

By: Senator(s) Thompson

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2089

1 AN ACT TO AMEND SECTIONS 5-8-3, 5-8-5, AND 5-8-19,
2 MISSISSIPPI CODE OF 1972, RELATING TO THE REGULATION OF LOBBYING,
3 TO REQUIRE ANY LOBBYIST WHO HAS A MATERIAL FINANCIAL INTEREST IN A
4 BUSINESS THAT MAY BENEFIT FROM LEGISLATIVE ACTION BY THE
5 MISSISSIPPI LEGISLATURE TO MAKE A WRITTEN DISCLOSURE TO THE
6 LIEUTENANT GOVERNOR, SPEAKER OF THE HOUSE AND THE CHAIRMEN OF THE
7 COMMITTEES TO WHICH THE LEGISLATION IS ASSIGNED PRIOR TO FLOOR
8 ACTION BY THE FULL SENATE OR HOUSE AS THE CASE MAY BE; TO PROVIDE
9 DEFINITIONS; AND FOR RELATED PURPOSES.

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

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

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

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

17 1. A pecuniary item, including money, or a
18 bank bill or note;

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



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



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

14. A promise or offer of employment;

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

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

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

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

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

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

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

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



72 (c) "Compensation" means:

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

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

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

89 (e) "Executive agency" means:

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

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

96 (f) "Executive official" means:



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

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

103 (g) "Expenditure" means:

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

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

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

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

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



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

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

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

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

(i) "Legislative action" means:

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

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

(iii) Action by the Legislature in:



147 1. Overriding or sustaining a veto by the
148 Governor; or

149 2. Considering, confirming or rejecting an
150 executive appointment of the Governor.

151 (j) "Legislative official" means:

152 (i) A member, member-elect or presiding officer of
153 the Legislature;

154 (ii) A member of a commission or other entity
155 established by and responsible to either or both houses of the
156 Legislature;

157 (iii) A staff member, officer or employee to a
158 member or member-elect of the Legislature, to a member of a
159 commission or other entity established by and responsible to
160 either or both houses of the Legislature, or to the Legislature or
161 any house, committee or office thereof.

162 (k) "Lobbying" means:

163 (i) Influencing or attempting to influence
164 legislative or executive action through oral or written
165 communication; or

166 (ii) Solicitation of others to influence
167 legislative or executive action; or

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

170 (l) "Lobbyist" means:



171 (i) An individual who is employed and receives
172 payments, or who contracts for economic consideration, including
173 reimbursement for reasonable travel and living expenses, for the
174 purpose of lobbying;

175 (ii) An individual who represents a legislative or
176 public official or public employee, or who represents a person,
177 organization, association or other group, for the purpose of
178 lobbying;

179 (iii) A sole proprietor, owner, part owner or
180 shareholder in a business who has a pecuniary interest in
181 legislative or executive action, who engages in lobbying
182 activities; or

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

190 (m) "Lobbyist's client" means the person in whose
191 behalf the lobbyist influences or attempts to influence
192 legislative or executive action.

193 (n) "Local" means all entities of government at the
194 county, county-district, multicounty district, municipal or school
195 district level.



(o) "Material financial interest" means a personal and pecuniary interest, direct or indirect, accruing to a lobbyist or spouse, either individually or in combination with each other.

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

(q) "Pecuniary benefit" means a benefit in the form of money, property, ownership interest, membership interest, commercial interest or anything else the primary significance of which is economic gain. Expenses associated with social occasions shall not be deemed a pecuniary benefit.

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

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

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



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

223 5-8-5. (1) Except as otherwise provided in Section 5-8-7 of
224 this chapter and in addition to reports required by Sections 5-8-9
225 and 5-8-11 of this chapter, every lobbyist and every lobbyist's
226 client shall file a registration statement with the Secretary of
227 State within five (5) calendar days after becoming a lobbyist,
228 becoming a lobbyist's client or beginning to lobby for a new
229 client. The filing of every registration statement shall be
230 accompanied by the payment of a registration fee of Twenty-five
231 Dollars (\$25.00) to the Secretary of State. The lobbyist shall
232 file the registration statement and pay the fees to the Secretary
233 of State for each lobbyist's client whom the lobbyist represents.

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

235 (a) The name, address, occupation and telephone number
236 of the lobbyist;

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

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

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

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



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

(3) Registration shall be valid for one (1) calendar year, commencing January 1 and ending December 31 of each year. If the lobbyist or lobbyist's client shall register after January 1, the registration shall be effective upon actual receipt by the Secretary of State and shall cease on December 31 of each year.

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

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

(6) Any lobbyist who has a material financial interest in any corporation, company, limited liability company, partnership, joint venture or other business that may receive a pecuniary benefit from any legislative action by the Mississippi Legislature shall make a written disclosure to the Lieutenant Governor,



Speaker of the House and the chairmen of the committees to which
the legislation is assigned prior to floor action by the full
Senate or House, as the case may be.

SECTION 3. Section 5-8-19, Mississippi Code of 1972, is
amended as follows:

5-8-19. The Secretary of State shall:

(a) Provide forms for registration and for statements
required by Sections 5-8-1 through 5-8-19 of this chapter to all
persons required to file.

(b) Issue a certificate of registration to a lobbyist
registered under the provisions of Sections 5-8-1 through 5-8-19
of this chapter.

(c) Make all statements and reports filed available for
public inspection and copying, at a reasonable cost, during
regular office hours.

(d) Publish an annual report summarizing the financial
activities of lobbyists and lobbyists' clients, and such annual
report shall not include amounts reported pursuant to Sections
5-8-9(8) and 5-8-11(7) for single functions in the calculation of
the cumulative total amount of money expended for lobbying
purposes.

(e) Provide forms for the registration of lobbyists who
have a material financial interest in any corporation, company,
limited liability company, partnership, joint venture or other
business that may receive a pecuniary benefit from any legislative



295 action by the Mississippi Legislature to make a written disclosure
296 to the Lieutenant Governor, Speaker of the House and the chairmen
297 of the committees to which the legislation is assigned prior to
298 floor action by the full Senate or House, as the case may be.

299 **SECTION 4.** This act shall take effect and be in force from
300 and after July 1, 2025.

