

RESTRICTION ON FORMER STATE

OFFICIALS LOBBYING

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Jordan Tanner

AN ACT RELATING TO THE LEGISLATURE; CREATING THE LOBBYING RESTRICTIONS ACT; PROHIBITING STATE OFFICIALS FROM BECOMING LOBBYISTS FOR TWO YEARS AFTER LEAVING OFFICE; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

36-11a-101, Utah Code Annotated 1953

36-11a-102, Utah Code Annotated 1953

36-11a-201, Utah Code Annotated 1953

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

Section 1. Section **36-11a-101** is enacted to read:

CHAPTER 11a. LOBBYING RESTRICTIONS ACT

Part 1. General Provisions

36-11a-101. Title.

This chapter is known as the "Lobbying Restrictions Act."

Section 2. Section **36-11a-102** is enacted to read:

36-11a-102. Definitions.

As used in this chapter:

(1) "Executive action" means:

(a) nominations and appointments by the governor;

(b) the proposal, drafting, amendment, enactment, or repeal by a state agency of any rule

made in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act; and

28 (c) agency ratemaking proceedings.

29 (2) "Legislative action" means:

30 (a) bills, resolutions, amendments, nominations, and other matters pending or proposed
31 in either house of the Legislature or its committees or requested by a legislator; and

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

33 (3) "Lobbying" means communicating with a public official for the purpose of influencing
34 the passage, defeat, amendment, or postponement of legislative or executive action.

35 (4) (a) "Lobbyist" means an individual who is employed by a principal or who contracts
36 for economic consideration, other than reimbursement for reasonable travel expenses, with a
37 principal to lobby a public official.

38 (b) "Lobbyist" does not include:

39 (i) a public official while acting in his official capacity on matters pertaining to his office
40 or a state employee while acting within the scope of his employment;

41 (ii) any person appearing at, or providing written comments to, a hearing conducted in
42 accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, or Title 63, Chapter
43 46b, Administrative Procedures Act;

44 (iii) any person participating on or appearing before an advisory or study task force,
45 commission, board, or committee, constituted by the Legislature or any agency or department of
46 state government, except legislative standing, appropriation, or interim committees;

47 (iv) a representative of a political party;

48 (v) an individual representing a bona fide church solely for the purpose of protecting the
49 right to practice the religious doctrines of the church unless the individual or church makes an
50 expenditure that confers a benefit on a public official;

51 (vi) a newspaper, television station or network, radio station or network, periodical of
52 general circulation, or book publisher for the purpose of publishing news items, editorials, other
53 comments, or paid advertisements that directly or indirectly urge legislative or executive action;

54 (vii) an elected official of a local government while acting within the scope of his official
55 capacity on matters pertaining to his office or an employee of a local government while acting
56 within the scope of his employment; or

57 (viii) an individual who appears on his own behalf before a committee of the Legislature
58 or an executive branch agency solely for the purpose of testifying in support of or in opposition

59 to legislative or executive action.

60 (5) "Person" includes individuals, bodies politic and corporate, sole proprietorships,
61 partnerships, associations, and corporations.

62 (6) "Principal" means a person who employs a lobbyist either as an employee or as an
63 independent contractor.

64 (7) "Public official" means:

65 (a) a member of the Legislature;

66 (b) an individual elected to a position in the executive branch; or

67 (c) an individual appointed to or employed in the executive or legislative branch if that
68 individual:

69 (i) occupies a policymaking position or makes purchasing or contracting decisions;

70 (ii) drafts legislation or drafts or approves rules;

71 (iii) determines rates or fees; or

72 (iv) makes adjudicative decisions.

73 (8) "State official" means:

74 (a) all statewide elected officers;

75 (b) members of the Legislature; and

76 (c) persons occupying the positions listed in Section 67-22-2.

77 Section 3. Section **36-11a-201** is enacted to read:

78 **Part 2. Lobbying Restrictions**

79 **36-11a-201. Qualified prohibitions on lobbyists.**

80 (1) Except as provided in Subsection (2), a ~~former~~ state official may not become a
80a lobbyist or
81 engage in lobbying activities for ~~two~~ **ONE** calendar ~~years~~ **YEAR**, beginning the date the
81a official leaves office
82 and ending on the day after the ~~two~~ **ONE** -year anniversary of that date.

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

84 (a) engages in lobbying on behalf of himself or a business with which he is associated,
85 other than a business whose primary activity is lobbying or governmental relations; and

86 (b) does not engage in activities that would require registration as a lobbyist.

87 Section 4. **Effective date.**

88 This act takes effect on January 1, 2001.

Legislative Review Note
as of 12-29-98 2:11 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel