

Senator Leonard M. Blackham proposes to substitute the following bill:

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:

REPEALS AND REENACTS:

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 Section **36-11-304** is repealed and reenacted to read:

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

(1) As used in this section:

(a) "Consumer price index" means the Consumer Price Index published by the United States Bureau of Labor Statistics and calculated as provided in Sections (1)(f)(4) and (1)(f)(5) of the Internal Revenue Code.

(b) (i) "Gift" means a transfer of real or personal property for less than fair and adequate consideration.

(ii) "Gift" does not mean:

(A) an occasional nonpecuniary gift, having a value of not in excess of the indexed amount per individual;

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

(C) any bona fide loan;

(D) gifts to a relative;

26 (E) campaign contributions;

27 (F) plaques, commendations, or awards;

28 (G) attendance at a charitable event;

29 (H) attendance as a guest at a political fund-raiser;

30 (I) the cost of admission, attendance, or participation, and of food and beverages

31 consumed, at an event to which all members of the Legislature or all members of a legislative

32 committee, a legislative subcommittee, a task force, a caucus, House leadership, Senate leadership,

33 House majority leadership, House minority leadership, Senate majority leadership, Senate minority

34 leadership, or legislators from the same area or region are invited;

35 (J) the cost paid, reimbursed, raised, or obtained by or for a public official for attendance

36 or participation, and for food and beverages consumed at, or in connection with, and activities

37 offered at or in connection with, and funds, goods, and services provided at or in connection with,

38 or for conducting, conventions, conferences, or other events sponsored or coordinated by multistate

39 or national organizations of, or including, state governments, state legislatures, or state legislators;

40 (K) travel and accommodations provided to a public official when the public official is

41 representing the state in an official or ceremonial capacity, and travel and accommodations

42 provided to a legislator and the legislator's relative, for which prior approval has been obtained

43 from the president or speaker, when the legislator is representing the Legislature, or a chamber of

44 the Legislature, in an official or ceremonial capacity;

45 (L) food, beverages, or both provided to a public official;

46 (M) anything for which the public official pays or gives full value;

47 (N) compensation, food, beverages, entertainment, transportation, lodging, or other goods

48 or services extended to a public official by the private employer of the public official or the public

49 official's spouse, by the state, by a relative, or by a personal friend, unless the relative or personal

50 friend is acting as an agent or intermediary for an entity or for another person;

51 (O) informational, educational, or promotional items such as books, articles, periodicals,

52 other written materials, audiotapes, videotapes, or other forms of communication, that have no

53 substantial resale value and that are related to the performance of the public official's official

54 duties;

55 (P) subscription to a newspaper, news magazine, or other news publication or legislative

56 periodical;

57 (Q) any devise or inheritance unless the donor is acting as an agent or intermediary for
58 another person or entity;

59 (R) a gift that is not used and is returned to the donor, donated to a public body or to the
60 Department of Administrative Services, or delivered to a bona fide nonprofit charitable or
61 educational organization and is not claimed as a charitable contribution for federal income tax
62 purposes;

63 (S) a gift or gifts from one public official to another public official;

64 (T) any service spontaneously extended to a public official in an emergency situation;

65 (U) items received from a bona fide charitable, professional, educational, or business
66 organization to which the public official belongs as a member, if the items are given to all
67 members of the organization without regard to individual members' status or positions held outside
68 of the organization;

69 (V) funeral flowers or memorials to a church or a nonprofit organization given to honor
70 a public official;

71 (W) unsolicited flowers, plants, floral arrangements, and other similar items received by
72 a public official;

73 (X) tickets for athletic events involving teams representing in-state schools or other events
74 at those institutions if offered by the institution; or

75 (Y) food, refreshments, and lodging reasonably related to making a public speech or
76 attending a meeting in the person's capacity as a public official, as well as reasonable transportation
77 from the public official's home or place of official employment to and from the site of the speaking
78 engagement or meeting.

79 (c) "Indexed amount" means:

80 (i) for the 1999-2001 index period, \$50; and

81 (ii) for each subsequent two year index period, that amount adjusted for inflation according
82 to the procedures and requirements of Subsection (3).

83 (d) "Index period" means the period beginning July 1, 1999 and ending at midnight on
84 June 30, 2001, and each comparable two-year period after those dates.

85 (e) "Public official" includes the relative of a public official.

86 (2) A lobbyist, principal, or government officer may not offer to or give any public official
87 or member of the public official's immediate family any gift or loan if the public official has been,

88 or is now, or in the near future may be involved in any governmental action directly affecting the
89 donor or lender.

90 (3) By the May 1 before the beginning of each index period, the lieutenant governor shall:

91 (a) increase or decrease the indexed amount as defined in Subsection (1)(c) in a percentage
92 equal to the percentage difference between the consumer price index for the preceding calendar
93 year and the consumer price index for calendar year 1998; and

94 (b) inform each lobbyist, in writing, of the new indexed amount.