

Advances - Week of July 3, 2022

As the calendar turns to the session's final month of formal meetings, House and Senate Democrats are growing more mindful that in addition to their own desire, or unwillingness, to compromise, time is also now becoming a potential enemy of the substantial work product they've left to the proverbial last minute. It's not just about getting the big bills to Gov. Charlie Baker's desk by midnight on July 31 - don't forget the final formals could occur on a Saturday and Sunday this year. In order for the major new laws they're creating to look the way they want them to, Democrats are sizing up the potential for gubernatorial amendments and vetoes, and the impacts of dilatory tactics allowed in the Senate, to muck up their plans. The governor gets ten days to review bills, and in some cases could send legislation back with amendments, and then take more time before vetoing the final product if it comes back in a form not to his liking. For instance, in December 2020, during extended formal sessions, it took the Legislature 25 days to overcome Baker's amendments to the ROE Act and his subsequent veto of that bill.

By and large, Baker during his long tenure has been willing to go along with most major bills steered to him. However, the governor, whose cooperation Democrats may need on some initiatives, has had some sharp disagreements with the Legislature. He recently vetoed the bill authorizing driver's licenses for undocumented immigrants, for instance, and in 2021 vetoed a sweeping climate roadmap bill after the last session expired. But Baker is also looking for his own policy wins in July, including a bill to make it easier for police and the courts to detain criminal defendants deemed a risk to the community. The point in the session is fast approaching when Beacon Hill powerbrokers can [mix and match and make deals](#). Asked last November if he could possibly trade a vote on sports betting in the Senate for consideration of Senate President Karen Spilka's mental health bill, House Speaker Ron Mariano said: "I have seen things traded, so there's always an opportunity for discussion, and whether it be those two things for each other or something else for something else, listen, it goes on and certainly I'm happy to talk about any of this stuff with her." To avoid any risk that Baker can stand in their way, lawmakers may want to get controversial proposals to his desk in the first half of the month. After that, risks rise for them, and that's not even taking into account the

possibility that Democrats may not be able to agree among themselves on major matters. They've proven that on numerous occasions. Four years ago talks on major health care and education proposals collapsed in late July. Legislative leaders this year also need to refresh their approach to the July deadline, since two years ago they took the rare step during the teeth of the pandemic to extend formal sessions through 2020. Spilka was just stepping into her role as president in late July 2018, and Mariano was majority leader then.

It's shaping up as a fascinating month, with action possible on energy and climate policies, sports betting, mental health, and marijuana policies that are already before six-member conference committees. Infrastructure spending, economic development and tax relief bills face a longer journey, but are still expected to reach the governor. There's also the case of another overdue state budget. In four of the last five years, budget accords were struck in July, and that's a safe bet this year as well since the budget is not going to get kicked into the five-month informal session stretch that begins in August and runs up until a new Legislature is seated in January. The House has scheduled as many as three formal sessions next week, an indication that leaders may feel a budget deal is close. What makes July really chaotic though is the late introduction of major new bills to the mix. The Senate, for instance, plans to pass a sweeping early education bill (S 2973) on Thursday, even though House leaders appear reticent about tackling another major commitment with so little time remaining on the clock. That's another point about this stage of the session: it's the time when lawmakers start suggesting there's not enough time to do important things, conveniently not mentioning that most bills have been hung up in or idling in committees for about 18 months. One bill that may be on the Senate scheduling fast track arrived from the House this week and represents a comprehensive reproductive rights response to the Supreme Court's rolling back of Roe v. Wade.

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It's not even close to the big deadline of July 31, but people throughout state government are feeling the pressure, and most of it has nothing to do with all of the major bills they've spent months trying to assemble for final votes.

A blockbuster has lawmakers researching changes to potentially unconstitutional state gun laws. The expected overturning of Roe v. Wade on Friday threw abortion laws back into play, although access to legal abortion remains in Massachusetts under its own state laws. The MBTA is facing down federal intervention and trying to ward it off with a hiring blitz intended to tamp down safety worries. Boston Mayor Michelle Wu is trying to prevent a state takeover of the Boston public schools, which the state education commissioner is ready to slap with the underperforming label. And on Beacon Hill, an annual state budget is due by Friday, but it's looking like it may not be in place on time again, not that lawmakers or Gov. Charlie Baker are too concerned about it. And budget writers are mindful that, following an economic contraction in the first quarter, next week's end of the second quarter could mean a recession is already underway. Even if a budget accord is reached next week, a budget law seems unlikely to be in place on July 1 since the governor gets 10 days to review the nearly \$50 billion plan and offers his amendments and vetoes. It's more likely that the Legislature will approve an interim budget to prevent any lapses in government services in July while they work with the governor on a final annual budget. The six-person budget conference is one of six conference committee panels that are actively working toward compromise bills, with the other five working on a climate and energy bill, marijuana industry reforms, bills to expand access to mental health, a sports betting legalization plan, and improvements at the state's two long-term care homes for veterans.

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If legislators could get the state budget done on time, it would free up a lot of energy to focus on the significant remaining workload that awaits before formal sessions come to an end on July 31, and campaign season heats up. But that's a big if. In each of Gov. Charlie Baker's first seven years on the job, he filed an interim budget somewhere between June 19 and June 22 to keep state government running and give Democrats more time to produce a final annual budget. And they've taken that time to extend their talks often well into the

new fiscal year, which begins July 1. Extended budget talks in a Legislature where power is centralized can pull decision-makers away from other priorities. Time-sensitive infrastructure and economic development bills have yet to surface in either branch, but they will. And Democrats are also known for, whether intentionally or not, rushing bills through the branches with no notice or debate at the eleventh hour. The House and Senate have each approved major bills addressing marijuana industry rules, climate policies and emission reductions, sports betting, and oversight of the state's two long-term care homes for veterans. Agreements on any of those bills could be struck at any time, or be put off until the negotiators are forced to move by the finality of a deadline. Ballot question supporters and opponents are also at a critical juncture. Opponents of a constitutional amendment imposing an income surtax on wealthy households are awaiting a Supreme Judicial Court ruling that could alter how that proposal is described to voters this election season. And if the Legislature has any plans to step in and pass alternatives to initiative petitions proposing new alcohol licensing rules and mandates on the dental care industry, they have to do so soon. Those campaigns must file a second required round of signatures at the local level by Wednesday and the questions will be locked into the ballot by early next month. In addition, Governor Baker will be making the final decisions on election reform and road and bridge funding bills that were pushed to his desk this week. He is expected to sign both, but amendments are always possible.