

Thursday, March 26, 2009.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer. Gracious God, the Ultimate Source of Hope and Truth, we pause for a moment of personal reflection and prayer as we turn our thoughts and attention to You, Our Creator. We pray for Your guidance in our effort to keep our personal and legislative agenda in clear focus. In our daily struggle to make the right decisions and choices, help us to form and follow a good and right conscience as we grapple with the issues of the day. May our hearts and minds be open to the rightful concerns and suggestions of our constituents and colleagues. Teach us in these uneasy and difficult times to promote and to define the common good in resolving sensitive and complex issues. Inspire us to remain faithful to our basic and traditional principles and our human and spiritual values.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance. At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

*Silent Prayers.*

John Hope Franklin. At the request of Mr. Swan of Springfield, the members, guests and employees stood in a moment of silent prayer in respect to the memory of John Hope Franklin, a United States Historian and past president of Phi Beta Kappa, the Organization of American Historians. He had been Professor Emeritus of History at Duke University, and is best known for his work *From Slavery to Freedom*, first published in 1947. In 1995 he was awarded the Presidential Medal of Freedom, the nation's highest civilian honor. In the early 1950s, Professor Franklin served on the NAACP Legal Defense Fund team led by Thurgood Marshall that helped develop the sociological case for *Brown v. Board of Education*, leading to the 1954 Supreme Court decision ending the legal segregation of black and white children in public schools.

Jay Kingwill. At the request of Messrs. Madden of Nantucket and Patrick of Falmouth, the members, guests and employees stood in a moment of silent prayer in respect to the memory of Jay Kingwill of Falmouth, who passed away on Sunday, March 22. Mr. Kingwill had worked on Broadway for decades, and was general manager for more than 30 productions, including "Hello Dolly" and "Sugar Babies". Since moving to Woods Hole in 2002 he contributed much to the community.

At the request of Ms. Ferrante of Gloucester, the members, guests and employees stood in a moment of silent prayer in respect to the memory of Roger Parady of Gloucester, an extraordinary public high school teacher, who inspired many of Gloucester's youth. Mr. Parady died on Wednesday morning, March 25, 2009, after fighting a courageous battle with cancer.

Roger Parady.

*Statement of Representatives Canavan of Brockton.*

A statement of Mrs. Canavan of Brockton was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to a previously scheduled obligation in my district. If I were able to be present for the taking of the yeas and nays on passing to be engrossed the House Bill improving the laws relating to ethics and lobbying (House, No. 3856, printed as amended), I would vote in the affirmative. My missing of roll calls today will be due entirely to the reason stated.

Statement of Representative Canavan of Brockton.

*Statement Concerning Representative Rogers of Norwood.*

A statement of Mr. Vallee of Franklin concerning Mr. Torrissi of North Andover was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Rogers of Norwood, was unable to be present in the House Chamber for today's sitting due to unavoidable personal business. Had he been present for the taking of the yeas and nays on passing the House Bill improving the laws relating to ethics and lobbying (House, No. 3856, printed as amended) to be engrossed, he would have voted in the affirmative. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Representative Rogers of Norwood.

*Statement Concerning Representative Torrissi of North Andover.*

A statement of Mr. Vallee of Franklin concerning Mr. Torrissi of North Andover was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Mr. Torrissi of North Andover, was unable to be present in the House Chamber for today's sitting due to illness. Had he been present for the taking of the yeas and nays on passing the House Bill improving the laws relating to ethics and lobbying (House, No. 3856, printed as amended) to be engrossed, he would have voted in the affirmative. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Representative Torrissi of North Andover.

*Resolutions.*

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Kujawski of Webster) congratulating Scott Andrew Carter on receiving the Eagle Award of the Boy Scouts of America;

Scott Andrew Carter.

Thomas Herrion. Resolutions (filed by Mr. Kujawski of Webster) congratulating Thomas Herrion on his many accomplishments as a collegiate coach;

William Hotz. Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating William Hotz on receiving the Eagle Award of the Boy Scouts of America;

Dr. Joseph A. Keefe. Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Dr. Joseph A. Keefe on earning the "Heart of the Community" Award in recognition of his outstanding contributions to the town of Natick;

Nicholas Zanchi. Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) congratulating Nicholas Zanchi on receiving the Eagle Award of the Boy Scouts of America;

Paul Hurney. Resolutions (filed by Ms. Peisch of Wellesley) honoring Paul Hurney in recognition of his 25 years of service as a scout master;

Philip Platcow. Resolutions (filed by Mr. Rush of Boston) congratulating Philip Platcow on receiving the Temple Emeth's 2009 Man of the Year Award;

Donald H. Bade. Resolutions (filed by Ms. Stanley of West Newbury) honoring Donald H. Bade on the occasion of his eightieth birthday and retirement from volunteer service with the Parker River Clean Water Association; and

Civilian Conservation Corps. Resolutions (filed by Mr. Tobin of Quincy and other members of the House) on the seventy-sixth anniversary of the Civilian Conservation Corps;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Vallee of Franklin, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Petitions.*

Attleboro,—stimulus construction projects. Mr. Bowles of Attleboro presented a petition (accompanied by bill, House, No. 3852) of Bill Bowles (with the approval of the mayor and municipal council) that the city of Attleboro be authorized to utilize "design build" phased construction approach for projects being undertaken as part of the federal economic stimulus initiative, notwithstanding the uniform procurement law; and the same was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Cassandra Macklan,—sick leave. Mr. Walsh of Boston presented a petition (subject to Joint Rule 12) of Martin J. Walsh for legislation to establish a sick leave bank for Cassandra Macklan, an employee of the Department of Health and Human Services; and the same was referred, under Rule 24, to the committee on Rules.

*Papers from the Senate.*

Economic recovery. A message from His Excellency the Governor recommending legislation to mobilize economic recovery in Massachusetts (Senate, No. 2019) was referred, in concurrence, to the committee on Economic Development and Emerging Technologies.

