

**HOUSE . . . . . No. 01208**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Kevin J. Murphy*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act calling for accountability of the Commissioner of Insurance by converting the position to an elected office..

\_\_\_\_\_  
PETITION OF:

NAME:

DISTRICT/ADDRESS:

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*Kevin J. Murphy*

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*18th Middlesex*

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*Thomas A. Golden, Jr.*

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*16th Middlesex*

# HOUSE . . . . . No. 01208

By Mr. Kevin J. Murphy of Lowell, petition (accompanied by bill, House, No. 01208) of Thomas A. Golden and Kevin J. Murphy for legislation to establish the office of Commissioner of Insurance as an elected position. Joint Committee on Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 995 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
\_\_\_\_\_

An Act calling for accountability of the Commissioner of Insurance by converting the position to an elected office..

*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. Chapter 175 of the General Laws is hereby amended by adding after Section 3B

2 the following new sections:—

3 Section 3C. Election of Insurance Commissioner.

4 (a) “Commissioner”, as used in this section, is the commissioner of the division of insurance.

5 (b) The commissioner shall be elected by the people in the same time, place, and manner, and

6 for the same term, as the Governor.

7 (c) The commissioner in office on the effective date of this section shall continue in office for  
8 the remainder of the term for which the commissioner was appointed and until a successor is  
9 duly elected and qualified.

10 (d) The commissioner of insurance shall be a person having experience with insurance and  
11 matters relating thereto; and shall give personal presence and attention to the duties of the office;  
12 but in no case shall such commissioner be in the employment of any insurance company or have  
13 any official connection with any insurance company or insurance agency, or have any financial  
14 interest in any insurance company or insurance agency other than as policyholder.

15 (e) The commissioner may be removed from office for just cause, as provided by the  
16 impeachment provisions of the constitution of the commonwealth.

17 (f) A vacancy in the office of commissioner shall be filled by appointment by the Governor.

18 Section 3D. Contributions to Insurance Commissioner.

19 (a) Definitions. As used in this section, the following terms shall have the following  
20 meanings:

21 “Bundling” means the process by which campaign contributions are gathered from more than  
22 one individual or committees that gather funds and provide them in a coordinated fashion to a  
23 candidate, a campaign committee or an entity thereof.

24 “Campaign committee” means the candidate, person, or committee which accepts  
25 contributions to bring about the nomination for elections of an individual to the office of  
26 insurance commissioner.

27 “Contribution” means a gift, subscription, membership, loan, forgiveness of debt, advance or  
28 deposit of money, or anything of value conveyed or transferred for the purpose of influencing the  
29 nomination for election or election of an individual to the office of insurance commissioner or  
30 encouraging the holder of such office to seek reelection.

31 The term “contribution” shall include the payment of a qualifying fee for and on behalf of a  
32 candidate for the office of insurance commissioner and any other payment or purchase made for  
33 and on behalf of the holder of the office of insurance commissioner or for or on behalf of a  
34 candidate for that office when such payment or purchase is made for the purpose of influencing  
35 the nomination for election or election of the candidate and is made pursuant to the request or  
36 authority of the holder of such office, the candidate, the campaign committee of the candidate, or  
37 any other agent of the holder of such office or candidate. The term “contribution” shall not  
38 include the value of personal services performed by persons who serve on a voluntary basis  
39 without compensation from any source.

40 “Insurance Commissioner” means the commissioner of the division of insurance.

41 “Political action committee” means any committee, club, association, partnership,  
42 corporation, labor union, or other group of persons which receives donations aggregating in  
43 excess of one thousand dollars during a calendar year from persons who are members or  
44 supporters of the committee and which distributes these funds as contributions to one or more  
45 campaign committees of candidates for public office. Such term does not mean a campaign  
46 committee.

47 “Regulated entity” means any person who is required by law to be licensed by or subject to  
48 the jurisdiction of the insurance commissioner or a board under the jurisdiction of the insurance

49 commissioner, any person who leases property owned by or for a state department, or any person  
50 who engages in a business or profession which is regulated by an elected executive officer.

51 (b) No regulated entity and no person or political action committee acting on behalf of a  
52 regulated entity shall make a contribution to or on behalf of a person holding office as insurance  
53 commissioner regulating such entity or to or on behalf of a candidate for the office of insurance  
54 commissioner regulating such entity or to or on behalf of a campaign committee of any such  
55 candidate.

56 (c) No person holding office as insurance commissioner and no candidate for the office of  
57 insurance commissioner and no campaign committee of a candidate for the office of insurance  
58 commissioner shall accept a contribution in violation of subsection (b) of this section.

59 (d) No person who is a present employee, director, consultant, or attorney of, or who is  
60 affiliated with, any regulated entity shall participate in the bundling of contributions to a  
61 candidate for the office of insurance commissioner. Violation of this section shall be punished by  
62 a fine of not less than ten thousand dollars nor more than fifty thousand dollars.

63 (e) It shall be unlawful and a violation of this section for any regulated entity or other person  
64 to require another by coercive action to make any contribution to a candidate or the campaign  
65 committee of a candidate. Violation of this section shall be punished by a fine of not less than ten  
66 thousand dollars nor more than fifty thousand dollars.

67 (f) All candidates for insurance commissioner shall disclose the following information to the  
68 secretary of state in computerized form: the contributor's full name, home address, the date of  
69 the contribution, and the amount of the contribution.

70 (g) Candidates for insurance commissioner are prohibited from accepting any donation or  
71 contribution unless all of the information required in section (2) subsection (f) is provided.