

HOUSE No. 2781

The Commonwealth of Massachusetts

PRESENTED BY:

Angelo M. Scaccia

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 adoption of the accompanying bill:

An Act relative to municipal lobbying.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/16/2019</i>
<i>William Francis Galvin</i>	<i>Secretary of the Commonwealth</i>	<i>1/16/2019</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/29/2019</i>

HOUSE No. 2781

By Mr. Scaccia of Boston, a petition (accompanied by bill, House, No. 2781) of Angelo M. Scaccia, William Francis Galvin and Michelle M. DuBois relative to municipal lobbying. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to municipal 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 2016
2 Official Edition, is hereby amended by adding the following definitions:

3 “Covered municipal official”, a mayor, city manager, city councilor, member of the board
4 of alderman, school committee member or municipal department head in a city having more than
5 150,000 inhabitants as of the most recent federal census.

6 “Municipal agent”, a person who for compensation or reward engages in municipal
7 lobbying which includes at least 1 lobbying communication with a government employee made
8 by said person. The term “municipal agent” shall include a person who, as part of his regular and
9 usual business or professional activities and not simply incidental thereto, engages in legislative
10 municipal lobbying, whether or not any compensation in addition to the salary for such activities
11 is received for such services. For purposes of this definition a person shall be presumed to be
12 engaged in municipal lobbying that is simply incidental to his regular and usual business or

13 professional activities if he or she: (i) engages in municipal lobbying for not more than 25 hours
14 during any reporting period; and (ii) receives less than \$2,500 during any reporting period for
15 legislative lobbying.

16 “Municipal lobbying”, any act to promote, oppose, influence, or attempt to influence the
17 decision of any covered municipal official, where such decision concerns any ordinance
18 proposed or change to an adopted ordinance, action or vote of a covered municipal official or the
19 adoption, repeal, amendment or postponement of a standard, rate, rule, regulation or appointment
20 within a covered municipal official’s direct jurisdiction or the approval, modification or
21 disapproval of any formal action by a covered municipal.

22 SECTION 2. Section 41 of chapter 3 of the General Laws is hereby amended by inserting
23 the following the words in the first sentence of the second paragraph after the words “legislative
24 agents”:- , municipal agents.

25 SECTION 3. Section 41 of chapter 3 of the General Laws is hereby further amended by
26 inserting the following the word in the third sentence of the second paragraph after the word
27 “legislative”:- , municipal.

28 SECTION 4. Section 41 of chapter 3 of the General Laws is hereby amended by inserting
29 the following the words in the first sentence of the third paragraph after the words “legislative
30 agent”:- , municipal agent.

31 SECTION 5. Section 41 of chapter 3 of the General Laws is hereby amended by inserting
32 the following the words in the first sentence of the fourth paragraph after the words “legislative
33 agent”:- , municipal agent.

34 SECTION 6. Section 41 of chapter 3 of the General Laws is hereby amended by inserting
35 the following the words in the first sentence of the fifth paragraph after the words “legislative
36 agent”:- , municipal agent.

37 SECTION 7. Section 41 of chapter 3 of the General Laws is hereby amended by inserting
38 the following sentence after the second sentence:- The state secretary shall assess each municipal
39 agent an annual filing fee of \$50 upon entering the agent’s name on the docket.

40 SECTION 8. Section 41 of chapter 3 of the General Laws is hereby amended by inserting
41 the following the words in the first sentence of the seventh paragraph after the words “legislative
42 agent”:- , municipal agent.

43 SECTION 9. Section 42 of chapter 3 of the General Laws is hereby amended by inserting
44 the following sentence at the end of the first paragraph:-

45 No person shall agree to engage in municipal lobbying for consideration to be paid upon
46 the contingency of the outcome of the actions described in the definition of “municipal
47 lobbying.”

48 SECTION 10. Section 43 of chapter 3 of the General Laws is hereby amended by
49 inserting the following new sentence after the first sentence of the first paragraph:-

50 On or before the fifteenth day of July, complete from January first through June thirtieth;
51 and the fifteenth day of January, complete from July first to December thirty-first of the
52 preceding year, every municipal agent shall render to the state secretary an itemized statement,
53 under oath, listing all campaign contributions as defined in section one of chapter fifty-five; all
54 expenditures, and the total amount thereof, incurred, contributed or paid during the reporting

55 period in the course of his employment as a municipal agent and all expenditures made for or on
56 behalf of covered municipal officials incurred or paid during the reporting period, except that the
57 municipal agent shall not be required to report such expenditures not in the course of his
58 employment made for or on behalf of the immediate family of such municipal agent or a relative
59 within the third degree of consanguinity of the municipal agent or of his or her spouse or the
60 spouse of any such relative; and except that in the case of all expenditures the municipal agent
61 shall not be required to itemize the expenditures of any one day in which the amount incurred or
62 paid did not total thirty-five dollars or more.

63 SECTION 11. Section 43 of chapter 3 of the General Laws is hereby amended by striking
64 the first sentence of the third paragraph and replacing with the following:

65 Every legislative agent, municipal agent and executive agent shall include in the
66 statement required by this section for the relevant reporting period: (1) the identification of each
67 client for whom the legislative, municipal or executive agent provided lobbying services; (2) a
68 list of all bill numbers and names of legislation and other governmental action that the executive,
69 municipal or legislative agent acted to promote, oppose or influence; (3) a statement of the
70 executive, municipal or legislative agent's position, if any, on each such bill or other
71 governmental action; (4) the identification of the client or clients on whose behalf the executive,
72 municipal or legislative agent was acting with respect to each such bill or governmental action;
73 (5) the amount of compensation received for executive, municipal or legislative lobbying from
74 each client with respect to such lobbying services; and (6) all direct business associations with
75 public officials. The disclosure shall be required regardless of whether the legislative agent,
76 municipal agent or executive agent specifically referenced the bill number or name, or other

77 governmental action while acting to promote, oppose or influence legislation, and shall be as
78 complete as practicable.

