

**HOUSE . . . . . No. 3509**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act clarifying, updating and making technical corrections to the conflict of interest law..

*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 4 of chapter 268A of the General Laws, as appearing in the 2004  
2 Official Edition, is hereby amended by inserting after paragraph (c) the following paragraph:-

3           (d) No partner of a state employee shall knowingly act as agent or attorney for anyone  
4 other than the commonwealth in connection with any particular matter in which the  
5 commonwealth or a state agency is a party or has a direct and substantial interest and in which  
6 the state employee participates or has participated as a state employee or which is the subject of  
7 his official responsibility.

8           SECTION 2. Section 4 of said chapter 268A, as so appearing, is hereby amended by  
9 striking out the sixth paragraph and inserting in place thereof the following paragraph:-

10           A special state employee shall be subject to paragraphs (a) and (c) only in relation to a  
11 particular matter (a) in which he has at any time participated as a state employee, or (b) which is  
12 or within 1 year has been a subject of his official responsibility, or (c) which is pending in the

13 state agency in which he is serving. Clause (c) of the preceding sentence shall not apply in the  
14 case of a special state employee who serves for no more than 200 hours during a calendar year.

15 SECTION 3. Section 4 of said chapter 268A, as so appearing, is hereby further amended  
16 by adding after the sixth paragraph the following paragraph:-

17 If a partner of a member of the general court or of a special state employee is also a  
18 member of another partnership in which the member of the general court or special state  
19 employee has no interest, the activities of the latter partnership in which the member of the  
20 general court or special state employee takes no part shall not thereby be subject to clause (c) or  
21 (d).

22 SECTION 4. Section 4 of said chapter 268A, as so appearing, is hereby further amended  
23 in line 57 by striking the words:- “present or former.”

24 SECTION 5. Section 5 of said chapter 268A, as so appearing, is hereby amended by  
25 striking out paragraph (d).

26 SECTION 6. Section 5 of said chapter 268A, as so appearing, in the 2004 Official  
27 Edition, is hereby amended in line 26 by inserting after the word “legislative” the following  
28 words:- or executive

29 SECTION 7. Section 5 of said chapter 268A, as so appearing, is hereby further amended  
30 in lines 43 and 44 by striking out the words:- “member of the general court or a special state  
31 employee or of a”

32 SECTION 8. Section 5 of said chapter 268A, as so appearing, is hereby further amended  
33 in line 49 by striking out the “words:- present or”

34 SECTION 9. Section 5 of chapter 268A of the General Laws, as so appearing, is hereby  
35 amended by inserting after the last paragraph the following paragraph:-

36 This section shall not prevent a former state employee from giving testimony under oath  
37 or making statements required to be made under penalty for perjury or contempt.

38 SECTION 10. Section 11 of said chapter 268A, as so appearing, is hereby amended by  
39 inserting after paragraph (c) the following paragraph (d):-

40 (d) No partner of a county employee shall knowingly act as agent or attorney for anyone  
41 other than the county in connection with any particular matter in which the county or a county  
42 agency of the same county is a party or has a direct and substantial interest and in which the  
43 county employee participates or has participated as a county employee or which is the subject of  
44 his official responsibility.

45 SECTION 11. Section 11 of said chapter 268A, as so appearing, is hereby further  
46 amended by adding after the fifth paragraph the following paragraph:-

47 If a partner of a special county employee is also a member of another partnership in  
48 which the special county employee has no interest, the activities of the latter partnership in which  
49 the special county employee takes no part shall not thereby be subject to clause (c) or (d).

50 SECTION 12. Section 11 of said chapter 268A, as so appearing, is hereby further  
51 amended in line 39 by striking out the words:- “present or former.”

52 SECTION 13. Section 11 of said chapter 268A, as so appearing, is hereby amended by  
53 striking out the fifth paragraph and inserting in place thereof the following paragraph:-

54 A county employee shall be subject to paragraphs (a) and (c) only in relation to the  
55 county of which he is an employee. A special county employee shall be subject to said  
56 paragraphs (a) and (c) only in relation to a particular matter (a) in which he has at any time  
57 participated as a county employee, or (b) which is or within 1 year has been a subject of his  
58 official responsibility, or (c) which is pending in the county agency in which he is serving.  
59 Clause (c) of the preceding sentence shall not apply in the case of a special county employee  
60 who serves for no more than 200 hours during a calendar year.

