

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1158) of Michael J. Barrett for legislation to provide for legislative oversight of the executive appointment process. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO LEGISLATIVE OVERSIGHT OF THE EXECUTIVE APPOINTMENT PROCESS.

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. Section 3 of Chapter 6A of the General Laws is
2 hereby amended in the first sentence by inserting after the word
3 "governor" the following words: ", subject to the provisions of
4 section 3A of Chapter 6A".

1 SECTION 2. Chapter 6A of the General Laws is hereby
2 amended by adding after Section 3 the following section: —

3 Section 3A. (a) Whenever a vacancy arises in the position of
4 Secretary in one of the executive offices enumerated in Section
5 2 of Chapter 6A or Section 2 of Chapter 7, or in the position of
6 commissioner of any of the substantive agencies within the
7 purview of said executive offices, the Governor shall submit his
8 or her nomination for said position to the Joint Committee on
9 Ways and Means. The Committee shall schedule a public hearing
10 on the nomination to take place within thirty-five days of receiving
11 notice of said nomination from the Governor.

12 (b) The House and Senate Chairpersons of the subject Joint
13 Committee most relevant to the executive office or agency where
14 the vacancy has occurred, as determined by the Chairs of the Joint
15 Committee on Ways and Means, shall be ex officio members of
16 this Committee and present at the public hearing.

17 (c) The nominee shall be provided with the opportunity to be

18 present and testify at the public hearing. The Committee may
19 invite witnesses to appear and give testimony before it as it deems
20 appropriate. At the hearing the Committee shall consider the
21 fitness of the nominee to hold the office for which he or she is
22 nominated, based on, but not limited to, the following criteria:

23 (1) The managerial experience of the nominee;

24 (2) The demonstrated administrative competence of the
25 nominee, especially with regard to producing budgets and
26 performing within budgetary constraints;

27 (3) The nominee's familiarity with the mission and manners of
28 execution of said mission of the office or agency which he or she
29 is nominated to head;

30 (4) The nominee's familiarity with the state budgetary process;
31 and

32 (5) Innovations and efficiencies considered for the agency by
33 the nominee, with special regard to (a) the elimination of wasteful
34 spending, (b) the streamlining of regulations, (c) the elimination
35 of duplicative agency functions, and (d) priorities in maintaining
36 and expanding services.

37 (d) Within ten days of the hearing, the Committee shall issue
38 an advisory opinion in writing on the fitness of the nominee to
39 hold the position for which he or she has been nominated. Said
40 advisory opinion shall be transmitted to the Governor and to
41 members of the General Court, and shall be made a matter of
42 public record.

43 (e) No nominee for said position shall take the oath of office
44 as prescribed by Sections 11 and 12 of Chapter 30 until either the
45 Committee fulfills the requirements of this Section or the
46 expiration of forty-five calendar days, whichever occurs first.

1 SECTION 3. Section 4 of Chapter 7 of the General Laws is
2 hereby amended by inserting after the word "administration," in
3 the first sentence the following: "subject to the provisions of
4 Section 3A of Chapter 6A of the General Laws,".

1 SECTION 4. This act shall take effect immediately upon its
2 passage.