

**HOUSE . . . . . No. 3981**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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

5 lobbying, which includes at least one communication with a government employee. The term

6 "executive agent" shall include a person who, as part of his regular and usual business or

7 professional activities and not simply incidental thereto, engages in executive lobbying, whether

8 or not any compensation in addition to the salary for such activities is received for such services.

9 For the purposes of this definition a person shall be presumed to engage in activity covered by

10 this definition in a manner that is simply incidental to his regular and usual business or

11 professional activities if he: (i) engages in any activity or activities covered by this definition for

12 not more than 10 hours during any reporting period; and (ii) receives less than \$2,500 during any

13 reporting period, for any activity or activities covered by this definition.

14 SECTION 2. Section 39 of chapter 3, as so appearing, is hereby further amended by  
15 striking out the definition of "Legislative agent" and inserting in place thereof the  
16 following definition:-

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

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

29 "Executive lobbying," any act to influence or to attempt to influence the decision of any  
30 officer or employee of the executive branch or an authority, including but not limited to  
31 statewide constitutional officers and employees thereof, where such decision concerns legislation  
32 or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto, or  
33 any act to communicate directly with a covered executive official to influence a decision  
34 concerning policy or procurement. The term includes acts to influence or attempt to influence the  
35 decision of any officer or employee of a city or town when those acts are intended to carry out a

36 common purpose with executive lobbying at the state level; and includes strategizing, planning,  
37 research, and other background work only if performed in connection with or for use in an actual  
38 communication with a government employee for purposes of the acts described in this definition.

39 SECTION 4. Section 39 of chapter 3, as so appearing, is hereby further amended by  
40 inserting after the definition of "Legislative agent" the following definition:-

41 "Legislative lobbying," any act to promote, oppose or influence legislation, or to  
42 promote, oppose or influence the governor's approval or veto thereof. Acts to influence  
43 legislation shall include, without limitation, any action to influence the introduction,  
44 sponsorship, consideration, action or nonaction with respect to any legislation. The term  
45 includes acts to influence or attempt to influence the decision of any officer or  
46 employee of a city or town when those acts are intended to carry out a common  
47 purpose with legislative lobbying at the state level; and includes strategizing, planning,  
48 research, and other background work only if performed in connection with or for use in  
49 an actual communication with a government employee for purposes of the acts described  
50 in this definition.

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

53 SECTION 6. Section 5 of chapter 268A, as so appearing, is hereby further amended by

54 inserting after the word "body", in line 28, the following words:- , as determined by the  
55 commission pursuant to regulation.

56 SECTION 7. Section 1 of chapter 268B, as so appearing, is hereby amended by  
57 inserting after clause (f) the following clause:-

58 (f 112) "executive agent" means any person who is an executive agent as defined in  
59 section 39 of chapter 3;.

60 SECTION 8. Section 1 of chapter 268B, as so appearing, is hereby further amended by  
61 striking out clause (k) and inserting in place thereof the following clause:-

62 (k) "legislative agent" means any person who is a legislative agent as defined in section  
63 39 of chapter 3;.

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