

By: Senator(s) Nunnelee

To: Judiciary, Division A

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2201

1 AN ACT TO AMEND SECTION 5-8-7, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE EXEMPTIONS FROM THE DEFINITION OF "LOBBYIST"; AND FOR  
3 RELATED PURPOSES.

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

5 **SECTION 1.** Section 5-8-7, Mississippi Code of 1972, is  
6 amended as follows:

7 5-8-7. Notwithstanding any other provisions of this chapter,  
8 the following person shall not be included within the definition  
9 of "lobbyist" or "lobbyist's client" under this chapter, and  
10 accordingly the registration and reporting provisions, including  
11 the payment of related fees, of this chapter do not apply to:

12 (a) A legislative or public official acting in an  
13 official capacity.

14 (b) An individual who:

15 (i) Represents or purports to represent only the  
16 individual;

17 (ii) Receives no compensation or anything of value  
18 for lobbying; and

19 (iii) Has no pecuniary interest in the legislative  
20 or executive action.

21 (c) An individual lobbying in his or her own interest,  
22 his or her own business interest, who pays, or promises to pay,  
23 offers to pay or causes to be paid to public officials,  
24 legislative officials or public employees any thing or things of  
25 value aggregating in value to less than Two Hundred Dollars  
26 (\$200.00) in any calendar year.

27           (d) An individual lobbying on behalf of his or her  
28 employer's business interest where such lobbying is not a primary  
29 or regular function of his employment position if such individual  
30 pays, promises to pay, offers to pay, or causes to be paid  
31 individually or on the employer's behalf to public officials,  
32 legislative officials, or public employees anything or things of  
33 value aggregating in value to less than Two Hundred Dollars  
34 (\$200.00) in any calendar year.

35           (e) An individual lobbying on behalf of an association  
36 of which he or she is a member, where such lobbying is not a  
37 primary or regular function of his or her position in the  
38 association, if such individual pays, promises to pay, offers to  
39 pay, or causes to be paid individually or on the association's  
40 behalf to public officials, legislative officials or public  
41 employees any thing or things of value aggregating in value to  
42 less than Two Hundred Dollars (\$200.00) in any calendar year.

43           (f) An individual who is a shareholder, owner or part  
44 owner of a business who lobbies on behalf of such business, where  
45 such individual is not an employee of the business, if such  
46 individual pays, promises to pay, offers to pay, or causes to be  
47 paid individually or on behalf of the business to public  
48 officials, legislative officials or public employees any thing or  
49 things of value aggregating in value to less than Two Hundred  
50 Dollars (\$200.00) in any calendar year.

51           (g) An individual who:

52               (i) Limits lobbying solely to formal testimony  
53 before a public meeting of a legislative body or an executive  
54 agency, or a committee, division or department thereof; and

55               (ii) Registers the appearance in the records of  
56 the public body, if such records are kept.

57           (h) An individual who is a licensed attorney  
58 representing a client by:

59                   (i) Drafting bills, preparing arguments thereon,  
60 and advising the client or rendering opinions as to the  
61 construction and effect of proposed or pending legislation, where  
62 such services are usual and customary professional legal services  
63 which are not otherwise connected with legislative action; or

64                   (ii) Providing information, on behalf of the  
65 client, to an executive or public official, a public employee, or  
66 an agency, board, commission, governing authority or other body of  
67 state or local government where such services are usual and  
68 customary professional legal services including or related to a  
69 particular nonlegislative matter, case or controversy.

70                   (i) News media and employees of the news media whose  
71 activity is limited solely to the publication or broadcast of  
72 news, editorial comments, or paid advertisements that attempt to  
73 influence legislative or executive action. For the purposes of  
74 this section, "news media" shall be construed to be bona fide  
75 radio and television stations, newspapers, journals or magazines,  
76 or bona fide news bureaus or associations which in turn furnish  
77 information solely to bona fide radio or television stations,  
78 newspapers, journals or magazines.

79                   (j) An individual who engages in lobbying activities  
80 exclusively on behalf of a religious organization which qualifies  
81 as a tax-exempt organization under the Internal Revenue Code.

82                   (k) An individual who is a nonattorney professional and  
83 who receives professional fees and expenses to represent clients  
84 on executive agency matters, except that if anything of value  
85 shall be paid or promised to be paid directly or indirectly on  
86 behalf of a client for the personal use or benefit of an executive  
87 or public official or public employee, then expenditures and  
88 actions of the individual are reportable under this chapter, and  
89 the individual must register as a lobbyist.

90                   (l) An individual involved in the sale or solicitation  
91 for sale of products or services. This exemption shall apply only

92 to activities involving the sale or solicitation for sale of  
93 products or services.

94       **SECTION 2.** This act shall take effect and be in force from  
95 and after July 1, 2006.