

By: Representative Mayo

To: Judiciary A

HOUSE BILL NO. 1517

1 AN ACT TO AMEND SECTION 25-4-3, MISSISSIPPI CODE OF 1972, TO  
2 CONFORM THE DEFINITIONS OF "BUSINESS" IN THE CHAPTER OF LAW  
3 PERTAINING TO ETHICS IN GOVERNMENT; TO AMEND SECTION 25-4-27,  
4 MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT A PERSON  
5 MUST HAVE AT LEAST A TEN PERCENT INTEREST IN A BUSINESS IN ORDER  
6 TO REPORT THAT INTEREST IN AN ETHICS STATEMENT OF ECONOMIC  
7 INTEREST; AND FOR RELATED PURPOSES.

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

9 SECTION 1. Section 25-4-3, Mississippi Code of 1972, is  
10 amended as follows:

11 25-4-3. As used in this chapter, unless the context requires  
12 otherwise:

13 (a) "Advisory boards or commissions" \* \* \* means  
14 committees created solely to provide technical or professional  
15 knowledge or expertise to a parent organization, and whose members  
16 exercise no direct authority to expend public funds other than  
17 reimbursement for personal expenses incurred as a result of a  
18 member's service on the advisory board.

19 (b) "Business" \* \* \* means any corporation,  
20 partnership, sole proprietorship, firm, enterprise, franchise,  
21 association, organization, holding company, self-employed  
22 individual, joint stock company, receivership, trust or other  
23 legal entity or undertaking organized for economic gain, or a  
24 nonprofit corporation or other such entity, association or  
25 organization receiving public funds.

26 (c) "Candidate for public office" \* \* \* means an  
27 individual who has filed the necessary documents or papers to  
28 appear as a candidate for nomination for election or election to  
29 any elective office existing under the laws of the State of

30 Mississippi, including primary, special or general elections. The  
31 term "candidate" does not include any person within the meaning of  
32 Section 301(b) of the Federal Election Campaign Act of 1971.

33 (d) "Commission" \* \* \* means the Mississippi Ethics  
34 Commission.

35 (e) "Compensation" \* \* \* means money or thing of value  
36 received, or to be received, from any person for services rendered  
37 or to be rendered.

38 (f) "Income" \* \* \* means money or thing of value  
39 received, or to be received, from any source, including, but not  
40 limited to, any salary, wage, advance, payment, dividend,  
41 interest, rent, forgiveness of debt, fee, royalty or any  
42 combination thereof.

43 (g) "Person" \* \* \* means any individual, firm,  
44 business, corporation, association, partnership, union or other  
45 legal entity.

46 (h) "Public employee" \* \* \* means any individual who  
47 receives a salary, per diem or expenses paid in whole or in part  
48 out of funds authorized to be expended by the Mississippi State  
49 Legislature or by the governing body of any political subdivision  
50 thereof, or any other body politic within the State of  
51 Mississippi.

52 (i) "Public funds" \* \* \* means all monies, whether  
53 federal, state, district or local.

54 (j) "Public official" \* \* \* means :

55 (i) Any elected official of the State of  
56 Mississippi or any political subdivision thereof or any other body  
57 politic within the State of Mississippi; or

58 (ii) Any member, officer, director, commissioner,  
59 supervisor, chief, head, agent or employee of the State of  
60 Mississippi, or any agency thereof, of any political subdivision  
61 of the State of Mississippi, of any body politic within the State  
62 of Mississippi, or of any public entity created by or under the

63 laws of the State of Mississippi or by executive order of the  
64 Governor of the state, any of which is funded by public funds or  
65 which expends, authorizes or recommends the use of public funds.

66 (k) "Business with which he is associated" means any  
67 business of which a public servant or his relative is an officer,  
68 director, owner, partner, employee or is a holder of more than ten  
69 percent (10%) of the fair market value or from which he or his  
70 relative derives more than One Thousand Dollars (\$1,000.00) in  
71 annual income or over which such public servant or his relative  
72 exercises control.

73 **SECTION 2.** Section 25-4-27, Mississippi Code of 1972, is  
74 amended as follows:

75 25-4-27. Each person specified under Section 25-4-25 shall  
76 file a statement in accordance with the provisions of this chapter  
77 which shall be signed under oath as to the accuracy and  
78 completeness of the information set forth to the best knowledge of  
79 the person submitting such statement. The statement shall include  
80 the following information:

81 (a) The name and residential and business addresses of  
82 such person;

83 (b) The title, position and offices whereby such  
84 person is required to file;

85 (c) All other occupations of such person and his spouse  
86 during the preceding calendar year and up to the date of filing;

87 (d) The positions held by such person or his spouse  
88 during the preceding calendar year and up to the date of filing in  
89 any business, partnership or corporation organized for profit,  
90 listed by name and address;

91 (e) The names and addresses of all businesses with  
92 which such person is associated during the preceding calendar year  
93 and up to the date of filing \* \* \*;

94 (f) The types of the gross income sources of such  
95 person or his spouse for preceding calendar year in excess of Two

96 Thousand Five Hundred Dollars (\$2,500.00); each entry under this  
97 subsection (f) shall contain the name of the general type of such  
98 business or enterprise and the nature of the income as to whether  
99 it was salary, fees, dividends, interest, profit, commissions,  
100 royalty, rent or other;

101 (g) All retainers listed by type, but not amount,  
102 received by each person or his spouse during the preceding  
103 calendar year and up to the date of filing; for the purposes of  
104 this chapter, "retainer" shall mean a consideration or fee paid on  
105 a regular and continuing basis to a person for services, whether  
106 or not specific services are performed by such person;

107 (h) Any representation or intervention by a person  
108 specified under Section 25-4-25(a) and (d) for any person for  
109 compensation in the preceding calendar year and up to the date of  
110 filing before the Joint Legislative Budget Committee, State Fiscal  
111 Management Board, the Public Service Commission, Oil and Gas  
112 Board, Commissioner of Banking and Consumer Finance, State Board  
113 of Banking Review, the State Personnel Board, the Central Data  
114 Processing Authority or the State Tax Commission; provided,  
115 however, that this provision shall not apply where such  
116 representation involves only uncontested or routine matters. Such  
117 statement shall identify the person represented and the nature of  
118 the business involved; and

119 (i) The filing party shall list all public bodies from  
120 which he or his spouse received compensation in excess of One  
121 Thousand Dollars (\$1,000.00) during the preceding calendar year.

122 **SECTION 3.** This act shall take effect and be in force from  
123 and after July 1, 2007.