

SENATE No. 1415

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Lobbyist 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. Section 39 of chapter 3, as appearing in the 2006 Official Edition, is hereby
2 stricken, and replaced with the following language:

3 “Section 39. Definitions.

4 In any proceeding under this chapter, the burden of proving an exemption or an exception
5 from a definition is upon the person claiming it.

6 As used in sections thirty-nine to fifty, inclusive, the following words shall, unless the
7 context clearly indicates otherwise, have the following meanings:—

8 “Authority”, any public instrumentality of the commonwealth which is not subject to the
9 supervision and control of either the legislative, executive or judicial departments of state
10 government, or of any city, town, or county within the commonwealth, and which does not
11 receive state appropriations either for operations or the payment of debt obligations.

12 Notwithstanding the foregoing provisions, the following entities shall be considered to be
13 authorities: Bay State Skills Corporation, Boston Metropolitan District, centers of excellence,

14 Community Economic Development Assistance Corporation, Community Development Finance
15 Corporation, Government Land Bank, Massachusetts Bay Transportation Authority,
16 Massachusetts Convention Center Authority, Massachusetts Corporations for Educational
17 Telecommunications, Massachusetts Educational Loan Authority, Massachusetts Health and
18 Educational Facilities Authority, Massachusetts Housing Finance Agency, Massachusetts
19 Industrial Finance Agency, Massachusetts Industrial Service Program, Massachusetts Legal
20 Assistance Corporation, Massachusetts Municipal Wholesale Electric Company, Massachusetts
21 Port Authority, Massachusetts Product Development Corporation, Massachusetts Technology
22 Development Corporation, Massachusetts Technology Park Corporation, Massachusetts
23 Turnpike Authority, Massachusetts Water Resources Authority, Nantucket land bank, Pension
24 Reserves Investment Management Board, State College Building Authority, Southeastern
25 Massachusetts University Building Authority, Thrift Institutions Fund for Economic
26 Development, University of Lowell Building Authority, University of Massachusetts Building
27 Authority, Victim and Witness Board, Woods Hole, Martha’s Vineyard, and Nantucket
28 Steamship Authority, Worcester Business Development Corporation, the several regional transit
29 authorities, the several regional school districts, the several solid waste districts, the several
30 water, sewer, and fire districts, the several local housing authorities, the several local
31 redevelopment authorities, and the several home care corporations.

32 “Client”, any principal, individual or business that contracts with, hires, arranges, or
33 otherwise engages the services of another principal, individual or business to receive lobbying
34 services for a fee.

35 “Covered executive official”, the governor, lieutenant governor, state secretary, attorney
36 general, state treasurer, state auditor, any person who holds a major policy making position, as

37 defined in section one of chapter two hundred and sixty-eight B, and as designated by the
38 governor, lieutenant governor, state secretary, attorney general, state treasurer or state auditor in
39 accordance with the provisions of said chapter two hundred and sixty-eight B, the secretary or
40 deputy or assistant secretary of any executive office, or the executive or administrative head or
41 deputy or assistant head of any authority, any department, board, commission, or division of the
42 state government or subdivision of any of the foregoing, but not including the legislative and
43 judicial departments.

44 "Legislation", bills, resolutions and proposals of every kind, character or description
45 considered by the general court or any committee thereof, or the governor.

46 "License", the state secretary shall issue a picture identification card which entitles a
47 lobbyist or a lobbyist entity as defined herein to practice lobbying on behalf of a client who or
48 which has filed a registration statement pursuant to section 41. Any license so issued shall
49 expire on December 31 of each year.

