

**Senator R. Mont Evans** proposes to substitute the following bill:

**CITIZEN PARTICIPATION IN GOVERNMENT**

**ACT**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: R. Mont Evans**

AN ACT RELATING TO THE JUDICIAL CODE; PROVIDING FOR A SUMMARY  
PROCEDURE TO DISPOSE OF SUITS AGAINST CITIZENS WHO PARTICIPATE IN THE  
GOVERNMENT PROCESS.

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

ENACTS:

**78-57-101**, Utah Code Annotated 1953

**78-57-102**, Utah Code Annotated 1953

**78-57-103**, Utah Code Annotated 1953

**78-57-104**, Utah Code Annotated 1953

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

Section 1. Section **78-57-101** is enacted to read:

**CHAPTER 57. CITIZEN PARTICIPATION IN GOVERNMENT ACT**

**78-57-101. Title.**

This chapter is known as the "Citizen Participation in Government Act."

Section 2. Section **78-57-102** is enacted to read:

**78-57-102. Definitions.**

As used in this chapter:

(1) "Government" includes a branch, department, agency, instrumentality, official, employee, agent, or other person acting under color of law of the United States, a state, or subdivision of a state or other public authority.

26           (2) "Judicial claim" or "claim" includes any lawsuit, cause of action, claim, cross-claim,  
27 counterclaim, or other judicial pleading or filing requesting relief.

28           (3) "Moving party" means any person on whose behalf the motion is filed.

29           (4) "Person" means the same as defined in Section 68-3-12.

30           (5) "Process of government" means the mechanisms and procedures by which the  
31 legislative and executive branches of government make decisions, and the activities leading up to  
32 the decisions, including the exercise by a citizen of the right to influence those decisions under the  
33 First Amendment to the U.S. Constitution.

34           (6) "Responding party" means any person against whom the motion described in Section  
35 78-57-103 is filed.

36           (7) "State" means the same as defined in Section 68-3-12.

37           Section 3. Section **78-57-103** is enacted to read:

38           **78-57-103. Applicability.**

39           (1) A defendant in an action who believes that the action is based on, relates to, or is in  
40 response to an act of the defendant while participating in the process of government, may file:

41           (a) a verified answer detailing his belief that the action is designed to prevent, interfere  
42 with, or chill proper participation in the process of government, and specifying in detail the  
43 conduct asserted to be the participation in the process of government believed to give rise to the  
44 complaint; and

45           (b) a motion for judgment on the pleadings in accordance with the Utah Rules of Civil  
46 Procedure Rule 12(c).

47           (2) Affidavits detailing activity not adequately detailed in the answer may be filed with the  
48 motion.

49           Section 4. Section **78-57-104** is enacted to read:

50           **78-57-104. Procedures.**

51           (1) On the filing of a motion for judgment on the pleadings:

52           (a) the trial court shall hear and determine the motion as expeditiously as possible; and

53           (b) the moving party shall have a right of expedited appeal from a trial court order denying  
54 the motion or from a trial court failure to rule on the motion in expedited fashion.

55           (2) The court shall grant the motion and dismiss the action upon a finding that the purpose  
56 of the action is to prevent, interfere with, or chill the moving party's proper participation in the

57 process of government.

58 (3) Any government body to which the moving party's acts were directed or the attorney  
59 general may intervene to defend or otherwise support the moving party.

60 (4) The court may award a moving party who is dismissed costs of litigation, including  
61 reasonable attorney's fees incurred in connection with the motion.