

1                                **CONFLICT OF INTEREST AMENDMENTS**

2    2022 GENERAL SESSION

3    STATE OF UTAH

4                                **Chief Sponsor: Phil Lyman**

5                                Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9                    This bill amends conflict of interest provisions for a lobbyist.

10 **Highlighted Provisions:**

11                    This bill:

12                    ► amends conflict of interest provisions for a lobbyist.

13 **Money Appropriated in this Bill:**

14                    None

15 **Other Special Clauses:**

16                    None

17 **Utah Code Sections Affected:**

18 AMENDS:

19                    **36-11-306**, as enacted by Laws of Utah 2007, Chapter 233

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

22                    Section 1. Section **36-11-306** is amended to read:

23                    **36-11-306. Conflicts of interest.**

24                    (1) As used in this section[~~,"conflict"~~]:

25                    (a) "Affiliate" means to have any of the following roles in relation to an entity that  
26 provides campaign management services or other campaign services:

27                    (i) a manager;



- 28            (ii) an adviser;
- 29            (iii) a consultant;
- 30            (iv) an owner;
- 31            (v) a partner, member, or shareholder; or
- 32            (vi) an investor.

33            (b) "Conflict of interest" means a circumstance where:

34            ~~[(a)]~~ (i) the representation of one principal or client will be directly adverse to another  
35 principal or client; or

36            ~~[(b)]~~ (ii) there is a significant risk that the representation of one or more principals or  
37 clients will be materially limited by the lobbyist's responsibilities to:

38            ~~[(i)]~~ (A) another principal or client; or

39            ~~[(ii)]~~ (B) a personal interest of the lobbyist.

40            (2) Except as provided in Subsection (3), a lobbyist may not represent a principal or  
41 client if the representation involves a conflict of interest.

42            (3) Notwithstanding the existence of a conflict of interest, a lobbyist may represent a  
43 principal or client if:

44            (a) the lobbyist reasonably believes that the lobbyist will be able to provide competent  
45 and diligent representation to each principal or client;

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

47            (c) the representation does not require the lobbyist to assert a position on behalf of one  
48 principal or client that is opposed to the position of another principal or client represented by  
49 the lobbyist involving the same legislative issue; and

50            (d) each affected principal or client gives informed consent to the conflict of interest in  
51 writing.

52            (4) A lobbyist may not serve as a campaign manager for, or affiliate with an entity that  
53 provides campaign management services or other campaign services to, a candidate who, if  
54 elected, the lobbyist may lobby.

55            (5) Subsection (4) does not prohibit a lobbyist from making a donation to the campaign  
56 of a candidate who, if elected, the lobbyist may lobby.