

SENATE No. 2118

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:

Bruce E. Tarr

DISTRICT/ADDRESS:

First Essex and Middlesex

SENATE No. 2118

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2118) of Bruce E. Tarr for legislation to require anti-discrimination audits in the Commonwealth. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE DOCKET, NO. 2972 OF 2019-2020.]

The Commonwealth of Massachusetts

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

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

Massachusetts commission against discrimination as established by section fifty-six of chapter six and may retain specialized personnel.

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

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

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

The audit shall be completed within 18 months of the contract being awarded. The contracted auditor in conducting said audit, shall conduct not less than 3 public hearings in different geographic regions of the commonwealth. The contracted auditor may require the production of books, documents, vouchers, and other records within the scope of the audit, and the superior court shall have jurisdiction to enforce the production of records that the contracted auditor requires to be produced. The audit shall detect and identify any and all rules, regulations,

practices or methods of operation which have the effect of causing discriminatory impacts on individuals due to race, color, religious creed, national origin, ancestry, sex, sexual orientation, or disability and to similarly detect and identify measures which are effective in safeguarding the equal treatment of individuals impacted by the subjects of such audits. Said audit shall be done in accordance with chapter 268A of the general laws.

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

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

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