

**RESTRICTION ON STATE EMPLOYEES**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Jordan Tanner**

AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES; PROHIBITING  
RECORDING TELEPHONE CONVERSATIONS WITHOUT CONSENT; GRANTING  
RULEMAKING AUTHORITY; PROVIDING PENALTIES; AND MAKING TECHNICAL  
CORRECTIONS.

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

AMENDS:

**67-19-34**, as last amended by Chapter 259, Laws of Utah 1991

**67-19-37**, as enacted by Chapter 280, Laws of Utah 1990

ENACTS:

**67-16-4.1**, Utah Code Annotated 1953

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

Section 1. Section **67-16-4.1** is enacted to read:

**67-16-4.1. Recording conversations -- Penalties for violation.**

(1) A public officer or public employee may not record telephone conversations without the consent of all parties.

(2) A public officer or public employee who violates this chapter may be dismissed from employment, removed from office as provided by law, or disciplined according to the disciplinary procedures established by the Department of Human Resource Management under Section 67-19-34.

(3) Nothing in this section prohibits a public officer or public employee from intercepting communications as authorized by court order as provided in Section 77-23a-8.

Section 2. Section **67-19-34** is amended to read:

**67-19-34. Rulemaking power to executive director.**

1 In accordance with this chapter and Title 63, Chapter 46a, Utah Administrative  
2 Rulemaking Act, the executive director shall make rules regulating:

3 (1) disciplinary actions for employees subject to discipline under Section 67-19-37;  
4 (2) the testing of employees for the use of controlled substances or alcohol as provided in  
5 Section 67-19-36;  
6 (3) the confidentiality of drug testing and test results performed under Section 67-19-36  
7 in accordance with Title 63, Chapter 2, Government Records Access and Management Act; [and]  
8 (4) minimum blood levels of alcohol or drug content for work effectiveness of an  
9 employee[-]; and

10 (5) disciplinary actions for public employees subject to discipline under Section 67-16-4.1.

11 Section 3. Section **67-19-37** is amended to read:

12 **67-19-37. Discipline of employees.**

13 An employee [~~shall be~~] is subject to the disciplinary rules [~~of discipline of~~] established by  
14 the executive director [~~made in accordance with~~] under Section 67-19-34, if he:

15 (1) refuses to submit to testing procedures provided in Section 67-19-36;  
16 (2) refuses to complete a drug rehabilitation program in accordance with Subsection  
17 67-19-38(3);  
18 (3) is convicted under a federal or state criminal statute regulating the manufacture,  
19 distribution, dispensation, possession, or use of a controlled substance; or  
20 (4) manufactures, dispenses, possesses, uses, or distributes a controlled substance in  
21 violation of state or federal law during work hours or on state property[-]; or  
22 (5) records a telephone conversation in violation of Section 67-16-4.1.

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### Legislative Review Note

as of 1-23-98 11:52 AM

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

Office of Legislative Research and General Counsel