A Bill relative to an appeal process of insurance premium surcharges under managed competition (Senate, No. 2022, amended in lines 8, 9 and 10; by striking out the sentence contained therein, and by adding the following section:

Insurance surcharges,—appeal process.

"SECTION 3. The commissioner of insurance shall file a report with the joint committee on financial services no later than July 1, 2009 or within 90 days of the effective date of this act, providing a summary of the efforts made to facilitate the transition of exclusive representative producers to voluntary agents and the outcome of those efforts, including the remaining number of non-appointed agents in the market. The report shall further examine private passenger automobile insurance premium payment plans and down payments required by insurers in the voluntary and residual market. The commissioner shall meet with all exclusive representative producers and insurers writing private passenger automobile insurance in the commonwealth who request such a meeting to private agents with technical assistance and encourage voluntary contracts between agents and insurers. The meeting shall take place within 30 days of the effective date of this act.") (on a petition) passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Reports of the committee on Election Laws, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 342) of Benjamin B. Downing for legislation to protect consumers during a state of emergency, and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure; and

Emergencies,—consumers.

Of the petition (accompanied by bill, Senate, No. 349) of Anthony D. Galluccio and Karen E. Spilka for legislation relative to an employment marketability curriculum, and recommending that the same be referred to the committee on Education.

Employment curriculum.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Petitions severally were referred, in concurrence, as follows:

Petition (accompanied by bill, Senate, No. 2020) of Michael O. Moore and Harriette L. Chandler (with the approval of the mayor and city council) for legislation concerning the adoption of funding schedules by the city of Worcester Retirement Board; and

Worcester Retirement Board.

Petition (accompanied by bill, Senate, No. 2021) of Michael O. Moore and Harriette L. Chandler (with the approval of the mayor and city council) for legislation to provide for the work force reduction of the city of Worcester through an early retirement incentive program for employees;

Worcester,—early retirement.

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

*Reports of Committees.*

By Mrs. Wolf of Cambridge, for the committee on Elder Affairs, asking to be discharged from further consideration of the petition

Redistricting commission.

Redistricting commission. (accompanied by proposal, House, No. 535) of Bradley H. Jones, Jr., and others for a legislative Amendment to the Constitution to establish an independent redistricting commission and criteria for redistricting for state, House, Senate and Councilor districts,— and recommending that the same be referred to the committee on Election Laws.

Addiction treatment. By Ms. Malia of Boston, for the committee on Mental Health and Substance Abuse, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 759) of Marian Walsh, Thomas M. Menino, Patricia D. Jehlen, Elizabeth A. Malia and other members of the General Court for legislation relative to substance addiction treatment,— and recommending that the same be referred to the committee on Revenue.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence.

Beverly,— liquor licenses. By Mr. Speliotis of Danvers, for the committee on Consumer Protection and Professional Licensure, on a petition, a Bill authorizing the city of Beverly to issue additional liquor licenses to Joseph A. Leone, d/b/a the Black Cow Restaurant, and to the American BBQ LLC d/b/a the American BBQ (House, No. 3795) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mrs. Grant of Beverly, the bill was read a second time forthwith; and it was ordered to a third reading.

Weston,— town clerk. By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill relative to the town clerk of the town of Weston (House, No. 3472) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Peisch of Wellesley, the bill was read a second time forthwith; and it was ordered to a third reading.

Keith Bianchini,— sick leave. By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Keith Bianchini, an employee of the Department of Corrections (House, No. 2365). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr Evangelidis of Holden, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Christine Burns Clark, an employee of the Department of Public Health (House, No. 2524). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Christine Burns Clark,— sick leave.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Murphy of Weymouth, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill to establish a sick leave bank for a certain employee of the Department of Conservation and Recreation (House, No. 2579). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Michael P. Harrington,— sick leave.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Reinstein of Revere, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill to establish a sick leave bank for Paulette Wojtowicz, an employee of the Department of Mental Retardation (House, No. 2604). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Paulette Wojtowicz,— sick leave.

Mr. Kafka of Stoughton, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Smola of Palmer, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Straus of Mattpoisett, for the committee on Environment, Natural Resources and Agriculture, on House, No. 810, a Bill to further prevent oil spills in Buzzards Bay (House, No. 3855). Read; and referred, under Rule 33, to the committee on Ways and Means.

Buzzards Bay.

Mr. Petrolati of Ludlow being in the Chair,—

Mr. Kocot of Northampton, for the committee on Ethics, reported, under the provisions of Rule 16, a Committee Bill improving the laws relating to ethics and lobbying (House, No. 3853), which was read.

Ethics and lobbying laws.

Under suspension of the rules, on motion of the same member, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Kocot asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Quorum,—  
yea and nay  
No. 34.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 148 members were recorded as being in attendance.

**[See Yea and Nay No. 34 in Supplement.]**

Therefore a quorum was present.

After remarks, the bill was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Walsh of Lynn, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, Mr. Evangelidis of Holden moved to amend it by adding at the end thereof the following section:

“SECTION 85. Section 5 of said chapter 55, as so appearing, is hereby amended by adding at the end thereof the following paragraph:—

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

After debate on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 35 in Supplement.]**

Therefore the amendment was adopted.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 34 the following section:

“SECTION 34A. Subsection (b) of section 2 of chapter 62 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended, in line 229, by striking out the words ‘gross income,’ and inserting in place thereof the following words:— ‘gross income, provided that Part B gross income shall include bribes, corrupt gifts and any income gained through illegal activities.’”

After debate on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 155 members voted in the affirmative and 0 in the negative.

**[See Yea and Nay No. 36 in Supplement.]**

Therefore the amendment was adopted.

At five minutes before one o'clock P.M., on motion of Ms. Coakley-Rivera of Springfield (Mr. Petrolati of Ludlow being in the Chair) the House recessed until the hour of two o'clock; and at half past two o'clock the House was called to order with Mr. Petrolati in the Chair.

Mr. Flynn of Bridgewater thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

**[See Yea and Nay No. 37 in Supplement.]**

Therefore a quorum was present.

