
- 289 of, or an introduced version of, an item described in Subsection (14)(b)(i);
- 290 (xi) calling or adjourning, requesting the calling or adjourning, or voting to call or
- 291 adjourn a session, hearing, or meeting;
- 292 (xii) signing legislation into law;
- 293 (xiii) a veto or a veto override;
- 294 (xiv) holding an adjudicative or administrative proceeding, making an adjudicative or
- 295 administrative decision, or taking an adjudicative or administrative action;
- 296 (xv) a purchasing or contracting decision;
- 297 (xvi) a rate or fee determination; or
- 298 (xvii) making, requesting, or confirming a nomination or appointment.
- 299 (15) "Government actor" means:
- 300 (a) the Legislature, the House of Representatives, the Senate, a legislative committee, a
- 301 legislative task force, or another instrumentality of the legislative branch of state government;
- 302 (b) a legislative official;
- 303 (c) an executive branch agency, office, bureau, or another instrumentality of the
- 304 executive branch of state government;

305 (d) an executive official;

306 (e) a board of education, the State Board of Regents, or another instrumentality of the  
 307 state public education system or the state system of higher education;

308 (f) an education official;

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

311 (h) a local government official.

312 ~~[(15)]~~ (16) (a) "Government officer" means:

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

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

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

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

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

324 ~~[(16)]~~ (17) "Immediate family" means:

325 (a) a spouse;

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

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

328 ~~[(17) "Legislative action" means:]~~

329 ~~[(a) a bill, resolution, amendment, nomination, veto override, or other matter pending~~  
 330 ~~or proposed in either house of the Legislature or its committees or requested by a legislator;~~  
 331 ~~and]~~

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

333 (18) "Legislative official" means:

334 (a) a member, or a member elect, of the Utah Senate or the Utah House of  
 335 Representatives; or

336 (b) an employee of the Legislature.

337 [~~(18)~~] (19) "Lobbying" means communicating with a public official for the purpose of  
338 influencing [~~a legislative action, executive action, local action, or education~~] government  
339 action.

340 [~~(19)~~] (20) (a) "Lobbyist" means~~[:]~~ an individual who accepts or agrees to accept  
341 payment, a reward, an incentive, something of value, or other consideration in exchange for  
342 lobbying.

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

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

346 (b) "Lobbyist" includes an individual who engages in lobbying on behalf of an entity in  
347 which the individual has an ownership interest.

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

349 (i) a government officer;

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

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

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

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

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

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

364 [~~(vii)~~] (viii) a newspaper, television station or network, radio station or network,  
365 periodical of general circulation, or book publisher for the purpose of publishing news items,  
366 editorials, other comments, or paid advertisements that directly or indirectly urge [~~legislative~~

367 ~~action, executive action, local action, or education]~~ government action;

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

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

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

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

381       [(20)] (21) "Lobbyist group" means two or more lobbyists, principals, government  
382 officers, or any combination of lobbyists, principals, and government officers, who each  
383 contribute a portion of an expenditure made to benefit a public official or member of the public  
384 official's immediate family.

385       [(21) "Local action" means:]

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

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

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

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

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

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

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

395       [(h) ~~making an adjudicative decision;~~]

396       (22) "Local government" means:

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

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

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

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

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

405 (f) a redevelopment agency; or

406 (g) an interlocal entity or a joint cooperative undertaking governed by Title 11, Chapter  
407 13, Interlocal Cooperation Act.

408 (23) "Local official" means:

409 (a) an elected or appointed member of a local government or local legislative body; or

410 (b) an individual appointed to or employed in a position in a local government [~~if that~~  
411 ~~individual~~].

