

LAWMAKERS NIX PETITION GUARANTEEING HEALTH CARE ACCESS

By Jim O'Sullivan and Priscilla Yeon
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STATE HOUSE, BOSTON, JAN. 2, 2007....An effort to enshrine in the state constitution guarantees of affordable and comprehensive health coverage died in the Legislature Tuesday, with legislators reluctant to impose statutory prods on themselves while they experiment with a first-in-the-nation law.

Lawmakers voted, by a count of 101 to 92, to keep bottled in a special committee the citizen-driven amendment, which advocates said would have anchored the moves toward universal health care contained in a landmark reform law passed last year.

The petition, had it been approved, would have been marked as a referendum on the 2008 ballot, because the Legislature voted to advance it during the 2003-2004 Constitutional Convention.

Disappointed activists said legislators, who earlier had voted to advance a petition banning gay marriage that had followed the same channels, were ignoring their constitutional obligations. Health Care For Massachusetts Campaign co-chair Barbara Roop said, "It's very sad that the Legislature feel they have the choice to obey the Constitution whenever it's convenient to them."

By keeping the plan in committee, lawmakers today avoided a vote on the question itself, which was put before state government with the signatures of tens of thousands of supporters.

Asked if officials from Health Care for Massachusetts planned to continue pursuing the pending lawsuit filed with the Supreme Judicial Court requesting the Legislature to vote on the amendment today or place the petition before the voters on the 2008 ballot, Roop said she is reviewing all the options available.

"It's certainly not an easy suit to pursue," she said, pointing to the recent SJC ruling, arising from the gay marriage petition battle, that there is no judicial remedy to enforce a vote even though legislators have a constitutional duty to vote on citizen petitions.

Two of the authors of the milestone health care expansion - Sen. Richard Moore (D-Uxbridge) and Rep. Patricia Walrath (D-Stow) - spoke against the measure during the convention, urging lawmakers to allow its implementation before putting it to a popular vote

Moore and Walrath lead the committee that had custody of the petition. Walrath said that the adoption of the constitutional amendment would restrict legislators from quickly making inevitable tweaks to the reform, forcing them instead to adhere to the difficult constitutional amendment process, which takes at least four years.

"Do we really want to subject each legislative move to improve health care coverage to a

statewide referendum?" Walrath said during her floor speech.

By a 153-41 vote in a July 2004 Constitutional Convention session, nearly two years before the health care reform became law, House and Senate members advanced the measure. But in July 2006, lawmakers voted 118 to 76 to reroute the proposal to a special committee of the Constitutional Convention, a step supporters acknowledged represented a serious blow to the petition's chances.

That step pushed the petition beyond the reach of the November ballot, and when the Constitutional Convention returned two days after the election, it was with the universal health care amendment buried at the bottom of the calendar.

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