50 "Lobbying", means any act or effort on behalf of a client which directly or
51 indirectly attempts to influence procurement decisions, legislative or administrative action by
52 oral or written communication with any elective state official, agency official, authority
53 employee, legislative or executive employee or covered executive official, and includes any
54 person engaged in providing business consulting or strategic consulting services, but excluding:

55 (a) any act made in the course of participation in an advisory committee or task force;

56 (b) providing information in writing in response to a written request for specific
57 information by an officer or employee of the executive branch or an authority, including, but not
58 limited to, statewide constitutional officers and employees thereof;

59 (c) any act required by subpoena, civil investigative demand, or otherwise compelled by
60 statute, regulation or other action of the executive branch or legislative branch or an authority,
61 including, but not limited to, statewide constitutional offices;

62 (d) a communication made to an officer or employee of the executive branch or
63 legislative branch or an authority, including, but not limited to, statewide constitutional officers
64 and employees thereof, with regard to: (1) a judicial proceeding or a criminal or civil law
65 enforcement inquiry, investigation or proceeding; or (2) a filing or proceeding that the executive
66 branch or legislative branch or an authority, including, but not limited to, statewide constitutional
67 offices, is specifically required by statute or regulation to maintain or conduct on a confidential
68 basis; if such executive branch or authority, including, but not limited to, statewide constitutional
69 offices, is charged with responsibility for such proceeding, inquiry, investigation or filing;

70 (e) any act made in compliance with written agency procedures regarding an
71 adjudicatory proceeding, as defined in section one of chapter thirty A, conducted by the agency,
72 or similar adjudicatory or evidentiary proceedings conducted by any department, board,
73 commission or official not governed by chapter thirty A;

74 (f) a petition for action by the executive branch or legislative branch or an authority,
75 including, but not limited to, statewide constitutional offices made in writing and required to be a
76 matter of public record pursuant to established procedures of such executive branch or legislative
77 branch or authority, including, but not limited to, statewide constitutional offices;

78 (g) any act made on behalf of an individual with regard to that individual's benefits,
79 employment or other personal matters;

80 (h) a response to a request for proposals or similar invitation by an officer or employee
81 of the executive branch or legislative branch or an authority, including, but not limited to,
82 statewide constitutional officers and employees thereof, for information relevant to a contract;

83 (i) participation in a bid conference;

84 (j) an appeal or request for review of a procurement decision.

85 “Lobbyist”, any person who: 1) does any act on behalf of a client to influence the
86 decision of any officer or employee of the executive branch or an authority, including but not
87 limited to statewide constitutional officers and employees thereof, where such decision concerns
88 procurement decisions, legislation or the adoption, defeat or postponement of a standard, rate,
89 rule or regulation pursuant thereto, or any act on behalf of a client to communicate directly with
90 a covered executive official to influence a decision concerning policy or procurement or 2) does
91 any act on behalf of a client to promote, oppose or influence legislation, or to promote, oppose or
92 influence the governor’s approval or veto thereof. Reference anywhere in this chapter to
93 legislative or executive agent shall invoke the definition of lobbyist.

94 “Lobbyist entity”, any business entity or type consisting of one or more persons engaged
95 in providing lobbyist type services, including a sole proprietor, foreign or domestic corporation,
96 association, proprietor, partnership, limited liability partnership or company, joint stock
97 company, joint venture or any other similar business formation.

98 “Policy”, a plan or course of action which is applicable to a class of persons, proceedings
99 or other matters and which is designed to influence or determine the subsequent decisions and
100 actions of any covered executive official, including, but not limited to, a plan or course of action
101 which would constitute a “regulation”, as defined in chapter thirty A. The term shall not include

102 the adjudication or determination of any rights, duties, or obligations of a person made on a case
103 by case basis, including but not limited to the issuance or denial of a license, permit, or
104 certification or a disciplinary action or investigation involving a person.

105 “Procurement”, the buying, purchasing, renting, leasing or otherwise acquiring or
106 disposing, by contract or otherwise, of supplies, services or construction or the acquisition or
107 disposition of real property or any interest therein, including, but not limited to, the purchase,
108 lease or rental of any such real property or the granting of easements or rights of way therein; but
109 not including any item of expenditure the value of which is twenty-five thousand dollars or less.”