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

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

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

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

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

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

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

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

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

- 429            [~~(a) (i) a member of the Legislature;~~]
- 430            [~~(ii) an individual elected to a position in the executive branch of state government; or]~~
- 431            [~~(iii) an individual appointed to or employed in a position in the executive or~~
- 432 ~~legislative branch of state government if that individual:]~~
- 433            [~~(A) occupies a policymaking position or makes purchasing or contracting decisions;~~]
- 434            [~~(B) drafts legislation or makes rules;~~]
- 435            [~~(C) determines rates or fees; or]~~
- 436            [~~(D) makes adjudicative decisions;~~]
- 437            [~~(b) an immediate family member of a person described in Subsection (27)(a);]~~
- 438            [~~(c) a local official; or]~~
- 439            [~~(d) an education official.]~~

440            (27) "Public official" means:

- 441            (a) an education official;
- 442            (b) an executive official;
- 443            (c) a legislative official;
- 444            (d) a local official; or
- 445            (e) an immediate family member of an official described in Subsections (27)(a)
- 446 through (d).

447            (28) "Public official type" means a notation to identify whether a public official is:

- 448            (a) (i) a member of the Legislature;
- 449            (ii) an individual elected to a position in the executive branch of state government;
- 450            (iii) an individual appointed to or employed in a position in the legislative branch of
- 451 state government [~~who meets the definition of public official under Subsection (27)(a)(iii)];~~
- 452            (iv) an individual appointed to or employed in a position in the executive branch of
- 453 state government [~~who meets the definition of public official under Subsection (27)(a)(iii)];~~
- 454            (v) a local official, including a description of the type of local government for which
- 455 the individual is a local official; or
- 456            (vi) an education official, including a description of the type of board of education for
- 457 which the individual is an education official; or
- 458            (b) an immediate family member of an individual described in [~~Subsection (27)(a), (c),~~
- 459 ~~or (d)] Subsections (27)(a) through (d).~~

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

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

464 (31) "Relative" means:

465 (a) a spouse;

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

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

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

471 (a) viewing a facility;

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

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

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

476 **36-11-103. Licensing requirements.**

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

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

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

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

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

486 (A) the principal's name;

487 (B) the principal's business address;

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

518 (i) if [~~the applicant has been convicted of violating Section 76-8-103, 76-8-107,~~  
519 ~~76-8-108, or 76-8-303~~], within five years before the [date of] day on which the applicant  
520 submits the lobbying license application[;], the applicant:

521 (A) is convicted of a violation described in Subsection 36-11-401(3)(a)(i);

522 (B) failed to file a financial report described in Section 36-11-201 within 30 days after  
523 the day on which the lieutenant governor notified the applicant that the applicant failed to  
524 timely file the financial report; or

525 (C) committed a subsequent violation described in Subsection 36-11-401(2)(b)(ii);

526 (ii) if, within one year before the ~~[date of]~~ day on which the applicant submits the  
527 lobbying license application, the applicant is convicted of a violation ~~[of:]~~ described in  
528 Subsection 36-11-401(2)(a)(i);

529 ~~[(A) Section 76-8-104; or]~~

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

532 (iii) if the lieutenant governor finds that, within one year before the day on which the  
533 applicant submits the lobbying license application, the applicant committed a violation  
534 described in Subsection 36-11-401(2)(a)(ii);

535 (iv) if, within one year before the day on which the applicant submits the lobbying  
536 license application, the applicant committed a subsequent violation described in Subsection  
537 36-11-401(1)(b)(ii);

538 ~~[(iii)]~~ (v) during the term of any suspension imposed under Section 36-11-401;

539 ~~[(iv)]~~ (vi) if the applicant has not complied with Subsection 36-11-307(6);

540 ~~[(v)]~~ (vii) during the term of a suspension imposed under Subsection 36-11-501(3);

541 ~~[(vi)]~~ (viii) if the lobbyist fails to pay a fine imposed under ~~[Subsection 36-11-501(3)]~~

542 this chapter; or

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

545 ~~[(A) violated this section or Section 36-11-201, 36-11-301, 36-11-302, 36-11-303,~~  
546 ~~36-11-304, 36-11-305, or 36-11-403; or]~~

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

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

551 (b) An applicant may appeal the disapproval in accordance with the procedures  
552 established by the lieutenant governor under this chapter and Title 63G, Chapter 4,

553 Administrative Procedures Act.

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

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

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

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

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

566 **36-11-201. Lobbyist, principal, and government officer financial reporting**  
567 **requirements -- Prohibition for related person to make expenditures.**

