GOVERNMENT LAW CHANGES

2007 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill modifies provisions in the Lobbyist Disclosure and Regulation Act, the Utah Public Officers' and Employees' Ethics Act, and the campaign finance requirements of the Election Code.

Highlighted Provisions:

This bill:

- requires that officeholders file annual campaign finance summary reports;
- provides and modifies definitions;
- removes reporting exemptions from certain travel, lodging, and meal expense reimbursements;
- clarifies disclosure requirements for public officials, elected officials of local governments, and certain state employees under the Lobbyist Disclosure and Regulation Act;
- requires that financial expenditure reports be filed on a quarterly schedule;
- requires the report due on January 10 to list total expenditures for the previous year;
- permits financial reports to be filed electronically, consistent with current practice;

- requires that lobbyists file quarterly expense reports even when no expenses have been made;
- requires that lobbyists and principals be subject to reporting requirements until they cease lobbying;
- requires a lobbyist, principal, government officer, or member of a lobbyist group to disclose a recipient's name, the amount of the benefit conferred on each recipient, and other information for the following:
  - reimbursement or payment for travel or lodging costs;
  - the cost of admission to a professional or collegiate sporting event;
  - the cost of tangible personal property, if the aggregate daily expenditures made for the recipient are more than $10;
  - the cost of food and beverage, if the aggregate daily expenditures made for the recipient are valued at more than $50; and
  - the cost of any other expenditure, if the aggregate daily expenditures made for the recipient are more than $50;
- provides that other reportable expenditures are reported by public official type, rather than by name;
- establishes conflict of interest standards for lobbyists;
- modifies a provision in the Public Officers' and Employees' Ethics Act; and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill coordinates with H.B. 62, Lobbyist Disclosure Technical Amendments, by providing superseding amendments.

Utah Code Sections Affected:

AMENDS:

20A-11-401, as last amended by Chapter 355, Laws of Utah 1997

36-11-102, as last amended by Chapter 13, Laws of Utah 1998

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

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

67-16-5, as last amended by Chapter 25, Laws of Utah 2005

ENACTS:

36-11-201.3, Utah Code Annotated 1953

36-11-306, Utah Code Annotated 1953

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

Section 1. Section **20A-11-401** is amended to read:

20A-11-401. Officeholder financial reporting requirements -- Year-end summary report.

(1) (a) Each officeholder shall file a summary report by January 5 of [~~the year after the regular general election~~] each year.

(b) An officeholder that is required to file a summary report both as an officeholder and as a candidate for office under the requirements of this chapter may file a single summary report as a candidate and an officeholder, provided that the combined report meets the requirements of:

(i) this section; and

(ii) the section that provides the requirements for the summary report that must be filed by the officeholder in the officeholder's capacity of a candidate for office.

(2) (a) Each summary report shall include the following information as of December 31 of the last [~~regular general election~~] year:

(i) the net balance of the last summary report, if any;

(ii) a single figure equal to the total amount of receipts received since the last summary report, if any;

(iii) a single figure equal to the total amount of expenditures made since the last summary report, if any;

[~~(ii)~~] (iv) a detailed listing of each contribution and public service assistance received since the last summary report;

[~~(iii)~~] (v) for each nonmonetary contribution, the fair market value of the contribution;

[~~(iv)~~] (vi) a detailed listing of each expenditure made since the last summary report;

[~~(v)~~] (vii) for each nonmonetary expenditure, the fair market value of the expenditure; and

[~~(vi)~~] (viii) a net balance for the year consisting of the net balance from the last summary report plus all receipts minus all expenditures.

(b) (i) For all individual contributions or public service assistance of $50 or less, a single aggregate figure may be reported without separate detailed listings.

(ii) Two or more contributions from the same source that have an aggregate total of more than $50 may not be reported in the aggregate, but shall be reported separately.

(c) In preparing the report, all receipts and expenditures shall be reported as of December 31 of the last [~~regular general election~~] calendar year.

(3) The summary report shall contain a paragraph signed by the officeholder certifying that, to the best of the officeholder's knowledge, all receipts and all expenditures have been reported as of December 31 of the last [~~regular general election~~] calendar year and that there are no bills or obligations outstanding and unpaid except as set forth in that report.

Section 2. Section **36-11-102** is amended to read:

36-11-102. Definitions.

