

Superseded 4/1/2014

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 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:
 - (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 registration 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; and
 - (vi) 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
 - (ii) pays a \$100 filing fee.
 - (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals and expires on December 31 of each even-numbered 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 the lobbying license application;
 - (ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304 within one year before the date of the lobbying license application;
 - (iii) for the term of any suspension imposed under Section 36-11-401;
 - (iv) if, within one year before the date of the lobbying license application, the applicant has been found to have willingly and knowingly:
 - (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
- (v) 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 license fees in the General Fund.
- (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.