

By Mr. Wetmore, a petition (accompanied by bill, Senate, No. 1089) of Robert D. Wetmore for legislation relative to financial disclosure by certain public officials. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-eight.

AN ACT RELATIVE TO FINANCIAL DISCLOSURE BY CERTAIN PUBLIC OFFICIALS.

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. The General Laws are hereby amended by in-
2 sserting after chapter 268A the following chapter: —

3 CHAPTER 268B

4 *Section 1.* The following persons shall annually file on or
5 before June 30 with the Secretary of State a statement of
6 financial interest for the preceding calendar year:

7 (a) Any elected official of the judicial or executive branch
8 of state government.

9 (b) Any person appointed under state, law to an office
10 where, in the conduct of such office, such person:

11 (1) has administrative and discretionary authority for
12 the receipt or expenditure of public funds; or

13 (2) is charged with the administration of any of the laws
14 of this state; or

15 (3) is engaged in a supervisory, policy-making or policy-
16 enforcing work.

17 (c) Any employee of the judicial or executive branch of
18 state government and any employee of the county or municipal
19 levels of government who is paid a salary in excess of \$20,000
20 per year or where, in the conduct of such position, such per-
21 son:

22 (1) has administrative and discretionary authority for
23 the receipt or expenditure of public funds; or

24 (2) is charged with the administration of any of the laws
25 of this state; or

26 (3) is engaged in a supervisory, policy-making or policy-
27 enforcing work.

28 (d) Excluded from the requirements of this section are:

29 (1) Those persons who are primarily engaged in teaching
30 duties in all schools, colleges, and universities in the state;
31 and

32 (2) Members of those commissions, committees, councils,
33 boards or authorities functioning primarily for cultural
34 or historic purposes; and

35 (3) Members of the armed forces of the state.

36 *Section 2.* Each nonincumbent candidate for election to an
37 office specified in Section 1 shall file with the Secretary of
38 State a statement of financial interest for the preceding
39 calendar year in accordance with the requirements of this
40 chapter within 30 days upon filing nomination papers with
41 the Secretary of State.

42 *Section 3.* Each person nominated for appointment or ap-
43 pointed to an office specified in Section 1 shall file with the
44 Secretary of State a statement of financial interest for the
45 preceding calendar year in accordance with the requirements
46 of this chapter 10 days or more before such person is con-
47 firmed or assumes office.

48 *Section 4.* Said statement of financial interest shall contain
49 the following information:

50 (a) The names and addresses of all businesses with which
51 he or she is associated, the nature of the association, if
52 determinable, for: all interests in proprietorships, partner-
53 ships, or professional service corporations; directorships,
54 trusteeships, and other comparable policy-making positions;
55 all businesses, organizations, or agencies from which he or she
56 is taking a leave of absence; all agreements with a prior em-
57 ployer providing for deferral of payments or benefits, except
58 pensions.

59 (b) The source of all income, directly or in trust for the
60 reporting person's benefit, from a single source in excess of
61 \$1,000. The term income shall not be construed to include the
62 proceeds from an insurance policy on a spouse, parent, or
63 child. The interest from banks accounts is likewise exempted.

64 (c) The identity of all securities, investments (except for

65 bank account balances), and real property (except for one's
66 domicile), valued in excess of \$1,000, whether held directly or
67 in trust for the reporting person's benefit.

68 (d) The source and amount of any reimbursements for
69 expenses aggregating more than \$100 in a year from any
70 person, organization, or enterprise conducting business with
71 the commonwealth or any political subdivision thereof.

72 (e) The name and address of each creditor, and the type
73 of security given to each creditor to whom the value of
74 \$5,000 or more was owed and is still outstanding at the end
75 of the reporting period. The following are exempt from this
76 provision: mortgages for one's domicile; debts arising out of
77 consumer credit transactions, educational loans, medical or
78 dental expenses; debts incurred in the ordinary course of
79 business; and debt, the terms of which do not exceed ninety
80 days, unless such a debt has been renewed.

81 (f) Any single gift having a monetary equivalent value in
82 excess of \$35 received during the previous calendar year from
83 any person or entity conducting business with the common-
84 wealth or any political subdivision thereof.

85 (g) Any honoraria (in excess of \$300) received during the
86 preceding calendar year from any person or entity conducting
87 business with the commonwealth or any political subdivision
88 thereof.

89 *Section 5.* The secretary of State shall prescribe a standard
90 form for said disclosure statements and shall make said state-
91 ments readily available to reporting persons.

92 *Section 6.* The disclosure statement shall also include the
93 same information with respect to (1) the mother and father
94 of the reporting person if their domicile is the same as that
95 of the reporting person, and (2) with respect to the spouse
96 and dependent children, if any, of the reporting person, if
97 enhancement of the economic interest of the spouse or
98 dependent children would benefit the reporting person. In
99 reporting financial interests of a spouse or dependent child,
100 the reporting person may file an aggregate statement for the
101 whole family unit instead of separate statements for each
102 family member. Said statement shall not apply to a spouse
103 separated from the reporting person.

104 *Section 7.* Statements of financial interest filed by those
105 persons specified in Sections 1, 2, and 3 of this chapter shall
106 be retained by the Secretary of State in an appropriate man-
107 ner and shall be open to public inspection during normal
108 business hours upon the signed request of any person, after
109 said person has displayed proper identification as to name and
110 address, and on forms prescribed by the Secretary of State.
111 A copy of such request form shall be forwarded by mail by
112 said secretary to the person whose records have been reviewed.