

1 **LOBBYIST REPORTING REQUIREMENTS**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Perry L. Buckner**

5 AN ACT RELATING TO LOBBYISTS; MODIFYING THE THRESHOLD AMOUNT FOR
6 FILING FINANCIAL REPORTS; MODIFYING THE THRESHOLD AMOUNT FOR
7 REPORTING THE IDENTITY OF THE PUBLIC OFFICIAL OR FAMILY MEMBER WHO
8 RECEIVED THE BENEFIT; AND MODIFYING THE THRESHOLD AMOUNT FOR
9 REPORTING GIFTS TO PUBLIC OFFICIALS AND THEIR FAMILIES.

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

11 AMENDS:

12 **36-11-201**, as last amended by Chapter 192, Laws of Utah 1995

13 **36-11-304**, as enacted by Chapter 192, Laws of Utah 1995

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

15 Section 1. Section **36-11-201** is amended to read:

16 **36-11-201. Disclosure requirements -- Prohibition for related person to make**
17 **expenditures.**

18 (1) Each lobbyist, principal, and government officer who makes expenditures totaling
19 [~~\$50~~] \$25 or more to benefit public officials or members of their immediate families in any
20 calendar quarter of the last calendar year shall file a report with the lieutenant governor by January
21 10 of each year or on the next succeeding business day if January 10 falls on a Saturday, Sunday,
22 or legal holiday. The report shall be considered timely filed if postmarked on its due date. Any
23 report required shall contain:

24 (a) the total amount of expenditures made to benefit public officials during the last
25 calendar year;

26 (b) (i) total travel expenditures that the lobbyist, principal, or government officer made to
27 benefit public officials and their immediate families during the last calendar year; and

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

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

60 (2) A related person may not, while assisting a lobbyist, principal, or government officer
61 in lobbying, make an expenditure that benefits a public official or member of his immediate family
62 under circumstances which would otherwise fall within the disclosure requirements of this chapter
63 if the expenditure was made by the lobbyist, principal, or government officer.

63a h (3) (a) EXCEPT AS PROVIDED IN SUBSECTION (3)(b), A LOBBYIST MAY NOT DIVIDE AN
63b EXPENDITURE WITH OTHER LOBBYISTS.

63c (b) A LOBBYIST MAY DIVIDE AN EXPENDITURE WITH OTHER LOBBYISTS IF THOSE
63d LOBBYISTS WERE IN ACTUAL PHYSICAL ATTENDANCE AT THE EVENT GIVING RISE TO THE
63e EXPENDITURE. h

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

65 **36-11-304. Offering gift or loan -- When prohibited.**

66 (1) A lobbyist, principal, or government officer may not offer to or give any public official
67 or member of his immediate family any gift or loan if the public official has been, or is now, or in
68 the near future may be involved in any governmental action directly affecting the donor or lender.

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

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

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

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

74 (d) gifts to a relative.

75 (3) For the purposes of this section:

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

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

Legislative Review Note

as of 2-1-00 1:07 PM

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

Office of Legislative Research and General Counsel