Representative Ron Bigelow proposes to substitute the following bill:

LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Bigelow

This act modifies lobbyist financial reporting requirements to govern situations where multiple lobbyists split expenditures and where a single lobbyist splits expenditures between multiple clients. This act makes technical corrections.

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

AMENDS:

36-11-201, as last amended by Chapter 338, Laws of Utah 2000

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

Section 1. Section **36-11-201** is amended to read:

36-11-201. Lobbyist, principal, and government officer financial reporting requirements -- Prohibition for related person to make expenditures.

(1) (a) (i) Each lobbyist, principal, and government officer shall file an annual financial report with the lieutenant governor on January 10 of each year or on the next succeeding business day if January 10 falls on a Saturday, Sunday, or legal holiday. The report shall be considered timely filed if postmarked on its due date.

(ii) The report shall disclose expenditures made to benefit public officials or members of their immediate families as provided in this section.

(iii) If the lobbyist made no expenditures since the last expenditure reported on the last report filed, the lobbyist shall file a financial report listing the amount of expenditures as "none."

(b) The January 10 report shall contain:

(i) the total amount of expenditures made to benefit public officials during the last calendar year;

(ii) (A) the total travel expenditures that the lobbyist, principal, or government officer made to benefit public officials and their immediate families during the last calendar year; and

(B) a travel expenditure statement that:

(I) describes the destination of each trip and its purpose;

(II) identifies the total amount of expenditures made to benefit each public official and members of the public official's immediate family for each trip;

(III) names all individuals that took each trip;

(IV) provides the name and address of the organization that sponsored each trip; and

(V) identifies specific expenditures for food, lodging, gifts, and sidetrips;

(iii) for aggregate daily expenditures made to benefit public officials or members of their immediate families that are not reportable under Subsection (1)(b):

(A) when the amount does not exceed $50 per person:

(I) the date of the expenditure;

(II) the purpose of the expenditure; and

(III) the total monetary worth of the benefit conferred on the public officials or members of their immediate families;

(B) when the amount exceeds $50 per person:

(I) the date, location, and purpose of the event, activity, or expenditure;

(II) the name of the public official or member of the public official's immediate family who attended the event or activity or received the benefit of the expenditure; and

(III) the total monetary worth of the benefit conferred on the public official or member of the public official's immediate family;

(iv) a list of each public official who was employed by the lobbyist, principal, or government officer or who performed work as an independent contractor for the lobbyist, principal, or government officer during the last year that details the nature of the employment or contract;

(v) each bill or resolution by number and short title on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official for which a report is required by this section, if any;

(vi) a description of each executive action on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official for which a report is required by this section, if any; and

(vii) the general purposes, interests, and nature of the organization or organizations that the lobbyist, principal, or government officer filing the report represents.

(2) (a) As used in this Subsection (2):

(i) "Lobbyist group" means two or more lobbyists, principals, government officers, and any combination of lobbyists, principals, and officers who each contribute a portion of an expenditure made to benefit a public employee or member of his immediate family.

(ii) "Multi-client lobbyist" means a single lobbyist, principal, or government officer who represents two or more clients and divides the aggregate daily expenditure made to benefit a public employee or member of his immediate family between two or more of those clients.

(b) When a lobbyist group combines to make aggregate daily expenditures to benefit public officials or members of their immediate families, and the total aggregate daily expenditure of the lobbyist group exceeds $50 per person, each member of the lobbyist group shall disclose on the reports required by this section:

(i) the date, location, and purpose of the event, activity, or expenditure;

(ii) the name of the public official or member of the public official's immediate family who attended the event or activity or received the benefit of the expenditure; and

(iii) the total monetary worth of the benefit conferred on the public official or member of the public official's immediate family by the lobbyist group and the total monetary worth of the benefit conferred upon the public official or member of the public official's immediate family by the lobbyist, principal, or government officer filing the report;

(iv) a list of each public official who was employed by the lobbyist, principal, or government officer or who performed work as an independent contractor for the lobbyist, principal, or government officer during the last year that details the nature of the employment or contract;

(v) each bill or resolution by number and short title on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official for which a report is required by this section, if any;

(vi) a description of each executive action on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official for which a report is required by this section, if any; and

(vii) the general purposes, interests, and nature of the organization or organizations that the lobbyist, principal, or government officer filing the report represents.

(c) When a multi-client lobbyist makes aggregate daily expenditures to benefit public officials or members of their immediate families, and the sum of the total aggregate daily expenditure for all of the lobbyist's clients exceeds $50 for a public official or family member, the multi-client lobbyist shall, for each client, disclose on the reports required by this section:

(i) the date, location, and purpose of the event, activity, or expenditure;

(ii) the name of the public official or member of the public official's immediate family who attended the event or activity or received the benefit of the expenditure; and

(iii) the total monetary worth of the benefit conferred on the public official or member of the public official's immediate family by all clients and the total monetary worth of the benefit conferred on the public official or member of the public official's immediate family by the client upon whose behalf the report is filed;

(iv) a list of each public official who was employed by the lobbyist, principal, or government officer or who performed work as an independent contractor for the lobbyist, principal, or government officer during the last year that details the nature of the employment or contract;

(v) each bill or resolution by number and short title on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official for which a report is required by this section, if any;

(vi) a description of each executive action on behalf of which the lobbyist, principal, or government officer made an expenditure to a public official for which a report is required by this section, if any; and

(vii) the general purposes, interests, and nature of the organization or organizations that the lobbyist, principal, or government officer filing the report represents.

[~~(2)~~] (3) A related person may not, while assisting a lobbyist, principal, or government officer in lobbying, make an expenditure that benefits a public official or member of the public official's immediate family under circumstances which would otherwise fall within the disclosure requirements of this chapter if the expenditure was made by the lobbyist, principal, or government officer.

[~~(3)~~] (4) (a) Each lobbyist, principal, and government officer who makes expenditures totaling $50 or more to benefit public officials or members of their immediate families since the date of the last financial report filed shall file a financial report with the lieutenant governor on:

(i) the date ten days after the last day of each annual general session;

(ii) the date seven days before a regular general election; and

(iii) the date seven days after the end of a special session or veto override session.

(b) (i) If any date specified in this Subsection (3) falls on a Saturday, Sunday, or legal holiday, the report is due on the next business day or on the next succeeding business day, if the due date falls on a Saturday, Sunday, or legal holiday.

(ii) The report shall be considered timely filed if it is postmarked on its due date.

(c) Each report shall contain a listing of all expenditures made since the last expenditure reported on the last report filed in the form specified in Subsection (1)(b) and, when applicable, Subsection (2).

[~~(4)~~] (5) Each financial report filed by a lobbyist shall contain a certification that the information provided in the report is true, accurate, and complete to the lobbyist's best knowledge and belief.

[~~(5)~~] (6) The lieutenant governor shall:

(a) develop preprinted suggested forms for all statements required by this section; and

(b) make copies of the forms available to each person who requests them.