SENATE DOCKET, NO. FILED ON: 1/13/2009

**SENATE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Mr. Tarr**

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*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:

An Act relative to the reform of the Executive Council.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

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| --- | --- |
| Name: | District/Address: |
| Mr. Tarr | First Essex and Middlesex |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act relative to the reform of the Executive Council.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

WHEREAS, the Executive Council was created pursuant to the Constitution of the Commonwealth of Massachusetts as adopted in 1780; and

WHEREAS, Part the Second, Chapter II, Section I, Article IX of the Constitution specifically vests in the Executive Council the power to give their advice and consent to the Governor upon said Governor's nomination of a candidate to judicial office; and

WHEREAS, the Constitution was amended by "Articles of Amendment" of which Article VIII specifically vests in the Executive Council the power to give their advice in the Governor's pardoning of offenses subject to the powers vested in both the Senate and the House of Representatives of the General Court of the Commonwealth of Massachusetts as more particularly described in said Article VIII; and

WHEREAS, pursuant to said Articles of Amendment of the Constitution, Article LXIV, Section 1, the members of the Executive Council are duly elected by the citizens of said Commonwealth; and

WHEREAS, the participation of all of the Commonwealth's citizens is critical to the function and transparency of the Executive Council and citizenry participation is further critical to affect the outcome of the process by which all candidates to judicial office in the Commonwealth are confirmed and the pardoning of offenses are issued; and

WHEREAS, in the performance of their democratic function and in the interests of fostering greater transparency and enlightenment by the citizens of the Commonwealth, they require greater access to information regarding the charge of the Executive Council vested in it pursuant to the Constitution.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Section 11A of Chapter 30A of the General Laws is hereby amended in the first paragraph by inserting after the phrase “any part thereof,” the phrase “or the Executive Council”.

SECTION 2. Chapter 30A of the General Laws is hereby amended by inserting after Section 18 the following new section:-

“Section 19. Executive Council; Annual Reports; Website

Section 19. (a) The Executive Council shall issue an "Annual Report" to the Governor and to the Joint Committee on the Judiciary not prior to December 1 but not later than December 31 of each year. The Annual Report shall include, without limitation, a synopsis of each vote taken by each of the members of the Executive Council, a study of its organization, rules and methods of procedure and practice, the work accomplished and the results produced by that system and those processes as adopted by the Executive Council from time to time and a plan for implementation of recommendations by the Executive Council it intends to undertake to improve such organization, rules and methods of procedure and practice.

The Governor shall have 45 days from the date of submission to review the Annual Report and may require that the Annual Report be supplemented with additional and pertinent information germane to the subject matter of the Annual Report and the Constitutional charge of the Executive Council. If no comments are received by the Executive Counsel from the Governor within 45 days, then the Annual Report shall become final. If, within 45 days, the Governor submits comments to the Executive Council requiring revisions to the Annual Report, then the Executive Council shall have an additional 30 days to revise the Annual Report and re-submit such revised Annual Report to the Governor and the Joint Committee on the Judiciary, after which the Annual Report shall become final.

(b) The Executive Council shall establish and maintain its own official website. The content of the Executive Council’s website shall contain, at minimum, such information including, without limitation, biographical information of each of its members to be updated no less frequently then immediately after the administration of the oath of office of each Executive Counsel member following each biannual election of its members and further, the website shall contain each Executive Council member’s respective voting record to be published and updated on a monthly basis. The Executive Council shall also cause all records of its meetings, including, without limitation, all transcripts, questionnaires and other documentation used by the Executive Council in carrying out its duties along with a record of all votes taken and such other documents and records as required under the Open Meeting Law to be published on its official website no later than a date which is 30 days after the date of such meeting or vote is taken unless such date is a Saturday, Sunday or federal or state holiday and, in that case, the next day following on the date when official business of the state is conducted in the Commonwealth of Massachusetts. Additionally, the Executive Council shall publish on its webiste its final Annual Report within 30 days after its submission or resubmission to the Governor and the Joint Committee on the Judiciary.”

SECTION 3. Section 2(b) of this act shall take effect twelve months after this passage of this act.