

Constitution changes going to voters

7 amendments have drawn little notice

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By Ed Anderson

This is the first in a series of stories looking at the seven proposed constitutional amendments on the Nov. 4 ballot.

BATON ROUGE -- When voters go to the polls Nov. 4, they will be greeted by seven little-heralded proposed changes to the state Constitution, including ones to limit the terms of 10 state boards, require the governor to give lawmakers more notice of a special session, and authorize a temporary replacement to fill a legislator's seat if the incumbent is called to military duty for at least 180 days.

None has gotten much attention or debate although the term limits proposal is considered the marquee item among the seven.

"There has not been a riot in the streets" calling for passage or defeat of any of the seven, said Jim Brandt, president of the Public Affairs Research Council, a Baton Rouge nonpartisan think tank that has analyzed the proposals but has not taken a stand on them. "People can relate to that (term limits) more easily; the others are pretty obscure and are not going to generate a lot of attention."

Brandt said that in the past four years, voters have "been in a very trusting mood," passing 29 of 30 amendments placed before them.

Sen. John Alario, D-Westwego, a veteran of the Legislature, said he does not see voters passing up a chance to again limit terms of public officials as they did in 1995 by voting for a three-term limit on legislators.

"I would be surprised if the people vote against anything that says 'term limits,' " Alario said. "I think the people are ahead of us (politicians) on this one."

The 10 boards that would be affected are the ones spelled out in the Constitution, including the Public Service Commission, the state Board of Elementary and Secondary Education, and the appointed boards that oversee higher education, the forest industry and state civil service systems.

The amendment would limit the members of the boards to no more than 2 1/2 consecutive terms in a three-term period.

It would not immediately affect those who have already served one or more terms, said Sen. Willie Mount, D-Lake Charles, the sponsor of the proposal, but it would "start the clock running" after the measure goes into effect.

Mount's measure also would ban "board-jumping" by barring any member who has "maxed out" in terms on one board from immediately going to another one. The term-limited official would have to wait at least two years before seeking election or appointment to one of the other nine boards.

Mount said the proposal is needed to give more people "an opportunity to participate" in government and bring fresh ideas to the boards and commissions. She said she did not hear any opposition to the measure during the session and still has not.

PSC member Foster Campbell, a former longtime north Louisiana state senator who voted for the three-term limit for legislators, called the proposal "petty" because it hits at least eight boards that are wholly appointed.

He said if Mount wanted to make an impact, the measure should limit the terms of local officials such as police jurors, assessors and school board members.

So far, the main opposition to the measure has come from the Bureau of Governmental Research, a nonpartisan New Orleans policy organization. "The proposed constitutional amendment goes far beyond other blanket term limit provisions in that it prevents a holder of one office or position from immediately holding another," the analysis said. "The proponents . . . have not offered a credible argument for this provision and BGR has not been able to identify one. BGR is not aware of any state law like the one proposed.

"The proposed amendment is poorly conceived and overly broad."

However, the Council for a Better Louisiana, which historically has not taken a stand on term limits, has endorsed the proposal. "CABL believes term limits for boards and commissions are worthy of support to inject new people with new ideas into public service," council President Barry Erwin said.

He said the proposal will "likely have only a limited impact on appointed boards since new governors tend to make their own appointments," and still allows elected or appointed board members to serve 12 to 18 years.

--- Amendment 2 ---

This proposal, shepherded through the legislative session by Sen. Robert Adley, R-Benton, would increase the number of days' notice the governor must give lawmakers before a special session can start, from five days to seven calendar days.

PAR's analysis said the language in law now is vague on whether the five-day notice is calendar days, business days or 24-hour periods. The analysis said the proposed change would "eliminate confusion" by spelling out the time frame.

CABL's Erwin said that although "not a major issue, and perhaps not necessary," the proposal should be passed. He said the measure adds clarity to existing law and gives lawmakers and the public "a little more time to digest and understand issues to be debated" at special sessions.

The BGR report said the amendment should be rejected because it may "unnecessarily impede the Legislature's ability to act in true emergency circumstances." It also said the measure is "too insignificant to warrant a constitutional amendment" and any problem over when a session should be called can be resolved with better dialogue between the governor and Legislature.

--- Amendment 3 ---

The proposal, sponsored by Rep. Nick Lorusso, R-New Orleans, would allow the House speaker or Senate president to name a temporary legislator to fill a seat when the incumbent is called up for active military duty for at least 180 days. Lorusso, a lieutenant colonel in the Army Reserves, has been called up for a year of military duty starting in February

Under the plan, the lawmaker who has been activated would nominate three individuals -- who must meet the same qualifications as the elected lawmaker and not be related to the elected legislator, Lorusso said. A House or Senate committee would hold hearings to recommend one of the three to the speaker or

president, who would then select one. The interim lawmaker could not run for the seat if serving in the job when qualifying for a new term opens, Lorusso said.

The interim lawmaker would get the legislator's pay and benefits while he or she is serving in the military.

BGR also opposed the Lorusso measure, saying that the rights of the voters to choose a replacement for the absent legislator trumps the incumbent's desire to hold the seat. "The responsible course of action for a legislator called to extended military duty is to resign," the BGR study said.

Erwin said that CABL also backs this proposal, although citizens could be represented by someone they did not elect. He said making legislative appointments to fill a seat created by a military call-up "is not something that will happen often, but CABL believes citizens should continue to have representation and the benefit of constituent services" while an incumbent is away on military duty.