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

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

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

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

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

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

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

- 584 (C) for a board of education, the same board of education;
- 585 (D) for a local school board described in Title 53G, Chapter 4, School Districts, the  
586 same local school board or another local school board;
- 587 (E) for a special district, the same special district or another special district or a special  
588 service district;
- 589 (F) for a special service district, the same special service district or another special  
590 service district or a special district; or
- 591 (G) for a participant in an interlocal agreement, another participant in the same  
592 interlocal agreement.
- 593 (ii) A local official or an education official is not required, under this section, to report  
594 an expenditure made by the local official or education official to another local official or  
595 education official of the same local government type as the local official or education official  
596 making the expenditure.
- 597 (2) (a) A financial report is due quarterly on the following dates:
- 598 (i) April 10, for the period of January 1 through March 31;
- 599 (ii) July 10, for the period of April 1 through June 30;
- 600 (iii) October 10, for the period of July 1 through September 30; and
- 601 (iv) January 10, for the period of October 1 through December 31 of the previous year.
- 602 (b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday,  
603 the report is due on the next succeeding business day.
- 604 (c) A financial report is timely filed if it is filed electronically before the close of  
605 regular office hours on or before the due date.
- 606 (3) A financial report shall contain:
- 607 (a) the total amount of expenditures made to benefit any public official during the  
608 quarterly reporting period;
- 609 (b) the total amount of expenditures made, by the type of public official, during the  
610 quarterly reporting period;
- 611 (c) for the financial report due on January 10:
- 612 (i) the total amount of expenditures made to benefit any public official during the last  
613 calendar year; and
- 614 (ii) the total amount of expenditures made, by the type of public official, during the last

615 calendar year;

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

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

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

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

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

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

625 (e) a disclosure of aggregate daily expenditures greater than \$10 made during the  
626 quarterly reporting period including:

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

628 (ii) the location of the expenditure;

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

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

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

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

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

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

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

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

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

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

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

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

652 (5) The lieutenant governor shall:

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

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

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

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

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

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

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

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

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

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

673 Section 4. Section **36-11-301** is repealed and reenacted to read:

674 **36-11-301. Contingent consideration, reward, or incentive prohibited.**

675 (1) As used in this section:

676 (a) "Actor" means the same as that term is defined in Section 76-1-101.5.

- 677 (b) "Anything of value" includes anything of any worth or potential worth, regardless  
678 of whether the worth is speculative or may only be realized in the future, including:
- 679 (i) money;  
680 (ii) a tangible or intangible item;  
681 (iii) an ownership interest or other interest in personal property, real property, an entity,  
682 a venture, or another matter or thing;  
683 (iv) intellectual property;  
684 (v) royalties;  
685 (vi) stocks or bonds;  
686 (vii) accounts receivable;  
687 (viii) forgiveness of debt;  
688 (ix) a loan made below fair market value;  
689 (x) a loan made upon beneficial terms that are provided without compensation, at fair  
690 market value, for the terms;  
691 (xi) goods or services;  
692 (xii) the use of real or personal property;  
693 (xiii) travel, or goods or services incidental to travel;  
694 (xiv) entertainment; or  
695 (xv) participation in, or attendance at, an event.
- 696 (2) It is unlawful for an actor to:
- 697 (a) give, offer to give, agree to give, or promise to give anything of value to a person as  
698 consideration, a reward for, or an incentive for lobbying, if the consideration, reward, or  
699 incentive, or the value of the consideration, reward, or incentive is based on:
- 700 (i) whether certain government action occurs or does not occur;  
701 (ii) the circumstances under which, or the manner in which, certain government action  
702 occurs or does not occur; or  
703 (iii) the timing with which certain government action occurs or does not occur; or
- 704 (b) solicit, accept, or agree to accept anything of value from a person as consideration,  
705 a reward for, or an incentive for lobbying, if the consideration, reward, or incentive, or the  
706 value of the consideration, reward, or incentive is based on:
- 707 (i) whether certain government action occurs or does not occur;

708 (ii) the circumstances under which, or the manner in which, certain government action  
709 occurs or does not occur; or

710 (iii) the timing with which certain government action occurs or does not occur.

