

By Mr. Timilty and Mr. Correia of Fall River, a joint petition (accompanied by bill, Senate, No. 1214) of the Massachusetts Teachers Association, by John H. Flannagan, Jr., Joseph F. Timilty, Robert Correia and Salvatore F. DiMasi for legislation to allow certain city employees to hold elective or appointive city offices. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-four.

AN ACT TO ALLOW CERTAIN CITY EMPLOYEES TO HOLD ELECTIVE OR APPOINTIVE CITY OFFICES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 6A of Chapter 39 of the General Laws,  
2 as most recently amended by Chapter 199 of the Acts of 1979,  
3 is hereby further amended by striking out the first sentence  
4 and inserting in place thereof the following sentence: — Not-  
5 withstanding the provisions of any city charter to the con-  
6 trary, the mayor and the members of the city council, or other  
7 legislative body of a city, may receive for their service such  
8 salary as the city council or other legislative body of a city  
9 shall by ordinance determine.

1 SECTION 2. Section 17A of Chapter 43 of the General Laws,  
2 as most recently amended by Chapter 731 of the Acts of 1963,  
3 is hereby further amended by adding the following clause at  
4 the end of the first sentence: — except that a member of the  
5 city council may receive a salary for serving as a teacher in  
6 the public schools or a policeman or firefighter of said city  
7 in lieu of receiving any compensation for serving as a mem-  
8 ber of the city council.

1 SECTION 3. Section 17B of Chapter 43 of the General Laws,  
2 as enacted by Chapter 448 of the Acts of 1959, is hereby fur-  
3 ther amended by adding the following clause at the end of the  
4 first sentence: — except that a member of the city council  
5 may receive a salary for serving as a teacher in the public  
6 schools or a policeman or firefighter of said city in lieu of re-

7 ceiving any compensation for serving as a member of the city  
8 council.

1 SECTION 4. Section 20 of Chapter 268A of the General Laws  
2 is hereby amended by adding the following paragraph: —

3 This section shall not prohibit an employee or an official of  
4 a city from holding an elected or appointed office in such city  
5 nor in any way prohibit such an employee from performing  
6 the duties of or receiving the compensation provided for such  
7 office. Provided that no such member may vote or act on any  
8 matter which is within the purview of the agency by which  
9 he is employed or over which he has official responsibility, and  
10 provided further that no member shall be eligible for appoint-  
11 ment to such additional position while a member or for six  
12 months thereafter. Any violation of the provisions of this  
13 paragraph which has substantially influenced the action taken  
14 by a municipal agency in any matter shall be grounds for  
15 avoiding, rescinding or cancelling the action on such terms as  
16 the interest of the municipality and innocent third parties re-  
17 quire. No such elected or appointed official shall receive com-  
18 pensation for more than one office or position held in a city,  
19 but shall have the right to choose which compensation he shall  
20 receive.