HOUSE DOCKET, NO. 2480 FILED ON: 1/19/2023

HOUSE . . . . . No. 3020

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Donaghue

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:
Kate Donaghue	*19th Worcester*	*1/19/2023*
Michelle M. DuBois	*10th Plymouth*	*2/7/2023*

HOUSE DOCKET, NO. 2480 FILED ON: 1/19/2023

HOUSE . . . . . No. 3020

By Representative Donaghue of Westborough, a petition (accompanied by bill, House, No. 3020) of Kate Donaghue and Michelle M. DuBois for legislation to regulate municipal lobbying. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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:

SECTION 1. Section 39 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after line 99, the following definition:-

"Covered municipal official", a mayor, city manager, city councilor, member of the board of alderman, school committee member or municipal department head in a city having more than 150,000 inhabitants as of the most recent federal census.", and further;

By inserting after line 169, the following definitions:- ""Municipal agent", a person who for compensation or reward engages in municipal lobbying which includes at least 1 lobbying communication with a government employee made by said person. The term "municipal agent" shall include a person who, as part of his regular and usual business or professional activities and not simply incidental thereto, engages in legislative municipal lobbying, whether or not any compensation in addition to the salary for such activities is received for such services. For purposes of this definition a person shall be presumed to be engaged in municipal lobbying that

is simply incidental to his regular and usual business or professional activities if he or she: (i) engages in municipal lobbying for not more than 25 hours during any reporting period; and (ii) receives less than $2,500 during any reporting period for legislative lobbying.

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

SECTION 2. Section 41 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the words "legislative agents" in line 7 the following words:- ", municipal agents".

SECTION 3. Section 41 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby further amended by inserting after the word "legislative" in line 9 the following word:- ", municipal".

SECTION 4. Section 41 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the words "legislative agent" in line 20 the following words:- ", municipal agent".

SECTION 5. Section 41 of chapter 3 of the General, as appearing in the 2020 Official Edition, is hereby amended by inserting after the words "legislative agent" in line 25 the following words :- ", municipal agent".

SECTION 6. Section 41 of chapter 3 of the General, as appearing in the 2020 Official Edition, is hereby amended by inserting after the words “legislative agent” in line 31 the following words :- “, municipal agent”.

SECTION 7. Section 41 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting the following sentence after the second sentence in line 5:- The state secretary shall assess each municipal agent an annual filing fee of $50 upon entering the agent’s name on the docket.

SECTION 8. Section 41 of chapter 3 of the General, as appearing in the 2020 Official Edition, is hereby amended by inserting after the words “legislative agent” in lines 48 and 49 the following words :- “, municipal agent”.

SECTION 9. Section 42 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting the following sentence at the end of the first paragraph in line 8:-

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

SECTION 10. Section 43 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting the following new sentence after the first sentence of the first paragraph in line 29:-

On or before the fifteenth day of July, complete from January first through June thirtieth; and the fifteenth day of January, complete from July first to December thirty-first of the

preceding year, every municipal agent shall render to the state secretary an itemized statement, under oath, listing all campaign contributions as defined in section one of chapter fifty-five; all expenditures, and the total amount thereof, incurred, contributed or paid during the reporting period in the course of his employment as a municipal agent and all expenditures made for or on behalf of covered municipal officials incurred or paid during the reporting period, except that the municipal agent shall not be required to report such expenditures not in the course of his employment made for or on behalf of the immediate family of such municipal agent or a relative within the third degree of consanguinity of the municipal agent or of his or her spouse or the spouse of any such relative; and except that in the case of all expenditures the municipal agent shall not be required to itemize the expenditures of any one day in which the amount incurred or paid did not total thirty-five dollars or more.

SECTION 11. Section 43 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking the first sentence of the third paragraph contained in lines 41 to 54, inclusive, and inserting in place thereof the following text:

Every legislative agent, municipal agent and executive agent shall include in the statement required by this section for the relevant reporting period: (1) the identification of each client for whom the legislative, municipal or executive agent provided lobbying services; (2) a list of all bill numbers and names of legislation and other governmental action that the executive, municipal or legislative agent acted to promote, oppose or influence; (3) a statement of the executive, municipal or legislative agent's position, if any, on each such bill or other governmental action; (4) the identification of the client or clients on whose behalf the executive, municipal or legislative agent was acting with respect to each such bill or governmental action; (5) the amount of compensation received for executive, municipal or legislative lobbying from

each client with respect to such lobbying services; and (6) all direct business associations with public officials. The disclosure shall be required regardless of whether the legislative agent, municipal agent or executive agent specifically referenced the bill number or name, or other governmental action while acting to promote, oppose or influence legislation, and shall be as complete as practicable.

