

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 adoption of the accompanying bill:

An Act requiring anti-discrimination audits in the Commonwealth.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|-------------------------------|----------------------------------|------------------|
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> | |
| <i>Ryan C. Fattman</i> | <i>Worcester and Norfolk</i> | |
| <i>Dean A. Tran</i> | <i>Worcester and Middlesex</i> | |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> | <i>6/12/2020</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>6/12/2020</i> |
| <i>Bradley H. Jones, Jr.</i> | <i>20th Middlesex</i> | <i>6/19/2020</i> |
| <i>James T. Welch</i> | <i>Hampden</i> | <i>6/23/2020</i> |

SENATE No.

By Mr. Tarr, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr, Ryan C. Fattman, Dean A. Tran, Susan Williams Gifford and others for legislation to require anti-discrimination audits in the Commonwealth. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act requiring anti-discrimination audits in the Commonwealth.

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 11 of the Massachusetts General Laws as appearing in the 2018
2 Official Edition is hereby amended by inserting after section 12 the following new section: -

3 12A. -Equality Audits- The department of the state auditor shall include in the audits
4 prescribed by section 12 of this chapter a component designed to detect and identify any and all
5 rules, regulations, practices or methods of operation which have the effect of causing
6 discriminatory impacts on individuals due to race, color, religious creed, national origin,
7 ancestry, sex, sexual orientation, or disability and to similarly detect and identify measures which
8 are effective in safeguarding the equal treatment of individuals impacted by the subjects of such
9 audits. In carrying out the provisions of this section, the department shall collaborate with the
10 Massachusetts commission against discrimination as established by section fifty-six of chapter
11 six and may retain specialized personnel.

12 Any such matters of discrimination so identified shall be referred immediately to the
13 Governor, the Attorney General, the Inspector General, and the Massachusetts Commission
14 against Discrimination for further consideration and action.

15 SECTION 2. Notwithstanding any general or special law to the contrary there shall be an
16 anti-discrimination audit oversight panel to consist of the Governor or a designee, the attorney
17 general or a designee, the state auditor or a designee, the chair of the Massachusetts Commission
18 against Discrimination or a designee, and the Inspector General of the Commonwealth or a
19 designee.

20 Subject to appropriation, and with administrative support from the executive office of
21 administration and finance, the anti-discrimination audit oversight panel shall develop and issue
22 a request for proposal for an audit of the accounts, programs, activities, functions, hiring,
23 retention and promotion of all departments, offices, commissions, institutions, and activities of
24 the commonwealth including the general court, and offices held by constitutional officers, by a
25 qualified independent auditing firm or organization as prescribed by chapter 30B.

26 The audit shall be completed within 18 months of the contract being awarded. The
27 contracted auditor in conducting said audit, shall conduct not less than 3 public hearings in
28 different geographic regions of the commonwealth. The contracted auditor may require the
29 production of books, documents, vouchers, and other records within the scope of the audit, and
30 the superior court shall have jurisdiction to enforce the production of records that the contracted
31 auditor requires to be produced. The audit shall detect and identify any and all rules, regulations,
32 practices or methods of operation which have the effect of causing discriminatory impacts on
33 individuals due to race, color, religious creed, national origin, ancestry, sex, sexual orientation,

34 or disability and to similarly detect and identify measures which are effective in safeguarding the
35 equal treatment of individuals impacted by the subjects of such audits. Said audit shall be done in
36 accordance with chapter 268A of the general laws.

37 Said auditor shall submit interim reports every 6 months to the anti-discrimination audit
38 oversight panel, and the clerks of the house and senate, and whom shall post them on the general
39 court website in a conspicuous place for public viewing and inspection, and the anti-
40 discrimination panel shall post the reports on the website of the commonwealth in a conspicuous
41 place for public viewing and inspection.

42 Said auditor shall submit the final report along with any recommendations to the anti-
43 discrimination audit oversight panel, and the clerks of the house and senate and whom shall post
44 the final report on the general court website in a conspicuous place for public viewing and
45 inspection, and the anti-discrimination panel shall post the final report on the website of the
46 commonwealth final report in a conspicuous place for public viewing and inspection.

47 SECTION 3. Section 1 of this act shall go into effect within 1 year after the completion
48 of the audit prescribed in section 2 of this act.