As used in this chapter:

(1) "Aggregate daily expenditures" means:

(a) for a single lobbyist, principal, or government officer, the total of all expenditures made within a [~~24-hour period.~~] calendar day by the lobbyist, principal, or government officer for the benefit of an individual public official;

(b) when an expenditure is made by a member of a lobbyist group, the total of all expenditures made within a calendar day by every member of the lobbyist group for the benefit of an individual public official; or

(c) for a multiclient lobbyist, the total of all expenditures made by the multiclient lobbyist within a calendar day for the benefit of an individual public official, regardless of whether expenditures were attributed to different clients.

(2) "Executive action" means:

(a) nominations and appointments by the governor;

(b) the proposal, drafting, amendment, enactment, or defeat by a state agency of any rule made in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act; and

(c) agency ratemaking proceedings.

(3) (a) "Expenditure" means any of the items listed in this Subsection (3)(a) when given to or for the benefit of a public official [~~or his immediate family~~]:

(i) a purchase, payment, distribution, loan, gift, advance, deposit, subscription, forbearance, services, or goods, unless consideration of equal or greater value is received; and

(ii) a contract, promise, or agreement, whether or not legally enforceable, to provide any of the items listed in Subsection (3)(a)(i).

(b) "Expenditure" does not mean:

(i) a commercially reasonable loan made in the ordinary course of business;

(ii) a campaign contribution reported in accordance with Title 20A, Chapter 11, [~~Corrupt Practices in Elections~~] Campaign and Financial Reporting Requirements;

(iii) printed informational material that is related to the performance of the recipient's official duties;

(iv) a devise or inheritance;

(v) any item listed in Subsection (3)(a) if given by a relative;

(vi) a modest item of food or refreshment such as a beverage or pastry offered other than as part of a meal, the value of which does not exceed $5;

(vii) a greeting card or other item of little intrinsic value that is intended solely for presentation; or

(viii) plaques, commendations, or awards[~~; or~~] presented in public and having a cash value not exceeding $50.

[~~(ix) reimbursement of reasonable expenses for or providing travel, lodging, or meals to a public official when:~~]

[~~(A) those expenses are directly related to the public official's attendance and participation in a regularly scheduled meeting of an organization, association, or group; and~~]

[~~(B) that organization, association, or group pays or provides those expenses.~~]

(4) (a) "Government officer" means:

(i) an individual elected to a position in state or local government, when acting within his official capacity; or

(ii) an individual appointed to or employed in a full-time position by state or local government, when acting within the scope of his employment.

(b) "Government officer" does not mean a member of the legislative branch of state government.

(5) "Immediate family" means:

(a) a spouse[~~,~~];

(b) a child residing in the household[~~,~~]; or

(c) an individual claimed as a dependent for tax purposes.

(6) "Interested person" means an individual defined in Subsections (9)(b)[~~(ii)~~](iii) and (viii).

(7) "Legislative action" means:

(a) bills, resolutions, amendments, nominations, and other matters pending or proposed in either house of the Legislature or its committees or requested by a legislator; and

(b) the action of the governor in approving or vetoing legislation.

(8) "Lobbying" means communicating with a public official for the purpose of influencing the passage, defeat, amendment, or postponement of legislative or executive action.

(9) (a) "Lobbyist" means:

(i) an individual who is employed by a principal; or

(ii) an individual who contracts for economic consideration, other than reimbursement for reasonable travel expenses, with a principal to lobby a public official.

(b) "Lobbyist" does not include:

[~~(i) a public official while acting in his official capacity on matters pertaining to his office or a state employee while acting within the scope of his employment;~~]

(i) a government officer;

(ii) a member or employee of the legislative branch of government;

[~~(ii)~~] (iii) any person appearing at, or providing written comments to, a hearing conducted in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act or Title 63, Chapter 46b, Administrative Procedures Act;

[~~(iii)~~] (iv) any person participating on or appearing before an advisory or study task force, commission, board, or committee, constituted by the Legislature or any agency or department of state government, except legislative standing, appropriation, or interim committees;

[~~(iv)~~] (v) a representative of a political party;

[~~(v)~~] (vi) an individual representing a bona fide church solely for the purpose of protecting the right to practice the religious doctrines of the church unless the individual or church makes an expenditure that confers a benefit on a public official;

[~~(vi)~~] (vii) a newspaper, television station or network, radio station or network, periodical of general circulation, or book publisher for the purpose of publishing news items, editorials, other comments, or paid advertisements that directly or indirectly urge legislative or executive action; or

[~~(vii) an elected official of a local government while acting within the scope of his official capacity on matters pertaining to his office or an employee of a local government while acting within the scope of his employment; or~~]

(viii) an individual who appears on his own behalf before a committee of the Legislature or an executive branch agency solely for the purpose of testifying in support of or in opposition to legislative or executive action.

