

Initiative Petition for a Constitutional Amendment Relative to a Fair and Accountable Legislature

Be it enacted by the People, and by their authority:

SECTION 1. *The following legislative summary may be removed upon passage of the law.*

This law eliminates the ability of the legislative leadership to set bonus pay, benefits, and determine staffing, as well as a problem where legislator's lack access to adequate resources and staffing. It establishes a citizens commission to insure that all legislators and staff have a living wage and that a reasonable bonus is only provided to legislators with completion of legislative duties and ethical behavior. It provides that professional staff is available to all legislators, and that such staffing includes budgetary analysis, research, and legal assistance. It requires greater transparency regarding legislation, votes, and ethics.

SECTION 2. Article VII of Chapter I, Section II, and Article X of Chapter I, Section III are hereby amended by providing that rules and proceeding shall be set by each respective branch but the following here defined shall be set as law to support representative, democratic government that is accountable to the people.

(a) *Compensation and resources must be equitable and provide legislators with the ability to work effectively without financial dependence as follows:* (1) the base salary for legislators must be the same without regard to any other factor and benefits provided where necessary to insure all legislators have a living wage; (2) staffing and staff leadership must also be provided with a living wage; (3) additional regular compensation or bonuses may only be assigned for completion of legislative duties as defined in the following subsection (b); (4) professional legal, budgetary, and research staff must be equitably available to all legislators as defined in the following subsection (c) and separate from personal staff; (5) personal staff must be chosen by the relevant individual members of the General Court and cannot be removed by any other legislative act unless there is evidence of crime, corruption, or physical or verbal intimidation and aggression; (6) the

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number of personal staff must be the same for all senators and all representatives, excepting that the president of the senate, speaker of the house, and floor leaders may each have access to an additional 2 personal staff members; (7) personal staff salaries must be the same for all legislators; (7) mileage reimbursements must be based on actual costs of actual travel, itemized receipts, and federal mileage rates; (8) per diem rates provided for distances of 30 miles or more must be based on federal per diem rates and actual legislative use with itemized receipts and shall not be funded at the end of the formal session other than for travel to and from the state house; (9) funds for office space for legislators distant from the State House must be based upon meeting a certain and reasonable distance requirement, an actual rental cost, and fall within average market rates for a single office; (10) reasonable funds for office needs must be covered and be comparable among legislators unless itemized receipts are provided that indicate greater need for relevant office funding based on market rates; (11) a set and reasonable stipend to assist with the care of dependents shall be provided based on the number of dependents and type of care; (12) health and dental insurance plans shall be funded in the same reasonable amount for all legislators; (13) additional regular compensation must be limited as described in subsection (b); (14) legislator salary, additional funding support, and expenses must be public information which may be evaluated by the state auditor to insure adherence to these requirements.

(b) (1) A Citizens Compensation Commission is hereby created and shall consist of seven members and shall establish the allowable amounts for annual benefits and reimbursement of expenses to insure a living wage for all legislators and staff as referenced in the preceding subsection (a), as well as to determine additional compensation as defined in paragraph (2) of this subsection (b), and finally to provide a staffing number for the bureau sections as defined in paragraph (c).

(i) The commission shall consist of the following persons appointed by the governor:

(A) Three public members, one of whom has expertise in the area of compensation, such as an economist, market researcher, or personnel manager; one of whom is a member of a nonprofit public interest organization; and one of whom is representative of the general population and may include, among others, a retiree, homemaker, or person of median income. No person appointed pursuant to this paragraph may, during the 12 months prior to his or her appointment, have held public office, either elective or appointive, have been a candidate for elective public office, or have been a lobbyist, as defined by the Political Reform Act of 1974.

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(B) Two members who have experience in the business community, one of whom is an executive of a corporation incorporated in this State which ranks among the largest private sector employers in the State based on the number of employees employed by the corporation in this State and one of whom is an owner of a small business in this State.

(C) Two members, each of whom is an officer or member of a labor organization.

(ii) The Governor shall appoint commission members and designate a chairperson for the commission. The terms of two of the initial appointees shall expire after two years, two after 4 years, and three after 6 years, as determined by the governor. Thereafter, the term of each member shall be six years. Within 15 days of any vacancy, the Governor shall appoint a person to serve the unexpired portion of the term.

(iii) No current or former officer or employee of this State is eligible for appointment to the commission.

(iv) Public notice shall be given of all meetings of the commission, and the meetings shall be open to the public.

(v) On or before December 3 of each year, the commission shall, by a single resolution adopted by a majority of the membership of the commission, establish the annual salary and benefits of the General Court, including regarding all personal and professional staff as well as the leadership of the bureau defined in subsection (c). The annual salary and benefits specified in that resolution shall be effective in the ensuing new year.

(vi) In establishing or adjusting the additional compensation and benefits, the commission shall consider all of the following:

(A) The amount of time directly or indirectly related to the performance of the duties, functions, and services of a state officer.

(B) The amount of the annual salary in combination with the medical, dental, insurance, and other similar benefits for other elected and appointed officers and officials in this State with comparable responsibilities, the judiciary, and, to the extent practicable, the private sector.

