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**RESTRICTIONS ON STATE OFFICIALS**

**BECOMING LOBBYISTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Scott Daniels**

**This act modifies Title 36 of the Utah Code by enacting the Lobbying Restrictions Act. The act defines certain terms and prohibits certain state officials from becoming lobbyists for two years after leaving office. This act takes effect on January 1, 2002.**

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

ENACTS:

**36-11a-101**, Utah Code Annotated 1953

**36-11a-102**, Utah Code Annotated 1953

**36-11a-201**, Utah Code Annotated 1953

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

Section 1. Section **36-11a-101** is enacted to read:

**CHAPTER 11a. LOBBYING RESTRICTIONS ACT**

**Part 1. General Provisions**

**36-11a-101. Title.**

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

Section 2. Section **36-11a-102** is enacted to read:

**36-11a-102. Definitions.**

As used in this chapter:

(1) "Executive action" means:

(a) nominations and appointments by the governor;

(b) the proposal, drafting, amendment, enactment, or defeat by a state agency of any rule made in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act; and

(c) agency ratemaking proceedings.

- 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.

