

1 **STATE AGENCY - LOBBYIST RESTRICTION**

2 **AMENDMENTS**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Wayne A. Harper**

6 **This act modifies statutory provisions governing lobbying by state agencies. This act**
7 **requires that certain information about lobbyists be reported to the Legislature and**
8 **authorizes the Legislature to penalize state agencies that hire a lobbyist.**

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

10 AMENDS:

11 **36-11-103**, as last amended by Chapter 338, Laws of Utah 2000

12 **63-38-3.1**, as enacted by Chapter 267, Laws of Utah 2001

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

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

15 **36-11-103. Licensing requirements.**

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

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

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

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

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

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

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



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

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

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

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

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

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

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

42 (4) (a) The lieutenant governor may disapprove an application for a lobbying license:

43 (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107,
44 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;

45 (ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304
46 within one year before the date of the lobbying license application;

47 (iii) for the term of any suspension imposed under Section 36-11-401; or

48 (iv) if, within one year before the date of the lobbying license application, the applicant
49 has been found to have willingly and knowingly:

50 (A) violated Section 36-11-103, 36-11-201, 36-11-301, 36-11-302, 36-11-303,
51 36-11-304, 36-11-305, or 36-11-403; or

52 (B) filed a document required by this chapter that the lobbyist knew contained
53 materially false information or omitted material information.

54 (b) An applicant may appeal the disapproval in accordance with the procedures
55 established by the lieutenant governor under this chapter and Title 63, Chapter 46b,
56 Administrative Procedures Act.

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

58 (6) A principal need not obtain a license under this section, but if the principal makes

59 expenditures to benefit a public official without using a lobbyist as an agent to confer those
60 benefits, the principal shall disclose those expenditures as required by Sections 36-11-201.

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

63 (8) The lieutenant governor shall provide information about lobbyists and their clients
64 to the Legislature as required by Section 63-38-3.1 and by legislative rule.

65 Section 2. Section **63-38-3.1** is amended to read:

66 **63-38-3.1. Restrictions on agency expenditures of monies -- Lobbyists.**

67 (1) As used in this section:

68 (a) (i) "Agency" means each department, commission, board, council, agency,
69 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
70 unit, bureau, panel, or other administrative unit of the state.

71 (ii) "Agency" includes the legislative branch, the judicial branch, the Board of Regents,
72 the board of trustees of each higher education institution, each higher education institution, or a
73 public education entity.

74 (b) "Executive action" means action undertaken by the governor, including signing or
75 vetoing legislation, and action undertaken by any official in the executive branch of
76 government.

77 (c) "Legislative action" means action undertaken by the Utah Legislature or any part of
78 it.

79 (d) "Lobbyist" means a person who is not an employee of an agency who is hired as an
80 independent contractor by the agency to communicate with legislators or the governor for the
81 purpose of influencing the passage, defeat, amendment, or postponement of legislative or
82 executive action.

83 (2) A state agency or entity to which monies are appropriated by the Legislature may
84 not expend any monies to pay a lobbyist.

85 (3) (a) No later than the first day of the annual general session, the lieutenant governor
86 shall report the names of each agency that is identified by a lobbyist as the lobbyist's client to:

87 (i) the Legislative Fiscal Analyst;

88 (ii) the speaker of the House;

89 (iii) the president of the Senate;

- 90 (iv) the House and Senate minority leaders; and
- 91 (v) the chairs of the Executive Appropriations Committee.
- 92 (b) The Legislature may reduce any General Fund, Uniform School Fund, or
- 93 Transportation Fund appropriation made to an agency that violates this section by up to twice
- 94 the amount paid to the lobbyist.

Legislative Review Note
as of 1-21-03 2:52 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0215

State Agency - Lobbyist Restriction Amendments

29-Jan-03

10:17 AM

State Impact

Fiscal requirements required to enact provisions of this bill can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst