

SENATE No. 27

The Commonwealth of Massachusetts

PRESENTED BY:

Richard R. Tisei

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 Eliminating the Governor's Council.

PETITION OF:

NAME:

Richard R. Tisei

DISTRICT/ADDRESS:

Middlesex and Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

PROPOSAL for a legislative amendment to the Constitution eliminating the Governor's 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 ART. _____. Section 1. Article IV of section I of chapter I of Part the Second of the
2 Constitution is hereby amended by striking out the words “with the advice and consent of the
3 council”.

4 Section 2. Article II of section II of said chapter I is hereby amended by striking out in
5 the first paragraph the words “and councilors” and the words “councilors and” wherever they
6 appear in the third paragraph.

7 Section 3. Article III of section II of said chapter I is hereby amended by striking out the
8 words “with five of the council”.

9 Section 4. Article XI of section III of said chapter I is hereby amended by striking out
10 the words “and council,” and the word “council,” wherever they appear.

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

13 Section 6. Article V of said section I of said chapter II is hereby amended by striking out
14 the words “with advice of the council”.

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

17 Section 8. Article VIII of said section I of said chapter II is hereby annulled and the
18 following article is adopted in place thereof:

19 Article VIII. The power of pardoning offences, except such as persons may be convicted
20 of before the senate by an impeachment of the house, shall be in the governor; provide, that if the
21 offence is a felony the General Court shall have the power to prescribe the terms and conditions
22 upon which a pardon may be granted; but no charter of pardon, granted by the before conviction,
23 shall avail the party pleading the same, notwithstanding any general or particular expressions
24 contained therein, descriptive of the offence or offences intended to be pardoned. The governor
25 shall annually communicate to the General Court the name of each person pardoned, the crime
26 and date of conviction, and the date of the pardon.

27 Section 9. Article IX of said section I of said chapter II is hereby amended by striking
28 out the word “council” and inserting in place thereof the following word:- senate.

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

31 Section 11. Article II of section II of said chapter II is hereby annulled.

32 Section 12. Articles I to V, inclusive, of section III of said chapter II are hereby annulled.

33 Section 13. Article II of section IV of said chapter II is hereby amended by striking out
34 the words, “and council”.

35 Section 14. Article I of chapter III of Part the Second of the Constitution is hereby
36 amended by striking out the words”, with the consent of the council,”, the first time they appear.

37 Section 15. Said article I of said chapter III is hereby further amended by striking out the
38 word “council” the second time it appears, and inserting in place thereof the following word:-
39 senate.

40 Section 16. Article II of said chapter III is hereby amended by striking out the words “or
41 the council”.

42 Section 17. Article V of said chapter III is hereby annulled.

43 Section 18. Article I of chapter VI of Part the Second of the Constitution is hereby
44 amended by striking out the last paragraph and inserting in place thereof the following
45 paragraph:-

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

52 Section 19. Article II of said chapter VI is hereby amended by striking out in the second
53 paragraph the words “or the governor and council”.

54 Section 20. Said article II of said chapter VI is hereby further amended by striking out
55 the fourth paragraph.

56 Section 21. Said article II of said chapter IV is hereby further amended by striking out
57 the words “with the advice and consent of the council”.

58 Section 22. Article VII of the Amendments to the Constitution is hereby amended by
59 striking out the word “councilors”.

60 Section 23. Article VIII of said Amendments is hereby amended by striking out the
61 words “, lieutenant governor, or councilor” and inserting in place thereof the words:- or
62 lieutenant governor.

63 Section 24. Article XIII of said Amendments is hereby amended by striking out in the
64 last sentence the words “or in the executive council”.

65 Section 25. Article XVI of said Amendments is hereby annulled and the following article
66 is adopted in place thereof:-

67 Article XVI. That there may be no delay in the organization of the government on the
68 first Wednesday of January, the governor shall, as soon as may be, examine the returned copies
69 of the records for the election of governor and lieutenant governor; and ten day before the said
70 first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to
71 attend on that day to be qualified accordingly; and the secretary shall lay the returns before the
72 senate and house of representatives on the said first Wednesday in January, to be by them

73 examined; and in the case of the election of either of said officers, the choice shall be by them
74 declared and published; but in case there shall be no election of either of said officers, the
75 legislature shall proceed to fill such vacancies in the manner provided in the Constitution for the
76 choice of such officers.

77 Section 26. Article XVII of said Amendments is hereby amended by striking out the
78 words “with the advice and consent of the council”.

79 Section 27. Article XXV of said Amendments is hereby annulled.

80 Section 28. Article XXXVII of said Amendments is hereby amended by striking out the
81 words”, with consent of the council”.

82 Section 29. The first sentence of section I of article LXIV, as appearing in article LXXX,
83 of said Amendments is hereby amended by striking out the words “councilors”.

84 Section 30. Said section 1 of said article LXIV, as so appearing, is hereby further
85 amended by striking out the sixth sentence.

86 Section 31. The first sentence of section 2 of article CI, as appearing in section 2 of
87 article CXIX, of said Amendments is hereby amended by striking out the words “and also the
88 councilor districts”.

89 Section 32. The last sentence of section 2 of said article CI is hereby amended by
90 striking out the words “and councilors”.

91 Section 33. The last sentence of said section 2 of said article CI is hereby amended by
92 striking out the word “,councilor”.

93 Section 34. All of the provisions of the constitution and amendments inconsistent with
94 the provisions of these Amendments are hereby annulled.