

By: Senator(s) Tate

To: Accountability,
Efficiency, Transparency

SENATE BILL NO. 2558

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
57 of * * * his or her 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,



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

(i) "Foreign Principal" means:

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

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

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

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



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

(* * *j) "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.

(* * *k) "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:

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

2. Considering, confirming or rejecting an 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;



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

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

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

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

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

(* * * q) "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.



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



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

(2) The registration statement shall include the following:

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

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

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

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

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

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

(* * *g) 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



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, 2025.