(C) The responsibility and scope of authority of the entity in which the state officer serves.

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(D) Whether there will be a negative balance in the budget in the current fiscal year.

and staff member
(vii) Until a resolution establishing or adjusting the annual salary and benefits takes effect, each legislator shall continue to receive the same annual salary and the medical, dental, insurance, and other similar benefits received previously.

(viii) Upon appropriation, all commission members shall receive their actual and necessary expenses, including travel expenses, incurred in the performance of their duties and compensated at the same rate as members, other than the chairperson, of the State Ethics Commission, or its successor, for each day engaged in official duties, not to exceed 45 days per year.

(k) It is the intent of the Legislature that the creation of the commission should not generate new state costs for staff and services. The governor shall designate appropriate agencies to furnish, from existing resources, staff and services to the commission as needed for the performance of its duties.

(2) (i) For each regular session additional annual compensation may be provided to the base pay, with the compensation a percentage of the maximum allowable amount set by the Citizens Compensation Commission:

- (A) 100 percent to the president of the senate and the speaker of the house of representatives;
- (B) 75 percent to the chair of the senate committee on ways and means, the chair of the house committee on ways and means, and the floor leaders;
- (C) 50 percent to the assistant floor leader and the second and third assistant floor leaders in the senate and house of representatives, the vice chair of the senate committee on ways and means, the vice chair of the house committee on ways and means, the ranking minority member of the senate committees on ways and means, and the ranking minority member of the house committees on ways and means.
- (D) 33 percent to the senate chair and the house chair of committees established by the joint rules of the senate and house of representatives to which more than fifty petitions are referred by the senate and the house of representatives before March 1 of the first year of a biennial session of the general court.
- (E) 20 percent to legislators who are members of one or more committees the chairs of which are eligible to be paid additional regular compensation pursuant to subsection (b) provided further that legislators receiving no additional regular compensation who are members of more than four committees the chairs of which are eligible to be paid additional regular compensation pursuant to subsection (b)

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of this section shall each receive for each regular annual session additional regular compensation equal to 40%; provided however that no senator shall receive additional regular compensation for service in more than 2 positions and no representative shall receive additional regular compensation for service in more than 1 position.

(ii) Certification of additional compensation shall occur as follows:

- (A) On the third Monday in December of the first year of a biennial session of the general court, the clerk of the senate and the clerk of the house of representatives shall jointly examine the records of each committee the chairs of which are eligible to be paid additional regular compensation pursuant to subsequent to this paragraph (2). For each such committee, if the records document that as of that date the committee has held a public hearing and a public mark-up session on each bill referred to it before November 1 of such year and that every report filed by the committee has been approved by a vote of a majority of the members of the committee at a public meeting at which a quorum was present, the clerk of the senate and the clerk of the house of representatives shall so certify jointly. Such certification shall constitute the certification required for additional compensation.
- (B) On the last Friday in May of the second year of a biennial session of the general court, the clerk of the senate and the clerk of the house of representatives shall jointly examine the records of committees the chairs of which are eligible to be paid additional regular compensation pursuant to paragraph (2). For each such committee, if the records document that the committee has held a public hearing and a public mark-up session on each bill referred to it before April 15 of such year and has filed a report on each such bill approved by a vote of a majority of the members of the committee at a public meeting at which a quorum was present, the clerk of the senate and the clerk of the house of representatives shall so certify jointly. Such certification shall constitute the certification required pursuant to subsection (h)(2) of this section to pay additional regular compensation.
- (C) On each of the dates specified in paragraph 2 of this section, the clerk of the senate and the clerk of the house of representatives shall calculate a compliance rate for each of the first year and the second year of a biennial session of the general court. For purposes of this subsection, the compliance rate for each such year is defined as the percentage of committees the chairs of which are eligible to be paid additional regular compensation pursuant to paragraph(2) of this section for which the clerk of the senate and the clerk of the house of representatives have issued a certification for such year.

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- (D) Each member of the general court receiving additional regular compensation pursuant to paragraph (2) of this section shall be paid in the last bi-weekly payment in each regular annual session the percentage of that member's additional regular compensation for each session equal to 50% multiplied by the compliance rate defined in subclause (c) of paragraph 2(ii) of this section.
- (E) Each member of the general court who serves in a position for which additional regular compensation is paid pursuant to this section for a period less than an entire biennial session of the general court shall receive such additional regular compensation prorated for the time of that person's service in that position.
- (iii) Even with certification as defined in paragraph (2) of this section, additional compensation will be denied if the legislator is found to have acted criminally, corruptly, or to have flouted the requirements of this section.

3. In determining the total staffing needs, the commission shall take recommendations of the General Court, of the bureau described in paragraph (c) of this section, and of the public, keeping in mind that these functions of the bureau provide a public service necessary to prevent special interests from excessive influence. The commission must make sure to provide for adequate staffing for the General Court.

