

1 **LOBBYIST REPORTING REQUIREMENTS**

2 2003 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Patrice M. Arent**

5 **This act modifies the Lobbyist Regulation and Disclosure Act by clarifying requirements**
6 **for lobbyist and principal reporting when a person or entity ceases to be a lobbyist or**
7 **principal.**

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

9 AMENDS:

10 **36-11-103**, as last amended by Chapter 338, Laws of Utah 2000

11 **36-11-201**, as last amended by Chapter 317, Laws of Utah 2002

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

13 Section 1. Section **36-11-103** is amended to read:

14 **36-11-103. Licensing requirements.**

15 (1) (a) Before engaging in any lobbying, a lobbyist shall obtain a license from the
16 lieutenant governor by completing the form required by this section.

17 (b) The lieutenant governor shall issue licenses to qualified lobbyists.

18 (c) The lieutenant governor shall prepare a Lobbyist License Application Form that
19 includes:

20 (i) a place for the lobbyist's name and business address;

21 (ii) a place for the name and business address of each principal for whom the lobbyist
22 works or is hired as an independent contractor;

23 (iii) a place for the name and address of the person who paid or will pay the lobbyist's
24 registration fee, if the fee is not paid by the lobbyist;

25 (iv) a place for the lobbyist to disclose any elected or appointed position that the
26 lobbyist holds in state or local government, if any;

27 (v) a place for the lobbyist to disclose the types of expenditures for which the lobbyist



28 will be reimbursed; and

29 (vi) a certification to be signed by the lobbyist that certifies that the information
30 provided in the form is true, accurate, and complete to the best of the lobbyist's knowledge and
31 belief.

32 (2) Each lobbyist who obtains a license under this section shall update the licensure
33 information when the lobbyist accepts employment for lobbying by a new client.

34 (3) (a) Except as provided in Subsection (4), the lieutenant governor shall grant a
35 lobbying license to an applicant who:

36 (i) files an application with the lieutenant governor that contains the information
37 required by this section; and

38 (ii) pays a \$25 filing fee.

39 (b) A license entitles a person to serve as a lobbyist on behalf of one or more principals
40 and expires on December 31 of each even-numbered year.

41 (4) (a) The lieutenant governor may disapprove an application for a lobbying license:

42 (i) if the applicant has been convicted of violating Section 76-8-103, 76-8-107,
43 76-8-108, or 76-8-303 within five years before the date of the lobbying license application;

44 (ii) if the applicant has been convicted of violating Section 76-8-104 or 76-8-304
45 within one year before the date of the lobbying license application;

46 (iii) for the term of any suspension imposed under Section 36-11-401; or

47 (iv) if, within one year before the date of the lobbying license application, the applicant
48 has been found to have willingly and knowingly:

49 (A) violated Section 36-11-103, 36-11-201, 36-11-301, 36-11-302, 36-11-303,
50 36-11-304, 36-11-305, or 36-11-403; or

51 (B) filed a document required by this chapter that the lobbyist knew contained
52 materially false information or omitted material information.

53 (b) An applicant may appeal the disapproval in accordance with the procedures
54 established by the lieutenant governor under this chapter and Title 63, Chapter 46b,
55 Administrative Procedures Act.

56 (5) The lieutenant governor shall deposit license fees in the General Fund.

57 (6) A principal need not obtain a license under this section, but if the principal makes
58 expenditures to benefit a public official without using a lobbyist as an agent to confer those

59 benefits, the principal shall disclose those expenditures as required by Sections 36-11-201.

60 (7) Government officers need not obtain a license under this section, but shall disclose
61 any expenditures made to benefit public officials as required by Sections 36-11-201.

62 (8) Surrender, cancellation, or expiration of a lobbyist license does not absolve the
63 lobbyist of the duty to file the financial reports if the lobbyist is otherwise required to file the
64 reports by Section 36-11-201.

65 Section 2. Section **36-11-201** is amended to read:

66 **36-11-201. Lobbyist, principal, and government officer financial reporting**
67 **requirements -- Prohibition for related person to make expenditures.**

68 (1) As used in this section, "public official type" means a notation to identify whether
69 the public official is:

70 (a) a member of the legislature;

71 (b) an individual elected to a position in the executive branch;

72 (c) an individual appointed to or employed in a position in the legislative branch who
73 meets the definition of public official in Section 36-11-102; or

74 (d) an individual appointed to or employed in a position in the executive branch who
75 meets the definition of public official in Section 36-11-102.

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

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

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

85 (b) The January 10 report shall contain:

86 (i) (A) the total amount of expenditures made to benefit public officials during the last
87 calendar year; and

88 (B) the total amount of expenditures made to benefit public officials by public official
89 type during the last calendar year;

90 (ii) (A) the total travel expenditures that the lobbyist, principal, or government officer
91 made to benefit public officials and their immediate families during the last calendar year; and

92 (B) the total travel expenditures that the lobbyist, principal, or government officer
93 made to benefit public officials and their immediate families by public official type during the
94 last calendar year; and

95 (C) a travel expenditure statement that:

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

97 (II) identifies the total amount of expenditures made to benefit each public official and
98 members of the public official's immediate family for each trip;

99 (III) names all individuals that took each trip;

100 (IV) identifies the public official type to which each public official belongs;

101 (V) provides the name and address of the organization that sponsored each trip; and

102 (VI) identifies specific expenditures for food, lodging, gifts, and sidetrips;

