



**GLENN A. CUNHA**  
INSPECTOR GENERAL

## The Commonwealth of Massachusetts

Office of the Inspector General

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November 2, 2016

The Honorable Steven T. James  
Clerk of the House of Representatives  
State House, Room 145  
Boston, MA 02133

Dear Mr. James:

In compliance with Section 33 of Chapter 30 of the Massachusetts General Laws, the Inspector General respectfully submits five legislative proposals for the 2017-2018 session of the General Court.

1. The first proposal, An Act Relative to Higher Education Boards and Trustees, would require every member of a board of trustees for an institution of higher education in Massachusetts to participate in training from the Department of Higher Education. The proposal also states that membership on the board of trustees shall terminate if a member fails to complete a training program.
2. The second proposal, An Act Relative to Chapter 30B, would increase a fine and make technical corrections to Chapter 30B, the Uniform Procurement Law. The technical changes update Chapter 30B to include correct statutory references based on recently enacted amendments to other statutes. The proposal also strikes a section of Chapter 30B that is duplicative.
3. The third proposal, An Act Relative to Disabled Persons' Parking Placards, would create a penalty for obstructing certain information on disabled persons' parking placards, increase suspensions for wrongful use, and add language requiring the return of a canceled or revoked placard. The proposal would also make it a crime to use or display a deceased person's parking placard or to make counterfeit placards with the intent to distribute them. The Registry of Motor Vehicles' Placard Abuse Task Force, which the RMV established to combat placard abuse, has helped to refine this legislation in its current form.

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4. The fourth proposal, An Act Relative to Tax Returns, would allow the Department of Revenue to provide the Office of the Inspector General with records the Office needs to carry out its mandate of preventing and detecting fraud, waste and abuse. Such records would be confidential pursuant to Chapter 12A.
5. The fifth proposal, An Act Relative to Chapter 30B Notifications, would require that contractors notify the Office of the Inspector General of certain violations or overpayments. The Office could suspend or debar vendors for not complying with this notification requirement.

Thank you for attention to this matter. Please do not hesitate to contact me if you have any questions.

Respectfully,



Glenn A. Cunha  
Inspector General

## AN ACT RELATIVE TO HIGHER EDUCATION BOARDS OF TRUSTEES

SECTION 1. Section 21 of chapter 15A of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:

The department of higher education, in this section called the department, shall establish and implement a comprehensive training program for members. The department shall provide instruction and training to members on the proper management of an institution of higher education. The instruction and training shall include, but not be limited to, the following laws and topics: (i) the open meeting law established pursuant to sections 18 to 25, inclusive, of chapter 30A; (ii) the public records law established pursuant to chapter 66; (iii) the conflict of interest law established pursuant to chapter 268A; (iv) procurement law; (v) state finance provisions established pursuant to chapter 29; (vi) fraud prevention; and (vii) fiduciary responsibilities. The department shall consult with the attorney general and the inspector general in developing instruction and training programs pursuant to this section.

Within 6 months of being appointed or elected, every member shall complete a training program, as developed by the department. Thereafter members shall complete a training program within 2 years of the date of the member's last training. Membership on the board of trustees shall terminate if a member fails to complete a training program within 6 months of appointment or election as a member, or fails to complete a training program within 2 years of the date of the member's last training, and a vacancy shall be deemed to exist. Any vacancy on a board of trustees shall be filled for the duration of the term in the same manner as the prior appointment. The chairman shall forthwith notify the governor when any vacancy exists.

SECTION 2. Section 1A of chapter 75 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:

Within 6 months of being appointed or elected, every member shall complete the training program developed by the department of higher education under section 21 of chapter 15A.

Thereafter, members shall complete a training program within 2 years of the date of the member's last training. Membership on the board of trustees shall terminate if a member fails to complete a training program within 6 months of appointment or election as a member, or fails to complete a training program within 2 years of the date of the member's last training, and a vacancy shall be deemed to exist. Any vacancy on a board of trustees shall be filled for the duration of the term in the same manner as the prior appointment. The chairman shall forthwith notify the governor when any vacancy exists.

## AN ACT RELATIVE TO CHAPTER 30B

SECTION 1. Section 1 of chapter 30B of the General Laws is hereby amended by striking out, in lines 10 and 11, and in lines 138 and 139, as appearing in the 2014 Official Edition, the words “thirty-eight A1/2 to thirty-eight O, inclusive, of chapter seven” and inserting in place thereof, in each instance, the following words:- 44 to 57, inclusive, of chapter 7C.

SECTION 2. Subsection (b) of said section 1 of said chapter 30B is hereby amended by striking out clause (5), as so appearing, and inserting in place thereof the following clause:-

(5) a contract for the purchase of materials under specifications of the division of highways in the Massachusetts Department of Transportation and at prices established by the division, pursuant to advertising and bidding for such purpose, in connection with work to be performed under chapter 81 or chapter 90;

SECTION 3. Said section 1 of said chapter 30B is hereby further amended by striking out, in line 113, as so appearing, the words “subclause (r)” and inserting in place thereof the following words:- subclause (s).

SECTION 4. Section 5 of said chapter 30B is hereby amended by striking out, in lines 62 to 64, inclusive, as so appearing, the words “the provisions of section eleven A 1/2 of chapter thirty A, section nine G of chapter thirty-four or section twenty-three B of chapter thirty-nine” and inserting in place thereof the following words:- sections 18 to 25, inclusive, of chapter 30A.

SECTION 5. Section 16 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 46, the words “forty J of chapter seven” and inserting in place thereof

the following words:- 38 of chapter 7C.