Amendment  
adopted,—  
yea and nay  
No. 35.

Amendment  
adopted,—  
yea and nay  
No. 36.

Recess.

Quorum.

Quorum,—  
yea and nay  
No. 37.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by inserting after section 15 the following section:

“SECTION 15A. Section 1 of chapter 55 of the General Laws, as so appearing, is hereby further amended by inserting, after the definition of ‘Expenditure,’ the following definition:—

‘Independent Expenditure,’ shall mean an expenditure by an individual, group, or association, not defined as a political committee, expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or a nonelected political committee organized on behalf of a candidate, or any agent of a candidate and which is not made in concert with, or at the request or suggestion of, any candidate, or any nonelected political committee organized on behalf of a candidate or agent of such candidate.”; and by inserting after section 24 the following two sections:

“SECTION 24A. Chapter 55 is hereby amended by striking out Section 18A, as so appearing, and inserting in place thereof the following section:—

Section 18A. (a) Every individual, group or association not defined as a political committee, who makes an independent expenditure or expenditures in an aggregate amount exceeding \$250 during any calendar year for the express purpose of promoting the election or defeat of any candidate or candidates shall file with the director, except as provided in subsection (c), within 7 business days after making such independent expenditure or expenditures, on a form prescribed by the director, a report stating: the name and address of the individual, group or association making the expenditure or expenditures; the name of the candidate or candidates whose election or defeat the expenditure promoted; the name and address of the person or persons to whom the expenditure or expenditures were made; and the total amount or value; the purpose and the date of the expenditure or expenditures.

(b) Any person, group, association or political committee that makes or contracts to make independent expenditures in an aggregate amount exceeding \$250 after the fourteenth day, but more than 24 hours, before the date of any election, shall file a report disclosing the information required by subsection (a) within 24 hours of making or contraction to make the expenditures or expenditures. Said individual, group, association or political committee shall file an additional report within 24 hours after each time the individual, group, association or political committee makes or contracts to make additional independent expenditures aggregating an additional \$250 with respect to the same election as to which the initial report relates.

(c) The reports required by this section shall be filed with the director as outlined in section 18C if expenditures are made to promote the election or defeat of any candidate who files with the director. Reports required by this section shall be filed with the city or town clerk if the expenditures are made to promote the election or defeat of any candidate seeking public office at a city or town election who does not file with the director.

Ethics and lobbying laws.

(d) Violation of any provision of this section shall be punished by imprisonment for not more than 1 year or by a fine of not more than \$5,000.

SECTION 24B. Section 18C of Chapter 55, as so appearing, is amended by inserting, in line 19, after the figure '\$10,000' the following:—

(4) Every individual, group, or association who makes an independent expenditure or electioneering communication expenditure in an aggregate amount exceeding \$250 during any calendar year.”

After debate on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Frost of Auburn; and on the roll call 22 members voted in the affirmative and 133 in the negative.

**[See Yea and Nay No. 38 in Supplement.]**

Therefore the amendments were rejected.

Ms. Polito of Shrewsbury then moved to amend the bill by adding at the end thereof the following section:

“SECTION 86. Any person nominated by the governor for a position that requires confirmation by the executive council shall, upon the date of confirmation, make any political or candidate committee and related campaign bank account or depository bank account inactive with the office of campaign and political finance.”

The amendment was adopted.

Mr. Jones of North Reading and other members then moved to amend the bill by inserting after section 24 the following section:

“SECTION 24A. Subsection (b) of said section 18C of said chapter 55, as appearing in the 2006 Official Edition, is hereby amended by adding at the end thereof the following:—

(4) Every political committee organized on behalf of a candidate that files with the director, and every ballot question committee that files with the director, which receives and deposits a contribution in the amount of \$500 after the eighteenth day, but more than 72 hours, before the date of a special, preliminary, primary or general election, shall file a report to disclose the information required by this chapter, within 72 hours of depositing such contribution.”

After debate on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Barrows of Mansfield; and on the roll call 145 members voted in the affirmative and 10 in the negative.

**[See Yea and Nay No. 39 in Supplement.]**

Therefore the amendment was adopted.

Ms. Callahan of Sutton then moved to amend the bill in line 1 by inserting before the following: “Section 39” the following paragraph:

“Chapter 3 of the General Laws is hereby amended by striking out sections 33, 34 and 35 and inserting in place thereof the following section:—

Section 33. Hearings before a committee of the general court or of either branch thereof shall be advertised in at limit 2 newspapers published in any county and at least twice. Any hearing on a matter of special legislation affecting the interest of only a portion of the commonwealth shall be in a newspaper published daily in the county

Amendments rejected,—yea and nay No. 38.

Amendment adopted,—yea and nay No. 39.

of Suffolk and in the localities directly interested therein, if there are any so published otherwise in those published weekly. The clerks shall post notices of all meeting affecting their branch at least 48 hours prior thereto and shall cause such notices to be published online.”; and by inserting after section 13 the following two sections:

“SECTION 13A. Section 2A of chapter 4 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out in lines 22 and 23 the words:— unless a majority of the members of such commission shall note otherwise.

SECTION 13B. Section 11A of chapter 30A of the General Laws, as so appearing, is hereby amended by striking out in lines 16 and 17 the words:— general court or the committees or recess commissions thereof, or.”

After debate the amendments were rejected.

The same member then moved to amend the bill in line 136 by inserting after the word “docket” the following: “and by striking out in lines 5 and 6 the words ‘all campaign contributions as defined in section one of chapter fifty five’”; and by inserting after section 8 the following section:

“SECTION 8A. The last paragraph of said section 43 of said chapter 3, as so appearing, is hereby amended by adding the following sentence:—

No executive or legislative agent shall make a campaign contribution as defined in section 1 of chapter 55.”

After debate the amendments were rejected.