79 SECTION 12. Section 43 of chapter 3 of the General Laws is hereby amended by
80 inserting the following the word in the first sentence of the fourth paragraph after the word
81 “executive” :- , municipal.

82 SECTION 13. Section 43 of chapter 3 of the General Laws is hereby amended by
83 inserting the following the word in the fifth sentence of the fourth paragraph after the word
84 “executive” as it appears each instance:- , municipal.

85 SECTION 14. Section 43 of chapter 3 of the General Laws is hereby amended by
86 inserting the following the word in the first sentence of the last paragraph after the word
87 “executive”:- , municipal.

88 SECTION 15. Section 44 of chapter 3 of the General Laws is hereby amended by
89 inserting the following new sentence after the first sentence of the first paragraph:-

90 On or before the fifteenth day of July, complete from January first through June thirtieth;
91 and the fifteenth day of January, complete from July first to December thirty-first of the
92 preceding year, any group or organization, however constituted, not employing a municipal
93 agent which as part of an organized effort, expends in excess of two hundred and fifty dollars
94 during any calendar year to promote, oppose, or influence municipal governmental action, or to
95 influence the decision of any officer or employee of a covered municipal official, where such
96 decision concern the adoption, defeat or postponement of a standard, rate, rule or regulation
97 pursuant thereto, or to do any act to communicate directly with a covered municipal official to
98 influence a decision concerning policy or procurement shall register with the state secretary by

99 rendering a statement, under oath, containing the names and addresses of the principals of such
100 group or organization, the purposes of the organization, such aforesaid decisions of such
101 employees of the executive branch or an authority or legislation which affects those purposes,
102 the total amount of expenditures, incurred or paid during the reporting period in furtherance of
103 the foregoing objectives and an itemized statement containing all expenditures made for or on
104 behalf of covered municipal officials and employees of such offices.

105 SECTION 16. Section 44 of chapter 3 of the General Laws is hereby amended by
106 inserting the following the word in the fourth sentence of the second paragraph after the word
107 “executive”:- , municipal.

108 SECTION 17. Section 44 of chapter 3 of the General Laws is hereby amended by striking
109 the last paragraph and replacing with the following:

110 This section shall not apply to any group or organization that (i) does not employ an
111 executive, municipal or legislative agent; (ii) does not realize a profit; (iii) does not make a
112 contribution, as defined in section one of chapter fifty-five, to a political candidate or committee;
113 (iv) does not pay a salary or fee to any member for any activities performed for the benefit of the
114 group or organization; and (v) expends two thousand dollars or less during any calendar year to
115 promote, oppose, or influence legislation, or the governor's veto or approval thereof, or to
116 influence the decision of any officer or employee of the executive branch or an authority,
117 including, but not limited to, statewide constitutional officers and employees thereof, or a
118 covered municipal official and employees thereof, where such decision concerns legislation or
119 the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto or

120 other government action, or to do any act to communicate directly with a covered executive
121 official or covered municipal official to influence a decision concerning policy or procurement.

122 SECTION 18. Section 45 of chapter 3 of the General Laws is hereby amended by
123 inserting the following the words in the subsection (d) after the words “executive lobbying”:- ,
124 municipal lobbying.

125 SECTION 19. Section 45 of chapter 3 of the General Laws is hereby amended by
126 inserting the following the word in the subsection (m) after the word “executive”:- , municipal.

127 SECTION 20. Section 46 of chapter 3 of the General Laws is hereby amended by
128 inserting the following the word in the first sentence after the word “executive”:- , municipal.

129 SECTION 21. Section 47 of chapter 3 of the General Laws is hereby amended by striking
130 the first sentence and replacing with the following:

131 On or before the fifteenth day of July, complete from January first through June thirtieth;
132 and the fifteenth day of January, complete from July first to December thirty-first of the
133 preceding year, every employer of an executive, municipal or legislative agent shall render to the
134 state secretary a complete and detailed itemized statement, under oath, listing all expenditures
135 incurred or paid separately by such employer during the reporting period in connection with
136 promoting, opposing or influencing legislation, or the governor's approval or veto thereof, or
137 influencing the decision of any officer or employee of the executive branch or an authority,
138 including, but not limited to, statewide constitutional officers and employees thereof, or a
139 covered municipal official and employees thereof, where such decision concerns legislation or
140 the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto or
141 other government action, or to do any act to communicate directly with a covered executive

142 official or covered municipal official to influence a decision concerning policy or procurement
143 and all expenditures for or on behalf of the statewide constitutional officers, officers and
144 employees of such offices, members of the general court, officers and employees of the general
145 court, officers and employees of the executive branch and officers and employees of an
146 authority, covered municipal officials and any employees thereof and the total amount thereof
147 incurred or paid separately by such employer during the reporting period; and except that in the
148 case of all expenditures the employer shall not be required to itemize the expenditures of any one
149 day in which the amount incurred or paid did not total thirty-five dollars or more.

150 SECTION 22. Section 47 of chapter 3 of the General Laws is hereby amended by
151 inserting the following the word in the fourth sentence of the second paragraph after the word
152 “executive”:- , municipal.

153 SECTION 23. Section 48 of chapter 3 of the General Laws is hereby amended by
154 inserting the following the word in the second sentence of the first paragraph after the word
155 “executive” as it appears in two instances:- , municipal.