

Changes in the States: Massachusetts Amends Lobbying Law

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On January 1, 2010, several changes to Massachusetts' lobbying laws became effective. Although the state delayed implementation of the new law until the new year, the changes primarily affect what triggers lobbyist registration for in-house employees.

The definitions of lobbyist in Massachusetts' lobbying law contain special exceptions for in-house employees. Such employees are exempt from registration as lobbyists if lobbying is "incidental" to their regular jobs. The new law halves what is meant by "incidental." Now, lobbying activity is only "incidental" and thus does not require registration if an individual engages in such lobbying activities for 25 hours or less in a six-month period or receives \$2,500 or less for such lobbying activities during a six-month period. (Note that these changes do not affect the necessity of registration by entities such as corporations and trade associations even if no in-house employee qualifies as a lobbyist.)

Moreover, the new definitions of "legislative lobbying" and "executive lobbying" specifically include lobbying-related "strategizing, planning and research" and certain coordinated lobbying activities at the city and town levels. Such activities, then, count toward the 25-hour and \$2,500 registration thresholds for in-house employees, among other things.

On the other hand, one change that has the potential to reduce the number of resignations is that a person does not become a legislative agent or an executive agent if the person does not make at least one lobbying communication with a government employee.

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