(10) "Lobbyist group" means two or more lobbyists, principals, government officers, and any combination of lobbyists, principals, and officers who each contribute a portion of an

expenditure made to benefit a public official or member of the public official's immediate family.

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

[~~(10)~~] (12) "Person" includes individuals, bodies politic and corporate, partnerships, associations, and companies.

[~~(11)~~] (13) "Principal" means a person [~~who~~] that employs [~~a lobbyist~~] an individual to perform lobbying either as an employee or as an independent contractor.

[~~(12)~~] (14) "Public official" means:

(a) (i) a member of the Legislature;

[~~(b)~~] (ii) an individual elected to a position in the executive branch; or

[~~(c)~~] (iii) an individual appointed to or employed in the executive or legislative branch if that individual:

[~~(i)~~] (A) occupies a policymaking position or makes purchasing or contracting decisions;

[~~(ii)~~] (B) drafts legislation or makes rules;

[~~(iii)~~] (C) determines rates or fees; or

[~~(iv)~~] (D) makes adjudicative decisions[.]; or

(b) an immediate family member of a person described in Subsection (14)(a).

(15) "Public official type" means a notation to identify whether a public official is:

(a) (i) a member of the Legislature;

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

(iii) an individual appointed to or employed in a position in the legislative branch who meets the definition of public official under Subsection (14)(a)(iii); or

(iv) an individual appointed to or employed in a position in the executive branch who meets the definition of public official under Subsection (14)(a)(iii); or

(b) an immediate family member of a person described in Subsection (14)(b).

(16) "Quarterly reporting period" means the three-month period covered by each financial report required under Subsection 36-11-201(2)(a).

[~~(13)~~] (17) "Related person" means any person, or agent or employee of a person, who knowingly and intentionally assists a lobbyist, principal, or government officer in lobbying.

[~~(14)~~] (18) "Relative" means a spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or spouse of any of these individuals.

(19) (a) "Tangible personal property" means an item having a description that is consistent with the meaning of tangible personal property found in the Utah Constitution, Article XIII.

(b) "Tangible personal property" does not include the admission price or cost for events, meals, recreation, outings, or functions.

Section 3. 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) As used in this section, "public official type" means a notation to identify whether the public official is:~~]

[~~(a) a member of the Legislature;~~]

[~~(b) an individual elected to a position in the executive branch;~~]

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

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

[~~(2) (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:~~]

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

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

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

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

[~~(C) a travel expenditure statement that:~~]

[~~(I) describes the destination of each trip and its purpose;~~]

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

[~~(III) names all individuals that took each trip;~~]

[~~(IV) identifies the public official type to which each public official belongs;~~]

[~~(V) provides the name and address of the organization that sponsored each trip; and~~]

[~~(VI) identifies specific expenditures for food, lodging, gifts, and sidetrips;~~]

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

[~~(A) when the amount does not exceed $50 per person:~~]

[~~(I) the date of the expenditure;~~]

[~~(II) the purpose of the expenditure;~~]

[~~(III) the public official type to which each public official belongs; and~~]

[~~(IV) the total monetary worth of the benefit conferred on the public officials or members of their immediate families;~~]

[~~(B) when the amount exceeds $50 per person:~~]

[~~(I) the date, location, and purpose of the event, activity, or expenditure;~~]

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

[~~(III) the public official type to which each public official belongs; and~~]

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

(1) (a) (i) Each lobbyist shall file quarterly financial reports with the lieutenant governor on or before the due dates under Subsection (2)(a).

(ii) If the lobbyist has not made an expenditure during the quarterly reporting period, the lobbyist shall file a quarterly financial report listing the amount of expenditures as "none."

(b) Each government officer or principal that makes an expenditure during any of the quarterly reporting periods under Subsection (2)(a) shall file a quarterly financial report with the lieutenant governor on or before the date that a report for that quarter is due.

(2) (a) Quarterly expense reports shall be due on the following dates:

(i) April 10, for the period of January 1 through March 31;

(ii) July 10, for the period of April 1 through June 30;

(iii) October 10, for the period of July 1 through September 30; and

(iv) January 10, for the period of October 1 through December 31 of the previous year.

