

**HOUSE . . . . . No. 2961**

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By Mr. Bosley of North Adams, petition of Daniel E. Bosley for a legislative amendment to the Constitution relative to the abolishment of the Governor's Council, State Administration and Regulatory Oversight.

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Daniel E. Bosley**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

Proposal for a legislative amendment to the constitution abolishing the executive council.

PETITION OF:

NAME:

Daniel E. Bosley

DISTRICT/ADDRESS:

1st Berkshire

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

*PROPOSAL for a legislative amendment to the  
Constitution*

ABOLISHING THE EXECUTIVE COUNCIL.

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.

1 SECTION 1. Article IV of section I of chapter I of Part II of the Constitution is hereby amended by  
2 striking out the words "with the advice and consent of the council".

3 SECTION 2. Article II of section II of said chapter I is hereby amended by striking out in the first  
4 paragraph the words "and councillors" and the words "councillors and" wherever they appear in the third  
5 paragraph.

6 SECTION 3. Article III of section II of said chapter I is hereby amended by striking out the words "with  
7 five of the council".

8 SECTION 4. Article XI of section III of said chapter I is hereby amended by striking out the words "and  
9 council," and the word "council," wherever they appear.

10 SECTION 5. Article IV of section I of chapter II of the Second Part of the Constitution is hereby  
11 annulled.

12 SECTION 6. Article V of said section I of said chapter II is hereby amended by striking out the words  
13 "with advice of the council".

- 14 SECTION 7. Article VI of said section I of said chapter II is hereby amended by striking out the words  
15 "with advice of the council".
- 16 SECTION 8. Article VIII of said section I of said chapter II is hereby annulled and the following article is  
17 adopted in place thereof:-
- 18 Article VIII. The power of pardoning offences, except such as persons may be convicted of  
19 before the senate by an impeachment of the house, shall be in the governor; provided that if the offence is  
20 a felony the General Court shall have the power to prescribe the terms and conditions upon which a  
21 pardon may be granted; but the charter of pardon, granted by the before conviction shall avail the party  
22 pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of  
23 the offence or offences intended to be pardoned. The Governor shall annually communicate to the  
24 General Court the name of each person pardoned, the crime and date of conviction, and the date of the  
25 pardon.
- 26 SECTION 9. Article IX of said section I of said chapter II is hereby amended by striking out the word  
27 "council" and inserting in place thereof the following word:-senate.
- 28 SECTION 10. Article XI of said section I of said chapter II is hereby amended by striking out the words  
29 ", with the advice and consent of the council,".
- 30 SECTION 11. Article II of section II of said chapter II is hereby annulled.
- 31 SECTION 12. Article I to V, inclusive, of section III of said chapter II are hereby annulled.
- 32 SECTION 13. Article II of section IV of said chapter II is hereby amended by striking out the words "and  
33 council".
- 34 SECTION 14. Article I of chapter III of Part the Second of the Constitution is hereby amended by striking  
35 out the words ", with the consent of the council," the first time they appear.
- 36 SECTION 15. Said article I of said chapter III is hereby further amended by striking out the word  
37 "council", the second time it appears, and inserting in place thereof the following word:-senate.
- 38 SECTION 16. Article II of said chapter III is hereby amended by striking out the words "or the council".
- 39 SECTION 17. Article V of said chapter III is hereby annulled.
- 40 SECTION 18. Article I of chapter VI of Part the Second of the Constitution is hereby amended by  
41 striking out the last paragraph and inserting in place thereof the following paragraph:-

42 And the said oaths or affirmations shall be taken and subscribed by the governor and lieutenant governor,  
43 before the president of the senate, in the presence of the two houses of assembly; and by senators and  
44 representatives first elected under this constitution, before the president and five of the council of the  
45 former constitution; and forever afterwards before the governor for the time being; and by residue of the  
46 officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the  
47 legislature.

48 SECTION 19. Article II of said chapter VI is hereby amended by striking out in the second paragraph the  
49 words "or the governor and council".

50 SECTION 20. Said article II of said chapter VI is hereby further amended by striking out the fourth  
51 paragraph.

52 SECTION 21. Said article II of said chapter VI is hereby further amended by striking out the words "with  
53 the advice and consent of the council".

54 SECTION 22. Article VII of the Amendments to the Constitution is hereby amended by striking out the  
55 word "councillors".

56 SECTION 23. Article VIII of said Amendments is hereby amended by striking out the words ", lieutenant  
57 governor, or councillor" and inserting in place thereof the words:- or lieutenant governor.

58 SECTION 24. Article XIII of said Amendments is hereby amended by striking out in the last sentence the  
59 words "or in the executive council".

60 SECTION 25. Article XVI of said Amendments is hereby annulled and the following article is adopted in  
61 place thereof:-

62 Article XVI. That there may be no delay in the organization of the government on the first Wednesday of  
63 January, the governor shall, as soon as may be, examine the returned copies of the records for the election  
64 of governor and lieutenant governor; and ten days before the said first Wednesday in January he shall  
65 issue his summons to such persons as appear to be chosen, to attend on that day to be qualified  
66 accordingly; and the secretary shall lay the returns before the senate and house of representatives on the  
67 said first Wednesday in January, to be by them examined; and in the case of the election of either of said  
68 officers, the choice shall be by them declared and published; but in case there shall be no election of  
69 either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the  
70 Constitution for the choice of such officers.

71 SECTION 26. Article XVII of said Amendments is hereby amended by striking out the words "with the  
72 advice and consent of the council".

- 73 SECTION 27. Article XXV of said Amendments is hereby annulled.
- 74 SECTION 28. Article XXXVII of said Amendments is hereby amended by striking out the words “, with  
75 the consent of the council”.
- 76 SECTION 29. The first sentence of section 1 of article LXIV, as appearing in article LXXX, of said  
77 Amendments is hereby amended by striking out the word “councillors”.
- 78 SECTION 30. Said section 1 of said article LXIV, as so appearing, is hereby further amended by striking  
79 out the sixth sentence.
- 80 SECTION 31. The first sentence of section 2 of article CI, as appearing in section 2 of article CXIX, of  
81 said Amendment is hereby amended by striking out the words “and also the councillor districts”.
- 82 SECTION 32. The last sentence of said section 2 of said article CI, is hereby amended by striking out the  
83 words “and councillors”.
- 84 SECTION 33. Section 3 of said article CI is hereby amended by striking out the word “councillor”.
- 85 SECTION 34. All of the provisions of the constitution and amendments inconsistent with the provisions  
86 of these amendments are hereby annulled.