

By: Senator(s) Doxey

To: Judiciary, Division B

SENATE BILL NO. 2851

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 any thing 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.