SENATE DOCKET, NO. 1718 FILED ON: 1/18/2013

SENATE . . . . . No. 1550

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 establishing the Commonwealth Competition Council.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bruce E. Tarr	*First Essex and Middlesex*
Geoff Diehl	*7th Plymouth*
Michael R. Knapik	*Second Hampden and Hampshire*
Robert L. Hedlund	*Plymouth and Norfolk*

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1550) of Bruce E. Tarr, Geoff Diehl, Michael R. Knapik and Robert L. Hedlund for legislation to establish the Commonwealth Competition Council. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

An Act establishing the Commonwealth Competition Council.

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 is hereby amended by striking sections 52
2 to 55, inclusive, in their entirety and inserting in place thereof the following sections:-

3 Section 52. Definitions

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

6 "Council", the Commonwealth Competition Council.

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

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

15 Section 53. Creation of Council and Duties

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

18 B. The council shall examine and promote methods of providing a portion or all of select
19 government-provided or government-produced programs and services through the private sector

20 by a competitive contracting program, and advise the governor, the legislature, and executive
21 branch agencies of the council's findings and recommendations.

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

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

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

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

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

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

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

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

43 Section 54. Appointment

44 A. The council shall consist of thirteen members; 2 members of the senate, 1 of whom
45 shall be appointed by the minority leader; 2 members of the house of representatives, 1 of whom
46 shall be appointed by the minority leader; four employees of executive branch agencies to be
47 appointed by the governor; two members of the private sector to be appointed by the governor;
48 one member of the private sector to be appointed by the speaker of the house; one member of the
49 private sector to be appointed by the president of the senate; and one member of an organized
50 labor group appointed by the governor.

51 B. Legislative members shall serve on the council until the expiration of their terms of
52 office or until their successor shall qualify. Three of the members who are employees of the
53 executive branch, one member from the private sector and member of organized labor appointed

54 by the governor shall be appointed for terms of three years. Members of the private sector
55 appointed by the speaker of the house and president of the senate shall be appointed for terms of
56 three years.

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

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

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

64 Section 55. Cooperation of other state agencies.

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