103 (iii) for aggregate daily expenditures made to benefit public officials or members of
104 their immediate families that are not reportable under Subsection (2)(b):

105 (A) when the amount does not exceed \$50 per person:

106 (I) the date of the expenditure;

107 (II) the purpose of the expenditure;

108 (III) the public official type to which each public official belongs; and

109 (IV) the total monetary worth of the benefit conferred on the public officials or
110 members of their immediate families;

111 (B) when the amount exceeds \$50 per person:

112 (I) the date, location, and purpose of the event, activity, or expenditure;

113 (II) the name of the public official or member of the public official's immediate family
114 who attended the event or activity or received the benefit of the expenditure;

115 (III) the public official type to which each public official belongs; and

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

118 (iv) a list of each public official who was employed by the lobbyist, principal, or
119 government officer or who performed work as an independent contractor for the lobbyist,
120 principal, or government officer during the last year that details the nature of the employment

121 or contract;

122 (v) each bill or resolution by number and short title on behalf of which the lobbyist,
123 principal, or government officer made an expenditure to a public official for which a report is
124 required by this section, if any;

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

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

130 (c) In reporting expenditures under this section for events to which all legislators are
131 invited, each lobbyist, principal, and government officer:

132 (i) may not divide the cost of the event by the number of legislators who actually attend
133 the event and report that cost as an expenditure made to those legislators;

134 (ii) shall divide the total cost by the total number of Utah legislators and others invited
135 to the event and report that quotient as the amount expended for each legislator who actually
136 attended the event; and

137 (iii) may not report any expenditure as made to a legislator who did not attend the
138 event.

139 (3) (a) As used in this Subsection (3):

140 (i) "Lobbyist group" means two or more lobbyists, principals, government officers, and
141 any combination of lobbyists, principals, and officers who each contribute a portion of an
142 expenditure made to benefit a public official or member of his immediate family.

143 (ii) "Multiclient lobbyist" means a single lobbyist, principal, or government officer
144 who represents two or more clients and divides the aggregate daily expenditure made to benefit
145 a public official or member of his immediate family between two or more of those clients.

146 (b) When a lobbyist group combines to make aggregate daily expenditures to benefit
147 public officials or members of their immediate families, and the total aggregate daily
148 expenditure of the lobbyist group exceeds \$50 per person, each member of the lobbyist group
149 shall disclose on the reports required by this section:

150 (i) the date, location, and purpose of the event, activity, or expenditure;

151 (ii) the name of the public official or member of the public official's immediate family

152 who attended the event or activity or received the benefit of the expenditure;

153 (iii) the public official type to which each public official belongs;

154 (iv) the total monetary worth of the benefit conferred on the public official or member
155 of the public official's immediate family by the lobbyist group and the total monetary worth of
156 the benefit conferred upon the public official or member of the public official's immediate
157 family by the lobbyist, principal, or government officer filing the report;

158 (v) each bill or resolution by number and short title on behalf of which the lobbyist,
159 principal, or government officer made an expenditure to a public official for which a report is
160 required by this section, if any;

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

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

166 (c) When a multiclient lobbyist makes aggregate daily expenditures to benefit public
167 officials or members of their immediate families, and the sum of the total aggregate daily
168 expenditure for all of the lobbyist's clients exceeds \$50 for a public official or family member,
169 the multiclient lobbyist shall, for each client, disclose on the reports required by this section:

170 (i) the date, location, and purpose of the event, activity, or expenditure;

171 (ii) the name of the public official or member of the public official's immediate family
172 who attended the event or activity or received the benefit of the expenditure;

173 (iii) the public official type to which each public official belongs;

174 (iv) the total monetary worth of the benefit conferred on the public official or member
175 of the public official's immediate family by all clients and the total monetary worth of the
176 benefit conferred on the public official or member of the public official's immediate family by
177 the client upon whose behalf the report is filed;

178 (v) each bill or resolution by number and short title on behalf of which the lobbyist,
179 principal, or government officer made an expenditure to a public official for which a report is
180 required by this section, if any;

181 (vi) a description of each executive action on behalf of which the lobbyist, principal, or
182 government officer made an expenditure to a public official for which a report is required by

183 this section, if any; and

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

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

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

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

198 (b) (i) If any date specified in this Subsection (5) falls on a Saturday, Sunday, or legal
199 holiday, the report is due on the next business day or on the next succeeding business day, if
200 the due date falls on a Saturday, Sunday, or legal holiday.

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

202 (c) Each report shall contain a listing of all expenditures made since the last
203 expenditure reported on the last report filed in the form specified in Subsection (2)(b) and,
204 when applicable, Subsection (3).

204a **§ (d) IN PREPARING EACH FINANCIAL REPORT, ALL EXPENDITURES SHALL BE REPORTED AS OF**
204b **5 [TWO] FIVE 5 DAYS BEFORE THE REQUIRED FILING DATE OF THE REPORT. §**

205 (6) Each financial report filed by a lobbyist shall contain a certification that the
206 information provided in the report is true, accurate, and complete to the lobbyist's best
207 knowledge and belief.

208 (7) The lieutenant governor shall:

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

211 (8) Each lobbyist and principal shall continue to file the financial reports required by
212 this section until the lobbyist or principal has filed the report due on the first January 10 that is
213 more than 12 months after the date that the lobbyist surrenders, fails to renew, or otherwise

214 ceases to be licensed.

Legislative Review Note
as of 12-30-02 7:04 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0045

Lobbyist Reporting Requirements

21-Jan-03

4:00 PM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst