HOUSE . . . . . No. 1259

By Mr. McGlennon of Concord, petition of John A. S. McGlennon, Martin A. Linsky and John F. St. Cyr for a legislative amendment to the Constitution relative to county government. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Eight.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION RELATIVE TO COUNTY GOVERNMENT.

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.

Article II of the Articles of Amendment to the Constitution of the Commonwealth, as most recently amended by Article LXXXIX of said Articles of Amendment, is hereby further amended by adding at the end thereof the following section:—

Section 10. County Government.—(*a*) The general court may, by law, organize the commonwealth in not less than five nor more than ten counties for the administration of regional governmental services not performed by other governmental entities; and it may, in like manner, abolish, merge or consolidate such counties, and alter the boundaries thereof as it deems desirable. Each such county shall embrace contiguous cities and towns, and compact areas having a community of interest in historical, economic, regional,

metropolitan, or topographical terms, consistent with a rational plan of regional local government. The general court may, by law, grant to such counties such powers, privileges and immunities, and vest in them such functions and responsibilities, as it deems necessary or expedient for the regulation and government thereof; and, in like manner, it may transfer and of said powers, privileges, communities, functions or responsibilities from county governments to cities and towns, to other regional government entities or to the commonwealth.

(*b*) The general court may, by law, abolish any county office whether created by the constitution or by statute, provide for the filling of said office by appointment rather than by election, or transfer said office and its powers and duties to the government of the commonwealth, except (1) the office of county commissioner, and (2) the office of member of the county council.

(*c*) The executive and administrative functions of county government in each county shall be organized in an executive branch under the supervision and control of a board of county commissioners. Said board shall consist of not less than three nor more than six commissioners elected by the legal voters of said county for terms of not less than two nor more than six years at the state biennial election as the general court shall by law provide. The general court shall have authority, by law, to authorize the legal voters of any county to adopt a manager form of county executive administration, said manager to be appointed and removed by the board of county commissioners subject to such requirements as the general court may specify.

(*d*) The legislative power of county government in each county, including the powers of appropriating the funds required by such government and authorizing county borrowing, shall be vested in a county council consisting of not less than twelve nor more than twenty-two members elected for two-year terms by the legal voters at the state biennial election, as the general court shall by law provide.

(*e*) The general court may, by law, provide procedures whereby any county of the commonwealth may adopt or amend a home rule charter, or adopt a standard optional

charter, the government of said county, subject to such requirements as the general court deems necessary and proper. Said law shall establish uniform procedures for the submission of such charters, or amendments thereto, to the legal voters of the county affected for their approval; and no such charter or charter amendment shall take effect until approved by the affirmative votes of a majority of said legal voters at an election held for the purpose.

(*f*) The judicial system of the commonwealth, in all of its aspects, shall henceforth be a function of the commonwealth, and shall cease to be in any way a function of county government. The expense of maintaining said system shall not be assessed upon the several counties, cities or towns.