711 (3) A violation of Subsection (2) is a class B misdemeanor.

712 (4) A person who violates this section is, in addition to the applicable criminal  
713 penalties, subject to:

714 (a) an administrative fine imposed by the lieutenant governor of the greater of:

715 (i) up to \$10,000; or

716 (ii) the total value of the things the actor gave, offered, agreed to give, or promised to  
717 give in violation of this section; and

718 (b) if the actor is a lobbyist, suspension of the actor's lobbying license for up to five  
719 years.

720 (5) A person may appeal a penalty imposed under Subsection (4) in accordance with  
721 Title 63G, Chapter 4, Administrative Procedures Act.

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

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

724 **36-11-302. Improper influence -- Communication with a legislator's employer**  
725 **prohibited.**

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

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

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

730 **36-11-303. Prohibition on communicating false information to a public officer.**

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

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

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

735 **36-11-401. Administrative penalties and license suspensions.**

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

738 (i) intentionally or knowingly violated Subsection [36-11-103\(1\)\(a\)](#) or Section



739 36-11-403, relating to lobbying without a license;

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

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

742 (iv) violated Subsection 36-11-201(4), relating to a related person making an

743 expenditure; or

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

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

746 (i) except as provided in Subsection (1)(b)(ii), an administrative penalty of up to

747 \$1,000 for each violation; or

748 (ii) for a subsequent violation of the same provision, described in Subsection (1)(a),

749 within two years after the day on which the person last violated the provision:

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

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

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

753 (i) the person is convicted of:

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

755 (B) Section 76-9-102, Disorderly conduct, if the violation is a misdemeanor that occurs

756 at an official meeting; or

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

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

759 information;

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

761 expenditures;

762 (C) intentionally violated Subsection 36-11-201(4), relating to a related person making

763 an expenditure;

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

765 (E) violated Section 36-11-103.5, Registering as a foreign agent, if the applicant knew

766 or should have known that the person on whose behalf they lobbied was a foreign government;

767 (F) violated Section 36-11-302, Improper influence -- Communication with a

768 legislator's employer prohibited;

769 (G) violated Section 36-11-303, Prohibition on communicating false information to a

770 public officer;  
771 (H) violated Section 36-11-304, Expenditures over certain amounts prohibited;  
772 (I) intentionally violated Subsection 36-11-201(1), (2), or (6), relating to financial  
773 reporting requirements;  
774 (J) violated Subsection 36-11-201(4), relating to making an expenditure;  
775 (K) violated Section 36-11-305.5(2), relating to name tag requirements;  
776 (L) intentionally violated Subsection 36-11-305.5(3), relating to communicating the  
777 identity of a principal;  
778 (M) violated Section 36-11-306, Conflicts of interest; or  
779 (N) provided information that the applicant knew or should have known was false or  
780 misleading in, or knowingly omitted material information from, an application, report, or other  
781 disclosure described in this chapter.  
782 (b) The penalties applicable to a violation described in Subsection (2)(a) are:  
783 (i) except as provided in Subsection (2)(b)(ii):  
784 (A) an administrative penalty of up to \$5,000; and  
785 (B) suspension of the violator's lobbying license for up to one year; or  
786 (ii) for a subsequent violation of the same provision, described in Subsection (2)(a),  
787 within two years after the day on which the person last violated the provision:  
788 (A) an administrative penalty of up to \$10,000; and  
789 (B) suspension of the violator's lobbying license for up to five years.  
790 (3) (a) A person is subject to the penalties described in Subsection (3)(b) if the person:  
791 (i) is convicted of:  
792 (A) Section 76-8-103, Bribery or offering a bribe;  
793 (B) Section 76-8-107, Alteration of proposed legislative bill or resolution;  
794 (C) Section 76-8-108, Alteration of enrolled legislative bill or resolution;  
795 (D) Section 76-8-303, Prevention of Legislature or public servants from meeting or  
796 organizing;  
797 (E) Section 36-11-301, Contingent consideration, reward, or incentive prohibited; or  
798 (F) Section 36-11-305, Campaign contribution during session prohibited; or  
799 (ii) fails to file a financial report described in Section 36-11-201 within 30 days after  
800 the day on which the lieutenant governor notifies the person that the person failed to timely file

801 the financial report.

