

**HOUSE . . . . . No. 3443**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

***William M. Straus***

*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 regarding audit performance and functions at the Department of Transportation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>1/12/2023</i>

**HOUSE . . . . . No. 3443**

---

---

By Representative Straus of Mattapoisett, a petition (accompanied by bill, House, No. 3443) of William M. Straus relative to the audit performance and functions at the Massachusetts Department of Transportation. Transportation.

---

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 4096 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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

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 biennial basis.