

By: Senator(s) Minor

To: Judiciary

SENATE BILL NO. 2316

1 AN ACT TO AMEND SECTION 5-8-3, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE REPORTING REQUIREMENTS UNDER THE LOBBYING LAW REFORM  
3 ACT OF 1994; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 5-8-3, Mississippi Code of 1972, is  
6 amended as follows:

7 5-8-3. The following words and phrases shall have the  
8 meanings ascribed herein unless the context clearly indicates  
9 otherwise:

10 (a) (i) "Anything of value" means:

11 1. A pecuniary item, including money, or a  
12 bank bill or note;

13 2. A promissory note, bill of exchange,  
14 order, draft, warrant, check or bond given for the payment of  
15 money;

16 3. A contract, agreement, promise or other  
17 obligation for an advance, conveyance, forgiveness of  
18 indebtedness, deposit, distribution, loan, payment, gift, pledge  
19 or transfer of money;

20 4. A stock, bond, note or other investment  
21 interest in an entity;

22 5. A receipt given for the payment of money  
23 or other property;

24 6. A right in action;

25 7. A gift, tangible good, chattel or an  
26 interest in a gift, tangible good or chattel;

27 8. A loan or forgiveness of indebtedness;



28                   9. A work of art, antique or collectible;  
29                   10. An automobile or other means of personal  
30 transportation;  
31                   11. Real property or an interest in real  
32 property, including title to realty, a fee simple or partial  
33 interest, present or future, contingent or vested within realty, a  
34 leasehold interest, or other beneficial interest in realty;  
35                   12. An honorarium or compensation for  
36 services;  
37                   13. A rebate or discount in the price of  
38 anything of value, unless the rebate or discount is made in the  
39 ordinary course of business to a member of the public without  
40 regard to that person's status as an executive, legislative or  
41 public official or public employee, or the sale or trade of  
42 something for reasonable compensation that would ordinarily not be  
43 available to a member of the public;  
44                   14. A promise or offer of employment;  
45                   15. Any other thing of value that is  
46 pecuniary or compensatory in value to a person, except as  
47 otherwise provided in subparagraph (ii) of this paragraph; or  
48                   16. A payment that directly benefits an  
49 executive, legislative or public official or public employee or a  
50 member of that person's immediate family.  
51                   (ii) "Anything of value" does not mean:  
52                   1. Informational material such as books,  
53 reports, pamphlets, calendars or periodicals informing an  
54 executive, legislative or public official or public employee of  
55 her or his official duties;  
56                   2. A certificate, plaque or other  
57 commemorative item which has little pecuniary value;  
58                   3. Food and beverages for immediate  
59 consumption provided by a lobbyist up to a value of Twenty-five  
60 Dollars (\$25.00) per any single occasion;



61                           4. Campaign contributions reported in  
62 accordance with Section 23-15-801 et seq., Mississippi Code of  
63 1972.

64                           (b) "Commission" means the Mississippi Ethics  
65 Commission, when used in the context of Section 5-8-19 of this  
66 chapter.

67                           (c) "Compensation" means:

68                                   (i) An advance, conveyance, forgiveness of  
69 indebtedness, deposit, distribution, loan, payment, gift, pledge  
70 or transfer of money or anything of value, including reimbursement  
71 of travel, food or lodging costs; or

72                                   (ii) A contract, agreement, promise or other  
73 obligation for an advance, conveyance, forgiveness of  
74 indebtedness, deposit, distribution, loan, payment, gift, pledge  
75 or transfer of money or anything of value, including reimbursement  
76 of travel, food or lodging costs, for services rendered or to be  
77 rendered.

78                           (d) "Executive action" means the proposal, drafting,  
79 development, consideration, amendment, adoption, approval,  
80 promulgation, issuance, modification, rejection or postponement by  
81 a state or local governmental entity of a rule, regulation, order,  
82 decision, determination or other quasi-legislative action or  
83 proceeding.

84                           (e) "Executive agency" means:

85                                   (i) An agency, board, commission, governing  
86 authority or other body in the executive branch of state or local  
87 government; or

88                                   (ii) An independent body of state or local  
89 government that is not a part of the legislative or judicial  
90 branch, but which shall include county boards of supervisors.

91                           (f) "Executive official" means:



92 (i) A member or employee of a state agency, board,  
93 commission, governing authority or other body in the executive  
94 branch of state or local government; or

95 (ii) A public official or public employee, or any  
96 employee of such person, of state or local government who takes an  
97 executive action.

