? Approved for Filing: JLF ? ? 01-30-01 12:40 PM ?

1	<b>RESTRICTIONS ON STATE OFFICIALS</b>
2	<b>BECOMING LOBBYISTS</b>
3	2001 GENERAL SESSION
4	STATE OF UTAH
5	Sponsor: Scott Daniels
6	This act modifies Title 36 of the Utah Code by enacting the Lobbying Restrictions Act. The
7	act defines certain terms and prohibits certain state officials from becoming lobbyists for two
8	years after leaving office. This act takes effect on January 1, 2002.
9	This act affects sections of Utah Code Annotated 1953 as follows:
10	ENACTS:
11	<b>36-11a-101</b> , Utah Code Annotated 1953
12	<b>36-11a-102</b> , Utah Code Annotated 1953
13	<b>36-11a-201</b> , Utah Code Annotated 1953
14	Be it enacted by the Legislature of the state of Utah:
15	Section 1. Section <b>36-11a-101</b> is enacted to read:
16	<b>CHAPTER 11a. LOBBYING RESTRICTIONS ACT</b>
17	Part 1. General Provisions
18	<u>36-11a-101.</u> Title.
19	This chapter is known as the "Lobbying Restrictions Act."
20	Section 2. Section <b>36-11a-102</b> is enacted to read:
21	<u>36-11a-102.</u> Definitions.
22	As used in this chapter:
23	(1) "Executive action" means:
24	(a) nominations and appointments by the governor;
25	(b) the proposal, drafting, amendment, enactment, or defeat by a state agency of any rule
26	made in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act; and
27	(c) agency ratemaking proceedings.

## H.B. 357

01-30-01 12:40 PM

28	(2) "Legislative action" means:
29	(a) bills, resolutions, amendments, nominations, and other matters pending or proposed
30	in either house of the Legislature or its committees or requested by a legislator; and
31	(b) the action of the governor in approving or vetoing legislation.
32	(3) "Lobbying" means communicating with a public official for the purpose of influencing
33	the passage, defeat, amendment, or postponement of legislative or executive action.
34	(4) (a) "Lobbyist" means an individual who is employed by a principal or who contracts
35	for economic consideration, other than reimbursement for reasonable travel expenses, with a
36	principal to lobby a public official.
37	(b) "Lobbyist" does not include:
38	(i) a public official while acting in his official capacity on matters pertaining to his office
39	or a state employee while acting within the scope of his employment;
40	(ii) any person appearing at, or providing written comments to, a hearing conducted in
41	accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act or Title 63, Chapter
42	46b, Administrative Procedures Act;
43	(iii) any person participating on or appearing before an advisory or study task force,
44	commission, board, or committee, constituted by the Legislature or any agency or department of
45	state government, except legislative standing, appropriation, or interim committees;
46	(iv) a representative of a political party;
47	(v) an individual representing a bona fide church solely for the purpose of protecting the
48	right to practice the religious doctrines of the church;
49	(vi) an elected official of a local government while acting within the scope of his official
50	capacity on matters pertaining to his office or an employee of a local government while acting
51	within the scope of his employment; or
52	(vii) an individual who appears on his own behalf before a committee of the Legislature
53	or an executive branch agency solely for the purpose of testifying in support of or in opposition
54	to legislative or executive action.
55	(5) "Person" includes individuals, bodies politic and corporate, partnerships, associations,
56	and companies.
57	(6) "Principal" means a person who employs a lobbyist either as an employee or as an
58	independent contractor.

## 01-30-01 12:40 PM

59	(7) "Public official" means:
60	(a) a member of the Legislature;
61	(b) an individual elected to a position in the executive branch; or
62	(c) an individual appointed to or employed in the executive or legislative branch if that
63	individual:
64	(i) occupies a policymaking position or makes purchasing or contracting decisions;
65	(ii) drafts legislation or makes rules;
66	(iii) determines rates or fees; or
67	(iv) makes adjudicative decisions.
68	(8) "State official" means:
69	(a) all statewide elected officers;
70	(b) members of the Legislature; and
71	(c) persons occupying the positions listed in Section 67-22-2.
72	Section 3. Section 36-11a-201 is enacted to read:
73	Part 2. Lobbying Restrictions
74	36-11a-201. Qualified prohibitions on lobbyists.
75	(1) Except as provided in Subsection (2), a former state official may not become a lobbyist
76	or engage in lobbying activities for two calendar years, beginning the date the state official leaves
77	office and ending on the day after the two-year anniversary of that date.
78	(2) This section does not apply if the former state official:
79	(a) engages in lobbying on behalf of himself or a business with which he is associated,
80	other than a business whose primary activity is lobbying or governmental relations; and
81	(b) does not engage in activities that would require registration as a lobbyist.
82	Section 4. Effective date.
83	This act takes effect on January 1, 2002.

## Legislative Review Note as of 1-30-01 6:51 AM

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

## Office of Legislative Research and General Counsel