(b) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday, the report shall be considered to be due on the next succeeding business day.

(c) A financial report shall be considered timely filed if it is:

(i) postmarked on its due date; or

(ii) filed electronically on or before the due date.

(3) A quarterly financial report shall contain:

(a) the total amount of expenditures made to benefit any public official during the quarterly reporting period;

(b) the total amount of expenditures made, by public official type, during the quarterly reporting period;

(c) for the report due on January 10:

(i) the total amount of expenditures made to benefit any public official during the last calendar year; and

(ii) the total amount of expenditures made, by public official type, during the last calendar year;

(d) a disclosure of each expenditure made during the quarterly reporting period to reimburse or pay for the travel or lodging expenses of a public official, including for each trip:

(i) the purpose and each destination of the trip;

(ii) the name of each public official that participated in the trip;

(iii) the public official type of each public official named;

(iv) for each public official named, a listing of the amount and purpose of each expenditure made for travel or lodging that benefitted the public official; and

(v) the total amount of expenditures made to benefit each public official named;

(e) a disclosure of each expenditure made during the quarterly reporting period that was not disclosed under Subsection (3)(d), to be provided as follows:

(i) using Schedule A under Section 36-11-201.3, a disclosure of each of the following expenditures:

(A) an expenditure made for the cost or value of admission to a professional or collegiate sporting event;

(B) an expenditure made for tangible personal property, if the aggregate daily expenditures benefitting the public official are greater than $10;

(C) an expenditure made for food or beverage, if the aggregate daily expenditures benefitting the public official are greater than $50; and

(D) any expenditure not otherwise reported in Subsection (3)(d), or this Subsection

(3)(e)(i), if the aggregate daily expenditures benefitting the public official are greater than $50; and

(ii) using Schedule B under Section 36-11-201.3, a disclosure of every expenditure not reported in Subsection (3)(d) or (3)(e)(i);

[~~(iv) a list of~~] (f) for each public official who was employed by the lobbyist, principal, or government officer or who performed work as an independent contractor for the lobbyist, principal, or government officer during the last year [~~that details~~], a list that provides:

(i) the name of the public official; and

(ii) the nature of the employment or contract with the public official;

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

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

[~~(vii)~~] (i) the general purposes, interests, and nature of the organization or organizations that the lobbyist, principal, or government officer filing the report represents[~~.~~]; and

(j) for a lobbyist, a certification that the information provided in the report is true, accurate, and complete to the lobbyist's best knowledge and belief.

[~~(c)~~] (4) In reporting expenditures under this section for events to which all legislators are invited, each lobbyist, principal, and government officer:

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

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

[~~(iii)~~] (c) may not report any expenditure as made to a legislator who did not attend the event.

[~~(3) (a) As used in this Subsection (3):~~]

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

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

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

[~~(i) the date, location, and purpose of the event, activity, or expenditure;~~]

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

[~~(iii) the public official type to which each public official belongs;~~]

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

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

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

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

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

[~~(i) the date, location, and purpose of the event, activity, or expenditure;~~]

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

[~~(iii) the public official type to which each public official belongs;~~]

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

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

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

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

[~~(4)~~] (5) A related person may not, while assisting a lobbyist, principal, or government officer in lobbying, make an expenditure that benefits a public official [~~or member of the public official's immediate family~~] under circumstances which would otherwise fall within the disclosure requirements of this chapter if the expenditure was made by the lobbyist, principal, or government officer.

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

~~on:~~]

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

[~~(ii) the date seven days before a regular general election; and~~]

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

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

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

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

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

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

[~~(7)~~] (6) The lieutenant governor shall:

(a) (i) develop preprinted [~~suggested~~] forms for all [~~statements~~] financial reports required by this section; and

[~~(b)~~] (ii) make copies of the forms available to each person who requests them[~~.~~]; and

(b) provide a reporting system that allows financial reports to be submitted via the Internet.

