

By: Representative Wallace

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1327

1 AN ACT TO AMEND SECTION 5-8-3, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE DEFINITIONS FOR "FOREIGN ADVERSARY" AND "FOREIGN
3 PRINCIPAL"; TO AMEND SECTION 5-8-5, MISSISSIPPI CODE OF 1972, TO
4 PROVIDE THAT A LOBBYIST'S REGISTRATION STATEMENT SHALL INCLUDE
5 WHETHER THE LOBBYIST'S CLIENT IS A FOREIGN PRINCIPAL OF A FOREIGN
6 ADVERSARY, AND, IF SO, THE NAME OF THE FOREIGN ADVERSARY; AND FOR
7 RELATED PURPOSES.

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

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

11 5-8-3. The following words and phrases shall have the
12 meanings ascribed herein unless the context clearly indicates
13 otherwise:

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

15 1. A pecuniary item, including money, or a
16 bank bill or note;

17 2. A promissory note, bill of exchange,
18 order, draft, warrant, check or bond given for the payment of
19 money;



- 20 3. A contract, agreement, promise or other
21 obligation for an advance, conveyance, forgiveness of
22 indebtedness, deposit, distribution, loan, payment, gift, pledge
23 or transfer of money;
- 24 4. A stock, bond, note or other investment
25 interest in an entity;
- 26 5. A receipt given for the payment of money
27 or other property;
- 28 6. A right in action;
- 29 7. A gift, tangible good, chattel or an
30 interest in a gift, tangible good or chattel;
- 31 8. A loan or forgiveness of indebtedness;
- 32 9. A work of art, antique or collectible;
- 33 10. An automobile or other means of personal
34 transportation;
- 35 11. Real property or an interest in real
36 property, including title to realty, a fee simple or partial
37 interest, present or future, contingent or vested within realty, a
38 leasehold interest, or other beneficial interest in realty;
- 39 12. An honorarium or compensation for
40 services;
- 41 13. A rebate or discount in the price of
42 anything of value, unless the rebate or discount is made in the
43 ordinary course of business to a member of the public without
44 regard to that person's status as an executive, legislative or



45 public official or public employee, or the sale or trade of
46 something for reasonable compensation that would ordinarily not be
47 available to a member of the public;

48 14. A promise or offer of employment;

49 15. Any other thing of value that is
50 pecuniary or compensatory in value to a person, except as
51 otherwise provided in subparagraph (ii) of this paragraph; or

52 16. A payment that directly benefits an
53 executive, legislative or public official or public employee or a
54 member of that person's immediate family.

55 (ii) "Anything of value" does not mean:

56 1. Informational material such as books,
57 reports, pamphlets, calendars or periodicals informing an
58 executive, legislative or public official or public employee of
59 her or his official duties;

60 2. A certificate, plaque or other
61 commemorative item which has little pecuniary value;

62 3. Food and beverages for immediate
63 consumption provided by a lobbyist up to a value of Ten Dollars
64 (\$10.00) in the aggregate during any calendar year;

65 4. Campaign contributions reported in
66 accordance with Section 23-15-801 et seq., Mississippi Code of
67 1972.

68 (b) "Commission" means the Mississippi Ethics
69 Commission, when used in the context of Section 5-8-19.



70 (c) "Compensation" means:

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

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

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

87 (e) "Executive agency" means:

88 (i) An agency, board, commission, governing
89 authority or other body in the executive branch of state or local
90 government; or

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

94 (f) "Executive official" means:



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

98 (ii) A public official or public employee, or any
99 employee of such person, of state or local government who takes an
100 executive action.

101 (g) "Expenditure" means:

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

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

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

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

117 (v) A payment, including compensation, payment or
118 reimbursement for the services, time or expenses of an employee
119 for or in connection with direct communication with an executive,



120 legislative or public official made at the direction of the
121 employee's employer;

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

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

128 (h) "Foreign adversary" means a foreign government or
129 foreign nongovernment persons who have been designated as a
130 foreign adversary by the United States Secretary of Commerce.

131 (i) "Foreign principal" means:

132 (i) The government of any official of the
133 government of a foreign adversary;

134 (ii) A political party or member of a political
135 party or any subdivision of a political party in a foreign
136 adversary;

137 (iii) A partnership, association, corporation,
138 organization or other combination of persons organized under the
139 laws of or having its principal place of business in a foreign
140 adversary, or a subsidiary of such entity;

141 (iv) Any person who is domiciled in a foreign
142 adversary and is not a citizen or lawful, permanent resident of
143 the United States; or



144 (v) Any person, entity or collection of persons or
145 entities, described in subparagraphs (i) through (iv) having a
146 controlling interest in a partnership, association, corporation,
147 organization trust, or other legal entity or subsidiary.

148 (* * *j) "Gift" means anything of value to the extent
149 that consideration of equal or greater value is not received,
150 including a rebate or discount in the price of anything of value
151 unless the rebate or discount is made in the ordinary course of
152 business to a member of the public without regard to that person's
153 status as an executive, legislative or public official.

154 (* * *k) "Legislative action" means:

155 (i) Preparation, research, drafting, introduction,
156 consideration, modification, amendment, approval, passage,
157 enactment, tabling, postponement, defeat or rejection of a bill,
158 resolution, amendment, motion, report, nomination, appointment or
159 other matter by the Mississippi State Legislature or a member or
160 employee of the Legislature acting or purporting to act in an
161 official capacity;

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

164 (iii) Action by the Legislature in:

165 1. Overriding or sustaining a veto by the
166 Governor; or

167 2. Considering, confirming or rejecting an
168 executive appointment of the Governor.



