



Commonwealth of Massachusetts
Office of the State Auditor
Suzanne M. Bump
Making government work better

PUBLIC HEARING – PROPOSED REGULATIONS

965 CMR 5.00 – PRIVATIZATION CONTRACTS

Thursday, September 14th (10 AM to 12 PM)

Frequently Asked Questions:

Why is the Office of the State Auditor having a hearing? Enacted in 1993, M.G.L. c. 7, §§ 52-55, commonly referred to as the Taxpayer Protection Act, or the Pacheco Law after the bill's primary sponsor Senator Marc R. Pacheco, confers upon the Office of the State Auditor (OSA) the ability to adopt regulations and prescribe forms to carry out the provisions of the law. The Law outlines the process that must be followed by agencies and applicable authorities seeking to contract for a service that is currently performed by state or authority employees. For many years the OSA has issued guidelines to explain the process and prescribe the forms that agencies must use. Until now, privatization regulations have not existed. Although not required to do so under the Massachusetts Administrative Procedures Act (M.G.L. c. 30), the OSA is holding a public hearing to solicit input from stakeholders and members of the public to ensure that all voices are heard and that the OSA ultimately enacts new regulations that provide clarity and transparency to the privatization process.

Why is the OSA issuing privatization regulations? Regulations set forth standards by which state laws must be carried out. Like state statutes, regulations have the force and effect of law. Regulations are created and enforced by executive branch bodies, in this case the OSA, which are given the rulemaking authority by the legislature. Once enacted, these regulations will be found in the Code of Massachusetts Regulations (CMR) as 965 CMR 5.00

Who can testify at the hearing? Any member of the general public. All who wish to testify must sign in at the back of the hearing room and identify whether they wish to speak. OSA will call those who wish to speak on a first come, first served basis.

What is the time limit on testimony? Please limit speaking time to 3 minutes. Testimony and comments must be related to the proposed regulations.

How many people does the hearing room accommodate? The capacity of this hearing room is 75-100 people.

Where can comments be sent? Feel free to e-mail comments to: osa.regulations@sao.state.ma.us. OSA will close the comment period at 4:00 p.m. on Thursday, September 21, 2017. You may also mail comments or forward questions to:

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