

LEGISLATOR GIFT REPORTING ACT

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen D. Clark

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts the Legislator Gift Reporting Act to require certain reporting of gifts accepted by legislators.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ requires legislators to file a gift report with the lieutenant governor disclosing gifts received that are worth more than \$25;
- ▶ provides that the gift report must be filed within 30 days of the end of the annual general session of the Legislature;
- ▶ provides that the gift report include:
 - a list of gifts, the giver, and the estimated value of the gift, and total of the gifts;
 - the total net campaign balance listed in the year-end campaign finance statement; and
 - the signature of the legislator certifying the accuracy of the gift report;
- ▶ requires the lieutenant governor to:
 - give ten days notice to legislators that a gift report is due;
 - make each gift report available for public inspection including available on the Internet; and
 - send a copy of each legislator's gift report to each registered voter household



28 within the district of the legislator; and

29 ▶ provides that failure to file a gift report is a class B misdemeanor.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 ENACTS:

36 **36-27-101**, Utah Code Annotated 1953

37 **36-27-102**, Utah Code Annotated 1953

38 **36-27-103**, Utah Code Annotated 1953

39 **36-27-104**, Utah Code Annotated 1953

40 **36-27-105**, Utah Code Annotated 1953



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

43 Section 1. Section **36-27-101** is enacted to read:

44 **CHAPTER 27. LEGISLATOR GIFT REPORTING ACT**

45 **36-27-101. Title.**

46 This chapter is known as the "Legislator Gift Reporting Act."

47 Section 2. Section **36-27-102** is enacted to read:

48 **36-27-102. Definitions.**

49 As used in this chapter:

50 (1) (a) "Gift" means a transfer of any good or service or combination of any goods or
51 services:

52 (i) for less than fair and adequate consideration;

53 (ii) with a value of more than \$25 in a day; and

54 (iii) given by:

55 (A) a lobbyist as defined under Section 36-11-102;

56 (B) a principal as defined under Section 36-11-102;

57 (C) an interested person as defined under Section 36-11-102; or

58 (D) any other person that will receive a direct benefit from a legislative action currently

59 being considered.

60 (b) If qualified under Subsection (1)(a), "gift" includes admission price or cost for
61 events, meals, food, beverage, recreation, outings, or functions.

62 (c) Notwithstanding the provisions of Subsections (1)(a) and (b), "gift" does not
63 include a good or service given to the entire Legislature, the entire Senate, or the entire House
64 of Representatives, or to all members of a committee, subcommittee, or task force.

65 (2) "Gift report" means the report required under Section 36-27-103.

66 Section 3. Section **36-27-103** is enacted to read:

67 **36-27-103. Reporting of gifts -- Gift report.**

68 (1) Within 30 days after the end of the annual general session, a legislator shall file a
69 gift report with the lieutenant governor in accordance with the provisions of Section 36-27-104.

70 (2) A gift report shall include:

71 (a) a list of all gifts received by the legislator during the 12-month period beginning
72 with April 1 of the previous calendar year and ending on March 31 of the current calendar year,
73 including:

74 (i) a description of the gift;

75 (ii) a good faith estimate of the value of the gift;

76 (iii) the name of the person who gave the gift;

77 (iv) the name of the entity that the person who gave the gift represents, if any; and

78 (v) a single figure equal to the total of the estimated value of all the gifts being reported
79 in the gift report;

80 (b) a single figure equal to the net balance for the year as reported in the campaign
81 financial statement year-summary report that was due on January 10 of the current calendar
82 year under Subsection 20A-11-302(2)(a)(viii) for legislative candidates or Subsection
83 20A-11-401(2)(a)(viii) for officeholders; and

84 (c) a certification to be signed by the legislator that certifies that the information
85 provided in the gift report is true, accurate, and complete to the best of the legislator's
86 knowledge and belief.

87 (3) If a legislator does not receive any gifts during the reporting period, the legislator
88 shall file a gift report listing "none."

89 Section 4. Section **36-27-104** is enacted to read:

90 **36-27-104. Notice of pending gift report -- Form of submission -- Public**
91 **availability.**

92 (1) Ten days before a gift report is due under this chapter, the lieutenant governor shall
93 inform each legislator by postal mail or, if requested by the legislator, by electronic mail:

94 (a) of the deadline for the gift report; and

95 (b) that the legislator may be guilty of a class B misdemeanor for failing to file the gift
96 report.

97 (2) A legislator submitting a gift report required by this chapter to the lieutenant
98 governor shall submit the gift report on a form provided by the lieutenant governor, which may
99 allow for facsimile, electronic mail, or Internet submission.

100 (3) A gift report is considered timely filed if:

101 (a) it is received in the lieutenant governor's office no later than 5 p.m. on the date that
102 it is due;

103 (b) it is received in the lieutenant governor's office with a postmark three days or more
104 before the date that it was due; or

105 (c) the legislator has proof that it was mailed, with appropriate postage and addressing,
106 three days before it was due.

107 (4) (a) Notwithstanding any provision of Title 63G, Chapter 2, Government Records
108 Access and Management Act, the lieutenant governor shall:

109 (i) make each gift report filed by a legislator available for public inspection and
110 copying no later than one business day after the gift report is filed; and

111 (ii) post an electronic copy of the contents of each gift report on a website established
112 by the lieutenant governor no later than seven business days after the date the gift report is due.

113 (b) The website established by the lieutenant governor under Subsection (4)(a) shall:

114 (i) feature a searchable Internet database of the contents of each gift report; and

115 (ii) allow summary capabilities.

116 (5) (a) No later than May 1 of each year the lieutenant governor shall send a copy of
117 each legislator's gift report, by any available mail service, to each registered voter household
118 within the district that the legislator represents.

119 (b) If a gift report has not been received, the lieutenant governor shall send a notice of
120 that fact in lieu of the gift report in accordance with Subsection (5)(a).

121 Section 5. Section **36-27-105** is enacted to read:

122 **36-27-105. Penalties.**

123 (1) A person who fails to file a gift report in accordance with this chapter is guilty of a
124 class B misdemeanor.

125 (2) The lieutenant governor shall report a violation of this chapter to the attorney
126 general.

Legislative Review Note
as of 1-13-09 11:27 AM

Office of Legislative Research and General Counsel

H.B. 139 - Legislator Gift Reporting Act

Fiscal Note

2009 General Session

State of Utah

State Impact

Provisions of this bill would require adjustments to the current data program in the Lt. Governor's Office. Current programming costs are \$70 per hour. It is unknown at this time how many hours of programming would be required to enact requirements of this bill. The bill also requires the Lt. Governor to send a copy of each legislator's gift report annually to each registered voter household in each legislator's district. Mailing cost are estimated to be \$332,900 annually from the General Fund.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$332,900	\$332,900	\$0	\$0	\$0
Total	\$0	\$332,900	\$332,900	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.