

Representative Chad E. Bennion proposes the following substitute bill:

GIFT DISCLOSURE AMENDMENTS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Ralph Becker

This act modifies the Lobbyist Disclosure and Regulation Act. This act requires full disclosure of all gifts by lobbyists. This act requires public officials to report gifts that they receive. This act makes technical corrections.

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

AMENDS:

36-11-201, as last amended by Chapter 338, Laws of Utah 2000

ENACTS:

36-11-201.1, Utah Code Annotated 1953

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 requirements -- Prohibition for related person to make expenditures.

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

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

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

(b) The January 10 report shall contain:



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

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

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

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

67 (3) (a) Each lobbyist, principal, and government officer who makes expenditures totaling
68 \$50 or more to benefit public officials or members of their immediate families since the date of
69 the last financial report filed shall file a financial report with the lieutenant governor on:

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

73 (b) (i) If any date specified in this Subsection (3) falls on a Saturday, Sunday, or legal
74 holiday, the report is due on the next business day or on the next succeeding business day, if the
75 due date falls on a Saturday, Sunday, or legal holiday.

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

77 (c) Each report shall contain a listing of all expenditures made since the last expenditure
78 reported on the last report filed in the form specified in Subsection (1)(b).

79 (4) Each financial report filed by a lobbyist shall contain a certification that the
80 information provided in the report is true, accurate, and complete to the lobbyist's best knowledge
81 and belief.

82 (5) The lieutenant governor shall:

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

85 Section 2. Section **36-11-201.1** is enacted to read:

86 **36-11-201.1. Public official financial reporting requirements.**

87 (1) (a) (i) Each public official who receives an expenditure from a lobbyist, principal, or

88 government officer shall file an annual financial report with the lieutenant governor on January 10
89 of each year or on the next succeeding business day if January 10 falls on a Saturday, Sunday, or
90 legal holiday. The report shall be considered timely filed if postmarked on its due date.

91 (ii) The report shall disclose each expenditure received for the benefit of the public official
92 or members of the public official's immediate families as provided in this section.

93 (b) The January 10 report shall contain:

94 (i) the total amount of expenditures received from lobbyists, principals, and government
95 officers for the benefit of the public official and members of the public official's immediate family
96 during the last calendar year;

97 (ii) (A) the total travel expenditures that the public official received from lobbyists,
98 principals, and government officers for the benefit of the public official or members of the public
99 official's immediate family during the last calendar year; and

100 (B) a travel expenditure statement that:

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

102 (II) identifies the total amount of expenditures that the public official received for the
103 benefit of the public official or members of the public official's immediate family for each trip;

104 (III) names the public official and members of the public official's immediate family that
105 received the benefit of the expenditures for each trip;

106 (IV) provides the name and address of the organization that sponsored each trip;

107 (V) names each lobbyist, principal, or government officer that made expenditures for the
108 benefit of the public official or members of the public official's immediate family for each trip; and

109 (VI) identifies specific trip-connected expenditures received for the benefit of the public
110 official or members of the public official's immediate family for food, lodging, gifts, and sidetrips;

111 (iii) for aggregate daily expenditures received from a lobbyist, principal, or government
112 officer for the benefit of the public official or members of the public official's immediate family
113 that are not reportable under Subsection (1)(b)(ii):

114 (A) the date, location, and purpose of the event or activity giving rise to the expenditure;

115 (B) the name of the public official or member of the public official's immediate family
116 who received the benefit of the expenditure; and

117 (C) the total monetary worth of the benefit conferred on the public official or member of
118 the public official's immediate family;

119 (2) (a) Each public official who receives expenditures for the benefit of the public official
120 or members of the public official's immediate families totaling \$50 or more since the date of the
121 last financial report filed shall file a financial report with the lieutenant governor on:

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

125 (b) (i) If any date specified in this Subsection (2) falls on a Saturday, Sunday, or legal
126 holiday, the report is due on the next business day or on the next succeeding business day, if the
127 due date falls on a Saturday, Sunday, or legal holiday.

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

129 (c) Each report shall contain a listing of all expenditures made since the last expenditure
130 reported on the last report filed in the form specified in Subsection (1)(b).

131 (3) Each financial report filed by a public official shall contain a certification that the
132 information provided in the report is true, accurate, and complete to the public official's best
133 knowledge and belief.

134 (4) The lieutenant governor shall:

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