

GOVERNMENT LAW CHANGES

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sheldon L. Killpack

House Sponsor: _____

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 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 that certain details be reported on gifts of tangible property valued at over \$5;



- 28 ▶ establishes conflict of interest standards for lobbyists;
- 29 ▶ modifies a provision in the Public Officers' and Employees' Ethics Act; and
- 30 ▶ makes technical changes.

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

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

36 **Utah Code Sections Affected:**

37 AMENDS:

- 38 **20A-11-401**, as last amended by Chapter 355, Laws of Utah 1997
- 39 **36-11-102**, as last amended by Chapter 13, Laws of Utah 1998
- 40 **36-11-201**, as last amended by Chapter 27, Laws of Utah 2003
- 41 **67-16-5**, as last amended by Chapter 25, Laws of Utah 2005

42 ENACTS:

43 **36-11-306**, Utah Code Annotated 1953



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

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

47 **20A-11-401. Officeholder financial reporting requirements -- Year-end summary**
48 **report.**

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

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

55 (i) this section; and

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

58 (2) (a) Each summary report shall include the following information as of December 31

59 of the last [~~regular general election~~] year:

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

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

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

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

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

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

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

70 and

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

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

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

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

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

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

84 **36-11-102. Definitions.**

85 As used in this chapter:

86 (1) "Aggregate daily expenditures" means the total expenditures made within a 24-hour
87 period.

88 (2) "Executive action" means:

89 (a) nominations and appointments by the governor;

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

92 (c) agency ratemaking proceedings.

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

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

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

99 (b) "Expenditure" does not mean:

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

101 (ii) a campaign contribution reported in accordance with Title 20A, Chapter 11,

102 ~~[Corrupt Practices in Elections]~~ Campaign and Financial Reporting Requirements;

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

105 (iv) a devise or inheritance;

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

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

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

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

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

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

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

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

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

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

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

125 (5) "Immediate family" means a spouse, a child residing in the household, or an
126 individual claimed as a dependent for tax purposes.

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

129 (7) "Legislative action" means:

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

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

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

135 (9) (a) "Lobbyist" means:

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

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

139 (b) "Lobbyist" does not include:

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

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

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

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

149 (iv) a representative of a political party;

150 (v) an individual representing a bona fide church solely for the purpose of protecting
151 the right to practice the religious doctrines of the church unless the individual or church makes

152 an expenditure that confers a benefit on a public official;

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

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

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

163 (10) "Person" includes individuals, bodies politic and corporate, partnerships,
164 associations, and companies.

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

167 (12) "Public official" means:

168 (a) a member of the Legislature;

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

170 (c) an individual appointed to or employed in the executive or legislative branch if that
171 individual:

172 (i) occupies a policymaking position or makes purchasing or contracting decisions;

173 (ii) drafts legislation or makes rules;

174 (iii) determines rates or fees; or

175 (iv) makes adjudicative decisions.

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

178 [~~(13)~~] (14) "Related person" means any person, or agent or employee of a person, who
179 knowingly and intentionally assists a lobbyist, principal, or government officer in lobbying.

180 [~~(14)~~] (15) "Relative" means a spouse, child, parent, grandparent, grandchild, brother,
181 sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or
182 spouse of any of these individuals.

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

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

188 Section 3. Section **36-11-201** is amended to read:

189 **36-11-201. Lobbyist, principal, and government officer financial reporting**
 190 **requirements -- Prohibition for related person to make expenditures.**

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

193 (a) a member of the Legislature;

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

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

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

199 (2) (a) (i) Each lobbyist, principal, and government officer that makes an expenditure,
 200 as defined by Section 36-11-102, during any of the following quarterly reporting periods shall
 201 file ~~[an annual]~~ a quarterly financial report with the lieutenant governor on ~~[January 10 of each~~
 202 ~~year or]~~ the following dates:

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

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

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

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

207 (ii) If the due date for a financial report falls on a Saturday, Sunday, or legal holiday,
 208 the report shall be considered to be due on the next succeeding business day ~~[if January 10 falls~~
 209 ~~on a Saturday, Sunday, or legal holiday].~~

210 (iii) The report shall be considered timely filed if postmarked on its due date.

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

213 ~~[(iii) If]~~ (v) (A) Notwithstanding Subsection (2)(a)(i), a lobbyist shall file a quarterly

214 financial report whether or not the lobbyist has made [no expenditures since the last
215 expenditure reported on the last report filed,] an expenditure during the quarterly reporting
216 period.

217 (B) If the lobbyist has made no expenditures during the quarterly reporting period, the
218 lobbyist shall file a quarterly financial report listing the amount of expenditures as "none."

219 (C) The report shall be filed in accordance with the dates specified under Subsections
220 (2)(a)(i) and (ii).

221 (b) The ~~[January 10]~~ quarterly financial report shall contain:

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

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

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

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

232 (C) a travel expenditure statement for the last quarterly reporting period that:

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

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

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

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

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

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

240 (iii) except as specified under Subsection (2)(b)(iv) regarding an expenditure that
241 consists of tangible personal property, for each aggregate daily [expenditures] expenditure
242 made during the quarterly reporting period to benefit a public [officials or members of their]
243 official or a member of the public official's immediate [families] family that [are] is not
244 otherwise reportable under Subsection (2)(b)(ii):