Ms. Callahan then moved to amend the bill by inserting after section 8 the following section:

“SECTION 8A. Chapter 3 of the General Laws is hereby amended by inserting after section 43 the following section:—

Section 43A. The House Committees on Ethics and Personnel and Administration, as well as the Senate Committee on Ethics and Rules, shall be responsible for conducting mandatory ethics education and training session(s) for members of the General Court at the commencement of each 2 year legislative session.”

After debate on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Callahan of Sutton; and on the roll call 32 members voted in the affirmative and 123 in the negative.

**[See Yea and Nay No. 40 in Supplement.]**

Therefore the amendment was rejected.

The same member then moved to amend the bill by inserting after section 8 the following section:

“SECTION 8A. Chapter 3 of the General Laws is hereby amended by inserting after section 43 the following section:—

Section 43A. All members of the ethics committee of the general court shall receive in depth education and training on ethics’ laws, interviewing skills and investigatory procedures. All actions of said committees shall be made public, including but not limited to advisory opinions. Issues beyond the scope of professional expertise or legislative rules shall be referred to the appropriate resources.”

After debate the amendment was rejected.

Amendment rejected,—yea and nay No. 40.

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lobbying  
laws.

Ms. Callahan then moved to amend the bill by inserting after section 6 the following section:

“SECTION 6A. Said section 43 of said chapter 3 of the General Laws, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

When such expenditure is for meals or transportation, said expenditure shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such meal or transportation. No expenditure shall be split or divided for the purpose of evading any provision of this section. The state secretary shall, within thirty days of receipt of such accounting, notify persons whose names appear therein as having received campaign contributions, meals or transportation, as to the nature of the contribution or expenditure claimed, the date and amount of the contribution or expenditure, and the person or persons who reported the contribution or expenditure. No executive or legislative agent shall purchase or broker trips of any kind for any for any constitutional officers, officers and employees of such offices, members of the general court, officers and employees of the general court, officers and employees of the executive branch and officers and employees of an authority.”

After debate the amendment was rejected.

Ms. Callahan of Sutton then moved to amend the bill by inserting after section 72 the following two sections:

“SECTION 72A. Chapter 268B of the General Laws is hereby amended by inserting after section 4 the following section:—

Section 4A. A member of the general court who holds a leadership position or chairmanship who is fined under section 4 the maximum penalty by the State Ethics Commission shall immediately forfeit such position or chairmanship for a period of at least two years upon notification of said violation by the Commission to the Speaker of the House of Representatives or President of the Senate until such matters are resolved or ruled upon.

SECTION 72B. Section 3 of Chapter 55 of the General Laws is hereby amended in paragraph 8 by adding after the words ‘criminal courts’ the following:— A member of the general court who holds a leadership position or chairmanship who has had the Office of Campaign Finance refer their case of violation to the Office of the Attorney General shall immediately forfeit such position or chairmanship for a period of at least two years upon notification of said violation by the Director to the Speaker of the House of Representatives or President of the Senate until such matters are resolved or ruled upon.”

Mr. Bradley of Hingham thereupon raised a point of order that the amendment offered by the lady from Sutton was improperly before the House for the reason that it was beyond the scope of the pending bill.

In answer to the point of order, the Chair (Mr. Petrolati of Ludlow) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Ms. Callahan of Sutton thereupon appealed from the decision of the Chair, but no second was made thereon.

Point of  
order.

Appeal from  
decision of  
the Chair.

Ms. Callahan then moved to amend the bill by adding the following section:

“SECTION 87. Section 182, Chapter 149 of the General Laws as so appearing, is hereby amended by inserting the following paragraph at the end thereof:—

A special commission, to consist of 3 members of the senate, 3 members of the house of representatives, the secretary of state or his designee, the state auditor or his designee, the inspector general or his designee, the secretary of the executive off for administration and finance or her designee and the attorney general or her designee, is hereby established for the purpose of making an investigation and study of quasi-public agencies in the commonwealth. Said commission shall examine the administrative, managerial and fiscal systems and the accountability of such agencies. Said commission shall consider issues of quasi-public agency governance, financial management practices, accounting, controls, and whether policies and procedures are in place to assure the integrity of quasi-public agency operations, expectations in law and general accepted accounting and management standards applicable to quasi-public agencies in the commonwealth. Accountability of quasi-public agencies to the commonwealth, including the executive and legislative branches and to the public. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the clerk of the senate on or before July 31, 2010.”

After remarks the amendment was rejected.

Ms. Callahan then moved to amend the bill by adding the following section:

“SECTION 87. Section 7L of chapter 29 of the General Laws, as so appearing, is hereby amended by adding the following sentence:—

A law making an appropriation for expenses of the commonwealth shall not contain any earmarks.”

Mr. Bradley of Hingham thereupon raised a point of order that the amendment offered by the lady from Sutton was improperly before the House for the reason that it was beyond the scope of the pending bill.

The Chair (Mr. Petrolati of Ludlow) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Ms. Callahan of Sutton moved to amend the bill by adding the following section:

“SECTION 87. Chapter 7 of the General Laws is hereby amended by inserting after section 4Q the following section:—

Section 4R. The executive office of administration and finance shall develop a free searchable website with detached and comprehensive information about state contracts and expenditures.

Such website should have up to date information on the status of pending as well as awarded state contracts. A certain dollar amount for state contract awards and specific agency expenditures that will be posted may be set by appropriate authority.”

Mr. Bradley of Hingham thereupon raised a point of order that the amendment offered by the lady from Sutton was improperly

Point of  
order.

Point of  
order.

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before the House for the reason that it was beyond the scope of the pending bill.

The Chair (Mr. Petrolati of Ludlow) ruled that the point of order was well taken; and the amendment was laid aside accordingly.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding at the end thereof the following section:

"SECTION 87. Chapter 55 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking section 6A and inserting in place thereof the following section:—

Section 6A. A candidate and such candidate's committee shall not accept any contributions from a political action committee."

Quorum.

Pending the question on adoption of the amendment, Mr. Jones asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—  
yea and nay  
No. 41.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 151 members were recorded as being in attendance.

**[See Yea and Nay No. 41 in Supplement.]**

Therefore a quorum was present.

