

HOUSE No. 4096

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, September 2, 2021.

The committee on Transportation to whom was referred the petition (accompanied by bill, House, No. 3611) of William M. Straus relative to the audit performance and functions at the Department of Transportation, reports recommending that the accompanying bill (House, No. 4696) ought to pass.

For the committee,

WILLIAM M. STRAUS.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act regarding audit performance and functions at the Department of Transportation.

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: Notwithstanding any general or special law to the contrary, the director of
2 audit operations within the Department of Transportation shall immediately notify the inspector
3 general in writing of the existence of a documented critical disagreement between the director
4 and the secretary of transportation, the board or an individual member thereof concerning an
5 investigation, audit, or review. For the purposes of this section, a documented critical
6 disagreement includes a disagreement involving the scope, manner, necessity, or thoroughness of
7 an investigation, audit, or review. Failure of a party to comply with the good faith requests of the
8 director shall constitute a documented critical disagreement. The writing shall contain: i) a
9 summary of the investigation, audit, or review; ii) the nature of the disagreement between the
10 director and the secretary, the board or an individual member thereof; iii) whether the matter
11 under review presents a public safety risk; and iv) the director's proposed recommendations, if
12 any. Notification provided to the inspector general shall not be cause for dismissal or other
13 retaliatory action taken against the director or other person employed within the unit.

14 On a quarterly basis, the director shall submit a written report of the unit’s activities for
15 the preceding quarter including, but not limited to, findings referred to the inspector general for
16 investigation, to the joint committee on transportation and the house and senate committees on
17 ways and means. The secretary shall make the quarterly reports and all such reports from
18 previous years available on the department's website.

19 The director shall submit an annual report of the unit's activities for the preceding
20 calendar year, including, but not limited to, findings referred to the inspector general for
21 investigation, to the joint committee on transportation and the house and senate committees on
22 ways and means on or before March 15 of each year. The secretary shall make the annual report
23 and all such reports from previous years available on the department's website.

24 There shall be within the unit, a position of senior information technology auditor. The
25 senior information technology auditor should, at a minimum, possess expertise and familiarity
26 with electronic information systems, databases, and forensic analysis.

27 SECTION 2: Section 2 of chapter 6C of the General Laws as appearing in the 2018
28 Official Edition, is hereby amended by inserting the following subsection:-

29 (1) The chair of the board’s finance and audit subcommittee shall rotate among the
30 membership on a bi-annual basis.