245 (A) when the amount does not exceed \$50 per person:
246 (I) the date of the expenditure;
247 (II) the purpose of the expenditure;
248 (III) the public official type to which each public official belongs; and
249 (IV) the total monetary worth of the benefit conferred on the public officials or
250 members of their immediate families; and
251 (B) when the amount exceeds \$50 per person:
252 (I) the date, location, and purpose of the event, activity, or expenditure;
253 (II) the name of the public official or member of the public official's immediate family
254 who attended the event or activity or received the benefit of the expenditure;
255 (III) the public official type to which each public official belongs; and
256 (IV) the total monetary worth of the benefit conferred on the public official or member
257 of the public official's immediate family by the lobbyist, principal, or government officer filing
258 the financial report;
259 (iv) for each aggregate daily expenditure that consists of tangible personal property and
260 that is made during the quarterly reporting period to benefit a public official or a member of a
261 public official's immediate family:
262 (A) when the amount or value exceeds \$5 per person, but does not exceed \$50 per
263 person:
264 (I) the date, location, and purpose of the expenditure;
265 (II) the name of the public official or member of the public official's immediate family
266 who received the benefit of the expenditure;
267 (III) the public official type to which each public official belongs; and
268 (IV) the total monetary worth of the benefit conferred on the public official or member
269 of the public official's immediate family; and
270 (B) when the amount or value exceeds \$50 per person:
271 (I) the information required by Subsection (2)(b)(iv)(A); and
272 (II) a statement explaining why the expenditure does not violate the restrictions of
273 Section 36-11-304;
274 ~~[(iv)]~~ (v) a list of each public official who was employed by the lobbyist, principal, or
275 government officer or who performed work as an independent contractor for the lobbyist,

276 principal, or government officer during the last year that details the nature of the employment
277 or contract;

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

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

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

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

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

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

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

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

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

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

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

- 307 (i) the date, location, and purpose of the event, activity, or expenditure;
- 308 (ii) the name of the public official or member of the public official's immediate family
309 who attended the event or activity or received the benefit of the expenditure;
- 310 (iii) the public official type to which each public official belongs;
- 311 (iv) the total monetary worth of the benefit conferred on the public official or member
312 of the public official's immediate family by the lobbyist group [~~and~~];
- 313 (v) the total monetary worth of the benefit conferred upon the public official or
314 member of the public official's immediate family by the lobbyist, principal, or government
315 officer filing the financial report;
- 316 [~~(v)~~] (vi) each bill or resolution by number and short title on behalf of which the
317 lobbyist, principal, or government officer made an expenditure to a public official for which a
318 report is required by this section, if any;
- 319 [~~(vi)~~] (vii) a description of each executive action on behalf of which the lobbyist,
320 principal, or government officer made an expenditure to a public official for which a report is
321 required by this section, if any; and
- 322 [~~(vii)~~] (viii) the general purposes, interests, and nature of the organization or
323 organizations that the lobbyist, principal, or government officer filing the report represents.
- 324 (c) When a multiclient lobbyist makes aggregate daily expenditures to benefit public
325 officials or members of their immediate families, and the sum of the total aggregate daily
326 expenditure for all of the lobbyist's clients exceeds \$50 for a public official or family member,
327 the multiclient lobbyist shall, for each client, disclose on the reports required by this section:
- 328 (i) the date, location, and purpose of the event, activity, or expenditure;
- 329 (ii) the name of the public official or member of the public official's immediate family
330 who attended the event or activity or received the benefit of the expenditure;
- 331 (iii) the public official type to which each public official belongs;
- 332 (iv) the total monetary worth of the benefit conferred on the public official or member
333 of the public official's immediate family by all clients [~~and~~];
- 334 (v) the total monetary worth of the benefit conferred on the public official or member
335 of the public official's immediate family by the client upon whose behalf the report is filed;
- 336 [~~(v)~~] (vi) each bill or resolution by number and short title on behalf of which the
337 lobbyist, principal, or government officer made an expenditure to a public official for which a

338 report is required by this section, if any;

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

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

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

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

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

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

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

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

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

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

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

365 ~~[(6)]~~ (5) Each quarterly financial report filed by a lobbyist shall contain a certification
366 that the information provided in the report is true, accurate, and complete to the lobbyist's best
367 knowledge and belief.

368 ~~[(7)]~~ (6) The lieutenant governor shall:

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

371 ~~[(8)]~~ (7) (a) Each lobbyist and each principal shall continue to file the quarterly
372 financial reports required by this section [until the lobbyist or principal has filed the report due
373 on the first January 10 that is more than 12 months after the date that the lobbyist surrenders,]
374 until the lobbyist or principal files a statement with the lieutenant governor that:

375 (i) states:

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

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

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

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

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

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

388 Section 4. Section **36-11-306** is enacted to read:

389 **36-11-306. Conflicts of interest.**

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

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

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

395 (i) another principal or client;

396 (ii) a former principal or client;

397 (iii) a third person; or

398 (iv) a personal interest of the lobbyist.

399 (2) Except as provided in Subsection (3), a lobbyist may not represent a principal or

400 client if the representation involves a conflict of interest.

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

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

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

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

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

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

412 **67-16-5. Accepting gift, compensation, or loan -- When prohibited.**

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

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

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

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

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

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

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

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

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

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

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

435 (d) a political campaign contribution.

436 Section 6. **Coordinating S.B. 246 with H.B. 62 -- Superseding amendments.**

437 If this S.B. 246 and H.B. 62, Lobbyist Disclosure Technical Amendments, both pass, it

438 is the intent of the Legislature that the amendments to Section 36-11-201 in this bill supersede

439 the amendments to Section 36-11-201 in H.B. 62 when the Office of Legislative Research and

440 General Counsel prepares the Utah Code database for publication.

Legislative Review Note

as of 2-21-07 12:28 PM

Office of Legislative Research and General Counsel

S.B. 246 - Government Law Changes

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
