

SENATE No. 01979

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven.

Text of amendment (159) offered by Mr. Tarr to the pending Senate Ways and Means amendment (Senate, No. 3) to the House Bill making appropriations for the fiscal year 2012 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements

COMMONWEALTH COMPETITION COUNCIL

Mr. Tarr moved that the bill be amended by inserting, after Section ____, the following new Sections:-

“SECTION __. Chapter 7 of the General Laws is hereby amended by striking Sections 52 to 55, inclusive in their entirety and inserting in place thereof 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.

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

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

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

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

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

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

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

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

Section 54. Appointment

A. The council shall consist of eleven members; 2 members of the senate, 1 of whom shall be appointed by the minority leader; 2 members of the house of representatives, 1 of whom shall be appointed by the minority leader; two employees of executive branch agencies to be appointed by the governor; one member appointed by the inspector general; one member of the private sector to be appointed by the governor; one member of the private sector to be appointed by the speaker of the house; one member of the private sector to be appointed by the president of the senate; and one member of an organized labor group appointed by the governor.

B. The council shall convene on a quarterly basis. Six members of the council shall constitute a quorum. No action shall be taken by the council without the concurrence of at least six members.

C. The council shall present a quarterly analysis report to the general court; the governor; and the house and senate committee on ways and means. The report shall be published on the official website of the commonwealth.

Section 55. Cooperation of other state agencies.

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

The provisions of this act, unless otherwise extended, terminated or modified, shall expire on June 30, 2016.”