

SENATE No. 2050

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 improving the internal controls within state agencies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	
<i>Diana DiZoglio, Massachusetts State Auditor</i>	<i>1 Ashburton Place, Boston, MA 02108</i>	
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>1/30/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>3/28/2023</i>

SENATE No. 2050

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2050) of Marc R. Pacheco, Diana DiZoglio, Massachusetts State Auditor and Tackey Chan for legislation to improve the internal controls within state agencies. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2095 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act improving the internal controls within state agencies.

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. Section 9A of chapter 7A of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by deleting lines 9 through 14, the second paragraph.

3 SECTION 2. Chapter 7A of the General Laws, as appearing in the 2020 Official Edition,
4 is hereby amended by inserting, after section 19, the following new section:-

5 Section 20. Notwithstanding any general or special law to the contrary, the comptroller,
6 in consultation with the state auditor, shall publish regulations to establish reporting
7 requirements as well as internal control standards which shall define the minimum level of
8 quality acceptable for internal control systems in operation throughout the various state agencies
9 and departments and shall constitute the criteria against which such internal control systems will

10 be evaluated. Internal control systems, the components of which should include an internal
11 control plan, a risk assessment, policies, procedures and training requirements, for the various
12 state agencies and departments of the Commonwealth shall be developed, documented and
13 readily accessible in accordance with internal control guidelines established by the office of the
14 comptroller.

15 Within each agency there shall be an official, equivalent in title or rank to an assistant or
16 deputy to the department head, whose responsibility, in addition to his regularly assigned duties,
17 shall be to ensure that the agency has written documentation of its internal control system on file.
18 Said official shall, annually, or more often as conditions warrant, evaluate the effectiveness of
19 the agency's internal control system and establish and implement changes necessary to ensure
20 that: (1) the documentation of all internal control systems is readily available for examination by
21 the comptroller, the secretary of administration and finance and the state auditor, (2) the results
22 of audits and recommendations to improve departmental internal controls are promptly evaluated
23 by the agency management, (3) timely and appropriate corrective actions are effected by the
24 agency management in response to an audit and (4), all actions determined by the agency
25 management as necessary to correct or otherwise resolve matters will be addressed by the agency
26 in their budgetary request to the general court.

27 The comptroller shall prepare and update from time to time a training program, which the
28 office shall publish on its official website, a program which shall provide a general introduction
29 and training on the requirements of this section.

30 SECTION 3. Chapter 11 of the General Laws, as appearing in the 2020 Official Edition,
31 is hereby amended by inserting, after section 12, the following two new sections:-

32 Section 12A. In coordination with the comptroller of the commonwealth and regulations
33 established pursuant to section 20 of chapter 7A, all unaccounted for variances, losses, shortages,
34 intentional violation of general laws governing commonwealth financial system operations and
35 controls, or thefts of funds or property shall be immediately reported to the state auditor's office,
36 who shall review the matter. Said auditor shall consider the materiality, risk, and nature of the
37 matter reported, as well as the nature and extent of past reports involving the entity, to determine
38 the level of review. Should a formal review be initiated, said auditor shall report to appropriate
39 management and law enforcement officials a determination of the amount involved and the
40 internal control weakness that contributed to or caused the condition. Said auditor shall then
41 make recommendations to the agency official overseeing the internal control system and other
42 appropriate management officials. The recommendations of said auditor shall address the
43 correction of the conditions found and the necessary internal control policies and procedures that
44 must be modified. The agency oversight official and the appropriate management officials shall
45 immediately implement policies and procedures necessary to prevent a recurrence of the
46 problems identified.

47 Section 12B. A commonwealth authority defined in section 1 of Chapter 29 performing a
48 public function that does not receive direct appropriations from the commonwealth, not
49 otherwise subject to the jurisdiction of the comptroller, but subject to audit under section 12 of
50 chapter 11, is required to comply with all the requirements of section 20 of chapter 7A.

51 SECTION 4. Section 50 of chapter 12 of the General Laws, as appearing in the 2016
52 official Edition, is hereby amended by deleting, in line 3, the words “chapter 647 of the acts of
53 1989” and inserting in place thereof the following words:- section 20 of chapter 7A and section
54 12A of chapter 11