

By: Senator(s) McLendon

To: Accountability,  
Efficiency, Transparency

## SENATE BILL NO. 2890

1       AN ACT TO AMEND SECTION 5-8-3, MISSISSIPPI CODE OF 1972, TO  
2 DEFINE THE TERMS "FOREIGN ADVERSARY" AND "FOREIGN PRINCIPAL"  
3 WITHIN THE LOBBYING LAW REFORM ACT OF 1994; TO AMEND SECTION  
4 5-8-5, MISSISSIPPI CODE OF 1972, TO REQUIRE REGISTERED LOBBYISTS  
5 TO INCLUDE IN ANNUAL REGISTRATION STATEMENTS WHETHER THE LOBBYIST  
6 CLIENT IS A FOREIGN PRINCIPAL OF A FOREIGN ADVERSARY; TO PROVIDE  
7 DEFINITIONS; AND FOR 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;

## 28 6. A right in action;

#### 8. A loan or forgiveness of indebtedness;

9. A work of art, antique or collectible:

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.

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; or

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

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; or

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



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

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

( \* \* \*1) "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.

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.



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; and

255 (f) Whether the client that the lobbyist is

256 representing is a foreign principal of a foreign adversary, and,  
257 if so, the name of the foreign adversary.

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, 2025.

