

By: Senator(s) Tate

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2913

1 AN ACT TO AMEND SECTIONS 5-8-3 AND 5-8-5, MISSISSIPPI CODE OF
2 1972, TO REQUIRE REGISTERED LOBBYISTS TO INCLUDE IN ANNUAL
3 REGISTRATION STATEMENTS WHETHER THE LOBBYIST CLIENT IS A FOREIGN
4 PRINCIPAL OF A FOREIGN ADVERSARY AND TO PROVIDE DEFINITIONS; AND
5 FOR RELATED PURPOSES.

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

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

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

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

13 1. A pecuniary item, including money, or a
14 bank bill or note;

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

18 3. A contract, agreement, promise or other
19 obligation for an advance, conveyance, forgiveness of



20 indebtedness, deposit, distribution, loan, payment, gift, pledge
21 or transfer of money;

22 4. A stock, bond, note or other investment
23 interest in an entity;

24 5. A receipt given for the payment of money
25 or other property;

26 6. A right in action;

27 7. A gift, tangible good, chattel or an
28 interest in a gift, tangible good or chattel;

29 8. A loan or forgiveness of indebtedness;

30 9. A work of art, antique or collectible;

31 10. An automobile or other means of personal
32 transportation;

33 11. Real property or an interest in real
34 property, including title to realty, a fee simple or partial
35 interest, present or future, contingent or vested within realty, a
36 leasehold interest, or other beneficial interest in realty;

37 12. An honorarium or compensation for
38 services;

39 13. A rebate or discount in the price of
40 anything of value, unless the rebate or discount is made in the
41 ordinary course of business to a member of the public without
42 regard to that person's status as an executive, legislative or
43 public official or public employee, or the sale or trade of



44 something for reasonable compensation that would ordinarily not be
45 available to a member of the public;

46 14. A promise or offer of employment;

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

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

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

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

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

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

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

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

68 (c) "Compensation" means:



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

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

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

85 (e) "Executive agency" means:

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

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

92 (f) "Executive official" means:



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

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

99 (g) "Expenditure" means:

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

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

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

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

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



118 legislative or public official made at the direction of the
119 employee's employer;

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

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

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

129 (i) "Foreign Principal" means:

130 (i) The government of any official of the
131 government of a foreign adversary; or

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

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

139 (iv) Any person who is domiciled in a foreign
140 adversary and is not a citizen or lawful permanent resident of the
141 United States.



142 (v) Any person, entity, or collection of persons
143 or entities, described in paragraphs (a) through (d) having a
144 controlling interest in a partnership, association, corporation,
145 organization trust, or other legal entity or subsidiary.

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

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

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

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

162 (iii) Action by the Legislature in:

163 1. Overriding or sustaining a veto by the
164 Governor; or

165 2. Considering, confirming or rejecting an
166 executive appointment of the Governor.



167 (* * *l) "Legislative official" means:

168 (i) A member, member-elect or presiding officer of
169 the Legislature;

170 (ii) A member of a commission or other entity
171 established by and responsible to either or both houses of the
172 Legislature;

173 (iii) A staff member, officer or employee to a
174 member or member-elect of the Legislature, to a member of a
175 commission or other entity established by and responsible to
176 either or both houses of the Legislature, or to the Legislature or
177 any house, committee or office thereof.

178 (* * *m) "Lobbying" means:

179 (i) Influencing or attempting to influence
180 legislative or executive action through oral or written
181 communication; or

182 (ii) Solicitation of others to influence
183 legislative or executive action; or

184 (iii) Paying or promising to pay anything of value
185 directly or indirectly related to legislative or executive action.

186 (* * *n) "Lobbyist" means:

187 (i) An individual who is employed and receives
188 payments, or who contracts for economic consideration, including
189 reimbursement for reasonable travel and living expenses, for the
190 purpose of lobbying;



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

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

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

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

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

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



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

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

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

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

231 5-8-5. (1) Except as otherwise provided in Section 5-8-7 of
232 this chapter and in addition to reports required by Sections 5-8-9
233 and 5-8-11 of this chapter, every lobbyist and every lobbyist's
234 client shall file a registration statement with the Secretary of
235 State within five (5) calendar days after becoming a lobbyist,
236 becoming a lobbyist's client or beginning to lobby for a new
237 client. The filing of every registration statement shall be
238 accompanied by the payment of a registration fee of Twenty-five
239 Dollars (\$25.00) to the Secretary of State. The lobbyist shall



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

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

243 (a) The name, address, occupation and telephone number
244 of the lobbyist;

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

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

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

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

253 (f) Whether the lobbyist client that the lobbyist is
254 representing is a foreign principal of a foreign adversary, and,
255 if so, the name of the foreign adversary.

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

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



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

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

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

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

