

## **Associated Industries of Massachusetts**

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### **'Universal Health' Ballot Question Advances - With A Key Amendment**

A ballot initiative to make health care a constitutional right for all people in Massachusetts has taken a large step toward going before the state's voters, but with an amendment proposed by A.I.M. requiring that any specific plan developed by the Legislature for achieving universal health care itself be presented to the voters for approval.

A.I.M. has assumed the leadership role in raising concerns about the proposed constitutional provision, which before it was amended consisted of a single very general sentence. We argued that this vague language, as interpreted by the courts, was likely to lead to enormous potential costs to the Commonwealth, even to the point of insolvency, together with severe disruption of a health care system that currently offers high quality, patient choice, and one of the highest rates of insurance coverage in the nation.

The action came on July 14th in a Constitutional Convention, which consists of the members of the two legislative chambers meeting jointly, chaired by the Senate President. Because the universal health proposal amendment was an initiative petition, it requires the support of only one quarter of the members of two successive Legislatures (i.e., this year's and 2005-6's) to take its place on the November 2006 ballot. That ballot is likely to include two other proposed constitutional amendments that received their first approval this year: the measure limiting the term 'marriage' to a civil union between a man and a woman and establishing an equivalent civil union status for same-sex couples, and House Speaker Finneran's plan to strengthen the state's 'rainy day' reserve fund.

A.I.M. commends legislators for their responsible statesmanship in voting overwhelmingly to add to the proposed constitutional amendment the provision requiring a ballot question vote on the actual universal health plan, should the amendment itself be adopted. While we continue to oppose introducing this vague and open-ended language into the Constitution of the Commonwealth, we believe that some of its potential dangers may be lessened by further recourse to the voters before a specific plan takes effect.

Because any such plan is likely to involve not only a substantial recasting of the health insurance and health care systems, affecting all residents of Massachusetts, but also additional burdens on taxpayers, significant trade-offs involving other government programs and services, and major implications for

the state's business climate, we believe that voter approval of the actual plan is essential - and far more meaningful than the initial vote on vague generalities. Without the popular vote provision in the amendment, moreover, the resulting plan would almost inevitably face a later vote in the form of a referendum by initiative petition on the statute. (In a referendum, a majority 'yes' vote is required to keep the law on the books.) Repeal of the law once reform was under way, as nearly occurred six years ago with the electric industry restructuring act, would mean 'unscrambling the eggs' and then, with the constitutional mandate still in place, trying again - surely throwing the health care system into chaos.

Finally, we believe that a popular vote could increase the probability that the legislative plan would be accepted by the Supreme Judicial Court as a fulfillment of the new constitutional mandate.

A.I.M. thanks the legislators who supported the amendment to the proposal - at least three-quarters of the members, in a voice vote - and more specifically the 41 who were then courageous enough to record themselves against what remains a seductive but dangerous measure. Particular recognition is due the sponsors of the amendment: Senator Richard T. Moore (D-Uxbridge), whose standing as the respected Senate Chair of the Joint Committee on Health Care enhanced its credibility; and Senator Susan C. Tucker (D-Andover), Senate Chair of the Joint Committee on Human Services and Elderly Affairs, who spoke eloquently in support of it.

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