SENATE DOCKET, NO. 1330 FILED ON: 1/21/2011

SENATE . . . . . No. 1628

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	☐ *[District]* ☐
Richard T. Moore	☐ *[District]* ☐

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1628) of Bruce E. Tarr and Richard T. Moore for legislation to make government more effective and efficient. State Administration and Regulatory Oversight.

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:

SECTION 1. Sections 52 to 55 of Chapter 7, inclusive, are hereby repealed.

SECTION 2. Chapter 7 is hereby amended by inserting the following sections:

Section 52. Definitions

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

"Council", the Commonwealth Competition Council.

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

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

Section 53. Creation of Council and Duties

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

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

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

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

28 E. The Council shall monitor the products and services of state agencies to bring
29 an element of competition and to ensure a spirit of innovation and entrepreneurship to compete
30 with the private sector.

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

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

36 H. The Council shall determine the privatization potential of a program or
37 activity; perform cost/benefit analyses; and conduct public and private performance analyses.
38 The Secretary for Administration and Finance shall independently certify the results of the
39 comparison.

40 I. The Council shall devise, in consultation with the Secretary for Administration
41 and Finance, evaluation criteria to be used in conducting performance reviews of any program or
42 activity which is subject to a privatization recommendation.

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

46 Section 53. Appointment

47 A. The Council shall be composed of ten members to be appointed as follows:
48 four employees of executive branch agencies to be appointed by the Governor; one member of
49 the House of Representatives to be appointed by the Speaker of the House; one member of the
50 Senate to be appointed by the President of the Senate; two members of the private sector to be
51 appointed by the Governor; one member of the private sector to be appointed by the Speaker of
52 the House; and one member of the private sector to be appointed by the President of the Senate.

53 B. Legislative members shall serve on the Council until the expiration of their
54 terms of office or until their successors shall qualify. Two of the members who are employees of
55 executive branch agencies and one member from the private sector appointed by the Governor
56 shall be appointed for terms of one year. Two of the members who are employees of executive
57 branch agencies and one member from the private sector appointed by the Governor shall be
58 appointed for terms of two years. The nonlegislative members appointed by the Speaker of the
59 House of Delegates and the Senate Committee on Privileges and Elections shall be appointed for
60 terms of three years. Thereafter all nonlegislative members of the Council shall be appointed for
61 terms of three years.

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

65 D. The Council shall annually elect its chairman and vice chairman from among
66 its members.

67 E. Six members of the Council shall constitute a quorum. No action shall be taken
68 by the Council without the concurrence of at least six members.

69 Section 54. Cooperation of other state agencies.

70 All agencies of the Commonwealth shall cooperate with the Council and, upon
71 request, assist the Council in the performance of its duties and responsibilities. The Council shall
72 not impose unreasonable burdens or costs in connection with requests of agencies.

73 Section 55. Staff support; application for an acceptance of gifts and grants.

74 A. The Council shall employ such staff as necessary to enable it to perform its
75 duties as directed in the appropriation act.

76 B. The Council may apply for, accept, and expend gifts, grants, or donations from
77 public or private sources to enable it to better carry out its objectives. No entity which provides a
78 gift, donation or grant shall be eligible for a contract award which results from action of a
79 Council recommendation.

80 Section 55A. Unsolicited proposals.

81 The Governor or the General Assembly may direct any state agency to perform a
82 public/private performance analysis covering any service for which the Council has received a
83 qualifying unsolicited proposal from a private entity which is consistent with the Council's
84 purposes and duties.

85 Section 2. This act will take effect on July 1, 2011.