SECTION 12. Section 43 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word “executive” in line 60 the following word:- “, municipal”.

SECTION 13. Section 43 of chapter 3 of the General, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word “executive” in line 67 the following word:- “, municipal”.

SECTION 14. Section 43 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word “executive” in line 77 the following word:- “, municipal”.

SECTION 15. Section 44 of chapter 3 of the General Laws is hereby amended by inserting the following new sentence after the first sentence in line 26 of the first paragraph:-

On or before the fifteenth day of July, complete from January first through June thirtieth; and the fifteenth day of January, complete from July first to December thirty-first of the preceding year, any group or organization, however constituted, not employing a municipal agent which as part of an organized effort, expends in excess of two hundred and fifty dollars during any calendar year to promote, oppose, or influence municipal governmental action, or to influence the decision of any officer or employee of a covered municipal official, where such

decision concern the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto, or to do any act to communicate directly with a covered municipal official to influence a decision concerning policy or procurement shall register with the state secretary by rendering a statement, under oath, containing the names and addresses of the principals of such group or organization, the purposes of the organization, such aforesaid decisions of such employees of the executive branch or an authority or legislation which affects those purposes, the total amount of expenditures, incurred or paid during the reporting period in furtherance of the foregoing objectives and an itemized statement containing all expenditures made for or on behalf of covered municipal officials and employees of such offices.

SECTION 16. Section 44 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word “executive” in line 56 the following word:- “, municipal”.

SECTION 17. Section 44 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking the text contained in the last paragraph in lines 62 to 76, inclusive, and inserting in place thereof the following paragraph:

This section shall not apply to any group or organization that (i) does not employ an executive, municipal or legislative agent; (ii) does not realize a profit; (iii) does not make a contribution, as defined in section one of chapter fifty-five, to a political candidate or committee; (iv) does not pay a salary or fee to any member for any activities performed for the benefit of the group or organization; and (v) expends two thousand dollars or less during any calendar year to promote, oppose, or influence legislation, or the governor's veto or approval thereof, or to influence the decision of any officer or employee of the executive branch or an authority,

including, but not limited to, statewide constitutional officers and employees thereof, or a covered municipal official and employees thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto or other government action, or to do any act to communicate directly with a covered executive official or covered municipal official to influence a decision concerning policy or procurement.

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

SECTION 19. Section 45 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word “executive” in line 96 the following word:- “, municipal”.

SECTION 20. Section 46 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word “executive” in line 1 the following word:- “, municipal”.

SECTION 21. Section 47 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out the first sentence contained in lines 1 to 25, inclusive, and inserting in place thereof the following text:

“On or before the fifteenth day of July, complete from January first through June thirtieth; and the fifteenth day of January, complete from July first to December thirty-first of the preceding year, every employer of an executive, municipal or legislative agent shall render to the state secretary a complete and detailed itemized statement, under oath, listing all expenditures incurred or paid separately by such employer during the reporting period in connection with

promoting, opposing or influencing legislation, or the governor's approval or veto thereof, or influencing the decision of any officer or employee of the executive branch or an authority, including, but not limited to, statewide constitutional officers and employees thereof, or a covered municipal official and employees thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation pursuant thereto or other government action, or to do any act to communicate directly with a covered executive official or covered municipal official to influence a decision concerning policy or procurement and all expenditures for or on behalf of the statewide constitutional officers, officers and employees of such offices, members of the general court, officers and employees of the general court, officers and employees of the executive branch and officers and employees of an authority, covered municipal officials and any employees thereof and the total amount thereof incurred or paid separately by such employer during the reporting period; and except that in the case of all expenditures the employer shall not be required to itemize the expenditures of any one day in which the amount incurred or paid did not total thirty-five dollars or more."

SECTION 22. Section 47 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word "executive" in line 47 the following word:- ", municipal".

SECTION 23. Section 48 of chapter 3 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word "executive" in lines 6 and 8, as it appears in each instance, the following word:- ", municipal".