

GIFTS TO PUBLIC OFFICIALS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Jordan Tanner

AN ACT RELATING TO LOBBYISTS; MODIFYING PROVISIONS GOVERNING GIFTS FROM LOBBYISTS TO A PUBLIC OFFICIAL AND HIS FAMILY; AND MAKING TECHNICAL CORRECTIONS.

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

AMENDS:

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 **36-11-304** is amended to read:

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

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

h , OR SPOUSE, h

or h DEPENDENT h member of his h [immediate] h family any gift or loan if the public official has been, or is now, or in

the near future may be involved in any governmental action directly affecting the donor or lender.

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

(a) an occasional nonpecuniary gift, having a value of not in excess of \$50 per individual;

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

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

(d) gifts to a relative h [:] :

(e) ATTENDANCE AT A CHARITABLE EVENT;

(f) ATTENDANCE AS A GUEST AT A POLITICAL FUND-RAISER;

(g) THE COST OF ADMITTANCE, ATTENDANCE, OR PARTICIPATION, AND OF FOOD AND BEVERAGES CONSUMED, AT EVENTS TO WHICH ALL MEMBERS OF THE LEGISLATURE OR ALL MEMBERS OF A LEGISLATIVE COMMITTEE, SUBCOMMITTEE, TASK FORCE, OR CAUCUS ARE INVITED;

(h) THE COST PAID, REIMBURSED, RAISED, OR OBTAINED BY A LEGISLATOR FOR h

21h h ATTENDANCE OR PARTICIPATION, AND FOR FOOD AND BEVERAGES CONSUMED AT, AND
 21i FUNDS, GOODS, AND SERVICES PROVIDED FOR CONDUCTING EVENTS SPONSORED OR
 21j COORDINATED BY MULTISTATE OR NATIONAL ORGANIZATIONS OF, OR INCLUDING, STATE
 21k GOVERNMENTS, STATE LEGISLATURES, OR STATE LEGISLATORS; OR

21l (i) TRAVEL AND ACCOMMODATIONS PROVIDED BY A GOVERNMENT ENTITY TO A
 21m LEGISLATOR WHEN THE LEGISLATOR IS REPRESENTING THE STATE, THE LEGISLATURE, OR A
 21n CHAMBER OF THE LEGISLATURE IN AN OFFICIAL OR CEREMONIAL CAPACITY. h

22 (3) For the purposes of this section[:~~(a)~~ "Gift"], "gift" means a transfer of real or [~~tangible~~]
 23 personal property for less than fair and adequate consideration. It does not include plaques,
 24 commendations, h [~~or~~] h awards h , OR CAMPAIGN CONTRIBUTIONS h .

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

27a h (4) BEFORE GIVING A GIFT TO A LEGISLATOR, THE LOBBYIST, PRINCIPAL, OR
 27b GOVERNMENT OFFICIAL SHALL DISCLOSE TO THE LEGISLATOR THE VALUE OF h [-THE GIFT]
 27c ANY GIFT h IN EXCESS OF \$50.00. h

Legislative Review Note
as of 12-7-98 10:47 AM

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

Office of Legislative Research and General Counsel