



## **Our Views: Louisiana passion for amendments**

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Voters who go to the polls on Sept. 30 will confront 13 proposed amendments to the state's constitution. Some will regard this as an unlucky number, but even those of us who aren't superstitious may see the long list of amendments on the upcoming ballot as an improvident thing.

Louisiana has a long history of tedious tinkering with its constitution. An additional eight proposed constitutional amendments will appear on the Nov. 7 ballot, making 2006 the year with the largest number of proposed changes to the state's existing constitution, according to the Public Affairs Research Council of Louisiana, or PAR.

Constitutions are supposed to establish broad principles of governance and leave smaller details to statutes made by lawmakers. Under this arrangement, as the theory goes, the public enjoys durable constitutional protections, yet has the flexibility, through the laws made by its representatives, to make necessary adjustments in the fine print of government as times evolve.

Law in the constitution carries greater weight because it is approved directly by voters and is less easily changed than the statutory law made during each session of the Legislature.

Given Louisiana's colorful political history, voters are understandably skeptical about the prospect that legislators will serve the public interest when making laws each year. That is one reason, perhaps, for the frequent impulse to safeguard matters large and small by putting them in the state constitution, where they are more immune from each year's changing political winds.

But the practice of frequently amending the state's constitution has costs, too. For one thing, the very act of amending the constitution tends to breed even more amendments. A case in point is the embodiment of so much law regarding Louisiana's homestead

exemption tax policy within the constitution. As a result, any minor change in homestead exemption law must usually be done through constitutional amendment. Not surprisingly, there are two proposed constitutional amendments on the Sept. 30 ballot dealing with relative minutiae of homestead exemption law — provisions that seem better suited to statutory rather than constitutional law.

As each year's approved amendments accumulate like barnacles on the state's constitution, it becomes more unwieldy and makes government less adaptable to changing circumstances. That sort of rigidity is not always helpful for a state trying to grow into the 21st century.

Historically, when state constitutions become overly complex, Louisiana residents have replaced them with more streamlined versions. The state leads the nation in the number of constitutions it has adopted, and Louisiana has been the most prolific in adopting amendments, according to PAR.

Louisiana's previous constitution started out at just under 50,000 words when it was adopted in 1921, but it was amended 536 times over the years and grew to more than 255,000 words. Voters finally threw up their hands in 1970, giving a thumbs-down to all 53 proposed amendments on that year's ballot.

In 1973, the state held a constitutional convention and crafted a new constitution that was about 35,000 words after much of the old constitutional detail was moved to the statutes. Since then, according to PAR, another 189 amendments have been proposed, of which 127 have been adopted.

Has the time now come for another constitutional convention to streamline the constitution yet again?

Whatever one thinks of that idea, it seems that any new state constitution, however economized, will only fall prey to subsequent complication if Louisiana keeps to its old habits of frequent amendment.

“A comprehensive review of the constitution may be in order, particularly since the last thorough overhaul occurred more than 30 years ago,” PAR noted in its recent guide to the Sept. 30 constitutional amendments.

“However, unless the state is ready to accept the concept of a constitution as fundamental law and place greater trust and responsibility in the Legislature to deal with the details of government, the proliferation of law by amendment is likely to continue.”

Greater trust in the Legislature does not seem likely in the near future in Louisiana. Trust, after all, must be earned, and we do not see sufficient evidence that collectively, lawmakers are meeting that standard.

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