

SENATE No. 711

By Mr. Quinlan, a petition (accompanied by proposal, Senate, No. 711) of John M. Quinlan and George R. Sprague 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. The Judiciary.

The Commonwealth of Massachusetts

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

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.

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.

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

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

Section 3. Article II of section II of said chapter I is hereby amended by striking out the words “and council” and the word “council” where they appear in said Article.

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

Section 6. Article V of section I of said chapter II is hereby

amended by striking out the words "with advice of the council."

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

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

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

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

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

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

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

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

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

Section 15. Article II of said chapter III is hereby amended by striking out the words "and council."

Section 16. Article V of said chapter III is hereby amended by striking out the words "and council."

Section 17. Article I of chapter VI of Part the Second is hereby amended by striking out the words "and councillors" and "and council" in the last paragraph thereof.

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

Section 19. Article II of said chapter IV is hereby amended by striking out the fourth paragraph thereof.

Section 20. Article IV of the Amendments to the Constitution of the Commonwealth is hereby amended by striking out the words “with the consent of the council.”

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

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

Section 23. Article XIII of said Amendments is hereby amended by striking out the words “or in the executive council” in the last sentence of said Article.

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

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

Section 26. Article XXV of said Amendments is hereby annulled.

Section 27. Article LVII of said Amendments is hereby amended by striking out the words “with the consent of the council.”

Section 28. Article LXIV of said Amendments, as amended by Article LXXX of the Amendments, is hereby amended by striking out the word “councillors” in the first sentence thereof, and the words “and councillors” in the second sentence thereof, and by substituting the word: — and, — for the comma between the words “governor” and “lieutenant-governor” in the second sentence thereof.

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

Section 30. Article LXXIII of said Amendments is hereby amended by striking out from the paragraph entitled "*Article VIII*" the words "by and with the advice of council," and "with advice of the council."

Section 31. Article LXXIX of said Amendments is hereby amended by striking out the words "with the advice and consent of the council."

Section 32. All of the provisions of the constitution and amendments inconsistent with the provisions of the Amendment are hereby annulled. All of the provisions of the general or special laws of the commonwealth inconsistent with the provisions of this Amendment shall be deemed hereby superseded.