110 SECTION 2. Section 41 of chapter 3, as appearing in the 2006 Official Edition, is hereby
111 amended by striking the title “Docket of executive and legislative agents and lobbyists; annual
112 registration statements; annual filing fee; identification cards” and replacing it with the following
113 title:

114 “Chapter 3: Section 41. Registration and training”.

115 SECTION 3. Section 41 of chapter 3, as appearing in the 2006 Official Edition, is hereby
116 further amended by adding the following subtitle in line 1:

117 “Section 41(A). Docket of lobbyists, lobbyist entities, and clients; annual registration
118 statements; annual filing fee; licenses”.

119 SECTION 4. Section 41 of chapter 3, as appearing in the 2006 Official Edition, is hereby
120 further amended by striking out the figure "10" in line 17 and inserting in place thereof the
121 following figure: “3”.

122 SECTION 5. Section 41 of chapter 3, as appearing in the 2006 Official Edition, is hereby
123 further amended by striking lines 31 – 35, which contain the following paragraph:

124 “Upon registration, the state secretary shall issue to each legislative agent and executive
125 agent, a nontransferable identification card that shall include the person's name and photograph.
126 Out-of-state legislative agents and executive agents shall submit 3 passport-sized photographs to
127 the state secretary upon registration.”

128 And replacing lines 31 – 35 with the following paragraph:

129 “Upon registration and payment of all applicable fees, the state secretary shall issue to
130 each lobbyist and lobbyist entity a nontransferable identification card or license that shall include
131 the lobbyist’s name and photograph and the lobbyist entity and authorizing officer names.”

132 SECTION 6. Section 41 of chapter 3, as appearing in the 2006 Official Edition, is hereby
133 further amended by adding the following language after line 35:

134 “The secretary may from time to time make, amend, and rescind such rules, forms, and
135 orders as are necessary to carry out the provisions of this chapter, including rules and forms
136 governing all filings and defining any terms, whether or not used in this chapter, insofar as the
137 definitions are not inconsistent with the provisions of this chapter.

138 The state secretary or his designee shall assess a penalty for any statement which is filed
139 by such lobbyist, lobbyist entity, or client later than the prescribed date. Said penalty shall be in
140 the amount of two hundred and fifty dollars when such statement has been filed ten days late or
141 less, and in the amount of five hundred dollars when such statement is more than ten days late;

142 provided, however that the state secretary may waive said penalty for good cause. No waiver
143 shall be granted when a statement has been filed more than thirty days late.”

144 SECTION 7. Section 41 of chapter 3, as appearing in the 2006 Official Edition, is hereby
145 further amended by adding the following subtitle at the end of section 41(A):

146 “Section 41(B). Annual training”.

147 SECTION 8. Section 41 of chapter 3, as appearing in the 2006 Official Edition, is hereby
148 further amended by adding the following language under subtitle “Section 41(B). Annual
149 training”:

150 “All lobbyists and lobbyist entities shall attend mandatory annual training on lobbyist
151 rules and regulations, ethics, and campaign contribution guidelines to be provided by the state
152 secretary pursuant to regulations he drafts.

153 Failure of a lobbyist or lobbyist entity to attend and complete such training will result in
154 an automatic bar from lobbying until compliance with the training requirements.”

155 SECTION 9. Section 42 of chapter 3, as appearing in the 2006 Official Edition, is hereby
156 amended by striking the title “Agreements to influence decisions of executive branch employees
157 or legislation for consideration prohibited” and replacing it with the following title:

158 “Chapter 3: Section 42. Contingency compensation of lobbyists prohibited.”

159 SECTION 10. Section 42 of chapter 3, as appearing in the 2006 Official Edition, is
160 hereby further amended by striking out the word "executive agent" in line 3 and inserting in
161 place thereof the following word: “lobbyist”.