98 (g) "Expenditure" means:

99 (i) A purchase, payment, distribution, loan,  
100 forgiveness of a loan or payment of a loan by a third party,  
101 advance, deposit, transfer of funds, a promise to make a payment,  
102 or a gift of money or anything of value for any purpose;

103 (ii) A payment to a lobbyist for salary, fee,  
104 commission, compensation for expenses, or other purpose by a  
105 person employing, retaining or contracting for the services of the  
106 lobbyist separately or jointly with other persons;

107 (iii) A payment in support of or assistance to a  
108 lobbyist or the lobbyist's activities, including the direct  
109 payment of expenses incurred at the request or suggestion of the  
110 lobbyist;

111 (iv) A payment that directly benefits an  
112 executive, legislative or public official or a member of the  
113 official's immediate family;

114 (v) A payment, including compensation, payment or  
115 reimbursement for the services, time or expenses of an employee  
116 for or in connection with direct communication with an executive,  
117 legislative or public official made at the direction of the  
118 employee's employer;

119 (vi) A payment for or in connection with  
120 soliciting or urging other persons to enter into direct  
121 communication with an executive, legislative or public official;  
122 or

123 (vii) A payment or reimbursement for food,  
124 beverages, travel, lodging, entertainment or sporting activities.



125           (h) "Gift" means anything of value to the extent that  
126 consideration of equal or greater value is not received, including  
127 a rebate or discount in the price of anything of value unless the  
128 rebate or discount is made in the ordinary course of business to a  
129 member of the public without regard to that person's status as an  
130 executive, legislative or public official.

131           (i) "Legislative action" means:

132               (i) Preparation, research, drafting, introduction,  
133 consideration, modification, amendment, approval, passage,  
134 enactment, tabling, postponement, defeat or rejection of a bill,  
135 resolution, amendment, motion, report, nomination, appointment or  
136 other matter by the Mississippi State Legislature or a member or  
137 employee of the Legislature acting or purporting to act in an  
138 official capacity;

139               (ii) Action by the Governor in approving or  
140 vetoing a bill or other action of the Legislature;

141               (iii) Action by the Legislature in:

142                     1. Overriding or sustaining a veto by the  
143 Governor; or

144                     2. Considering, confirming or rejecting an  
145 executive appointment of the Governor.

146           (j) "Legislative official" means:

147               (i) A member, member-elect or presiding officer of  
148 the Legislature;

149               (ii) A member of a commission or other entity  
150 established by and responsible to either or both houses of the  
151 Legislature;

152               (iii) A staff member, officer or employee to a  
153 member or member-elect of the Legislature, to a member of a  
154 commission or other entity established by and responsible to  
155 either or both houses of the Legislature, or to the Legislature or  
156 any house, committee or office thereof.

157           (k) "Lobbying" means:



158 (i) Influencing or attempting to influence  
159 legislative or executive action through oral or written  
160 communication; or  
161 (ii) Solicitation of others to influence  
162 legislative or executive action; or  
163 (iii) Paying or promising to pay anything of value  
164 directly or indirectly related to legislative or executive action.

165 (l) "Lobbyist" means:

166 (i) An individual who is employed and receives  
167 payments, or who contracts for economic consideration, including  
168 reimbursement for reasonable travel and living expenses, for the  
169 purpose of lobbying;

170 (ii) An individual who represents a legislative or  
171 public official or public employee, or who represents a person,  
172 organization, association or other group, for the purpose of  
173 lobbying; or

174 (iii) A sole proprietor, owner, part owner or  
175 shareholder in a business who has a pecuniary interest in  
176 legislative or executive action, who engages in lobbying  
177 activities.

178 (m) "Lobbyist's client" means the person in whose  
179 behalf the lobbyist influences or attempts to influence  
180 legislative or executive action.

181 (n) "Local" means all entities of government at the  
182 county, county-district, multicounty district, municipal or school  
183 district level.

184 (o) "Person" means an individual, proprietorship, firm,  
185 partnership, joint venture, joint-stock company, syndicate,  
186 business trust, estate, company, corporation, association, club,  
187 committee, organization or group of persons acting in concert.

188 (p) "Public employee" means an individual appointed to  
189 a position, including a position created by statute, whether  
190 compensated or not, in state or local government and includes any



191 employee of the public employee. The term includes a member of  
192 the board of trustees, chancellor, vice chancellor or the  
193 equivalent thereof in the state university system or the state  
194 community and junior college system, and a president of a state  
195 college or university.

196 (q) "Public official" means an individual elected to a  
197 state or local office, or an individual who is appointed to fill a  
198 vacancy in the office.

199 (r) "Value" means the retail cost or fair market worth  
200 of an item or items, whichever is greater.

201 SECTION 4. This act shall take effect and be in force from  
202 and after July 1, 2001.

