

LOBBYIST REGULATION

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: James A. Ferrin

LONG TITLE

General Description:

This bill enacts the Lobbying Restrictions Act, which places restrictions on certain elected and appointed government officers' ability to act as a lobbyist after leaving office.

Highlighted Provisions:

This bill:

- ▶ enacts the Lobbying Restrictions Act, which prohibits certain elected and appointed government officials from acting as a lobbyist for two years after leaving office; and
- ▶ requires the lieutenant governor to disapprove an application for a lobbyist license when the applicant does not meet the eligibility requirements.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

36-11-103, as last amended by Chapter 27, Laws of Utah 2003

ENACTS:

67-24-101, Utah Code Annotated 1953

67-24-102, Utah Code Annotated 1953

67-24-103, Utah Code Annotated 1953



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

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

36-11-103. Licensing requirements.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) pays a \$25 filing fee.

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

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

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

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

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

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

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

(B) filed a document required by this chapter that the lobbyist knew contained materially false information or omitted material information~~[-]; or~~

(v) if the applicant is prohibited from becoming a lobbyist under Title 67, Chapter 24, Lobbying Restrictions Act.

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

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

(6) A principal need not obtain a license under this section, but if the principal makes expenditures to benefit a public official without using a lobbyist as an agent to confer those benefits, the principal shall disclose those expenditures as required by Sections 36-11-201.

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

(8) Surrender, cancellation, or expiration of a lobbyist license does not absolve the lobbyist of the duty to file the financial reports if the lobbyist is otherwise required to file the reports by Section 36-11-201.

Section 2. Section **67-24-101** is enacted to read:

CHAPTER 24. LOBBYING RESTRICTIONS ACT

67-24-101. Title.

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

Section 3. Section **67-24-102** is enacted to read:

67-24-102. Definitions.

As used in this chapter:

(1) "Lobbying" has the same meaning as defined in Section 36-11-102.

(2) "Lobbyist" has the same meaning as defined in Section 36-11-102.

(3) "State official" means:

(a) the governor;

(b) the lieutenant governor;

(c) a member of the governor's cabinet;

(d) the governor's chief of staff;

(e) the governor's deputy chief of staff; and

(f) the governor's general counsel.

Section 4. Section **67-24-103** is enacted to read:

67-24-103. Qualified prohibitions on lobbyists.

(1) Except as provided in Subsection (2), a former state official may not become a lobbyist or engage in lobbying activities for two calendar years, beginning the date the state official leaves office and ending on the two-year anniversary of that date.

(2) This section does not apply if the former state official:

(a) engages in lobbying on behalf of himself or a business with which he is associated, other than a business whose primary activity is lobbying or governmental relations; and

(b) does not engage in activities that would require registration as a lobbyist.

Legislative Review Note
as of 2-4-05 5:19 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0369

Lobbyist Regulation

17-Feb-05

7:53 AM

State Impact

Provisions of this bill can be enacted within existing budgets.

Individual and Business Impact

Individuals affected by provisions of this bill could suffer a fiscal impact by not being able to pursue lobbyist contracts.

Office of the Legislative Fiscal Analyst