

STATE HOUSE 
NEWS SERVICE

CONSTITUTIONAL CONVENTION - TUESDAY, JAN. 2, 2006

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RETURNS: The convention returned at 5:23 pm, President Travaglini presiding.

HEALTH CARE AMENDMENT: There was no objection to taking out of turn item 3 on page 10, an initiative petition relative to the provision of health care.

Sen. Tolman said, Back in July they didn't think we were going to get this opportunity. But today we celebrate the great job the House and the Senate did putting together I believe it's chapter 52 on health care for all the residents. In that same vein, we have an amendment before us which is very specific to that same common goal. And I'm going to read it to you. The senator then read the amendment, which called it the obligation and the duty of the Legislature. This will ensure that no resident lacks comprehensive and adequately financed coverage, including prescription drug and other devices. We have an opportunity to take that very question and put it before the people for a vote. We are saying we are committed to health care.

The chair interrupted the senator and said, I presume the intent of the speaker is to discharge the bill from committee. Would you make a motion?

The senator asked unanimous consent to move the bill out of committee. We already did that.

The chair said, No, we have not. But we will do so at your request.

The senator said, So moved, Mr. President.

The president said there would be a two-thirds vote required and 15 minutes of debate.

Sen. Tolman said, We need two thirds to move this amendment forward, and it would provide - it's an ally of Chapter 52 which we passed. If we pass this amendment, you can rest assured we are on the move to assure that there will be equitable financed health care. We have to find a better way of providing health care. It's a roll call anyway, so it's all set.

Sen. Moore said, I hope the committee is not discharged. This Legislature produced what has been called by the secretary of health and human services in Washington a landmark. Many other states are copying the ideas. The plan that has been enacted by the legislature is now being implemented. We are in fact producing some further changes to this legislation. I expect some further

tinkering. Until we get it where we feel more comfortable, it would be premature to adopt this as a constitutional amendment. Even more important is to what role the federal government will play. We cannot do it alone, we've said that from the beginning. We do need the continued involvement of the federal government. We have reports from the incoming administration of a potential billion-plus deficit, if that's accurate. My concern is that because the language is there it would present many opportunities for litigation because someone doesn't get a certain level of care they think is important. I would hope that we would not take action on this time, that we leave the matter on the special committee of the convention, to make sure that this is something where the formula would work. I think the people are happy, from the polls that have been taken. I would hope that member would continue to place faith in the work of themselves and their new colleagues tomorrow.

Rep. Walrath said, There's certainly concern about whether or not this amendment is ready to be adopted. The amendment itself would require that it be the obligation of the Legislature to enact and implement laws to ensure that no resident lacks coverage. I think the argument the Senate chair put before us are a reason we have to look at this again. The amendment is quite broad and it's worded such that I'm sure the actual interpretation would be determined by the court. If a change would be needed, the complexity of health care almost guarantees that there need to be some changes. If it were a constitutional amendment, that would be four years before a change could take place. We've had progress large and small. There are certainly a lot of uncertainties here. And with the bill certainly the best in the nation, I think we should do our very best to make sure that that works.

Sen. Jehlen said, I want to compare the recent action on health care reform to the years we spent trying to reform education. We would change the formula, we would change the requirements. It was only in 1993 that we maintained the commitment. Even with the guarantee, we slipped back during bad times. I believe the constitutional right is a good idea and would provide a backstop and would enable us to maintain our commitment. This is a procedural vote, to get it out of committee.

Sen. Montigny said, I know the time is short, but there should be some commendation. I think it is appropriate to say we've done great things. But as someone who's been involved in most major health care expansions and minor ones over the last few years here, we have all failed. We spend more money than any state in the country and we still have thousands of people uninsured. If I polled everyone in this room, I believe they would put health care at the top of the list in terms of concerns expressed to them by their constituents. There were smiles today at the announcement it would take two-thirds because everyone knows that will be difficult.

I'll just conclude by thanking you for the podium and imploring my colleagues to vote the matter out of the committee.

Sen. Tolman said, You know, earlier today we passed an amendment to put

before the public. Amendment's very controversial. But the fact is we're putting it before the public. The court ruled that the members of the joint session have a constitutional duty to vote the yeas and nays on the merits of all pending initiative petitions. We're not asking you to vote on the actual health care amendment. What I'm asking you to do is discharge the bill out of committee.

At 5:43 pm, the clerk began calling the roll.

BY A VOTE OF 92-101, AMENDMENT NOT REPORTED OUT OF COMMITTEE.

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ADJOURNS: The convention adjourned at 5:56 pm.