(c) There shall be established an independent professional bureau of research, budgetary analysis, and, last but not least, legal and legislative work to provide for the General Court. There shall be 3 elected positions to direct and assist with each of the 3 sections of the bureau, which are research, budgetary analysis, and then the legal and legislative work. These directorships shall be elected for 9 year terms as directors. However, these directors may be removed from office and a new election held for replacement if a majority of their respective staff petitions the General Court; if the directors are found to have engaged in unethical or criminal behavior, the former as in subsection (b) or by the State Ethics Commission; or a majority of either branch of the General Court petitions for removal. These leaders shall supervise and manage their respective section of the bureau, setting policies that support legislative efficacy, great transparency including by providing information on bill editing and markups, and insuring legislators are provided with adequate assistance and that the general public has access to putting forward or analyzing bills.

(d) *Insure legislative ethics.* The finances and investments of the members of the general court and staff are a public concern and information shall be collected and shared with the public by the State Ethics Commission to assure integrity. This information is public and cannot be barred from view by fees or by requirements to share personal information.

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In relation to ethics, staff and members of the general court may not receive a cancellation of debt unless approved by the State Ethics Commission, and any approval, the parties involved, and the reasons therefore must be made public. To prevent the influence of legislation through real estate sales, if property is transferred during the year, a description of the property in which a direct or indirect financial interest was or is held and the name and address of the person providing or receiving it in respect to such transfer must be provided for review to the state auditor and reported to the joint committee on ethics of the general court. Securities and similar investments must be placed in a general fund or blind trust to reduce potential conflicts of interest.





Staff and members of the general court may not receive anything of monetary value, including in future tense, from anyone seeking to obtain government business in relation to the member, as well as from anyone who conducts activities that are regulated by the member and from anyone who has interests that may be substantially affected by the performance or nonperformance of the member's duties. A legislator may not take a lucrative position with an industry regulated by the legislator as relates to legislative authority including committee assignments within 3 years of leaving legislative duties.

Additionally, the state auditor shall have the power to review the spending of the legislative branch to insure integrity.

(e) *To prevent leadership or other individuals from rewriting bills at will through committee selection or after passage through joint committees,* (1) all committees revising bills must be joint committees, including the subject or topic committees, the committee for ways and means, and the committee for bills in the third reading; (2) after joint committee assignments are set, assignments may be traded in the first 3 weeks of the legislative session among legislative members of the same branch; (4) the committee for ways and means and the committee for bills in the third reading shall require a minimum of 11 percent of each legislative body on the committee; (5) committee chairpersons shall be chosen by committee members through secret paper ballot and majority vote and the chairperson may be changed at the request of the chairperson or of 2 members of the committee with another such vote; (6) committee members may only be removed due to member request with agreement of the committee, evidence of relevant corruption, or petition by a majority of the respective legislative branch with a vote by secret paper ballot showing majority agreement.

(f) *To prevent leadership or any other from controlling which bills come to vote, concealing the content of bills, or preventing floor debate,* (1) bills and amendments shall not be voted on as 'consolidated' or voted on in bundles; (2) bills must reasonably be on a

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single main subject without riders and unrelated topics; (3) appropriations bills must be on the subject of appropriations; (4) bill subject matter must be clearly expressed in the title; (4) bills must include a current summary that accurately explains the bill; (5) finalized bills must be available before a vote occurs on a bill with a minimum of 72 hours required for every 25 pages of text; (6) any bill sponsored by a majority of legislators in either the House or Senate shall receive a floor vote; (7) except for bills addressing emergencies, all bills in the ways and means committee and bills in the third reading must emerge in the order received before other bills can be addressed; (8) rather than delaying votes until the end of the formal session, readings, floor debate and voting for the passage of bills must take place as bills accrue in the order received and at a minimum twice a month for a full day during the formal session; (9) a week's notice must be provided regarding bills that will be debated or brought to vote; (10) legislators may register proposed amendments in advance of floor debate.

g (d) *To prevent leadership from shielding the votes of legislators amenable to leadership influence*, the senate and house clerks shall post all recorded votes of each member of a legislative committee on the website of the general court as soon as practicable but no later than 48 hours of the vote being taken; provided, however, that in the 2 weeks before the conclusion of all formal business of the first annual session of the general court or the 2 weeks before the conclusion of the second annual session of the general court the clerk shall post all recorded votes as soon as practicable. 2 members of the General Court may require a complete roll call vote on the floor, or for respective a roll call of the respective parts 1 senator for a senate roll call and 1 representative for a house roll call.

(h) (e) *To prevent shielding of incumbents from accountability*, the requirements for candidacy to the General Court may not favor incumbents by setting different requirements.

(i) (f) *To prevent any other intimidation or act of revenge*, the vote for Speaker of the House and Senate President shall be by secret paper ballot at the start of the legislative session and decided by a majority vote.

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The undersigned qualified voters of the Commonwealth of Massachusetts have personally reviewed the final text of this initiative petition, fully subscribe to its contents, agree to be one of its original signers and have signaled that agreement by signing below, and hereby submit the measure for approval by the people pursuant to Article 48 of the articles of amendment of the Constitution of the Commonwealth of Massachusetts, as amended by Article 74 of said articles of amendment.

1. Rae McCarthy

2. Kathleen Lynch

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4. Tim Deary

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7. Joel J. Hady

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Dorothy Baker

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Jean Yuen-Pao Wilson

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