802 (b) The penalties applicable to a violation described in Subsection (3)(a) are:

803 (i) except as provided in Subsection 36-11-301(4)(a), an administrative penalty of up to  
804 \$10,000; and

805 (ii) suspension of the violator's lobbying license for up to five years.

806 (4) The administrative penalties and license suspensions described in this section are in  
807 addition to any criminal penalties imposed for the violation.

808 (5) A person may appeal a penalty imposed under this section in accordance with Title  
809 63G, Chapter 4, Administrative Procedures Act.

810 (6) A person with evidence of a possible violation of this chapter may submit the  
811 evidence to the lieutenant governor for investigation.

812 (7) This chapter does not create a third-party cause of action.

813 Section 8. Section **53-1-102** is amended to read:

814 **53-1-102. Definitions.**

815 (1) As used in this title:

816 (a) "Capitol hill complex" means the same as that term is defined in Section  
817 **63C-9-102.**

818 (b) "Commissioner" means the commissioner of public safety appointed under Section  
819 **53-1-107.**

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

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

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

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

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

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

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

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

832 53-13-103.

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

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

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

839 (i) a member of the Legislature;

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

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

843 (A) occupies a policymaking position;

844 (B) makes purchasing or contracting decisions;

845 (C) drafts legislation or makes rules;

846 (D) determines rates or fees; or

847 (E) makes adjudicative decisions;

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

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

851 (A) occupies a policymaking position;

852 (B) makes purchasing or contracting decisions;

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

854 (D) determines rates or fees; or

855 (E) makes adjudicative decisions;

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

857 (vii) an individual appointed to or employed in a position under a board of education,  
858 as defined in Section 36-11-102, if that individual:

859 (A) occupies a policymaking position;

860 (B) makes purchasing or contracting decisions;

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

862 (D) determines rates or fees;

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

865 (F) makes adjudicative decisions; or

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

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

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

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

875 Section 9. Section 53-1-106 is amended to read:

876 **53-1-106. Department duties -- Powers.**

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

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

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

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

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

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

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

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

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

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

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

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

903 (i) under this title;

904 (ii) by the department; or

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

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

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

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

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

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

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

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

921 (b) All fees not established in statute shall be established in accordance with Section  
922 63J-1-504.

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

925 Section 10. Section **63E-1-404** is amended to read:

926 **63E-1-404. Penalties for violation.**

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

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

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

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

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

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

942 Section 11. Section **63G-23-102** is amended to read:

943 **63G-23-102. Definitions.**

944 As used in this chapter:

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

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

948 (a) the Utah Supreme Court;

949 (b) the Utah Court of Appeals; or

950 (c) a district court.

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

953 Section 12. **Effective date.**

954 This bill takes effect on May 1, 2024.

955 Section 13. **Coordinating H.B. 542 with H.B. 138, and S.B. 183.**

956 If H.B. 542, Lobbyist Disclosure and Regulation Act Modifications, and H.B. 138,  
957 Lobbyist Disclosure and Regulation Act Amendments, both pass and become law; if H.B. 542,  
958 Lobbyist Disclosure and Regulation Act Modifications, and S.B. 183, Lobbyist Activities  
959 Amendments, both pass and become law; or if H.B. 542, Lobbyist Disclosure and Regulation  
960 Act Modifications, H.B. 138, Lobbyist Disclosure and Regulation Act Amendments, and S.B.  
961 183, Lobbyist Activities Amendments, all pass and become law, the Legislature intends that,  
962 on May 1, 2024, Section [36-11-302](#) be amended to read:

963 "36-11-302. Improper influence -- Communication with an elected official's employer  
964 prohibited.

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

967 (a) "Elected official" means:

968 (i) a member of the Legislature;

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

970 (iii) a member of a board of education; or

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

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

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

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