

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

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

**James E. Vallee**

*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 passage of the accompanying bill:

An Act clarifying, updating and making technical corrections to the conflict of interest law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Vallee	10th Norfolk
Antonio F.D. Cabral	13th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 3257 OF .]

## The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

### 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 Official Edition, is  
2 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 other than the commonwealth  
4 in connection with any particular matter in which the commonwealth or a state agency is a party or has a direct and  
5 substantial interest and in which the state employee participates or has participated as a state employee or which is  
6 the subject of his official responsibility.

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

9 A special state employee shall be subject to paragraphs (a) and (c) only in relation to a particular matter (a) in which  
10 he has at any time participated as a state employee, or (b) which is or within 1 year has been a subject of his official  
11 responsibility, or (c) which is pending in the state agency in which he is serving. Clause (c) of the preceding  
12 sentence shall not apply in the case of a special state employee who serves for no more than 200 hours during a  
13 calendar year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

81 A special municipal employee shall be subject to paragraphs (a) and (c) only in relation to a particular matter (a) in  
82 which he has at any time participated as a municipal employee, or (b) which is or within 1 has been a subject of his  
83 official responsibility, or (c) which is pending in the municipal agency in which he is serving. Clause (c) of the  
84 preceding sentence shall not apply in the case of a special municipal employee who serves for no more than 200  
85 hours during a calendar year.

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

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

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

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

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

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

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

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

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

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

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

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