[~~(8)~~] (7) (a) Each lobbyist and each principal shall continue to file the quarterly financial reports required by this section [~~until the lobbyist or principal has filed the report due on the first January 10 that is more than 12 months after the date that the lobbyist surrenders,~~] until the lobbyist or principal files a statement with the lieutenant governor that:

(i) states:

(A) for a lobbyist, that the lobbyist has ceased lobbying activities; or

(B) for a principal, that the principal no longer employs an individual as a lobbyist;

(ii) in the case of a lobbyist, states that the lobbyist is surrendering the lobbyist's license;

(iii) contains a listing, as required by this section, of all previously unreported expenditures that have been made through the date of the statement; and

(iv) states that the lobbyist or principal will not make any additional expenditure that is not disclosed on the statement unless the lobbyist or principal complies with the disclosure and licensing requirements of this chapter.

(b) A lobbyist that fails to renew[~~,~~] the lobbyist's license or otherwise ceases to be licensed[~~.~~] shall be required to file quarterly reports until the lobbyist files the statement required by Subsection (7)(a).

Section 4. Section **36-11-201.3** is enacted to read:

36-11-201.3. Expenditure reporting schedules.

The schedules in this section shall be used to report expenditures made to benefit a public official as required by Section 36-11-201.

(1) Schedule A:

(a) the date and purpose of the expenditure;

(b) the location of the expenditure;

(c) the name of the public official benefitted by the expenditure;

(d) the public official type of the public official; and

(e) the total monetary worth of the benefit that the expenditure conferred on the public official; and

(2) Schedule B:

(a) the date and purpose of the expenditure;

(b) the public official type of the public official benefitted by the expenditure; and

(c) the total monetary worth of the benefit that the expenditure conferred on the public official.

Section 5. Section **36-11-304** is amended to read:

36-11-304. Prohibition on certain gifts of real or tangible personal property.

(1) As used in this section:

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

(b) "Gift" does not include a plaque, commendation, or award that is presented in public.

[~~(1) A~~] (2) Except as provided in Subsection (3), a lobbyist, principal, or government officer may not offer to or give any public official [~~or member of his immediate family~~] any gift or loan if the public official has been, or is now, or in the near future may be involved in any governmental action directly affecting the donor or lender.

[~~(2)~~] (3) Subsection [~~(1)~~] (2) does not apply to the following:

(a) an occasional nonpecuniary gift, having a value of not in excess of $50 per individual;

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

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

(d) gifts to a relative.

[~~(3) For the purposes of this section:~~]

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

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

Section 6. Section **36-11-306** is enacted to read:

36-11-306. Conflicts of interest.

(1) As used in this section, "conflict of interest" means a circumstance where:

(a) the representation of one principal or client will be directly adverse to another principal or client; or

(b) there is a significant risk that the representation of one or more principals or clients will be materially limited by the lobbyist's responsibilities to:

(i) another principal or client; or

(ii) a personal interest of the lobbyist.

(2) Except as provided in Subsection (3), a lobbyist may not represent a principal or client if the representation involves a conflict of interest.

(3) Notwithstanding the existence of a conflict of interest, a lobbyist may represent a principal or client if:

(a) the lobbyist reasonably believes that the lobbyist will be able to provide competent and diligent representation to each principal or client;

(b) the representation is not otherwise prohibited by law;

(c) the representation does not require the lobbyist to assert a position on behalf of one principal or client that is opposed to the position of another principal or client represented by the lobbyist involving the same legislative issue; and

(d) each affected principal or client gives informed consent to the conflict of interest in writing.

Section 7. Section **67-16-5** is amended to read:

67-16-5. Accepting gift, compensation, or loan -- When prohibited.

(1) As used in this section, "economic benefit tantamount to a gift" includes:

(a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and

(b) compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.

(2) It is an offense for a public officer[~~,~~] or public employee, [~~or legislator,~~] under circumstances not amounting to a violation of Section 63-56-1001 or 76-8-105, to knowingly receive, accept, take, seek, or solicit, directly or indirectly for himself or another a gift of substantial value or a substantial economic benefit tantamount to a gift:

(a) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties;

(b) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken; or

(c) if he recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless a disclosure of the gift, compensation, or loan and other relevant information has been made in the manner provided in Section 67-16-6.

(3) Subsection (2) does not apply to:

(a) an occasional nonpecuniary gift, having a value of not in excess of $50;

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

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

(d) a political campaign contribution.

Section 8. **Coordinating S.B. 246 with H.B. 62 -- Superseding amendments.**

If this S.B. 246 and H.B. 62, Lobbyist Disclosure Technical Amendments, both pass, it is the intent of the Legislature that the amendments to Section 36-11-201 in this bill supersede the amendments to Section 36-11-201 in H.B. 62 when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.