61 SECTION 14. Section 12 of said chapter 268A, as so appearing, is hereby amended by  
62 striking out clause (d).

63 SECTION 15. Section 12 of said chapter 268A, as so appearing, is hereby further  
64 amended by inserting after the word “or” on line 17 the following:- shall be punished by a fine of  
65 not more than \$3,000 or by imprisonment for not more than 2 years or both.

66 SECTION 16. Section 12 of said chapter 268A, as so appearing, is hereby further  
67 amended in line 26 by striking out the words:- “special county employee or of a”

68 SECTION 17. Section 12 of said chapter 268A, as so appearing, is hereby further  
69 amended in line 31 by striking out the words:- “present or”

70 SECTION 18. Section 12 of said chapter 268A, as so appearing, is hereby amended by  
71 inserting after the last paragraph the following paragraph:-

72 This section shall not prevent a former county employee from giving testimony under  
73 oath or making statements required to be made under penalty for perjury or contempt.

74 SECTION 19. Section 17 of said chapter 268A, as so appearing, is hereby amended by  
75 inserting after paragraph (c) the following paragraph (d):-

76 (d) No partner of a municipal employee shall act as agent or attorney for anyone other  
77 than the city or town in connection with any particular matter in which the same city or town is a  
78 party or has a direct and substantial interest and in which the municipal employee participates or  
79 has participated as a municipal employee or which is the subject of his official responsibility.

80 SECTION 20. Section 17 of said chapter 268A, as so appearing, is hereby further  
81 amended by inserting after the fifth paragraph the following paragraph:-

82 If a partner of a special municipal employee is also a member of another partnership in  
83 which the special municipal employee has no interest, the activities of the latter partnership in  
84 which the special municipal employee takes no part shall not thereby be subject to clause (c) or  
85 (d).

86 SECTION 21. Section 17 of said chapter 268A, as so appearing, is hereby amended in  
87 line 39 by striking the words:- “present or former”

88 SECTION 22. Section 17 of said chapter 268A, as so appearing, is hereby amended by  
89 striking out the fifth paragraph and inserting in place thereof the following paragraph:-

90 A special municipal employee shall be subject to paragraphs (a) and (c) only in relation  
91 to a particular matter (a) in which he has at any time participated as a municipal employee, or (b)  
92 which is or within 1 has been a subject of his official responsibility, or (c) which is pending in  
93 the municipal agency in which he is serving. Clause (c) of the preceding sentence shall not apply

94 in the case of a special municipal employee who serves for no more than 200 hours during a  
95 calendar year.

96 SECTION 23. Section 18 of said chapter 268A, as so appearing, is hereby amended by  
97 striking out clause (d).

98 SECTION 24. Section 18 of said chapter 268A, as so appearing, is hereby further  
99 amended in lines 24 and 25 by striking out the words:- “or of a special municipal employee.”

100 SECTION 25. Section 18 of said chapter 268A, as so appearing, is hereby further  
101 amended in line 36 by striking out the words:- “present or”

102 SECTION 26. Section 18 of said chapter 268A, as so appearing, is hereby amended by  
103 inserting after the last paragraph the following paragraph:-

104 This section shall not prevent a former municipal employee from giving testimony under  
105 oath or making statements required to be made under penalty for perjury or contempt.

106 SECTION 27. Section 20 of said chapter 268A, as so appearing, is hereby amended in  
107 line 116 by striking the words and inserting in place thereof the following:- 5,000

108 SECTION 28. Section 1 of chapter 268B of the General Laws, as appearing in the 2004  
109 Official Edition, is hereby amended by adding after the definition of “equity” the following  
110 definition:-

111 “executive agent” means any person who is an executive agent as defined in section 39 of  
112 chapter 3.

113 SECTION 29. Section 1 of said chapter 268B, as so appearing, is further amended by  
114 striking the definition of “legislative agent” and inserting in place thereof the following  
115 definition:

116 “legislative agent” means any person who is a legislative agent as defined in section 39 of  
117 chapter 3.

118 SECTION 30. Section 5 of said chapter 268B, as so appearing, is hereby amended by  
119 inserting after the word “legislative” in line 68 the following words:- or executive

120 SECTION 31. Section 6 of said chapter 268B, as so appearing, is hereby amended by  
121 inserting after the word “legislative” in line 1 the following words:- or executive