162 SECTION 11. Section 42 of chapter 3, as appearing in the 2006 Official Edition, is
163 hereby further amended in line 13, by inserting the following word after the word “bona fide”:
164 “solicited”.

165 SECTION 12. Section 43 of chapter 3, as appearing in the 2006 Official Edition,
166 is hereby stricken, and replaced with the following section:

167 “Section 43. Disclosure.

168 (A) Quarterly disclosure statements of lobbyists and lobbyist entities.

169 On or before the fifteenth day of April, complete from January first through March
170 thirty-first; and on or before the fifteenth day of July, complete from April first to June thirtieth;
171 and on or before the fifteenth day of October, complete from July first to September thirtieth;
172 and on or before the fifteenth day of January, complete from October first to December thirty-
173 first, every lobbyist and lobbyist entity appearing on the docket shall render to the state secretary,
174 under oath, an itemized, electronic disclosure statement of all expenditures or payments made to
175 any person or organization within the context of providing lobbying services as defined in
176 section 39.

177 The disclosure statement shall contain an itemized statement of expenditures, which shall
178 include but not be limited to, campaign contributions as defined in section one of chapter fifty-
179 five; expenditures incurred or payments made by a lobbyist or lobbyist entity regardless of value,
180 paid in whole or in part to any statewide constitutional officer, officers and employees of such
181 office, members of the general court, officers and employees of the general court, officers and
182 employees of the executive branch, and officers and employees of an authority; and operating
183 expenses, office expenses, and any other expenses associated with the provision of lobbying

184 services, including such specific expenditures and/or reimbursements for meals, beverages,
185 recreation and entertainment, gifts, lodging, transportation, advertising, public relations, printing,
186 mailing, and telephone, and the names of the payees and the amount paid to each payee.

187 The disclosure statement shall contain an itemized statement of expenditures which shall
188 also include the names of the candidates or political committees to whom or to which a
189 contribution was made, along with the amount of and date of each contribution, and the date,
190 place, name and position of any official or individual receiving an expenditure for any meal,
191 beverage, recreation and entertainment, lodging or transportation expense and a description of
192 the benefit.

193 No such expenditure shall be split or divided for the purpose of evading any provision of
194 this section.

195 On or before the fifteenth day of April, complete from January first through March thirty-
196 first; and on or before the fifteenth day of July, complete from April first to June thirtieth; and on
197 or before the fifteenth day of October, complete from July first to September thirtieth; and on or
198 before the fifteenth day of January, complete from October first to December thirty-first, every
199 lobbyist and lobbyist entity appearing on the docket shall render to the state secretary, under
200 oath, an itemized, electronic disclosure statement of all activities performed in conjunction with
201 lobbying services as defined in section 39.

202 The disclosure statement shall contain an itemized statement of activities which shall
203 include the number of hours each month within the reporting period said lobbyist or lobbyist
204 entity engaged in/or provided lobbyist services including a complete and detailed description of
205 the subject, subjects, or issues; the name and title of the person or persons to whom the lobbying

206 services were provided; the legislative numbers of any bills, rules, regulations, ratemaking, or
207 proposed rules, regulations or rates; the titles and any other identifying numbers of any
208 procurement contracts; the names of the persons, organizations, legislative bodies, or committees
209 before which he has lobbied; and the client on behalf of whom the lobbyist services were
210 performed.

211 The state secretary or his designee shall assess a penalty for any disclosure statement
212 which is filed by such lobbyist or lobbyist entity later than the prescribed date. Said penalty shall
213 be in the amount of two hundred and fifty dollars when such statement has been filed ten days
214 late or less, and in the amount of five hundred dollars when such statement is more than ten days
215 late; provided, however that the state secretary may waive said penalty for good cause. No
216 waiver shall be granted when a statement has been filed more than thirty days late.

217 Any lobbyist who or lobbyist entity which fails to timely file said disclosure statement
218 within the time required by this chapter shall be subject to the immediate administrative
219 revocation of his or its license to lobby for a period not to exceed 3 years.

