SENATE DOCKET, NO. 1407 FILED ON: 1/21/2011

SENATE . . . . . No. 15

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce

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:

Proposal for a legislative amendment to the Constitution providing for the abolition of the Governor's Council .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian A. Joyce	*Norfolk, Bristol, and Plymouth*
Robert L. Hedlund	☐ *[District]* ☐
Patricia D. Jehlen	☐ *[District]* ☐
James B. Eldridge	☐ *[District]* ☐
David M. Torrisi	*14th Essex*
Sonia Chang-Diaz	☐ *[District]* ☐
Barry R. Finegold	☐ *[District]* ☐

SENATE DOCKET, NO. 1407 FILED ON: 1/21/2011

SENATE . . . . . No. 15

By Mr. Joyce, petition (accompanied by proposal, Senate, No. 15) of Brian Joyce, Robert Hedlund, Patricia Jehlen and other members of the General Court for a legislative amendment to the Constitution to provide for the abolition of the Governor's Council. The Judiciary.

The Commonwealth of Massachusetts

Proposal for a legislative amendment to the Constitution providing for the abolition of the Governor's Council .

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

Section 1. Article IV of section I of chapter I of Part the Second of the Constitution is hereby amended by striking out the words “with the advice and consent of the council”.

Section 2. Article II of section II of said chapter I is hereby amended by striking out in the first paragraph the words “and councillors” and the words “councillors and” wherever they appear in the third paragraph.

Section 3. Article III of section II of said chapter I is hereby amended by striking out the words “with five of the council”.

Section 4. Article XI of section III of said chapter I is hereby amended by striking out the words “and council,” and the word “council,” wherever they appear.

Section 5. Article IV of section I of chapter II of the Second Part of the Constitution is hereby annulled.

Section 6. Article V of said section I of said chapter II is hereby amended by striking out the words “with advice of the council”.

Section 7. Article VI of said section I of said chapter II is hereby amended by striking out the words “with advice of the council”.

Section 8. Article VIII of said section I of said chapter II is hereby annulled and the following article is adopted in place thereof:—

Article VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor; provided, that if the offence is a felony the General Court shall have the power to prescribe the terms and conditions upon which a pardon may be granted; but no charter of pardon, granted by the [governor] before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned. The Governor shall annually communicate to the General Court the name of each person pardoned, the crime and date of conviction, and the date of the pardon.

Section 9. Article IX of said section I of said chapter II is hereby amended by striking out the word “council” and inserting in place thereof the following word:- senate.

Section 10. Article XI of said section I of said chapter II is hereby amended by striking out the words “,with the advice and consent of the council,”.

Section 11. Article II of section II of said chapter II is hereby annulled.

Section 12. Articles I to V, inclusive, of section III of said chapter II are hereby annulled.

Section 13. Article II of section IV of said chapter II is hereby amended by striking out the words “and council”.

Section 14. Article I of chapter III of Part the Second of the Constitution is hereby amended by striking out the words “, with the consent of the council,”, the first time they appear.

Section 15. Said article I of said chapter III is hereby further amended by striking out the word “council”, the second time it appears, and inserting in place thereof the following word:- senate.

Section 16. Article II of said chapter III is hereby amended by striking out the words “or the council”.

Section 17. Article V of said chapter III is hereby annulled.

Section 18. Article I of chapter VI of Part the Second of the Constitution is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:— And the said oaths or affirmations shall be taken and subscribed by the governor and lieutenant governor , before the president of the senate, in the presence of the two houses of assembly; and by senators and representatives first elected under this constitution, before the

president and five of the council of the former constitution; and forever afterwards before the governor for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Section 19. Article II of said chapter VI is hereby amended by striking out in the second paragraph the words “or the governor and council”.

Section 20. Said article II of said chapter VI is hereby further amended by striking out the fourth paragraph.

Section 21. Said article II of said chapter VI is hereby further amended by striking out the words “with the advice and consent of the council”.

Section 22. Article VII of the Amendments to the Constitution is hereby amended by striking out the word “councillors,”.

Section 23. Article VIII of said Amendments is hereby amended by striking out the words “,lieutenant governor, or councillor” and inserting in place thereof the words:— or lieutenant governor.

Section 24. Article XIII of said Amendments is hereby amended by striking out in the last sentence the words “or in the executive council”.

Section 25. Article XVI of said Amendments is hereby annulled and the following article is adopted in place thereof:—

Article XVI. That there may be no delay in the organization of the government on the first Wednesday of January, the governor shall, as soon as may b e, examine the returned copies of the records for the election of governor and lieutenant governor; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in the case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the Constitution for the choice of such officers.

Section 26. Article XVII of said Amendments is hereby amended by striking out the words “with the advice and consent of the council”.

Section 27. Article XXV of said Amendments is hereby annulled.

Section 28. Article XXXVII of said Amendments is hereby amended by striking out the words “,with consent of the council”.

Section 29. The first sentence of section 1 of article LXIV, as appearing in article LXXX, of said Amendments is hereby amended by striking out the words “councillors”.

Section 30. Said section 1 of said article LXIV, as so appearing, is hereby further amended by striking out the sixth sentence.

Section 31. The first sentence of section 2 of article CI, as appearing in section 2 of article CXIX, of said Amendments is hereby amended by striking out the words “and also the councillor districts”.

Section 32. The last sentence of said section 2 of said article CI is hereby amended by striking out the words “and councillors”.

Section 33. Section 3 of said article CI is hereby amended by striking out the word “, councillor”.

Section 34. All of the provisions of the constitution and amendments inconsistent with the provisions of these amendments are hereby annulled.

Section 35. The provisions of this law will take effect on the 7th day of January, 2015.