

HOUSE No. 3666

Section 13 contained in the engrossed Bill making appropriations for the fiscal year 2016 (see House, No. 3650), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment C of House, No. 3675). July 17, 2015.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to establishing an internal special audit unit in the Massachusetts Department of Transportation.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith an internal special audit unit in the Massachusetts Department of Transportation, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 9 of said chapter 6C, as so appearing, is hereby amended by striking out
2 subsections (a) to (d), inclusive, and inserting in place thereof the following 4 subsections:-

3 (a) There shall be within the department, but not subject to the control of the department,
4 an internal special audit unit. The inspector general shall appoint a director of the internal
5 special audit unit, who shall serve as an assistant inspector general under the supervision of the
6 inspector general, and who shall serve for a term of 6 years. The inspector general may remove
7 the director for cause, and shall fill any vacancy for the unexpired term. The director shall
8 devote full time and attention to the duties of the unit.

9 (b) The director may appoint and remove, subject to the approval of the inspector
10 general, such persons as the director shall deem necessary to perform the functions of the internal
11 special audit unit; provided, however, that section 9A of chapter 30 and chapter 31 shall not
12 apply to any such employee holding any such appointment. Employees of the internal special
13 audit unit shall have experience with accounting, auditing, financial analysis, applicable law,
14 business management and public administration and shall devote their full-time and efforts to the
15 unit. Employees shall be subject to the rules and regulations established for employees of the
16 office of the inspector general pursuant to chapter 12A. Every person so appointed to any
17 position in the internal special audit unit shall have experience and skill in the field of such
18 position.

19 (c) Pursuant to chapter 12A, the internal special audit unit shall monitor the quality,
20 efficiency and integrity of the department's operating and capital programs, including those of
21 the Massachusetts Bay Transportation Authority, and seek to prevent, detect and correct fraud,
22 waste and abuse in the expenditure of public or private transportation funds. In accordance with
23 said chapter 12A, the department shall cooperate with the unit in carrying out the unit's duties,
24 including granting unrestricted and immediate access to persons, documents, databases,
25 electronic data or other materials deemed necessary by the director to conduct an investigation,
26 audit or review.

27 (d) The director may report and refer any instances of fraud, waste or abuse in the
28 expense of transportation funds or the procurement of any supplies, services or construction by
29 the department to the inspector general for investigation pursuant to chapter 12A and the results
30 of such investigation may be referred to the attorney general for appropriate action.