

The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND SIXTY-FOUR.

AN ACT REPEALING STATUTORY POWERS OF THE GOVERNOR'S COUNCIL WHICH INTERFERE WITH THE EFFICIENT OPERATION OF THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH.

Be it enacted by the People, and by their authority:

SECTION 1. As used in this act, the phrase "the council" shall mean the council for advising the governor established in accordance with Part II, Chapter 2, Section 3, of the Constitution of the Commonwealth.

As used in this act, the phrase "advice and consent of the council" shall include, without limitation, approval, advice, consent, and advice and consent, however phrased in the General Laws and in any special law of the commonwealth.

As used in this act, the phrase "executive department" shall include, without limitation, all departments, divisions, boards, bureaus, commissions, institutions, councils and offices of state government and of county government, and any instrumentality or agency within or under any of the foregoing, whether or not serving under the governor or under the governor and council, and any independent authority, district, commission, instrumentality or agency, but expressly excluding therefrom the legislative and judicial departments and any instrumentality or agency of a city or town.

SECTION 2. The provisions of this act shall not be applicable to section sixty-five of chapter six, to section fifteen of chapter twenty-three, to section two of chapter twenty-five, to section four of chapter twenty-seven, or to section one of chapter fifty-eight A of the General Laws, except, however, that if the council shall neither grant nor refuse its advice and consent with respect to any appointment or removal under any of the aforesaid provisions of the General Laws within the thirty calendar days next following any such appointment or removal, then the person so appointed or removed shall be deemed to have been appointed or removed, as the case may be, as if such advice and consent had been granted.

SECTION 3. Subject to section two of this act and except as required by the constitution of the commonwealth, so much of each provision of the General Laws and of any special law as requires the advice and consent of the council to any appointment in the executive department, or to the fixing of any salary, or other compensation for services rendered, in the executive department, or to the removal of any person holding office in the executive department, including without limitation, any person appointed prior to the effective date of this act, is hereby repealed.

Any such appointment in the executive department by any officer other than the governor which heretofore required the advice and consent of the council shall instead require the approval of the governor.

At any time within fifteen days after the making of any such appointment which heretofore required the advice and consent of the council the governor may, without cause, remove the person so appointed.

SECTION 4. Subject to section two of this act and except as required by the constitution of the commonwealth, so much of each provision of the General Laws and of any special law as requires the advice and consent of the council with respect to any action or omission to act by the governor or by any officer, agency or instrumentality in the executive department, including without limitation, any deposit, borrowing, loan, investment, endorsement, validation, surety or bond, or any lease, license, purchase, acquisition, sale, conveyance, disposition or transfer, or any contract or other agreement, or any permit or license, or any rules or regulations, is hereby repealed.

SECTION 5. Notwithstanding anything in this act contained to the contrary, the governor shall at all times, in his sole discretion, be free to seek the advice and consent of the council upon any matter.

SECTION 6. The provisions of this act are severable. If any provision of this act shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect any other provisions of this act.

OFFICE OF THE SECRETARY, Boston, November 16, 1964.

I hereby certify that the foregoing law entitled "An Act Repealing Statutory Powers of the Governor's Council which Interfere with the Efficient Operation of the Executive Department of the Commonwealth" was approved by the People at the State Election held on November 3, 1964, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, as amended by Article LXXIV of said Amendments.

KEVIN H. WHITE,
Secretary of the Commonwealth.