

HOUSE No. 3498

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to ethics reform..

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. Chapter 3 of the General Laws is hereby amended by inserting after section
2 3 the following section:-

3 Section 3A. The speaker of the house, the president of the senate and the majority and
4 minority leaders of each branch shall not serve in such positions for more than 6 years.

5 SECTION 2. Section 48 of said chapter 3, as appearing in the 2006 Official Edition, is
6 hereby amended by striking out in line 3 the words:- “one hundred not more than five thousand”
7 and inserting in place thereof the following:-

8 1,000 and not more than 10,000

9 SECTION 3. Section 7L of chapter 29 of the General Laws, as so appearing, is hereby
10 amended by adding the following sentence:- a law making an appropriation for expenses of the
11 commonwealth shall not contain any earmarks.

12 SECTION 4. The last paragraph of section 3 of chapter 55 of the General Laws, as so
13 appearing, is hereby amended by striking out the second sentence and inserting in place thereof

14 the following sentence:- said civil penalty shall be in the amount of \$50 per day, provided,
15 however, the maximum penalty the director may assess shall be no greater than \$10,000 for any
16 one report, statement or affidavit which is filed later than the prescribed date.

17 SECTION 5. . Section 5 of said chapter 55, as so appearing is hereby amended by
18 adding at the end the following paragraph:- fines for violations of this section shall not be used
19 from the candidates campaign account.

20 SECTION 6. Section 6 of said chapter 55, as so appearing is hereby amended by
21 inserting after the word “principle” in line 19 the following:-

22 But shall not include expenditures for the leasing of a vehicle, repairs or maintenance of a
23 vehicle, clothing items, laundry or dry cleaning and no expenditures shall be made to any person
24 employed by the general court as a legislative aide or member.

25 SECTION 7. The fifth paragraph of said section 6 of said chapter 55, as so appearing, is
26 hereby amended by adding the following sentence:-

27 Expenditures from the campaign account shall be prohibited when legislative district
28 offices are used simultaneously for other purposes, including but not limited to law offices or
29 private business.

30 SECTION 8. The last paragraph of said section 6 of said chapter 55, as so appearing is
31 hereby amended by adding the following sentence:-

32 Fines for violations of this section shall not be paid from the candidates campaign
33 account.

34 SECTION 9. Said chapter 55 is hereby amended by striking section 6A and inserting in
35 place thereof the following section:-

36 Section 6A. A candidate and his committee shall not accept any contribution from a
37 political action committee, lobbyist or legislative agent.

38 SECTION 10. Section 7A of said chapter 55, as so appearing, is hereby amended by
39 striking out the words “twelve thousand five hundred dollars” in lines 21 and 22 and inserting in
40 place thereof the figure:- \$2,500.

41 SECTION 11. Clause (a) of Section 2 of chapter 268A of the General Laws, as
42 appearing in the 2006 Official Edition, is hereby amended by striking out subclauses (1), (2) and
43 (3).

44 SECTION 12. Said section 2 of said chapter 286A, as so appearing , is hereby amended
45 by striking out in line 46 the word “five” and inserting in place thereof the figure:- 25.

46 SECTION 13. Section 5 of said chapter 268A, as so appearing, is hereby amended by
47 striking out the word “one” in line 29 and inserting in place thereof the figure:- 2.

48 SECTION 14. Section 9 of said chapter 268A, as so appearing is hereby amended by
49 adding the following paragraph:-

50 The state ethics commission may issue civil penalties not to exceed \$10,000 for
51 violations of section 2 to 8, inclusive

52 SECTION 15. Said chapter 268A is hereby amended by adding the following section:-

53 Section 26. No public officer or public employee shall knowingly and intentionally use
54 the authority of his office or position to compel or coerce any person to provide such officer,
55 employee or other person with anything of apparent present or prospective value when such
56 officer or employee is not entitled by the nature of his office to the services sought or the object
57 of his demand. Any person who violates this section shall be punished by a fine not be exceed
58 \$10,000 or by imprisonment for not more than 2 years.

59 SECTION 16. Chapter 268B of the General Laws is hereby amended by inserting after
60 section 4 the following section:-

61 Section 4A. A member of the general court who holds a leadership position or
62 chairmanship who is fired under section 4 shall immediately forfeit such position or
63 chairmanship.

64 SECTION 17. Section 7 of said chapter 268B, as appearing in the 2006 Official Edition,
65 is hereby amended by striking out in line 9 the words:- “one thousand dollars” and inserting in
66 place thereof the figure:- \$10,000.

67 SECTION 18. Chapter 3 of the acts of 2005 is hereby amended by adding the following
68 2 sections:-

69 Section 4. Any day the senate or house of representatives is in session and a member
70 does not attend the session, he shall have his salary reduced on a daily pro rate basis unless he
71 receives an excused absence. The reason for an excused absence shall be publicly stated and
72 approved on a recorded roll call. An excused absence shall be granted only for a compelling
73 reason, including but not limited to the birth or adoption of a child or grandchild, military duty,
74 serious illness of the member or a member of his family, death of a family member or unforeseen

75 emergencies including unsafe weather conditions. The salary reductions shall be transferred to
76 the general fund.

77 Section 5. Section 4 of this act shall take effect as of July 1, 2009.