



COMMENTARY

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PAR SAYS IT'S TIME TO UPDATE CONSTITUTION

It will soon be 30 years since Louisiana's last unlimited constitutional convention convened. The resulting document, the 1974 Constitution, was truly revolutionary. It completely rewrote the 1921 Constitution, the second longest in the nation. The old document, bloated with 536 amendments, was filled with the most minute details governing operations of the state and its local governments.

The 1973 convention not only pared down the constitution from 255,000 to 35,000 words, but made landmark changes, as well, in government organization, local self governance, public finance and other areas. While many of these changes were very positive, some of them catered to the baser political instincts of the voter—particularly in the area of taxation. By severely limiting the use of certain taxes, the new constitution placed the state and local governments in a fiscal box with a lop-sided, slow-growth tax structure.

Some of the changes simply fell short. For example, instead of limiting the statewide elected officials to a reasonable number, the new constitution simply allowed the Legislature to make four of them appointive at its discretion. Three of these much-abused positions remain elective today despite criminal convictions of five incumbents. The convention failed to select an integrated administrative structure for higher education. Instead, it gave voters a choice. Once again, the electorate demonstrated its odd preference for fragmented (and innately less effective) government.

(MORE)

PAR Says, Add One

While the 1974 Constitution was a tremendous improvement over the 1921 version, it still left something to be desired. Since its adoption, the state's 11th constitution has been amended 105 times. While some state constitutions have remained essentially unchanged for 200 years, Louisiana has developed a tendency to turn its "basic law" into a collection of glorified statutes.

Some of these recent amendments have produced important fiscal reforms. Others have provided benefits or protections for very narrow special interests, security for special funding arrangements and even more limits on fiscal flexibility. The two-thirds legislative vote requirement to increase fees is an example of the latter.

One recent amendment to protect \$140 million in annual tobacco settlement payments (1% of the state budget) added detailed wording equal to one-tenth of the original 1974 constitution. Another amendment allowed the state to give local governments used asphalt. As one critic commented, the word "asphalt" does not belong in a state constitution.

An imperfect document to begin with, the Louisiana Constitution has been patched and expanded like an old inner tube. A generation has passed since the last review, and it is time to let a new generation re-examine the concepts that serve as the foundation for Louisiana's government. It is time to see if Louisiana citizens are ready to discard some of the outworn ideas of the past and to finish the job of modernizing their state and local governments.

Optimally, from PAR's perspective, a convention would produce a much leaner, concise statement of basic law that would, among other things, provide:

- a broad-based, balanced, fair and growth-oriented state tax structure
- greater fiscal flexibility for local governments
- a more streamlined state organization structure
- fewer elected state officials
- a single board for higher education
- a reduction in the dedication provisions
- a reformulation of state civil service into a modern personnel system

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PAR Says, Add Two

There is, of course, no guarantee that PAR's perspective would entirely, or even partly, win the day in a wide-open convention. To the contrary, a convention might produce a document even more verbose, restrictive, inflexible and protectionist than the existing constitution. Of course, the public would not have to approve it.

The important thing is that a constitutional convention offers a rare opportunity to take a comprehensive look at the state's basic law, discuss reform ideas and test the voters' readiness to accept change. The more contentious issues and persistent problems facing the state in recent years all require constitutional solutions. The convention would be well worth the cost.