

1 **LOBBYIST DISCLOSURE TECHNICAL**

2 **AMENDMENTS**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Glenn A. Donnelson**

6 **Senate Sponsor: Peter C. Knudson**

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8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Lobbyist Disclosure and Regulation Act to clarify certain  
11 reporting requirement provisions.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ amends a section cross-reference to clarify a distinction between reporting  
15 requirements for travel expenses and for other expenses made by lobbyists to  
16 benefit public officials; and

17 ▶ makes technical changes.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **36-11-201**, as last amended by Chapter 27, Laws of Utah 2003

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

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

28 **36-11-201. Lobbyist, principal, and government officer financial reporting**  
29 **requirements -- Prohibition for related person to make expenditures.**

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

32 (a) a member of the Legislature;

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

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

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

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

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

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

47 (b) The January 10 report shall contain:

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

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

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

54 [and]

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

- 58 (C) a travel expenditure statement that:
- 59 (I) describes the destination of each trip and its purpose;
- 60 (II) identifies the total amount of expenditures made to benefit each public official and
- 61 members of the public official's immediate family for each trip;
- 62 (III) names all individuals that took each trip;
- 63 (IV) identifies the public official type to which each public official belongs;
- 64 (V) provides the name and address of the organization that sponsored each trip; and
- 65 (VI) identifies specific expenditures for food, lodging, gifts, and sidetrips;
- 66 (iii) for aggregate daily expenditures made to benefit public officials or members of
- 67 their immediate families that are not reportable under Subsection (2)(b)(ii):
- 68 (A) when the amount does not exceed \$50 per person:
- 69 (I) the date of the expenditure;
- 70 (II) the purpose of the expenditure;
- 71 (III) the public official type to which each public official belongs; and
- 72 (IV) the total monetary worth of the benefit conferred on the public officials or
- 73 members of their immediate families;
- 74 (B) when the amount exceeds \$50 per person:
- 75 (I) the date, location, and purpose of the event, activity, or expenditure;
- 76 (II) the name of the public official or member of the public official's immediate family
- 77 who attended the event or activity or received the benefit of the expenditure;
- 78 (III) the public official type to which each public official belongs; and
- 79 (IV) the total monetary worth of the benefit conferred on the public official or member
- 80 of the public official's immediate family;
- 81 (iv) a list of each public official who was employed by the lobbyist, principal, or
- 82 government officer or who performed work as an independent contractor for the lobbyist,
- 83 principal, or government officer during the last year that details the nature of the employment
- 84 or contract;
- 85 (v) each bill or resolution by number and short title on behalf of which the lobbyist,

86 principal, or government officer made an expenditure to a public official for which a report is  
87 required by this section, if any;

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

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

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

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

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

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

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

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

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

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

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

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

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

117 (iv) the total monetary worth of the benefit conferred on the public official or member  
118 of the public official's immediate family by the lobbyist group and the total monetary worth of  
119 the benefit conferred upon the public official or member of the public official's immediate  
120 family by the lobbyist, principal, or government officer filing the report;

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

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

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

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

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

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

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

137 (iv) the total monetary worth of the benefit conferred on the public official or member  
138 of the public official's immediate family by all clients and the total monetary worth of the  
139 benefit conferred on the public official or member of the public official's immediate family by  
140 the client upon whose behalf the report is filed;

141 (v) each bill or resolution by number and short title on behalf of which the lobbyist,

142 principal, or government officer made an expenditure to a public official for which a report is  
143 required by this section, if any;

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

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

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

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

158 (i) the date ten days after the last day of each annual general session;

159 (ii) the date seven days before a regular general election; and

160 (iii) the date seven days after the end of a special session or veto override session.

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

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

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

168 (d) In preparing each financial report, all expenditures shall be reported as of five days  
169 before the required filing date of the report.

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

173           (7) The lieutenant governor shall:

174           (a) develop preprinted suggested forms for all statements required by this section; and

175           (b) make copies of the forms available to each person who requests them.

176           (8) Each lobbyist and principal shall continue to file the financial reports required by  
177 this section until the lobbyist or principal has filed the report due on the first January 10 that is  
178 more than 12 months after the date that the lobbyist surrenders, fails to renew, or otherwise  
179 ceases to be licensed.