

**SENATE . . . . . No. 1539**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Bruce E. Tarr*

*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 to make government more effective and efficient.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Bruce E. Tarr*

*First Essex and Middlesex*

*Richard J. Ross*

*Norfolk, Bristol and Middlesex*

**SENATE . . . . . No. 1539**

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1539) of Bruce E. Tarr and Richard J. Ross for legislation to create the Commonwealth Competition Council. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ □ SENATE  
□ , NO. 1628 OF 2011-2012.]

**The Commonwealth of Massachusetts**

An Act to make government more effective and efficient.

*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. Chapter 7 of the General Laws , as appearing in the 2010 Official Edition,  
2 is hereby amended by striking sections 52 to 55, inclusive, in their entirety and inserting in place  
3 thereof the following sections:-

4 Section 52. Definitions

5 As used in sections fifty-two to fifty-five, inclusive, the following words shall have the  
6 following meanings:--

7 "Council", the Commonwealth Competition Council.

8 "Privatization" means a variety of techniques and activities which promote more  
9 involvement of the private sector in providing services that have traditionally been provided by  
10 government. It also includes methods of providing a portion or all of select government-provided  
11 or government-produced programs and services through the private sector.

12 "Agency", an executive office, department, division, board, commission or other office or  
13 officer in the executive branch of the government of the commonwealth, the Massachusetts Bay  
14 Transportation Authority, the Massachusetts Turnpike Authority, the Massachusetts Port  
15 Authority and the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority.

16 Section 53. Creation of Council and Duties

17 A. There is hereby created in the executive branch the Commonwealth Competition  
18 Council.

19 B. The council shall examine and promote methods of providing a portion or all of select  
20 government-provided or government-produced programs and services through the private sector  
21 by a competitive contracting program, and advise the governor, the legislature, and executive  
22 branch agencies of the council's findings and recommendations.

23 C. The council shall develop an institutional framework for a statewide competitive  
24 program to encourage innovation and competition within state government.

25 D. The council shall establish a system to encourage the use of feasibility studies and  
26 innovation to determine where competition could reduce government costs without adversely  
27 impacting the public.

28 E. The council shall monitor the products and services of state agencies to bring an  
29 element of competition and to ensure a spirit of innovation and entrepreneurship.

30 F. The council shall advocate, develop and accelerate implementation of a competitive  
31 program for state entities to ensure competition for the provision or production of government  
32 services, or both, from both public and private sector entities.

33 G. The council shall establish approval, planning, and reporting processes required to  
34 carry out the functions of the council.

35 H. The council shall determine the privatization potential of a program or activity;  
36 perform cost/benefit analyses; and conduct public and private performance analyses. The  
37 secretary for administration and finance shall independently certify the results of the comparison.

38 I. The council shall devise, in consultation with the secretary for administration and  
39 finance, evaluation criteria to be used in conducting performance reviews of any program or  
40 activity which is subject to a privatization recommendation.

41 J. The council shall, to the extent practicable and to the extent that resources are  
42 available, make its services available for a fair compensation to any political subdivision of the  
43 Commonwealth.

44 Section 54. Appointment

45 A. The council shall consist of thirteen members; 2 members of the senate, 1 of whom  
46 shall be appointed by the minority leader; 2 members of the house of representatives, 1 of whom  
47 shall be appointed by the minority leader; four employees of executive branch agencies to be  
48 appointed by the governor; two members of the private sector to be appointed by the governor;

49 one member of the private sector to be appointed by the speaker of the house; one member of the  
50 private sector to be appointed by the president of the senate; and one member of an organized  
51 labor group appointed by the governor.

52 B. Legislative members shall serve on the council until the expiration of their terms of  
53 office or until their successor shall qualify. Three of the members who are employees of the  
54 executive branch, one member from the private sector and member of organized labor appointed  
55 by the governor shall be appointed for terms of three years. Members of the private sector  
56 appointed by the speaker of the house and president of the senate shall be appointed for terms of  
57 three years.

58 C. Appointments to fill vacancies shall be for the unexpired terms. No person shall be  
59 eligible to serve for or during more than two successive three-year terms. Executive branch  
60 agency members shall serve only as long as they retain their positions.

61 D. The council shall annually elect its chairman and vice chairman from among its  
62 members.

63 E. Seven members of the council shall constitute a quorum. No action shall be taken by  
64 the council without the concurrence of at least six members.

65 Section 55. Cooperation of other state agencies.

66 All agencies of the Commonwealth shall cooperate with the council and, upon request,  
67 assist the council in the performance of its duties and responsibilities. The council shall not  
68 impose unreasonable burdens or costs in connection with requests of agencies.