

SENATE No. 15

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 proposal for constitutional amendment:

Proposal for a legislative amendment to the Constitution relative to the reform of the Executive Council.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>

SENATE No. 15

By Mr. Tarr, a petition (accompanied by proposal, Senate, No. 15) of Bruce E. Tarr, Richard J. Ross and Geoff Diehl for a legislative amendment to the Constitution relative to the reform of the Executive Council. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ □ SENATE
□ , NO. 14 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

Proposal for a legislative amendment to the Constitution relative to the reform of 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. Part the Second, Chapter II, Section I, Article IX of the Constitution of the
2 Commonwealth of Massachusetts shall be amended by adding the following:

3 “The Executive Council shall, in all respects, be subject to the requirements and
4 provisions of General Laws of Massachusetts Chapter 30A §§ 18 ~ 25 (the “Open Meeting
5 Law”) as may be amended from time to time which Open Meeting Law and the Senate and the
6 House of Representatives shall undertake to do all acts to amend the Open Meeting Law
7 accordingly.

8 SECTION 2. Part the Second, Chapter II, Section I, Article IX of the Constitution of the
9 Commonwealth of Massachusetts shall be amended by adding the following:

10 "The Executive Council shall issue an "Annual Report", simultaneously, to the Governor
11 and the Joint Committee On The Judiciary of the General Court not prior to December 1 but not
12 later than December 31 annually. The Annual Report shall include, without limitation, a
13 synopsis of each vote taken by each of the members of the Executive Council, a study of its
14 organization, rules and methods of procedure and practice, the work accomplished and the
15 results produced by that system and those processes as adopted by the Executive Council from
16 time to time and a plan for implementation of recommendations by the Executive Council it
17 intends to undertake for future implementation to improve such organization, rules and methods
18 of procedure and practice.

19 The Governor and the members of the Joint Committee On The Judiciary of the General
20 Court shall have forty-five (45) days from the date of submission to each to review the Annual
21 Report and may require that the Annual Report be supplemented with additional and pertinent
22 information germane to the subject matter of the Annual Report and the Constitutional charge of
23 the Executive Council. If no comments are received by the Executive Counsel from the
24 Governor and/or the Joint Committee On The Judiciary of the General Court within the
25 expiration of said forty-five (45) day period then the Annual Report shall become final. If, within
26 said forty-five (45) day period, either the Governor or the Joint Committee On The Judiciary of
27 the General Court or both submits comments to the Executive Council causing revisions to the
28 Annual Report then the Executive Council shall have an additional thirty (30) days to revise the
29 Annual Report and re-submit such Annual Report containing said revision(s) to the Governor
30 and the Joint Committee On The Judiciary of the General Court upon which resubmission the
31 Annual Report shall become final."

32 SECTION 3. Part the Second, Chapter II, Section I, Article IX of the Constitution of the
33 Commonwealth of Massachusetts shall be amended by adding the following:

34 "The Executive Council shall establish and maintain its own official website. The content
35 of the Executive Council's website shall contain, at minimum, such information including,
36 without limitation, prior to confirmation, information on judge designates and all others seeking
37 confirmation before the Executive Council substantially similar in quality to that utilized by the
38 Executive Council in making its confirmation decisions, biographical information of each
39 Executive Council member to be updated no less frequently than immediately after the
40 administration of the oath of office of each Executive Counsel member following each biannual
41 election of its members and further, the website shall contain each Executive Council member's
42 respective voting and attendance record to be published and updated on a monthly basis. The
43 Executive Council shall also cause all records of its meetings, including, without limitation, all
44 transcripts, questionnaires and other documentation used by the Executive Council in carrying
45 out its duties along with a record of all votes taken and such other documents and records as

46 required under the Open Meeting Law to be published on its official website no later than a date
47 which is thirty (30) days after the date of such meeting and/or vote is taken unless such date is a
48 Saturday, Sunday or federal or state holiday and then the next day following on the date when
49 official business of the state is conducted in the Commonwealth of Massachusetts. Additionally,
50 the Executive Council shall cause to be published its final Annual Report (as required under
51 Section 2 above) within thirty (30) days after its submission or resubmission to the Governor and
52 the Joint Committee On The Judiciary of the General Court as the case may be.”

53 SECTION 4. This act shall take effect twelve (12) months after its passage.