SENATE DOCKET, NO. 1526 FILED ON: 1/18/2013

SENATE . . . . . No. 964

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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 passage of the accompanying:

An Act relative to promote transparency in municipal finance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard T. Moore	*Worcester and Norfolk*
John V. Fernandes	*10th Worcester*
Karen E. Spilka	*Second Middlesex and Norfolk*

SENATE DOCKET, NO. 1526 FILED ON: 1/18/2013

SENATE . . . . . No. 964

By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 964) of Richard T. Moore, John V. Fernandes and Karen E. Spilka for legislation relative to promote transparency in municipal finance. Municipalities and Regional Government.

The Commonwealth of Massachusetts

An Act relative to promote transparency in municipal finance.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 44 of the general laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 44, the following new section: -

Section 44A. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Agency," a board, department, division, commission, office or other similar entity established within the government structure of a city, town or district.

"Award," appropriations, expenditures, grants, subgrants, loans, purchase orders, infrastructure assistance and other forms of financial assistance.

"District," a school district independent of a city or town government.

"Division," the department of revenue, division of local services.

"Funding source", the agency and account from where the expenditure is appropriated.

"Recipient," a business corporation, partnership, firm, unincorporated association or other legal business entity engaged in economic activity within a city, town or district, and any affiliate thereof, which is, or the members of which are, subject to taxation under chapter 62, 63, 64H or 64I. For the purposes of this section, recipient shall include an original grantee or an original contractor of an award or a political subdivision. A recipient shall not include an individual recipient of local assistance.

"Searchable website," a website that allows the public at no cost to search for, obtain and aggregate the information identified in subsection (b).

20 (b) Any city, town, or district may develop and operate a searchable website accessible
21 by the public at no cost that includes:

22 (1) annual revenues, as determined by the city, town or district which shall
23 include all receipts, including appropriations, deposits, earnings, compensation, or grants
24 classified by sources;

25 (2) all payments classified by objects, including the name and location of a
26 recipient or agency receiving an award, the funding source of each award, the date of the award,
27 the amount of funds appropriated and a brief description of the purpose of the award;

28 (3) a statement of the public debt showing the purpose for which each item of the
29 debt was created and the provision made for the payment;

30 (4) a statement of assets and liabilities at the close of the fiscal year;

31 (5) a link to all audits and reports relating to the receipt of awards by an agency or
32 recipient;

33 (6) any other relevant information specified by the city, town or district.

34 (c) The searchable website shall allow users to search electronically by field in a single
35 search, aggregate the data, download information yielded by a search and, where possible,
36 contain graphical representations of the data and a hyperlink to the actual grants issued.

37 (d) The searchable website shall include and retain information for each fiscal year for
38 not less than 10 fiscal years.

39 (e) The city, town or district shall update the searchable website as new data becomes
40 available. All agencies shall provide to the city, town or district all data that is required to be
41 included in the searchable website not later than 30 days after the data becomes available to the
42 agency. The city, town or district shall provide guidance to agency heads to ensure compliance
43 with this section.

44 (f) This section shall not be construed to require the disclosure of: (i) information that is
45 confidential under state or federal law; (ii) payments received by an individual or entity as
46 interest paid by the issuer of any bonds or other public debt.

47 (g) The division shall determine compliance with this section on an annual basis and
48 certify those cities, towns and district that are compliant. A city and town shall not be considered
49 in compliance with this section if the data required for the searchable website is not available in a
50 searchable and aggregate manner or if the public is redirected by the searchable website to other
51 government websites, unless each of those websites complies with the requirements of this
52 section. The division shall assist and encourage municipalities to adopt the provisions of this
53 chapter.