169 (* * *l) "Legislative official" means:
170 (i) A member, member-elect or presiding officer of
171 the Legislature;
172 (ii) A member of a commission or other entity
173 established by and responsible to either or both houses of the
174 Legislature;
175 (iii) A staff member, officer or employee to a
176 member or member-elect of the Legislature, to a member of a
177 commission or other entity established by and responsible to
178 either or both houses of the Legislature, or to the Legislature or
179 any house, committee or office thereof.

180 (* * *m) "Lobbying" means:
181 (i) Influencing or attempting to influence
182 legislative or executive action through oral or written
183 communication; or
184 (ii) Solicitation of others to influence
185 legislative or executive action; or
186 (iii) Paying or promising to pay anything of value
187 directly or indirectly related to legislative or executive action.

188 (* * *n) "Lobbyist" means:
189 (i) An individual who is employed and receives
190 payments, or who contracts for economic consideration, including
191 reimbursement for reasonable travel and living expenses, for the
192 purpose of lobbying;



193 (ii) An individual who represents a legislative or
194 public official or public employee, or who represents a person,
195 organization, association or other group, for the purpose of
196 lobbying;

197 (iii) A sole proprietor, owner, part owner or
198 shareholder in a business who has a pecuniary interest in
199 legislative or executive action, who engages in lobbying
200 activities; or

201 (iv) Any individual described in subparagraphs
202 (i), (ii) or (iii) of this paragraph (1) who is employed by or has
203 contracted with any agency, legislative or public official or
204 public employee, or any other public entity for the purpose of
205 providing any type of consulting or other similar service but also
206 engages in any type of lobbying activities. Such individual shall
207 not qualify for any exemption under Section 5-8-7.

208 (* * *o) "Lobbyist's client" means the person in whose
209 behalf the lobbyist influences or attempts to influence
210 legislative or executive action.

211 (* * *p) "Local" means all entities of government at
212 the county, county-district, multicounty district, municipal or
213 school district level.

214 (* * *q) "Person" means an individual, proprietorship,
215 firm, partnership, joint venture, joint-stock company, syndicate,
216 business trust, estate, company, corporation, association, club,
217 committee, organization or group of persons acting in concert.



218 (* * *r) "Public employee" means an individual
219 appointed to a position, including a position created by statute,
220 whether compensated or not, in state or local government and
221 includes any employee of the public employee. The term includes a
222 member of the board of trustees, chancellor, vice chancellor or
223 the equivalent thereof in the state university system or the state
224 community and junior college system, and a president of a state
225 college or university.

226 (* * *s) "Public official" means an individual elected
227 to a state or local office, or an individual who is appointed to
228 fill a vacancy in the office.

229 (* * *t) "Value" means the retail cost or fair market
230 worth of an item or items, whichever is greater.

231 **SECTION 2.** Section 5-8-5, Mississippi Code of 1972, is
232 amended as follows:

233 5-8-5. (1) Except as otherwise provided in Section 5-8-7 of
234 this chapter and in addition to reports required by Sections 5-8-9
235 and 5-8-11 of this chapter, every lobbyist and every lobbyist's
236 client shall file a registration statement with the Secretary of
237 State within five (5) calendar days after becoming a lobbyist,
238 becoming a lobbyist's client or beginning to lobby for a new
239 client. The filing of every registration statement shall be
240 accompanied by the payment of a registration fee of Twenty-five
241 Dollars (\$25.00) to the Secretary of State. The lobbyist shall



242 file the registration statement and pay the fees to the Secretary
243 of State for each lobbyist's client whom the lobbyist represents.

244 (2) The registration statement shall include the following:

245 (a) The name, address, occupation and telephone number
246 of the lobbyist;

247 (b) The name, address, telephone number and principal
248 place of business of the lobbyist's client;

249 (c) The kind of business of the lobbyist's client;

250 (d) The full name of the person or persons who control
251 the lobbyist's client, the partners, if any, and officers of the
252 lobbyist's client;

253 (e) The full name, address and telephone number of each
254 lobbyist employed by or representing the lobbyist's client; * * *

255 (f) Whether the lobbyist's client is a foreign
256 principal of a foreign adversary, and, if so, the name of the
257 foreign adversary; and

258 (* * *g) A statement or statements by the lobbyist and
259 lobbyist's client indicating the specific nature of the issues
260 being advocated for or against on behalf of the lobbyist's client,
261 with sufficient detail so that the precise nature of the
262 lobbyist's advocacy is evident from the statement itself.

263 (3) Registration shall be valid for one (1) calendar year,
264 commencing January 1 and ending December 31 of each year. If the
265 lobbyist or lobbyist's client shall register after January 1, the



266 registration shall be effective upon actual receipt by the
267 Secretary of State and shall cease on December 31 of each year.

268 (4) A lobbyist or lobbyist's client may terminate his
269 registration by filing an expenditure report required under this
270 chapter. Such report shall include information through the last
271 day of lobbying activity. The termination report must indicate
272 that the lobbyist intends to use the report as the final
273 accounting of lobbying activity.

274 (5) The Secretary of State shall prescribe and make
275 available to every lobbyist and lobbyist's client appropriate
276 forms for filing registration statements as required by Sections
277 5-8-1 through 5-8-19 of this chapter.

278 **SECTION 3.** This act shall take effect and be in force from
279 and after July 1, 2024.

