

**RESTRICTIONS ON GIFTS TO  
LEGISLATORS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Joseph G. Murray**

**This act modifies the Lobbyist Disclosure and Regulation Act provisions governing gifts to public officials. This act modifies the amount necessary to be spent to require reporting the recipient's name and modifies the amount necessary to be spent to require filing of financial disclosure reports. This act prohibits lobbyists from giving gifts, as defined in the law, to public officials if they are valued at more than \$25.**

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

**36-11-304**, as enacted by Chapter 192, Laws of Utah 1995

*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:



- 28 (i) the total amount of expenditures made to benefit public officials during the last calendar
- 29 year;
- 30 (ii) (A) the total travel expenditures that the lobbyist, principal, or government officer
- 31 made to benefit public officials and their immediate families during the last calendar year; and
- 32 (B) a travel expenditure statement that:
- 33 (I) describes the destination of each trip and its purpose;
- 34 (II) identifies the total amount of expenditures made to benefit each public official and
- 35 members of the public official's immediate family for each trip;
- 36 (III) names all individuals that took each trip;
- 37 (IV) provides the name and address of the organization that sponsored each trip; and
- 38 (V) identifies specific expenditures for food, lodging, gifts, and sidetrips;
- 39 (iii) for aggregate daily expenditures made to benefit public officials or members of their
- 40 immediate families that are not reportable under Subsection (1)(b):
- 41 (A) when the amount does not exceed [~~\$50~~] \$25 per person:
- 42 (I) the date of the expenditure;
- 43 (II) the purpose of the expenditure; and
- 44 (III) the total monetary worth of the benefit conferred on the public officials or members
- 45 of their immediate families;
- 46 (B) when the amount exceeds [~~\$50~~] \$25 per person:
- 47 (I) the date, location, and purpose of the event, activity, or expenditure;
- 48 (II) the name of the public official or member of the public official's immediate family who
- 49 attended the event or activity or received the benefit of the expenditure; and
- 50 (III) the total monetary worth of the benefit conferred on the public official or member of
- 51 the public official's immediate family;
- 52 (iv) a list of each public official who was employed by the lobbyist, principal, or
- 53 government officer or who performed work as an independent contractor for the lobbyist,
- 54 principal, or government officer during the last year that details the nature of the employment or
- 55 contract;
- 56 (v) each bill or resolution by number and short title on behalf of which the lobbyist,
- 57 principal, or government officer made an expenditure to a public official for which a report is
- 58 required by this section, if any;

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

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

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

69 (3) (a) Each lobbyist, principal, and government officer who makes expenditures totaling  
70 [~~\$50~~] \$25 or more to benefit public officials or members of their immediate families since the date  
71 of the last financial report filed shall file a financial report with the lieutenant governor on:

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

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

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

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

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

79 (c) Each report shall contain a listing of all expenditures made since the last expenditure  
80 reported on the last report filed in the form specified in Subsection (1)(b).

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

84 (5) The lieutenant governor shall:

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

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

87 Section 2. Section **36-11-304** is amended to read:

88 **36-11-304. Offering gift or loan -- When prohibited.**

89 (1) A lobbyist, principal, or government officer may not offer to or give any public official

90 or member of his immediate family any gift or loan if the public official has been, or is now, or in  
91 the near future may be involved in any governmental action directly affecting the donor or lender.

92 (2) Subsection (1) does not apply to the following:

93 (a) an occasional nonpecuniary gift, having a value of not in excess of [~~\$50~~] \$25 per  
94 individual;

95 (b) an award publicly presented in recognition of public services;

96 (c) any bona fide loan made in the ordinary course of business; or

97 (d) gifts to a relative.

98 (3) For the purposes of this section:

99 (a) "Gift" means a transfer of real or tangible personal property for less than fair and  
100 adequate consideration. It does not include plaques, commendations, or awards.

101 (b) "Tangible personal property" does not include the admission price for events, meals,  
102 recreation, outings, or functions, and is intended to be interpreted consistent with the meaning of  
103 tangible personal property found in the Utah Constitution Article XIII.

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**Legislative Review Note**  
**as of 2-5-01 11:36 AM**

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

**Office of Legislative Research and General Counsel**