

By Mr. Losch of Holliston, petition of James B. Moseley and other members of the House for a legislative amendment to the Constitution providing for the abolition of the Executive Council and the appointment of certain officers by the Governor with the consent of the Senate. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-One.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION PROVIDING FOR THE ABOLITION OF THE COUNCIL AND THE APPOINTMENT OF CERTAIN OFFICERS BY THE GOVERNOR WITH THE CONSENT OF THE SENATE.

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

8 ARTICLE OF AMENDMENT.

9 ART. . . *Section 1.* Article IV of section I of chapter I
10 of Part the Second of the Constitution of the Commonwealth
11 is hereby amended by striking out the words "with the advice
12 and consent of the council".

13 *Section 2.* Article II of section II of chapter I is hereby
14 amended by striking out the words "and councillors" in the
15 first paragraph thereof and the words "councillors and" wher-
16 ever they may appear in the second paragraph thereof.

17 *Section 3.* Article III of section II of said chapter I is
18 hereby amended by striking out the words "with five of the
19 council".

20 *Section 4.* Article XI of section II of said chapter I is
21 hereby amended by striking out the words "and council" and
22 the word "council" where they appear in said Article.

23 *Section 5.* Section I of chapter II of Part the Second is
24 hereby amended by striking out Article IV thereof.

25 *Section 6.* Article V of section I of said chapter II is hereby
26 amended by striking out the words "with advice of council".

27 *Section 7.* Article VI of section I of said chapter II is
28 hereby amended by striking out the words "with advice of the
29 council".

30 *Section 8.* Article IX of section I of said chapter II, as
31 amended, is hereby annulled and the following is adopted in
32 place thereof:—

33 *Article IX.* All judicial officers and such other officers as the
34 general court may provide by statute shall be nominated and
35 appointed by the governor, with the consent of the senate;
36 provided, that if the senate shall neither grant nor refuse its
37 consent within the sixty calendar days next following any such
38 nomination, the general court not having been prorogued
39 within such sixty days, the person nominated shall be deemed
40 to have been appointed as if such consent had been granted.
41 The governor shall have power to fill all vacancies that may
42 exist after prorogation of the general court in each political
43 year by granting commissions which shall expire upon proro-
44 gation of the general court in the next political year.

45 *Section 9.* Article X of section I of said chapter II is hereby
46 amended by striking out the words, "with advice of council",
47 in the fourth paragraph thereof and in the seventh paragraph
48 thereof.

49 *Section 10.* Article XI of section I of said chapter II is
50 hereby amended by striking out the words "with the advice
51 and consent of the council".

52 *Section 11.* Section II of chapter II of Part the Second is
53 hereby amended by striking out Article II thereof.

54 *Section 12.* Chapter II of Part the Second is hereby
55 amended by striking out section III thereof.

56 *Section 13.* Article II of section IV of said chapter II is
57 hereby amended by striking out the words "and council".

58 *Section 14.* Article I of chapter III of Part the Second is
59 hereby amended by striking out the words "with consent of
60 the council,".

61 *Section 15.* Article II of said chapter III is hereby amended
62 by striking out the words “and council”.

63 *Section 16.* Article V of said chapter III is hereby amended
64 by striking out the words “and council”.

65 *Section 17.* Article I of chapter VI of Part the Second is
66 hereby amended by striking out the words “and councillors”
67 and “and council” in the last paragraph thereof.

68 *Section 18.* Article II of said chapter VI is hereby amended
69 by striking out, in the second paragraph, the words “and
70 council” and inserting in place thereof the words: — and senate.

71 *Section 19.* Article II of said chapter VI is hereby amended
72 by striking out the fourth paragraph thereof.

73 *Section 20.* Article IV of the Amendments to the Constitu-
74 tion of the Commonwealth is hereby amended by striking out
75 the words “with the consent of the council”.

76 *Section 21.* Article VII of said Amendments is hereby
77 amended by striking out the word “councillors”.

78 *Section 22.* Article VIII of said Amendments is hereby
79 amended by striking out the words “or councillor”, and by
80 substituting the word: — or, — for the comma between the
81 words “governor” and “lieutenant-governor” in the fourth line
82 thereof.

83 *Section 23.* Article XIII of said Amendments is hereby
84 amended by striking out the words “or in the executive coun-
85 cil” in the last sentence of said Article.

86 *Section 24.* Article XVI of said Amendments is hereby
87 amended by striking out the first six sentences and is further
88 amended by striking out the words “with at least five coun-
89 cillors for the time being” and the words “and councillors” in
90 the seventh sentence of said Article and by substituting the
91 word: — and, — for the comma between the words “governor”
92 and “lieutenant-governor” in said seventh sentence.

93 *Section 25.* Article XVII of said Amendments is hereby
94 amended by striking out therefrom the words “with the advice
95 and consent of the council”.

96 *Section 26.* Article XXV of said Amendments is hereby
97 annulled.

98 *Section 27.* Article LVIII of said Amendments is hereby

99 amended by striking out the words “with the consent of the
100 council”.

101 *Section 28.* Article LXIV of said Amendments, as amended
102 by Article LXXX of the Amendments, is hereby amended by
103 striking out the word “councillors” in the first sentence there-
104 of, and the words “and councillors” in the second sentence
105 thereof and by substituting the word: – and, – for the comma
106 between the words “governor” and “lieutenant-governor” in
107 the second sentence thereof.

108 *Section 29.* Article LXXI of said Amendments is hereby
109 amended by striking out from the paragraph entitled “*Article*
110 *XXII*” the words “and also the councillor districts”.

111 *Section 30.* Article LXXIII of said Amendments is hereby
112 amended by striking out from the paragraph entitled “*Article*
113 *VIII*” the words “by and with the advice of council”, and “,
114 with the advice of the council”.

115 *Section 31.* Article LXXIX of said Amendments is hereby
116 amended by striking out the words “with the advice and
117 consent of the council”.

118 *Section 32.* All of the provisions of the constitution and
119 amendments inconsistent with the provisions of the Amend-
120 ment are hereby annulled. All of the provisions of the general
121 or special laws of the commonwealth inconsistent with the
122 provisions of this Amendment shall be deemed hereby super-
123 seded.