

LOBBYIST REPORTING AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Gregory S. Bell

LONG TITLE

General Description:

This bill modifies the Lobbyist Disclosure and Regulation Act by requiring that lobbyists file more detailed expenditure reports when they make gifts with a lower dollar value than currently required.

Highlighted Provisions:

This bill:

- ▶ requires that lobbyists report more detailed information about expenses made to benefit public officials when the lobbyist spends more than \$10; and
- ▶ specifies that financial reports should be filed when expenditures have been made in an amount that exceeds the new threshold.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

36-11-201, as last amended by Chapter 27, Laws of Utah 2003

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



28 **requirements -- Prohibition for related person to make expenditures.**

29 (1) As used in this section, "public official type" means a notation to identify whether
30 the public official is:

31 (a) a member of the Legislature;

32 (b) an individual elected to a position in the executive branch;

33 (c) an individual appointed to or employed in a position in the legislative branch who
34 meets the definition of public official in Section 36-11-102; or

35 (d) an individual appointed to or employed in a position in the executive branch who
36 meets the definition of public official in Section 36-11-102.

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

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

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

46 (b) The January 10 report shall contain:

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

49 (B) the total amount of expenditures made to benefit public officials by public official
50 type during the last calendar year;

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

53 (B) the total travel expenditures that the lobbyist, principal, or government officer
54 made to benefit public officials and their immediate families by public official type during the
55 last calendar year; and

56 (C) a travel expenditure statement that:

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

58 (II) identifies the total amount of expenditures made to benefit each public official and

- 59 members of the public official's immediate family for each trip;
- 60 (III) names all individuals that took each trip;
- 61 (IV) identifies the public official type to which each public official belongs;
- 62 (V) provides the name and address of the organization that sponsored each trip; and
- 63 (VI) identifies specific expenditures for food, lodging, gifts, and sidetrips;
- 64 (iii) for aggregate daily expenditures made to benefit public officials or members of
- 65 their immediate families that are not reportable under Subsection (2)(b):
- 66 (A) when the amount does not exceed [~~\$50~~] \$10 per person:
- 67 (I) the date of the expenditure;
- 68 (II) the purpose of the expenditure;
- 69 (III) the public official type to which each public official belongs; and
- 70 (IV) the total monetary worth of the benefit conferred on the public officials or
- 71 members of their immediate families;
- 72 (B) when the amount exceeds [~~\$50~~] \$10 per person:
- 73 (I) the date, location, and purpose of the event, activity, or expenditure;
- 74 (II) the name of the public official or member of the public official's immediate family
- 75 who attended the event or activity or received the benefit of the expenditure;
- 76 (III) the public official type to which each public official belongs; and
- 77 (IV) the total monetary worth of the benefit conferred on the public official or member
- 78 of the public official's immediate family;
- 79 (iv) a list of each public official who was employed by the lobbyist, principal, or
- 80 government officer or who performed work as an independent contractor for the lobbyist,
- 81 principal, or government officer during the last year that details the nature of the employment
- 82 or contract;
- 83 (v) each bill or resolution by number and short title on behalf of which the lobbyist,
- 84 principal, or government officer made an expenditure to a public official for which a report is
- 85 required by this section, if any;
- 86 (vi) a description of each executive action on behalf of which the lobbyist, principal, or
- 87 government officer made an expenditure to a public official for which a report is required by
- 88 this section, if any; and
- 89 (vii) the general purposes, interests, and nature of the organization or organizations that

90 the lobbyist, principal, or government officer filing the report represents.

91 (c) In reporting expenditures under this section for events to which all legislators are
92 invited, each lobbyist, principal, and government officer:

93 (i) may not divide the cost of the event by the number of legislators who actually attend
94 the event and report that cost as an expenditure made to those legislators;

95 (ii) shall divide the total cost by the total number of Utah legislators and others invited
96 to the event and report that quotient as the amount expended for each legislator who actually
97 attended the event; and

98 (iii) may not report any expenditure as made to a legislator who did not attend the
99 event.

100 (3) (a) As used in this Subsection (3):

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

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

107 (b) When a lobbyist group combines to make aggregate daily expenditures to benefit
108 public officials or members of their immediate families, and the total aggregate daily
109 expenditure of the lobbyist group exceeds [~~\$50~~] \$10 per person, each member of the lobbyist
110 group shall disclose on the reports required by this section:

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

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

114 (iii) the public official type to which each public official belongs;

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

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

121 required by this section, if any;

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

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

127 (c) When a multiclient lobbyist makes aggregate daily expenditures to benefit public
128 officials or members of their immediate families, and the sum of the total aggregate daily
129 expenditure for all of the lobbyist's clients exceeds [~~\$50~~] \$10 for a public official or family
130 member, the multiclient lobbyist shall, for each client, disclose on the reports required by this
131 section:

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

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

135 (iii) the public official type to which each public official belongs;

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

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

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

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

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

152 or government officer.

153 (5) (a) Each lobbyist, principal, and government officer who makes expenditures
154 totaling [~~\$50~~] \$10 or more to benefit public officials or members of their immediate families
155 since the date of the last financial report filed shall file a financial report with the lieutenant
156 governor on:

- 157 (i) the date ten days after the last day of each annual general session;
- 158 (ii) the date seven days before a regular general election; and
- 159 (iii) the date seven days after the end of a special session or veto override session.

160 (b) (i) If any date specified in this Subsection (5) falls on a Saturday, Sunday, or legal
161 holiday, the report is due on the next business day or on the next succeeding business day, if
162 the due date falls on a Saturday, Sunday, or legal holiday.

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

164 (c) Each report shall contain a listing of all expenditures made since the last
165 expenditure reported on the last report filed in the form specified in Subsection (2)(b) and,
166 when applicable, Subsection (3).

167 (d) In preparing each financial report, all expenditures shall be reported as of five days
168 before the required filing date of the report.

169 (6) Each financial report filed by a lobbyist shall contain a certification that the
170 information provided in the report is true, accurate, and complete to the lobbyist's best
171 knowledge and belief.

172 (7) The lieutenant governor shall:

- 173 (a) develop preprinted suggested forms for all statements required by this section; and
- 174 (b) make copies of the forms available to each person who requests them.

175 (8) Each lobbyist and principal shall continue to file the financial reports required by
176 this section until the lobbyist or principal has filed the report due on the first January 10 that is
177 more than 12 months after the date that the lobbyist surrenders, fails to renew, or otherwise
178 ceases to be licensed.

Legislative Review Note

as of 12-22-04 12:38 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 SB0102

Lobbyist Reporting Amendments

14-Jan-05

2:51 PM

State Impact

Provisions of this bill can be handled within existing budgets.

Individual and Business Impact

Minimal fiscal impact to lobbyists.

Office of the Legislative Fiscal Analyst