

## **Title SR5. Lobbyist Ethics and Enforcement**

### **Chapter 1 General Provisions**

#### **SR5-1-101 Definitions.**

As used in this Senate Rule:

- (1)
  - (a) "Government official" means:
    - (i) an individual elected to a position in state or local government when acting within the individual's official capacity; or
    - (ii) an individual appointed to or employed in a full-time or part-time position by state or local government when acting within the scope of employment or within the individual's official capacity.
  - (b) "Government official" does not mean a member of the legislative branch of state government.
- (2) "Lobbyist" has the meaning identified in Utah Code Section 36-11-102.
- (3)
  - (a) "Volunteer lobbyist" means a person not registered as a lobbyist who engages in lobbying within the meaning of Utah Code Section 36-11-102.
  - (b) "Volunteer lobbyist" does not mean an individual who appears on the individual's own behalf to engage in lobbying within the meaning of Utah Code Section 36-11-102.

Enacted by S.R. 1, 2011 General Session

### **Chapter 2 Lobbyist Ethics**

#### **SR5-2-101 Lobbyist code of ethics.**

A lobbyist, volunteer lobbyist, or government official may not:

- (1) attempt to influence any legislator or legislative employee by means of deceit or by threat of violence or economic or political reprisal against any person or property, with intent by doing so to alter or affect the legislator's or legislative employee's decision, vote, opinion, or action concerning any matter that is to be considered or performed by the legislator, the legislative employee, or the agency or body of which the legislator or employee is a member;
- (2) knowingly provide false information to any legislator or legislative employee as to any material fact pertaining to any legislation;
- (3) knowingly omit, conceal, or falsify in any manner information required by the lobbyist registration and lobbyist disclosure reports;
- (4) participate in leadership races of the Senate;
- (5) cause or influence the introduction of any bill or amendment for the purpose of afterwards becoming employed to secure its passage or defeat;
- (6) engage in workplace discrimination or harassment, or in behavior that violates the Legislature's workplace harassment policy;
- (7) offer employment that would require or induce a legislator or legislative employee to disclose records classified as private, protected, or controlled;

- (8) use or disclose for any purpose any records classified as private, protected, or controlled that were obtained from a legislator or legislative employee or conspire with any person for that purpose; or
- (9) induce or seek to induce any legislator or legislative employee into committing a violation of any provision of this Senate Rule.

Enacted by S.R. 1, 2011 General Session

### **Chapter 3**

#### **Enforcement of Lobbyist Code of Ethics**

##### **SR5-3-101 Enforcement -- Written complaint.**

- (1) To initiate an ethics complaint against a lobbyist, volunteer lobbyist, or government official who has violated the lobbyist code of ethics established in SR5-2-101, either two senators from one party and one senator from another party, or five senators, shall sign and file a written complaint with the president of the Senate.
- (2) The written complaint shall contain:
  - (a) the name of each of the senators who is filing the complaint;
  - (b) the name of the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint;
  - (c) the nature of the alleged violation, citing specifically to the provisions of SR5-2-101 that the lobbyist, volunteer lobbyist, or government official is alleged to have violated;
  - (d) all documents that support the complaint as an attachment to it; and
  - (e) any facts alleged to support the complaint.
- (3)
  - (a) Any complaint filed under this rule is a protected record under Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, until referred to the investigating committee for action, because disclosure of the information in the complaint would constitute a clearly unwarranted invasion of personal privacy and that disclosure is not in the public interest.
  - (b) Any complaint filed under this rule that is withdrawn by the complainants is a protected record under Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, because disclosure of the information in the complaint would constitute a clearly unwarranted invasion of personal privacy and that disclosure is not in the public interest.

Enacted by S.R. 1, 2011 General Session

##### **SR5-3-102 Enforcement -- Meeting of the parties and witnesses.**

- (1) After receiving the complaint, the president shall meet with the legislators who filed the complaint, the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint, and any other persons who have relevant information about the complaint.
- (2) If, after that meeting, all of the senators who signed the complaint wish to proceed with the complaint, they shall, within 14 calendar days from the date of the meeting, send a letter to the president requesting that the president appoint a committee to investigate the complaint.

Enacted by S.R. 1, 2011 General Session

**SR5-3-103 Enforcement -- Investigating committee.**

- (1)
  - (a) Within 14 calendar days after receipt of a letter requesting the appointment of a committee to investigate the complaint, the president shall:
    - (i) appoint a committee composed of five members, three from the majority party and two from the minority party, to investigate the complaint; and
    - (ii) designate one senator as the committee chair.
  - (b) The president may not appoint a senator who signed the complaint to the investigating committee.
- (2)
  - (a) The chair of the committee shall schedule a committee meeting to investigate the complaint.
  - (b)
    - (i) The committee shall comply with the procedures and requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act, including the procedures and requirements for closing a meeting.
    - (ii) The Office of Legislative Research and General Counsel shall staff the committee.
  - (c)
    - (i) At the hearing, the committee shall review the complaint.
    - (ii) The committee may allow the legislators who filed the complaint to address and be questioned by the committee.
    - (iii) The committee shall provide the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint with the opportunity to address and be questioned by the committee.
    - (iv) The committee may allow other persons with information relevant to the complaint to address and be questioned by the committee.
  - (v)
    - (A) The complainants, the lobbyist, volunteer lobbyist, or government official, and any witness appearing before the committee, may have legal counsel present.
    - (B) That counsel may privately advise their client about the client's legal rights when specifically requested to do so by their client, but may not address the committee, ask questions of any party or witness, or engage in oral arguments with the committee.
    - (C) If counsel fails to abide by any of these rules, the committee may exclude the counsel from the meeting.
    - (D) Upon completion of the investigation, the committee shall report to the president, recommending what action, if any, should be taken against the lobbyist, volunteer lobbyist, or government official.
- (3) The president, after reviewing the committee's recommendation, may take appropriate action.

Enacted by S.R. 1, 2011 General Session