

REFERENCE TITLE: public agency lobbyists

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

## **SCR 1009**

Introduced by  
Senators Gray L, Blendu, Gould, Johnson; Representatives Anderson, Pearce:  
Senators Burns, Huppenthal; Representatives Burges, Clark, Farnsworth,  
Weiers J, Yarbrough

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO  
PUBLIC AGENCY LOBBYISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of  
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,  
4 the following measure, relating to public agency lobbyists, is enacted to  
5 become valid as a law if approved by the voters and on proclamation of the  
6 Governor:

7 AN ACT

8 AMENDING TITLE 41, CHAPTER 7, ARTICLE 8.1, ARIZONA REVISED  
9 STATUTES, BY ADDING SECTION 41-1234; RELATING TO PUBLIC AGENCY  
10 LOBBYISTS.

11 Be it enacted by the Legislature of the State of Arizona:

12 Section 1. Title 41, chapter 7, article 8.1, Arizona  
13 Revised Statutes, is amended by adding section 41-1234, to read:

14 41-1234. Public agency lobbyists prohibited; exceptions;  
15 enforcement

16 A. NOTWITHSTANDING ANY OTHER LAW AND EXCEPT AS PRESCRIBED  
17 BY THIS SECTION, A PUBLIC OFFICER OR PUBLIC EMPLOYEE OR A  
18 CONSULTANT OR INDEPENDENT CONTRACTOR RETAINED BY OR FOR A PUBLIC  
19 OFFICER OR PUBLIC EMPLOYEE OR BY OR FOR A PUBLIC AGENCY,  
20 DEPARTMENT, BOARD OR COMMISSION OR ANY POLITICAL SUBDIVISION OF  
21 THIS STATE:

22 1. SHALL NOT LOBBY THE LEGISLATURE ON BEHALF OF THAT  
23 OFFICER, EMPLOYEE, AGENCY, DEPARTMENT, BOARD, COMMISSION OR  
24 POLITICAL SUBDIVISION.

25 2. SHALL NOT SPEND PUBLIC RESOURCES TO LOBBY THE  
26 LEGISLATURE.

27 B. ON REQUEST BY A MEMBER OF THE LEGISLATURE, AN OFFICER  
28 OR EMPLOYEE OF A PUBLIC AGENCY, DEPARTMENT, BOARD OR COMMISSION  
29 OR ANY POLITICAL SUBDIVISION OF THIS STATE MAY APPEAR BEFORE OR  
30 OTHERWISE COMMUNICATE WITH A MEMBER OF THE LEGISLATURE ONLY IF  
31 THAT PERSON IS CALLED TO PROVIDE EXPERT TESTIMONY OR IF THAT  
32 PERSON PROVIDES INFORMATION AND DOES NOT PROVIDE ANY  
33 RECOMMENDATIONS FOR ACTION.

34 C. THIS SECTION DOES NOT PROHIBIT ANY ELECTED BODY FROM  
35 MEETING WITH ONE OR MORE LEGISLATORS DURING AN OPEN MEETING OF  
36 THAT ELECTED BODY.

37 D. ANY PERSON WHO IS A PUBLIC OFFICER OR PUBLIC EMPLOYEE  
38 AND WHO IS NOT AUTHORIZED TO COMMUNICATE WITH THE LEGISLATURE  
39 PURSUANT TO THIS SECTION MAY SPEAK WITH OR OTHERWISE COMMUNICATE  
40 WITH ANY MEMBER OR EMPLOYEE OF THE LEGISLATURE ON THE PERSON'S  
41 OWN BEHALF AND MAY FULLY PARTICIPATE IN THE LEGISLATIVE PROCESS  
42 IF BOTH OF THE FOLLOWING APPLY:

43 1. THE PUBLIC OFFICER OR PUBLIC EMPLOYEE IS ACTING IN A  
44 PRIVATE CAPACITY.

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2. THE PUBLIC OFFICER OR PUBLIC EMPLOYEE IS NOT BEING COMPENSATED BY A PUBLIC EMPLOYER FOR THE TIME SPENT COMMUNICATING IN THAT PRIVATE CAPACITY.

E. THE ATTORNEY GENERAL OR ANY PERSON MAY BRING AN ACTION IN THE SUPERIOR COURT TO ENFORCE THIS SECTION, INCLUDING AN ACTION TO ENJOIN THE UNLAWFUL EXPENDITURE OF PUBLIC MONIES AND RESTITUTION OF MONIES UNLAWFULLY SPENT. THE COURT SHALL AWARD ATTORNEY FEES TO ANY PERSON WHO PREVAILS IN AN ACTION FOR ENFORCEMENT.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article IV, part 1, section 1, Constitution of Arizona.