

LAO/10-3



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth

Public Records Division - Lobbyist Section

Alan N. Core
Director

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Supervisor, Lobbyist Section

January 21, 2010

Mr. Al Norman
Mass Home Care
24 Third Avenue
Burlington, MA 01803

Dear Mr. Norman:

I have received your December 22, 2009 email correspondence requesting a lobbying advisory opinion on behalf of the Massachusetts Association of Home Care Programs and Area Agencies on Aging (Mass Home Care). See G.L. c. 3, § 41 (2008 ed.). Specifically, you inquired whether an individual who meets with an executive office concerning policy implementation must register as a lobbyist. You maintain that in so meeting, the Mass Home Care member agencies in question act in an advisory or task force capacity.

The revised definition of "executive lobbying" is:

any act to promote, oppose, influence, or attempt 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, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation promulgated pursuant to any general or special law, or any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement

G.L. c. 3, § 39 (2008 ed.).

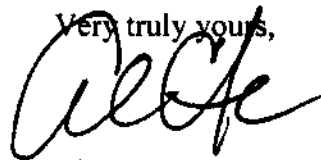
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Thus, to the extent that Mass Home Care members are advising on policy *implementation* issues and are not acting to influence policy itself or to promote, oppose, influence, or attempt to influence decisions of executive officers or employees that specifically concern legislation or the adoption, defeat, or postponement of a standard, rate, rule, or regulation, such advising does not fall within the definition of lobbying.

Furthermore, as you note in your December 22nd correspondence, the exemptions to the definition of "act to communicate directly with a covered executive official to influence a decision concerning policy or procurement" include "an act made in the course of participation in an advisory committee or task force." See G.L. c. 3, § 39 (2008 ed.). Thus, the plain language of the statute suggests that those acts made in an advisory committee capacity are not of the types that constitute acts to communicate directly with covered executive officials for the purpose of influencing decisions concerning policy or procurement.

Based on the representations in your December 22nd correspondence, it does not appear that the activity of the Mass Home Care members in meeting with an executive office regarding policy implementation constitutes executive lobbying, as amended. Your members are strongly encouraged, however, to register as lobbyists as a precautionary measure and then if they qualify for the incidental lobbying exception at the end of the reporting period, their appropriate disclosure reporting forms contain the necessary exception language for them to bypass the required reporting information and claim an exception. Id.

Very truly yours,



Alan N. Cote
Director