220 No lobbyist or lobbyist entity whose license has been revoked may engage in lobbying
221 activity until such person has been reinstated to the practice of lobbying and duly licensed.

222 The license of any lobbyist or lobbyist entity to lobby on behalf of the client or entity
223 shall be restored immediately upon filing the delinquent statement. All notices to be sent in
224 accordance with this chapter shall be sent by certified mail to the last-known addresses of the
225 lobbyist or lobbyist entity.

226 Any lobbyist or lobbyist entity who is aggrieved by a suspension of lobbying privileges
227 under this subsection may request a hearing regarding the revocation. The state secretary or his

228 designee may refer any matter to the office of the attorney general for further enforcement action
229 for which a criminal penalty is applicable.

230 (B) Quarterly disclosure statements of clients.

231 On or before the fifteenth day of April, complete from January first through March thirty-
232 first; and on or before the fifteenth day of July, complete from April first to June thirtieth; and on
233 or before the fifteenth day of October, complete from July first to September thirtieth; and on or
234 before the fifteenth day of January, complete from October first to December thirty-first, every
235 client of a lobbyist whose name appears upon the docket shall render to the state secretary under
236 oath, an itemized, electronic disclosure statement of all expenses, expenditures, and/or payments
237 made to any person or organization incurred in connection with any lobbying activity as defined
238 in section 39 performed on its behalf.

239 The disclosure statement shall contain an itemized statement of expenditures, which shall
240 include but not be limited to, operating expenses, office expenses, and any other expenses
241 associated with the provision of lobbying services, including such specific expenditures and/or
242 reimbursements for meals, gifts, transportation, entertainment, advertising, public relations,
243 printing, mailing, and telephone, and the names of the payees and the amount paid to each payee.

244 Where such expenditure is for meals, entertainment or transportation, said expenditure
245 shall be identified by the date, place, amount, and names of all persons in the group partaking in,
246 or of, such meal, entertainment, or transportation.

247 When such compensation is included as part of the lobbyist or lobbyist entity's regular
248 salary or retainer, the disclosure statement shall specify the total amount of the lobbyist or
249 lobbyist entity's salary or retainer with an additional indication as to the amount of salary or

250 retainer allocable to his or its lobbyist duties, if apportionment is possible. If no such
251 apportionment is possible, the statement shall indicate such impossibility.

252 No expenditure shall be split or divided for the purpose of evading any provision of this
253 section.

254 The state secretary shall assess a penalty for any disclosure statement which is filed by
255 such client later than the prescribed date. Said penalty shall be in the amount of two hundred and
256 fifty dollars when such statement has been filed ten days late or less, and in the amount of five
257 hundred dollars when such statement is more than ten days late; provided, however that the state
258 secretary may waive said penalty for good cause. No waiver shall be granted when a statement
259 has been filed more than thirty days late.

260 Upon failure of a client to file the required disclosure statement, the state secretary shall
261 mail written notices to the client and to any lobbyist or lobbyist entity of said client, informing
262 them that unless the client files the delinquent statement within 10 business days after the date of
263 mailing of the notices, no lobbyist or lobbyist entity may lobby on behalf of the client.”

264 SECTION 13. Section 44 of chapter 3 is hereby repealed.

265 SECTION 14.. Section 45 of chapter 3, as appearing in the 2006 Official Edition, is
266 hereby stricken, and replaced with the following section:

267 “Section 45. Enforcement authority; inquiry; cease and desist; injunction; adjudicatory
268 proceeding; license revocation; suspension; hearing; effect; penalties for violations; inspection of
269 statements; authority of attorney general.

