

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;



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



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.



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,



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.



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.

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



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; and

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

( \* \* \*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



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.

**SECTION 3.** This act shall take effect and be in force from  
and after July 1, 2025.

