

**ELECTED OFFICIALS - RESTRICTIONS ON
LOBBYING**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad L. Dee

Senate Sponsor: Gregory S. Bell

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

67-24-101, Utah Code Annotated 1953

67-24-102, Utah Code Annotated 1953



28 **67-24-103**, Utah Code Annotated 1953



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

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

32 **36-11-103. Licensing requirements.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

59 (4) (a) The lieutenant governor may disapprove an application for a lobbying license:
60 (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107,
61 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;
62 (ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304
63 within one year before the date of the lobbying license application;
64 (iii) for the term of any suspension imposed under Section 36-11-401; [or]
65 (iv) if, within one year before the date of the lobbying license application, the applicant
66 has been found to have willingly and knowingly:

67 (A) violated [~~Section 36-11-103;~~ this section or Section 36-11-201, 36-11-301,
68 36-11-302, 36-11-303, 36-11-304, 36-11-305, or 36-11-403; or

69 (B) filed a document required by this chapter that the lobbyist knew contained
70 materially false information or omitted material information[-]; or

71 (v) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter 24,
72 Lobbying Restrictions Act.

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

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

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

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

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

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

86 **CHAPTER 24. LOBBYING RESTRICTIONS ACT**

87 **67-24-101. Title.**

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

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

90 **67-24-102. Definitions.**

91 As used in this chapter:

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

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

94 (3) "State official" means:

95 (a) a member of the Legislature;

96 (b) the governor;

97 (c) the lieutenant governor;

98 (d) the state auditor;

99 (e) the state treasurer; and

100 (f) the attorney general.

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

102 **67-24-103. Qualified prohibitions on lobbyists -- Time limit -- Exceptions.**

103 (1) Except as provided in Subsection (2), a former state official serving on or after May
104 12, 2009, may not become a lobbyist or engage in lobbying that would require registration as a
105 lobbyist under Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act, for one calendar
106 year, beginning on the day the state official leaves office and ending on the one-year
107 anniversary of that day.

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

110 (a) himself; or

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

Legislative Review Note
as of 2-9-09 11:56 AM

Office of Legislative Research and General Counsel

H.B. 345 - Elected Officials - Restrictions on Lobbying

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Individuals covered by this bill could be impacted if they desired to become lobbyists before the year expired. It is unknown how much income might be lost during that period.
