

By Mr. Minahan of Wakefield, petition of Alfred A. Minahan, Jr., for a legislative amendment to the Constitution providing for the abolition of the Executive Council. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION PROVIDING FOR THE ABOLITION OF THE EXECUTIVE COUNCIL.

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

8 **ARTICLE OF AMENDMENT.**

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

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

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

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

22 *Section 5.* Section I of chapter II of Part the Second is hereby

23 amended by striking out Article IV thereof.

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

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

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

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

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

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

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

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

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

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

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

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

60 *Section 17.* Article I of chapter VI of Part the Second is hereby

61 amended by striking out the words “and councillors” and “and
62 council” in the last paragraph thereof.

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

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

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

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

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

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

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

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

90 *Section 26.* Article XXV of said Amendments is hereby
91 annulled.

92 *Section 27.* Article LVIII of said Amendments is hereby
93 amended by striking out the words “with the consent of the
94 council”.

95 *Section 28.* Article LXIV of said Amendments, as amended by
96 Article LXXX of the Amendments, is hereby amended by striking
97 out the word “councillors” in the first sentence thereof, and the
98 words “and councillors” in the second sentence thereof and by

99 substituting the word: — and, — for the comma between the words
100 “governor” and “lieutenant-governor” in the second sentence
101 thereof.

102 *Section 29.* Article LXXI of said Amendments is hereby
103 amended by striking out from the paragraph entitled “*Article XII*”
104 the words “and also the councillor districts”.

105 *Section 30.* Article LXXIII of said Amendments is hereby
106 amended by striking out from the paragraph entitled “*Article VIII*”
107 the words “by and with the advice of council”, and “, with the
108 advice of the council”.

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

112 *Section 32.* All of the provisions of the constitution and amend-
113 ments inconsistent with the provisions of the Amendment are
114 hereby annulled. All of the provisions of the general or special laws
115 of the commonwealth inconsistent with the provisions of this
116 Amendment shall be deemed hereby superseded.