270 (A) (1) Upon receipt of a sworn complaint signed under pains and penalties of perjury, or
271 upon receipt of evidence or information which is deemed sufficient by the state secretary, the
272 secretary or his designee shall initiate a preliminary inquiry into any alleged violation of this
273 chapter. All proceedings and records relating to a preliminary inquiry or initial staff review to
274 determine whether to initiate an inquiry or adjudicatory proceeding shall be confidential, except
275 that the secretary or his designee may turn over to the attorney general, the United States
276 Attorney or a district attorney of competent jurisdiction evidence which may be used in a
277 criminal proceeding. The secretary or his designee shall notify, in writing, any individual or
278 entity who is the subject of the preliminary inquiry of the existence of such inquiry and the
279 general nature of the alleged violation within thirty days of the commencement of the
280 preliminary inquiry.

281 (2) If a preliminary inquiry fails to indicate reasonable cause for belief that this chapter
282 has been violated, the secretary or his designee shall immediately terminate the inquiry and so
283 notify, in writing, the complainant, if any, and the person who or entity that had been the subject
284 of the inquiry.

285 (3) If a preliminary inquiry indicates reasonable cause for belief that this chapter has been
286 violated, the secretary or his designee may issue a temporary cease and desist order. Upon the
287 entry of a temporary cease and desist order, the secretary or his designee shall promptly notify in
288 writing the individual or entity subject to the order that such order has been entered, the reasons
289 therefor, and that within twenty days after the receipt of a written request from such individual or
290 entity, the matter shall be set down for hearing to determine whether or not the order shall
291 become permanent and final. If no hearing is requested and none is ordered by the secretary or
292 his designee, the order shall remain in effect until it is modified or vacated by the secretary or his

293 designee. If a hearing is requested or ordered, the secretary or his designee, after giving notice of
294 and opportunity for a hearing to the person or entity subject to the order, shall by written findings
295 of fact and conclusions of law, vacate, modify, or make permanent the order.

296 (4) If any inquiry indicates reasonable cause for belief that any individual or entity has
297 engaged or is about to engage in any act or practice constituting a violation of any provision of
298 this chapter or any rule or order hereunder, the secretary or his designee may in his discretion
299 bring an action in the superior court for the county in which the individual or entity is found or is
300 an inhabitant or transacts business or engages or has engaged in lobbying activity or the
301 provision of lobbyist services to enjoin the acts or practices and to enforce compliance with this
302 chapter or any rule or order hereunder. Upon a proper showing, the court may grant a
303 preliminary or permanent injunction or a temporary restraining order and may order such other
304 relief as may be in the public interest.

305 (5) For the purpose of any inquiry or proceeding under this chapter, the secretary or his
306 designee may commence an adjudicatory proceeding, administer oaths and affirmations,
307 summons and subpoena witnesses, compel attendance, hear testimony all of which shall be under
308 oath, take evidence, and require the production of any books, papers, correspondence,
309 memoranda, agreements, or other documents or records which the secretary or his designee
310 deems relevant or material to the inquiry. Such summonses or subpoenas may be issued by the
311 secretary or his designee and shall be served in the same manner as summonses and subpoenas
312 for witnesses in civil cases, and all provisions of law relative to summonses and subpoenas
313 issued in such cases, including the compensation of witnesses, shall apply to summonses and
314 subpoenas issued by the secretary or his designee.

315 (6) In case of contumacy by, or refusal to obey a summons or subpoena issued to, any
316 individual or entity, any justice of the superior court for the county in which the individual or
317 entity is found or is an inhabitant or transacts business or engages or has engaged in lobbying
318 activity or the provision of lobbyist services, upon application by the secretary or his designee,
319 may issue to the person or entity an order requiring him or it to appear before the secretary or his
320 designee, there to produce documentary evidence if so ordered, or to give evidence touching the
321 matter under investigation or in question. Failure to obey the order of the court may be punished
322 by the court as a contempt of court.