Amendment  
rejected,—  
yea and nay  
No. 42.

After remarks on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Frost of Auburn; and on the roll call 7 members voted in the affirmative and 145 in the negative.

**[See Yea and Nay No. 42 in Supplement.]**

Therefore the amendment was rejected.

Mr. Fallon of Malden then moved to amend the bill by substitution, in part, of an Order relative to directing the committee on Ethics to hold a public hearing relative to prohibiting lobbyists from making campaign contributions as defined in section 1 of chapter 55 on or before November 1, 2009.

After remarks the amendment was rejected.

Ms. Reinstein of Revere then moved to amend the bill by inserting after section 31 the following section:

"SECTION 31A. Section 26 of Chapter 55 is hereby amended by striking the first two sentences of said section and inserting in place thereof the following:—

The city or town clerk shall retain all statements and reports required to be filed with him until December 31st of the sixth year following the relevant election. In the case of committees other than those authorized by a candidate, the city or town clerk shall retain all required statements and reports filed with him until December 31st of the sixth year following the date that the statement or report was filed."

Amendment  
adopted,—  
yea and nay  
No. 43.

After remarks on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 152 members voted in the affirmative and 2 in the negative.

**[See Yea and Nay No. 43 in Supplement.]**

Therefore the amendment was adopted.

Ms. Reinstein then moved to amend the bill by inserting after section 31A (inserted by amendment) the following section:

"SECTION 31B. Section 26 of Chapter 55 is hereby amended by inserting a new sentence at the end of the section as follows:—

Upon the filing deadline, all campaign finance reports required to be filed with the city or town clerk under Section 18 shall be made available for viewing on the World Wide Web via the website of the municipality, if such municipality has a website."

The amendment was adopted.

Ms. Provost of Somerville then moved to amend the bill in line 33 by inserting after the words "special law," the words "executive order"; and (Mrs. Haddad of Somerset being in the Chair) the amendment was adopted.

Ms. Provost then moved to amend the bill in line 45, by inserting after the word "employee," the following sentence: "No state employee engaged in the proper discharge of his official duties, shall be deemed to be engaged in executive lobbying."; and the amendment was adopted.

The same member then moved to amend the bill in line 79 by inserting after the word "employee," the following sentence: "No state employee engaged in the proper discharge of his official duties, shall be deemed to be engaged in legislative lobbying."; and the amendment was adopted.

Mr. Walsh of Boston and other members of the House then moved to amend the bill by inserting after section 36 the following section:

"SECTION 36A. Section 3 of chapter 268A, as so appearing, is hereby amended by striking out clauses (a) and (b) and inserting in place thereof the following 2 clauses:—

(a) Whoever, otherwise than as provided by law for the proper discharge of his official duties, directly or indirectly gives, offers, or promises anything of substantial value to any present or former state, country, municipal employee or to any member of the judiciary, because of the employee's official position; or

(b) Whoever, being a present or former state, county or municipal employee or member of the judiciary, or person selected to be such an employee or member of the judiciary, otherwise than as provided by law for the proper discharge of his official duties, directly or indirectly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of substantial value for himself for or because of the employee's official position; or."

The amendment was rejected.

Ms. Walz of Boston then moved to amend the bill by adding the following section:

"SECTION 87. Section 19 of chapter 55, as so appearing, is hereby amended by deleting, from lines 5 and 6, the words 'or other citywide office, except for the office of school committee,' and by inserting, in place thereof, the words:— or city council or alderman."

The amendment was adopted.

Mr. Hill of Ipswich then moved to amend the bill by inserting after section 19 the following section:

“SECTION 19A. Section 7A of said chapter 55 of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following:—

(c) Notwithstanding any other provision of this chapter, no candidate for the office of the secretary of state or attorney general shall accept campaign contributions from any individual who is a licensed legislative or executive agent.”

After remarks the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding at the end of section 9 the following subsection:

“(m) The state secretary shall automatically disqualify any person convicted of a felony in violation of chapter 3, chapter 55, or chapter 268A from acting or registering as an executive or legislative agent for a period of 10 years from the date of conviction.”

The amendment was adopted.

Messrs. Kocot of Northampton and Walsh of Lynn then moved to amend the bill by striking out sections 2 and 3 and inserting in place thereof the following two sections:

“SECTION 2. Said section 39 of said chapter 3 of the General Laws, as so appearing, is hereby further amended by striking out the definition of ‘Executive agent’ and inserting in place thereof the following definitions:—

‘Executive agent’, a person who for compensation or reward engages in executive lobbying, which includes at least one lobbying communication with a government employee made by said person. The term ‘executive agent’ shall include a person who, as part of his regular and usual business or professional activities and not simply incidental thereto, engages in executive lobbying, whether or not any compensation in addition to the salary for such activities is received for such services. For the purposes of this definition a person shall be presumed to be engaged in executive lobbying that is simply incidental to his regular and usual business or professional activities if he:— (i) engages in executive lobbying for not more than 25 hours during any reporting period; and (ii) receives less than \$2,500 during any reporting period for executive lobbying.

‘Executive lobbying,’ any act to influence or to attempt to influence the decision of any officer or employee of the executive branch or an authority, including but not limited to, statewide constitutional officers and employees thereof, where such decision concerns legislation or the adoption, defeat or postponement of a standard, rate, rule or regulation promulgated pursuant to any general or special law, or any act to communicate directly with a covered executive official to influence a decision concerning policy or procurement; provided further, that executive lobbying shall include acts to influence or attempt to influence the decision of any officer or employee of a city or town when those acts are intended to carry out a common purpose with executive lobbying at the state level; and provided further, that executive lobbying shall include strategizing, planning, research, and other background work if performed in connection with, or for use in, an actual communication with a government employee.

