

# CIVITAS INSTITUTE General Assembly Update

Reports From The Civitas Legislative Staff



May 23, 2007

## Marriage Amendment Blocked

For four years an effort to change North Carolina's Constitution to protect the institution of marriage has languished in legislative purgatory at the General Assembly. Blocked by legislative leaders from even being heard in a committee, the marriage amendment has not seen the light of day in Raleigh despite being sponsored in the House by a majority of members this session. On Tuesday, May 22nd, The Defense of Marriage Act (HB 493) made a brief appearance in the House Rules Committee.

With the bill crossover deadline approaching on Thursday, May 24th, bill sponsors Representatives Tim Moore (R-Cleveland) and Linda Johnson (R-Cabarrus) managed to get the bill paroled from the Jones Street dungeon by parliamentary maneuver and placed on the calendar in the Rules Committee. Set in a small meeting room, the occasion attracted a sellout crowd of lawmakers, lobbyists, Christian conservatives, gay rights activists and reporters.

Representative Moore let the committee members know in clear language that a vote to move the bill anywhere but to the floor of the House was a vote to kill the bill. Former Speaker Harold Brubaker (R-Randolph) warned the whole committee and the House leadership in particular, that blocking the bill could result in a delay of floor votes by having each bill being objected to during third reading, which would cause additional delays and threaten the bills passage with the crossover deadline.

Despite the warnings from the conservatives, House Majority Leader Hugh Holliman (D-Davidson) made a motion to refer the bill to the House Judiciary I Committee where it would likely die without a recorded vote. Representative Louis Pate (R-Wayne) requested that the vote on the motion be recorded. After a tense round of counting votes, Holliman's motion failed on a vote of 10 to 14. Three Democrats broke party ranks and voted against the motion, Representatives Dewey Hill (D-Duplin), Doug Yongue (D-Scotland) and Jim Crawford (D-Granville).

Committee Chairman Representative Bill Owens (D-Pasquotank) appeared to be surprised by the vote and immediately called a brief recess. During the recess, runners were dispatched to round up the six members of the committee that had missed the vote: Representatives Paul Luebke (D-Durham), Jennifer Weiss (D-Wake), Dan Blue (D-Wake), Nelson Cole (D-Rockingham), Jim Harrell (D-Surry), and Danny McComas (R-New Hanover). Owens also stepped out into the hallway to consult House leadership via his cell phone to figure out a strategy. When the committee reconvened, and a few of the missing members trickled in, the headcount revealed that the vote would not be any different if it was taken again, which prompted Owens to admit he would be open to a motion to report the bill without prejudice to the full House. The motion was made by Representative Brubaker and passed on a voice vote without opposition. After four years, it appeared the bill was headed for a floor vote.

The bill's supporters were elated that the marriage amendment had finally reached such an important milestone. Gay rights advocates were dismayed by the lack of any opposition on the final voice vote.

Celebrations on the bill's advancement were premature, however, as House Speaker Joe Hackney (D-Orange) had no intention of letting the bill receive an up or down vote on the House floor. At the end of Tuesday's floor session, he did what the Rules Committee could not do. He single-handedly killed the bill by re-referring it to the House Judiciary I Committee where it is unlikely to be voted out by the crossover deadline. Hackney was quoted in the press saying, "I said at the beginning of the session that we will control the agenda, and that's what we will do."

Early coverage on the speakership of Joe Hackney was replete with press articles that attempted to portray him as a newly minted moderate who wanted to bring sunshine and openness back to the legislature, by having honest debate on issues of concern to the people of North Carolina. However, Hackney's unilateral decision to deny the body a vote on a bill that a majority of the members have co-sponsored harkens back to previous House leadership regimes that wielded dictatorial powers to block popular legislation. Hackney's earlier promise of openness apparently was only good as long as the House did not move legislation he deemed a political liability for his party.

Jeff Mixon  
Legislative Analyst



225 Hillsborough St., Suite 130  
Raleigh, N.C. 27603  
919-834-2099 (voice)  
919-834-2350 (fax)  
[www.jwpcivitasinstitute.org](http://www.jwpcivitasinstitute.org)