

# SENATE . . . . . No.

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Kenneth J. Donnelly***

*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 clarifying financial interest in contracts of state agencies.

PETITION OF:

NAME:

*Kenneth J. Donnelly*

DISTRICT/ADDRESS:

*Fourth Middlesex*

# SENATE . . . . . No.

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By Mr. Donnelly, a petition (subject to Joint Rule 12) of Kenneth J. Donnelly for legislation to clarify financial interest in contracts of state agencies. State Administration and Regulatory Oversight.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen  
\_\_\_\_\_

An Act clarifying financial interest in contracts of state agencies.

*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 7 of chapter 268A of the General Laws, as appearing in the 2012  
2 Official Edition, is hereby amended by inserting after the second paragraph the following  
3 paragraph:-

4           This section shall not apply to a state employee with a financial interest in a contract with  
5 a state agency if (1) the state employee, during the state employee's employment, does not  
6 participate in the administration of the contract or decision-making with respect to setting the  
7 terms or fees of the contract, (2) the contract is a fee-based, non-negotiable contract available to  
8 any similarly situated party, and (3) the state employee's direct or indirect financial interest is  
9 publicly disclosed by the state employee in a written disclosure filed with the commission.

10          SECTION 2. Section 14 of said chapter 268A, as so appearing, is hereby amended by  
11 inserting after the second paragraph the following paragraph:-

12          This section shall not apply to a county employee with a financial interest in a contract  
13 with a county agency of the same county if (1) the county employee, during the county  
14 employee's employment, does not participate in the administration of the contract or  
15 decision-making with respect to setting the terms or fees of the contract, (2) the contract is a fee-  
16 based, non-negotiable contract available to any similarly situated party, and (3) the county  
17 employee's direct or indirect financial interest is publicly disclosed by the county employee in a  
18 written disclosure filed with the commission.

19          SECTION 3. Section 20 of said chapter 268A, as so appearing, is hereby amended by  
20 inserting after the second paragraph the following paragraph:-

21           This section shall not apply to a municipal employee with a financial interest in a contract  
22 with a municipal agency of the same city or town if (1) the municipal employee, during the  
23 municipal employee's employment, does not participate in the administration of the contract or  
24 decision-making with respect to setting the terms or fees of the contract, (2) the contract is a fee-  
25 based, non-negotiable contract available to any similarly situated party, and (3) the municipal  
26 employee's direct or indirect financial interest is publicly disclosed by the municipal employee  
27 in a written disclosure filed with the commission.