SECTION 6. Section 17 of said chapter 30B, as so appearing, is hereby amended by striking out, in line 12, the words “two thousand dollars” and inserting in place thereof the following figure:- \$10,000.

SECTION 7. Section 18 of said chapter 30B, as so appearing, is hereby amended by striking out the definition of “Disadvantaged vendor” and inserting in place thereof the following definition:-

“Disadvantaged vendor”, a business beneficially owned by at least 1 minority person as provided in the definition of “Minority-owned business” in subsection (b) of section 6 of chapter 7C and any business beneficially owned by at least 1 woman as provided in the definition of “Women-owned business” in said subsection (b) of said section 6 of said chapter 7C.

SECTION 8. Section 23 of said chapter 30B is hereby repealed.

## AN ACT RELATIVE TO DISABILITY PLACARDS

SECTION 1. Section 2 of chapter 90 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by inserting after the word “time.”, in line 322, the following: Obstruction of the placard number or expiration date, including the failure to display the placard as to make such number and date readily visible through the windshield, or the failure to follow instructions printed on the placard, shall be subject to a fine of \$50.

SECTION 2. Said section 2 of chapter 90, as so appearing, is hereby further amended by inserting after the word “section.”, in line 325, the following:

The registrar may require additional documents or information from an applicant to verify any information contained in an application for a plate or placard. No application shall be processed until such additional documentation or information is provided to the registrar by the applicant.

SECTION 3. Said section 2 of chapter 90, as so appearing, is hereby further amended by striking, in line 333, the figures “30” and inserting in place thereof the following: 60.

SECTION 4. Said section 2 of chapter 90, as so appearing, is hereby further amended by striking, in line 334, the figures “90” and inserting in place thereof the following: 120.

SECTION 5. Said section 2 of chapter 90, as so appearing, is hereby further amended by inserting, after the word “person.”, in line 342, the following:

The registrar may investigate allegations that an individual has falsely obtained or is ineligible for a plate or placard and may, in addition to any other penalties, revoke a plate or placard upon a finding of such ineligibility or a finding that a plate or placard was falsely obtained. Any application for a plate or placard, or report of a lost or stolen plate or placard shall be made under the penalties of perjury. Any person who intentionally makes a false statement in an application for a plate or placard, including for the renewal of a plate or placard, or when reporting a plate or placard lost or stolen shall be subject to a fine of \$500 for a first offense and \$1,000 for a second or subsequent offense. The registrar shall require the return of any plate or placard that has been revoked or canceled and failure to return said plate or placard shall be subject to a fine of \$100.

SECTION 6. Section 24B of said chapter 90, as appearing in the 2014 Official Edition, is hereby amended by inserting, after the word “sticker,” in line 17, the following: or whoever uses or displays a special parking identification disability placard belonging to a deceased person,.

SECTION 7. Said section 24B of said chapter 90, as so appearing, is hereby further amended by inserting, after the word “vehicles”, in line 30, the following:  
, special parking identification disability placard.

SECTION 8. Said section 24B of said chapter 90, as so appearing, is hereby further amended by inserting, after the word “vehicles”, in line 32, the following:  
, special parking identification disability placard.

SECTION 9. Said section 24B of said chapter 90, as so appearing, is hereby further amended by inserting, after the word “operate”, in line 34, the following:

, special parking identification disability placards.

SECTION 10. Said section 24B of said chapter 90, as so appearing, is hereby further amended by inserting, after the word “vehicles”, in line 45, the following:

or special parking identification disability placard.

SECTION 11. Said section 24B of said chapter 90, as so appearing, is hereby further amended by inserting, after the word “own”, in line 48, the following:

, including the name of a deceased person,.

SECTION 12. Said section 24B of said chapter 90, as so appearing, is hereby further amended by inserting, after the word “license”, in line 48, the following:

, permit or placard.

SECTION 13. Said Section 24B of said chapter 90, as so appearing, is hereby further amended by inserting, after the word “vehicles” in line 50, the following:

or special parking identification placard.

## AN ACT RELATIVE TO TAX RETURNS

Section 21 of chapter 62C of the General Laws, as most recently amended by section 68 of chapter 46 of the acts of 2015, is hereby amended by inserting in subsection (b), after paragraph (28), the following new paragraph:

(29) the inspector general's access to documents and information, including tax returns and related documents but excluding information provided to the commonwealth by other federal and state tax agencies where such access is precluded by law, necessary for the performance of the inspector general's duties as certified by the inspector general to the commissioner, provided that all such documents and information shall be deemed to be confidential and shall be maintained as confidential in accordance with chapter 12A.

## AN ACT RELATIVE TO CHAPTER 30B NOTIFICATION

SECTION 1. Section 17 of chapter 30B of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding at the end thereof the following paragraphs:

(e) A contractor shall provide written notification to the inspector general within 60 days whenever the contractor has credible evidence that a principal, employee, agent or subcontractor of such contractor has, in connection with the award, performance, or closeout of a contract or any subcontract thereunder:

- (1) committed a violation of criminal law;
- (2) committed a violation of sections 5A to 5J of chapter 12, the Massachusetts false claims act;
- (3) committed a violation of this chapter; or
- (4) received a material overpayment on the contract.

(f) The inspector general may impose a suspension or debarment, as defined in section 29F of chapter 29, on a contractor as to contracts executed pursuant to this chapter, based upon a preponderance of the evidence, for knowing failure by the contractor to provide the written notification required in paragraph (e). Prior to the suspension or debarment of a contractor under this section, the inspector general shall provide such contractor with the same notice and option for a hearing as provided to contractors under subsections (d) and (e) of section 29F of chapter 29.