SECTION 3. Said section 39 of said chapter 3 of the General Laws, as so appearing, is hereby further amended by striking out the definition of ‘Legislative agent’ and inserting in place thereof the following definitions:—

‘Legislative agent’, a person who for compensation or reward engages in legislative lobbying, which includes at least one lobbying communication with a government employee made by said person. The term ‘legislative agent’ shall include a person who, as part of his regular and usual business or professional activities and not simply incidental thereto, engages in legislative lobbying, whether or not any compensation in addition to the salary for such activities is received for such services. For purposes of this definition a person shall be presumed to be engaged legislative lobbying that is simply incidental to his regular and usual business or professional activities if he:— (i) engages in legislative lobbying for not more than 25 hours during any reporting period; and (ii) receives less than \$2,500 during any reporting period for legislative lobbying.

‘Legislative lobbying,’ any act to monitor, promote, oppose or influence legislation, or to monitor, promote, oppose or influence the governor’s approval or veto thereof including, without limitation, any action to influence the introduction, sponsorship, consideration, action or nonaction with respect to any legislation; provided further, that legislative lobbying shall include acts to influence or attempt to influence the decision of any officer or employee of a city or town when those acts are intended to carry out a common purpose with legislative lobbying at the state level; and provided further, that legislative lobbying shall include strategizing, planning, research, and other background work if performed in connection with or for use in an actual communication with a government employee.”

After debate the amendment was adopted.

Ms. Callahan of Sutton and other members of the House then moved to amend the bill by inserting after section 15 the following section:

“SECTION 15A.

Section 1: Section 1 of Chapter 55 of the General Laws is hereby amended by inserting the following definitions:—

‘Expense directly related to the campaign of a candidate,’ an expense directly involved in an election campaign including, without limitation, expenses such as postage, printing, advertising, staffing, polling, and other such expenditures, as further regulated by the director, but shall not include expenses which merely enhances a candidate’s political future.

Section 2: Section 6 of Chapter 55 of the General Laws is hereby amended by striking in the first sentence the words ‘the office of governor, lieutenant governor, attorney general, state secretary, treasurer and receiver general, or auditor’ and inserting therefore:— public office in the Commonwealth.

Section 3: Section 6 of Chapter 55 of the General Laws is hereby amended by striking in the first sentence the words ‘primarily for the candidate’s or any other person’s personal use’ and inserting therefore:— substantially for the candidate’s or any other person’s personal use, provided, however, that the director shall establish reasonable rules and regulations concerning such expenditures.

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Section 4: Section 6 of Chapter 55 of the General Laws is hereby further amended by striking the second paragraph and inserting therefore:—

Any other political committee, except as hereafter provided, duly organized, may receive, pay and expend money or other things of value for the reasonable and necessary expenses directly related to the principle for which the committee was organized so long as such expenditure is not substantially for any person's personal use, provided, however, that the director shall establish reasonable rules and regulations concerning such expenditures; and provided, further, that such committee may contribute to other political committees provided, further, that the aggregate of all such contributions made by such a committee shall not exceed in any one calendar year the sum of one hundred dollars to each committee; and provided further, that the aggregate of all such contributions made by such a committee shall not exceed in any one calendar year the sum of fifteen hundred dollars.

Section 5: Section 7A of Chapter 55 of the General Laws is hereby amended by striking the words 'calendar year' wherever it appears and inserting in place thereof:— 'election'.

Section 6: Chapter 55 of the General Laws is hereby amended by inserting after section 13 the following new sections:—

Section 13A. No legislative or executive agent, as defined by section 39 of chapter 3, shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for the office of Governor, Lieutenant Governor, Attorney General, State Auditor, State Treasurer, State Secretary, state senator or state representative, a political committee established or controlled by any such candidate, a legislative caucus committee, a legislative leadership committee or a party committee, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a legislative or executive agent, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars.

Section 13B. (1) Definitions used in this section:—

(A) 'Quasi-public agency' means any authority or entity established by the General Court to serve a public purpose including Bay State Skills Corporation, Boston Metropolitan District, Centers of Excellence Corporation, Community Economic Development Assistance Corporation, Community Development Finance Corporation, Government Land Bank, Massachusetts Bay Transportation Authority, Massachusetts Business Development Corporation, Massachusetts Convention Center Authority, Massachusetts Corporations for Educational Telecommunications, Massachusetts Educational Loan Authority, Massachusetts Health and Educational Facilities

Authority, Massachusetts Horse Racing Authority, Massachusetts Housing Finance Agency, Massachusetts Industrial Finance Agency, Massachusetts Industrial Service Program, Massachusetts Port Authority, Massachusetts Product Development Corporation, Massachusetts Technology Development Corporation, Massachusetts Technology Park Corporation, Massachusetts Turnpike Authority, Massachusetts Water Resources Authority, Pension Reserves Investment Management Board, State College Building Authority, South-eastern Massachusetts University Building Authority, Thrift Institutions Fund for Economic Development, University of Lowell Building Authority, University of Massachusetts Building Authority, and the Water Pollution Abatement Trust.

(B) 'State agency' means any office, department, board, council, commission, institution or other agency in the executive, legislative or judicial branch of state government.

(C) 'State contract' means an agreement or contract with the state or any state agency or any quasi-public agency, having a value of fifty thousand dollars or more, or a combination or series of such agreements or contracts having a value of one hundred thousand dollars or more in a fiscal year, for (i) the rendition of personal services, (ii) the furnishing of any material, supplies or equipment, (iii) the construction, alteration or repair of any public building or public work, (iv) the acquisition, sale or lease of any land or building, (v) a licensing arrangement, or (vi) a grant, loan or loan guarantee.

(D) 'State contractor' means a person, business entity or nonprofit organization that enters into a state contract. Such person, business entity or nonprofit organization shall be deemed to be a state contractor until the termination of said contract. "State contractor" does not include a municipality or any other political section of the state or an employee in the executive, legislative or judicial branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

(E) 'Prospective state contractor' means a person, business entity or nonprofit organization that (i) submits a bid in response to a bid solicitation by the state, a state agency or a quasi-public agency, or a proposal in response to a request for proposals by the state, a state agency or a quasi-public agency, until the contract has been entered into. 'Prospective state contractor' does not include a municipality or any other political section of the state or an employee in the executive, legislative or judicial branch of state government or a quasi-public agency, whether in the classified or unclassified service and full or part-time, and only in such person's capacity as a state or quasi-public agency employee.

