

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael D. Brady

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 to strengthen the taxpayer protection act.

PETITION OF:

NAME:

Michael D. Brady

DISTRICT/ADDRESS:

Second Plymouth and Norfolk

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to strengthen the taxpayer protection act.

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 53 of chapter 7 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out the definition of “Agency” and inserting in
3 place thereof the following definition:-

4 “Agency”, an executive office, department, division, board, commission or other office or
5 officer in the executive branch of the government of the commonwealth, the Massachusetts Bay
6 Transportation Authority, the Massachusetts Turnpike Authority, the Massachusetts Department
7 of Transportation, the Massachusetts Port Authority and the Woods Hole, Martha's Vineyard and
8 Nantucket Steamship Authority, a school district as defined in section 2 of chapter 70 or an
9 education collaborative as established under section 4E of chapter 40.

10 SECTION 2. Said section 53 of said chapter 7, as so appearing, is hereby further
11 amended by striking out the definition of “Privatization contract” and inserting in place thereof
12 the following definition:-

13 “Privatization contract”, an agreement or combination or series of agreements by which a
14 non-governmental person or entity agrees with an agency to provide services, valued at
15 \$500,000, but as of January 1 each year, the amount shall increase to reflect increases in the
16 consumer price index calculated by the United States Bureau of Labor Statistics for all urban
17 consumers nationally during the most recent 12 month period for which data are available or
18 more, which are substantially similar to and in lieu of, services theretofore provided, in whole or
19 in part, by regular employees of an agency. Any subsequent agreement, including any agreement
20 resulting from a rebidding of previously privatized service, or any agreement renewing or
21 extending a privatization contract, shall be considered a privatization contract. A contract for
22 information technology services shall not be considered a privatization contract if an employee
23 organization recognized under chapter 150E, as the exclusive representative of an affected
24 employee, as determined by the secretary of administration and finance, agrees to the terms of
25 the contract in writing. An agreement solely to provide legal, planning, engineering or design
26 services shall not be considered a privatization contract.

27 SECTION 3. Paragraph (6) of section 54 of said chapter 7, as so appearing, is hereby
28 amended by adding the following sentence:-

29 If the designated bidder proposes to perform any or all of the contract which increases the
30 cost of services or products provided to a resident of the commonwealth, said contract cost shall
31 be increased by the amount of those increased costs to said services or products; provided,
32 however, that no privatization contract shall permit payment based on a percentage of revenue or
33 fees collected from the privatization contract, including but not limited to, tuition sharing.

34 SECTION 4. Section 55 of said chapter 7, as so appearing, is hereby amended by striking
35 out subsection (d) and inserting in place thereof the following 2 subsections:-

36 (d) The objection of the state auditor pursuant to subsection (a) shall be final and binding
37 on the agency, unless the state auditor thereafter in writing withdraws the objection, stating the
38 specific reasons, based upon a revised certificate by the agency and by the commissioner of
39 administration and upon the state auditor's review thereof. The attorney general may bring a civil
40 action for equitable relief in the superior court to enforce sections 52 through 55 or to prevent or
41 remedy the dismissal, demotion or other action prejudicing any employee as a result of a report
42 of a violation of said sections 52 to 55.

43 (e) Before the renewal of a privatization contract, the state auditor shall conduct a
44 financial and performance audit of said privatization contract to ensure compliance.