

Beacon Hill Byline by Mary Rogeness

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Legislative Wrap-Up

July is the month it all comes together at the State House. The constitutional convention, the budget, the roll call votes. And finally, because 2002 is the last year of a legislative session, the last night for formal votes by the legislature. This is what has happened so far this month.

The week ended with enactment of the budget and approval of tax increases of over \$1.1 billion. Previous Bylines have written about the budget, and I will write more after the vetoes and overrides provide a clear picture for the coming year. Today I will discuss first excitement of the week, the constitutional convention.

The constitutional convention is an oddity of Massachusetts law. Our state constitution, unlike the federal document, is easily amended as is demonstrated by the 78 pages of amendments to the original 42-page document. Any proposal for change comes before a joint session of the house and senate convened as the constitutional convention, familiarly known in Boston as the con-con. The following three amendments were proposed this year alone.

1. A change in the status of a lieutenant governor who succeeds to the governorship. She would become actual (instead of Acting) governor. She would also gain the authority to nominate a new lieutenant governor.
2. A popular vote on retention of judges after they have served for six years.
3. A voter initiative known as the Protection of Marriage Amendment, POMA.

The amendments would be placed on the ballot for voter approval if acted on by the con-con. The first proposal is generally accepted as necessary for improved government. The second would remove judicial independence that is a hallmark of our constitution, but it drew little outside interest compared with the third proposal.

Last Wednesday, the last chance for action, activists filled the State House looking for support on the voter initiative. Our constitution requires the legislature to vote on a voter-initiated amendment, which must have the support of 50 legislators in order to advance toward the ballot.

Proposed by voter initiative, it came to the con-con endorsed by more than 100,000 voters. They petitioned to place an amendment on the 2004 ballot denying the benefits “exclusive to marriage” to unmarried persons and defining marriage as between a man and a woman. Supporters are trying to limit government recognition of domestic partnerships, and opponents claim the amendment goes far beyond the definition of marriage, threatening civil rights of their families.

The majority of legislators opposed the amendment, but the constitution requires endorsement by only one fourth of the membership in order to place an amendment on the ballot. That hurdle might have been surmounted. A simple majority, however, does have the authority to adjourn, and adjournment was the only action taken by the convention. In voting not to adjourn, I angered some opponents of the amendment; in stating my opposition to the amendment, I angered some supporters.

I believe the supporters, having qualified their petition to be placed before the legislature, were entitled to a response, not necessarily to approval. What do you think? Let me know by sending e-mail to Mary@Rogeness.com.