(F) 'Principal of a state contractor or prospective state contractor' means (i) an individual who is a member of the board of directors of, or has an ownership interest in, a state contractor or prospective state contractor, which is a business entity, except for an individual who (I) owns less than twenty-five per cent of the shares of any such state contractor or prospective state contractor that is a publicly traded corporation, or (II) is a member of the board of directors of a

nonprofit organization qualified under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, (ii) an individual who is employed by a state contractor or prospective state contractor, which is a business entity, as president, treasurer or executive or senior vice president, (iii) an individual who is the chief executive officer of a state contractor or prospective state contractor, which is not a business entity, (iv) an employee of any state contractor or prospective state contractor who has managerial or discretionary responsibilities with respect to a state contract, (v) the spouse or a dependent child of an individual described in this subparagraph, or (vi) a political committee established by or on behalf of an individual described in this subparagraph;

(2) No principal of a state contractor or prospective state contractor, with regard to a state contract, bid solicitation or request for proposals with or from a state agency in the executive branch or a quasi-public agency, shall make a contribution to, or solicit contributions on behalf of (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of Governor, Lieutenant Governor, Attorney General, State Auditor, State Secretary, or State Treasurer, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee;

(3) No principal of a state contractor or prospective state contractor, with regard to a state contract, bid solicitation or request for proposals with or from the General Assembly, shall make a contribution to, or solicit contributions on behalf of (i) an exploratory committee or candidate committee established by a candidate for nomination or election to the office of state senator or state representative, (ii) a political committee authorized to make contributions or expenditures to or for the benefit of such candidates, or (iii) a party committee;

(4) If a principal of a state contractor makes or solicits a contribution prohibited under subparagraph (A) or (B) of this section, the contracting state agency or quasi-public agency may, void the existing contract with said contractor, and no state agency or quasi-public agency shall award the state contractor a state contract or an extension or an amendment to a state contract for one year after the election for which such contribution is made or solicited. Each state contract shall include the provisions of subparagraph (2) or (3) of this section, whichever is applicable, and this subparagraph as conditions of the contract; and

(4) If a principal of a prospective state contractor makes or solicits a contribution prohibited under subparagraph (2) or (3) of this section, no state agency or quasi-public agency shall award the prospective state contractor the contract described in the bid solicitation or request for proposals, or any other state contract for one year after the election for which such contribution is made or solicited. Each state agency and quasi-public agency shall include the provisions of subparagraph (2) or (3) of this section, whichever is applicable, and this subparagraph in each bid solicitation and request for proposals issued by the agency. The chief executive officer of each

prospective state contractor shall:— (i) Inform each individual described in subparagraph (F) of subsection (1) of this section with regard to said prospective state contractor concerning the provisions of subparagraph (2) or (3) of this section, whichever is applicable, and this subparagraph, (ii) certify in a sworn statement that no such individual will make or solicit a contribution in violation of the provisions of subparagraph (2) or (3) of this section, whichever is applicable, and this subparagraph, and (iii) acknowledge in writing that if any such contribution is made or solicited, the prospective state contractor shall be disqualified from being awarded the contract described in the bid solicitation or request for proposals or being awarded any other state contract for one year after the election for which such contribution is made or solicited.

(5)(A) Neither the Governor, Lieutenant Governor, Attorney General, State Auditor, State Secretary, or State Treasurer, any candidate for any such office nor any agent of any such official or candidate may solicit contributions on behalf of an exploratory committee or candidate committee established by a candidate for nomination or election to any public office, a political committee or a party committee, from a principal of a state contractor or prospective state contractor with regard to a state contract, bid solicitation or request for proposals with or from a state agency in the executive branch or a quasi-public agency or a holder of a valid prequalification certificate.

(B) Neither a member of the General Assembly, any candidate for any such office nor any agent of any such official or candidate may solicit contributions on behalf of an exploratory committee or candidate committee established by a candidate for nomination or election to any public office, a political committee or a party committee, from a principal of a state contractor or prospective state contractor with regard to a state contract, bid solicitation or request for proposals with or from the General Assembly or a holder of a valid prequalification certificate.

(6) The provisions of this section shall not restrict a principal of a state contractor or prospective state contractor from establishing an exploratory or candidate committee for said principal's own campaign or from soliciting contributions for such committees from persons not prohibited from making contributions under this subsection.

(7) Each state agency and quasi-public agency shall prepare and forward to the Office of Campaign and Political Finance, on a form prescribed by said director, a list of the state contracts for which the agency is a party and a list of the principals of state contractors or prospective state contractors for (A) such contracts, and (B) any bid solicitations or requests for proposals issued by the agency. Each state agency and quasi-public agency shall forward to said Office, on a form prescribed by the director, any changes additions or deletions to said lists.

(8) The Office of Campaign and Political Finance shall (A) compile a master list of principals of state contractors and prospective state contractors for all state agencies and quasi-public agencies, based on the information received under section (1) of this subsection, (B) publish the master list on the Office's Internet web site,

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and (C) provide copies of the master list to campaign treasurers upon request. The office shall update the master list every three months. Any campaign treasurer who acts in reliance on such master list in good faith shall have a complete defense in any action against the campaign treasurer for depositing a contribution in violation of subsection (5) of this section.

(9) Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than one thousand dollars."

After remarks on the question on adoption of the amendment, Mr. Bradley of Hingham moved that the amendment be amended by adding at the end thereof the following paragraph:

"Notwithstanding any special or general law to the contrary, the provisions of this section shall not take effect until such time as:— (i) the Office of Campaign and Political Finance has furnished a study of its impact and the revenue cost to the Commonwealth related to compliance and enforcement, including, but not limited to, the constitutionality of the provisions, the current practice of other states, any anticipated change in employment, and ancillary economic activity, to the Joint Committee on Election Laws; and (ii) the General Court enacts legislation."