323 (7) No person is excused from attending and testifying or from producing any document
324 or record before the secretary or his designee, or in obedience to the subpoena of the secretary or
325 his designee, or in any proceeding instituted by the secretary or his designee, on the ground that
326 the testimony or evidence, documentary or otherwise, required of him may tend to incriminate
327 him or subject him to a penalty of forfeiture; but no individual may be prosecuted or subjected to
328 any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which
329 he is compelled, after claiming his privilege against self-incrimination, to testify or produce
330 evidence, documentary or otherwise, except that the individual testifying is not exempt from
331 prosecution and punishment for perjury or contempt committed in testifying.

332 (8) All parties to an inquiry or an adjudicatory proceeding shall have the right to call and
333 examine witnesses, to introduce exhibits, to cross-examine witnesses who testify, to submit
334 evidence, and to be represented by counsel. Before testifying, all witnesses shall be given a copy
335 of the regulations governing adjudicatory proceedings. All witnesses shall be entitled to be
336 represented by counsel.

337 (9) Any person or entity whose name is mentioned during an adjudicatory proceeding of
338 the secretary or his designee and who may be adversely affected thereby may appear personally
339 before the secretary or his designee on his own behalf, with or without counsel, to give a
340 statement in opposition to such adverse mention or file a written statement of such opposition for
341 incorporation into the record of the proceeding. Within thirty days after completion of
342 deliberations, the secretary or his designee shall publish a written report of its findings and
343 conclusions.

344 (10) The secretary or his designee upon a finding pursuant to an adjudicatory proceeding
345 that there has been a violation of this chapter may issue an order:

346 (a) demanding that the violator cease and desist such violation of said chapter; and/or

347 (b) suspending the license and registration of said violator until the third regular
348 session of the general court after the date of such violation; and/or

349 (c) demanding a full written accounting and reporting of all expenditures associated
350 with lobbying activities; and/or

351 (d) imposing an administrative fine, not to exceed \$5,000.00; and/or

352 (e) any other remedy the secretary deems appropriate to ensure compliance with the
353 filing and other requirements of this chapter.

354 (11) Any person aggrieved by a final decision of the secretary or his designee in an
355 adjudicatory proceeding may obtain judicial review pursuant to section fourteen of chapter thirty
356 A. The commencement of proceedings under subsection (11) does not, unless specifically
357 ordered by the court, operate as a stay of the secretary or his designee's order.

358 (B) Violation of any provision of sections forty-one, forty-two, or forty-three shall be
359 punished by a fine of not less than one hundred, nor more than five thousand dollars. Any person
360 acting as a lobbyist or lobbyist entity who has been found guilty of violating any provisions of
361 said sections shall in addition to such fine, be disqualified from acting as a lobbyist or lobbyist
362 entity until the termination of the third regular session of the general court after the date of
363 conviction of such offense. Upon investigation and when deemed appropriate, the attorney
364 general shall cause prosecutions to be instituted for violation of any provision of sections forty-
365 one and forty-two. The state secretary or his designee shall inspect all statements required by
366 sections forty-one and forty-three filed with him if it appears that any person or entity has failed
367 to file such statement as required by said sections, or if it appears to the state secretary or his
368 designee that any such statement filed with him does not conform to law, the state secretary or
369 his designee shall within a reasonable time notify the delinquent person, group or organization in
370 writing. Upon failure to file a statement within fourteen days after receiving notice under this
371 section, or if any statement filed after receiving notice indicates any violation of sections forty-
372 one or forty-three, the state secretary or his designee shall within a reasonable time notify the
373 attorney general thereof and shall furnish him with copies of all papers relating thereto. The
374 attorney general shall examine every such case and upon investigation and when deemed
375 appropriate shall cause prosecutions to be instituted in the name of the commonwealth or shall
376 institute appropriate civil proceedings pursuant to section forty-nine or refer the case to the
377 proper district attorney for such action as may be appropriate.”

378 SECTION 15. Section 47 of chapter 3 is hereby repealed.

379 SECTION 16. Section 48 of chapter 3 is hereby repealed.