

**ELECTED OFFICIALS - RESTRICTIONS ON  
LOBBYING**

2009 GENERAL SESSION

STATE OF UTAH

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31  
32 **LONG TITLE**

33 **General Description:**

34 This bill enacts the Lobbying Restrictions Act, which places restrictions on certain  
35 elected officers' ability to act as a lobbyist after leaving office.

36 **Highlighted Provisions:**

37 This bill:

- 38 ▶ enacts the Lobbying Restrictions Act, which prohibits certain elected government
- 39 officials from acting as a lobbyist for one year after leaving office; and
- 40 ▶ requires the lieutenant governor to disapprove an application for a lobbyist license
- 41 when the applicant does not meet the eligibility requirements.

42 **Monies Appropriated in this Bill:**

43 None

44 **Other Special Clauses:**

45 None

46 **Utah Code Sections Affected:**

47 AMENDS:

48 **36-11-103**, as last amended by Laws of Utah 2008, Chapter 382

49 ENACTS:

50 **67-24-101**, Utah Code Annotated 1953

51 **67-24-102**, Utah Code Annotated 1953

52 **67-24-103**, Utah Code Annotated 1953



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

55 Section 1. Section **36-11-103** is amended to read:

56 **36-11-103. Licensing requirements.**

57 (1) (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the  
58 lieutenant governor by completing the form required by this section.

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

60 (c) The lieutenant governor shall prepare a Lobbyist License Application Form that  
61 includes:

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

63 (ii) a place for the name and business address of each principal for whom the lobbyist  
64 works or is hired as an independent contractor;

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

67 (iv) a place for the lobbyist to disclose any elected or appointed position that the  
68 lobbyist holds in state or local government, if any;

69 (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist  
70 will be reimbursed; and

71 (vi) a certification to be signed by the lobbyist that certifies that the information  
72 provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and  
73 belief.

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

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

78 (i) files an application with the lieutenant governor that contains the information  
79 required by this section; and

80 (ii) pays a \$25 filing fee.

81 (b) A license entitles a person to serve as a lobbyist on behalf of one or more  
82 principals and expires on December 31 of each even-numbered year.

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

84 (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107,  
85 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;

86 (ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304  
87 within one year before the date of the lobbying license application;

88 (iii) for the term of any suspension imposed under Section 36-11-401; [or]

89 (iv) if, within one year before the date of the lobbying license application, the  
90 applicant has been found to have willingly and knowingly:

91 (A) violated [~~Section 36-11-103,~~] this section or Section 36-11-201, 36-11-301,  
92 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403; or

93 (B) filed a document required by this chapter that the lobbyist knew contained  
 94 materially false information or omitted material information[-]; or  
 95 (v) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter 24,  
 96 Lobbying Restrictions Act.

97 (b) An applicant may appeal the disapproval in accordance with the procedures  
 98 established by the lieutenant governor under this chapter and Title 63G, Chapter 4,  
 99 Administrative Procedures Act.

100 (5) The lieutenant governor shall deposit license fees in the General Fund.

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

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

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

109 Section 2. Section **67-24-101** is enacted to read:

110 **CHAPTER 24. LOBBYING RESTRICTIONS ACT**

111 **67-24-101. Title.**

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

113 Section 3. Section **67-24-102** is enacted to read:

114 **67-24-102. Definitions.**

115 As used in this chapter:

116 (1) "Lobbying" is as defined in Section 36-11-102.

117 (2) "Lobbyist" is as defined in Section 36-11-102.

118 (3) "State official" means:

119 (a) a member of the Legislature;

120 (b) the governor;

121 (c) the lieutenant governor;

122 (d) the state auditor;

123 (e) the state treasurer; and

124 (f) the attorney general.

125 Section 4. Section **67-24-103** is enacted to read:

126 **67-24-103. Qualified prohibitions on lobbyists -- Time limit -- Exceptions.**

127 (1) Except as provided in Subsection (2), a former state official serving on or after  
128 May 12, 2009, may not become a lobbyist or engage in lobbying that would require  
129 registration as a lobbyist under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act,  
130 for one calendar year, beginning on the day the state official leaves office and ending on the  
131 one-year anniversary of that day.

132 (2) This section does not apply if the former state official engages in lobbying on  
133 behalf of:

134 (a) himself; or

135 (b) a business with which he is associated, unless the primary activity of the business  
136 is lobbying or governmental relations.