After debate the further amendment was adopted.

On the question on adoption of the amendment, as amended, the sense of the House was taken by yeas and nays, at the request of Ms. Callahan of Sutton; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Ye and Nay No. 44 in Supplement.]**

Therefore the amendment, as amended, was adopted.

Representatives Callahan of Sutton and Jones of North Reading then moved to amend the bill by striking out section 38 and inserting in place thereof the following section:

"SECTION 38. Section 3 of chapter 268A of the General Laws, as so appearing, is hereby amended by striking out clauses (a) and (b) and inserting in place thereof the following 2 clauses:—

(a) Whoever, otherwise than as provided by law for the proper discharge of his official duties, directly or indirectly gives, offers, or promises anything of substantial value to any present or former state, county, or municipal employee or to any member of the judiciary, or to any person selected to be such an employee or member of the judiciary for or because of the employee's official position; or

(b) Whoever, being a present or former state, county, or municipal employee or member of the judiciary, or person selected to be such an employee or member of the judiciary, otherwise than as provided by law for the proper discharge of his official duties, directly or indirectly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of substantial value for himself for or because of the employee's official position; or"; and by adding the following paragraph:

"The commission shall adopt regulations:— (i) defining 'substantial value,' provided however that 'substantial value' shall not be less than \$50; (ii) establishing exclusions for ceremonial gifts; (iii) establishing exclusions for gifts given solely because of family

or friendship; and (iv) establishing additional exclusions for other situations that do not present a genuine risk of a conflict or the appearance of a conflict of interest."

After remarks on the question on adoption of the amendments, Mr. Kocot of Northampton and other members of the House moved that they be amended by striking out the text of said amendments and inserting in place thereof the following: "by striking out section 37 and inserting in place thereof the following section:—

SECTION 37. Chapter 268A of the General Laws, as so appearing, is hereby amended by striking out section 3 and inserting in place thereof the following section:—

Section 3. (a) Whoever knowingly, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly, gives, offers or promises anything of substantial value to any present or former state, county or municipal employee or to any member of the judiciary, or to any person selected to be such an employee or member of the judiciary:— (i) for or because of any official act performed or to be performed by such an employee or member of the judiciary or person selected to be such an employee or member of the judiciary; or (ii) to influence, or attempt to influence, an official action of the state, county or municipal employee or to any member of the judiciary; or

(b) Whoever knowingly, being a present or former state, county or municipal employee or member of the judiciary, or person selected to be such an employee or member of the judiciary, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of substantial value:— (i) for himself for or because of any official act or act within his official responsibility performed or to be performed by him; or (ii) to influence, or attempt to influence, him in an official act taken; or

(c) Whoever knowingly, directly or indirectly, gives, offers or promises anything of substantial value to any person, for or because of testimony under oath or affirmation given or to be given by such person or any other person as a witness upon a trial, hearing or other proceeding, before any court, any committee of either house or both houses of the general court, or any agency, commission or officer authorized by the laws of the commonwealth to hear evidence or take testimony or for or because of his absence therefrom; or

(d) Whoever knowingly, directly or indirectly, asks, demands, exacts, solicits, seeks, accepts, receives or agrees to receive anything of substantial value for himself for or because of the testimony under oath or affirmation given or to be given by him or any other person as a witness upon any such trial, hearing or other proceeding, or for or because of his absence therefrom; shall be punished by a fine of not more than \$100,000, or by imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for not more than 2½ years, or both.

(e) Clauses (c) and (d) shall not prohibit the payment or receipt of witness fees provided by law or the payment by the party upon whose behalf a witness is called and receipt by a witness of the reasonable

Amendment  
adopted,—  
yea and nay  
No. 44.

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cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such trial, hearing or proceeding, or, in the case of expert witnesses, involving a technical or professional opinion, a reasonable fee for time spent in the preparation of such opinion, in appearing or testifying."

After remarks the further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Kocot of Northampton then moved to amend the bill by striking out section 15; and by inserting after section 24A (inserted by amendment) the following two sections:

"SECTION 24B. Said section 18 of said chapter 55, as so appearing, is hereby further amended by striking out, in line 253, the words 'the Local Aid Fund' and inserting in place thereof the words:— the General Fund.

SECTION 24C. Subsection (b) of said section 18C of said chapter 55, as so appearing, is hereby amended by adding the following two clauses:—

(4) For any political committee required to file campaign finance reports electronically with the director, any reports filed pursuant to section 18D made to disclose expenditures by vendors of the committee to subvendors.

(5) Each candidate's committee organized on behalf of a candidate for mayor in a municipality with a total population, as determined by the most recent decennial federal census, of between 40,000 and 100,000 persons, if the committee, during the election cycle, can reasonably expect to raise or spend more than \$5,000."; in lines 690, 740, and 808, by inserting after the word "inclusive.", in each instance, the following: "or section 23"; in line 922 by striking out the following: "subsection (b) (1), (b) (2) or (c)" (as printed) and inserting in place thereof the following: "clauses (1), (2) or (4) of paragraph (b) or paragraph (c)" (as changed by the committee on Bills in the Third Reading), in lines 924 and 925 by striking out the following: "subsection (b) (1), (2) or (c) of Section 23" (as printed) and inserting in place thereof the following: "said clauses (1), (2) or (4) of said paragraph (b) or said paragraph (c)" (as changed by the committee on Bills in the Third Reading), and in line 1123 by inserting before the word "director" the word "executive".

The amendments were adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Kocot of Northampton; and on the roll call 153 members voted in the affirmative and 0 in the negative.

**[See Ye and Nay No. 45 in Supplement.]**

Therefore the bill (House, No. 3856, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

*Order.*

On motion of Mr. DeLeo of Winthrop,—

*Ordered,* That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next  
sitting.

At thirteen minutes after seven o'clock P.M., on motion of Mr. Kane of Holyoke (Mrs. Haddad of Somerset being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.