

HOUSE No. 3981

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. Stanley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act defining lobbying.

PETITION OF:

NAME:

Thomas M. Stanley

DISTRICT/ADDRESS:

9th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT DEFINING LOBBYING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 **SECTION 1.** Section 39 of chapter 3 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out the definition of "Executive agent"
3 and inserting in place thereof the following definition:-
4 "Executive agent", a person who for compensation or reward engages in executive lobbying,
5 which includes at least one communication with a government employee. The term "executive
6 agent" shall include a person who, as part of his regular and usual business or professional
7 activities and not simply incidental thereto, engages in executive lobbying, whether or not any
8 compensation in addition to the salary for such activities is received for such services. For the
9 purposes of this definition a person shall be presumed to engage in activity covered by this
10 definition in a manner that is simply incidental to his regular and usual business or professional
11 activities if he: (i) engages in any activity or activities covered by this definition for not more
12 than 10 hours during any reporting period; and (ii) receives less than \$2,500 during any reporting
13 period, for any activity or activities covered by this definition.

14
15 **SECTION 2.** Section 39 of chapter 3, as so appearing, is hereby further amended by
16 striking out the definition of "Legislative agent" and inserting in place thereof the
17 following definition:-
18 "Legislative agent", a person who for compensation or reward engages in legislative lobbying,
19 which includes at least one communication with a government employee. The term "legislative
20 agent" shall include a person who, as part of his regular and usual business or professional
21 activities and not simply incidental thereto, engages in legislative lobbying, whether or not any
22 compensation in addition to the salary for such activities is received for such services. For
23 purposes of this definition a person shall be presumed to engage in activity covered by this
24 definition in a manner that is simply incidental to his regular and usual business or professional
25 activities if he: (i) engages in any activity or activities covered by this definition for not more
26 than 10 hours during any reporting period; and (ii) receives less than \$2,500 during any reporting
27 period, for any activity or activities covered by this definition.

28 **SECTION 3.** Section 39 of chapter 3, as so appearing, is hereby further amended by inserting
29 after the definition of "Executive agent" the following definition:-

30 "Executive lobbying," any act to influence or to attempt to influence the decision of any officer
31 or employee of the executive branch or an authority, including but not limited to statewide
32 constitutional officers and employees thereof, where such decision concerns legislation or the
33 adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto, or any
34 act to communicate directly with a covered executive official to influence a decision concerning
35 policy or procurement. The term includes acts to influence or attempt to influence the decision of
36 any officer or employee of a city or town when those acts are intended to carry out a common
37 purpose with executive lobbying at the state level; and includes strategizing, planning, research,
38 and other background work only if performed in connection with or for use in an actual
39 communication with a government employee for purposes of the acts described in this definition.
40

41 **SECTION 4.** Section 39 of chapter 3, as so appearing, is hereby further amended by
42 inserting after the definition of "Legislative agent" the following definition:-
43 "Legislative lobbying," any act to promote, oppose or influence legislation, or to
44 promote, oppose or influence the governor's approval or veto thereof. Acts to influence
45 legislation shall include, without limitation, any action to influence the introduction,
46 sponsorship, consideration, action or nonaction with respect to any legislation. The term
47 includes acts to influence or attempt to influence the decision of any officer or
48 employee of a city or town when those acts are intended to carry out a common
49 purpose with legislative lobbying at the state level; and includes strategizing, planning,
50 research, and other background work only if performed in connection with or for use in
51 an actual communication with a government employee for purposes of the acts described
52 in this definition.
53

54 **SECTION 5.** Section 5 of chapter 268A, as so appearing, is hereby amended by
55 inserting after the word "legislative", in line 26, the following words:- or executive.
56

57 **SECTION 6.** Section 5 of chapter 268A, as so appearing, is hereby further amended by
58 inserting after the word "body", in line 28, the following words:- , as determined by the
59 commission pursuant to regulation.
60

61 **SECTION 7.** Section 1 of chapter 268B, as so appearing, is hereby amended by
62 inserting after clause (f) the following clause:-
63 (f 112) "executive agent" means any person who is an executive agent as defined in
64 section 39 of chapter 3;.
65

66 **SECTION 8.** Section 1 of chapter 268B, as so appearing, is hereby further amended by
67 striking out clause (k) and inserting in place thereof the following clause:-
68 (k) "legislative agent" means any person who is a legislative agent as defined in section
69 39 of chapter 3;.
70

71 **SECTION 9.** Section 5 of chapter 268B, as so appearing, is hereby amended by
72 inserting after the word "legislative", in line 68, the following words:- or executive