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From the Los Angeles Times
Editorial

A new California Constitution?

California lawmakers and an activist group confront the state's political stalemate by suggesting starting from scratch.

December 9, 2008

Last week, on the first day of the new legislative year, with both parties still circling the previous session's unfinished budget business, lawmakers put out a cry for help. Republican Assemblyman Sam Blakeslee of San Luis Obispo and Democratic Sen. Mark DeSaulnier of Contra Costa County each introduced resolutions calling for a California constitutional convention.

Their sentiment goes something like this: California has had enough, already, of the jerry-rigged districts and restrictive constitutional mandates that have gummed up state government's no-longer-moving parts. Plan A for California -- government by voter tantrum, legislation by fundraiser, budgeting by daydream -- has served the state poorly, to say the least. So why not Plan B?

In August, the business/good-government group known as the Bay Area Council called for a convention and is planning a Sacramento summit for next year to discuss how to proceed; it may seek an initiative that bypasses the Legislature entirely. The Blakeslee and DeSaulnier resolutions would require a two-thirds vote of each house, then a statewide ballot measure and, if that passes, a convention that would rewrite the state Constitution. To take effect, the document would have to go back to voters. The thrust of each effort is that it is now time to rip California apart and start over from scratch.

Imagine a world without mandatory minimum budgeting for schools -- or perhaps an even higher mandatory minimum. Sweep away Proposition 13 -- or extend the tax-revolt spirit to sales and income taxes. Could a convention produce a new Constitution that does away with Proposition 8, the controversial November initiative banning gay marriage? It could.

That's the risk of a constitutional convention. With everything on the table, the same interest groups that today fight tooth and nail over a budget resolution or a ballot measure can be expected to do battle even more vociferously over an entirely new Constitution.

Blakeslee's resolution guards against that prospect by limiting the proposed convention's scope to three areas: campaign, tax and budget reform. DeSaulnier's, as currently drafted, would put everything on the table, but the senator said he expected it to be narrowed as it moved through the Capitol. The Bay Area Council may also confine itself to set topics, but its approach may solidify after its summit.

Or, in theory, as a fitting example of California's dysfunction, there could be dueling conventions. To avoid that fiasco, the various convention planners must agree from the start to sacrifice some of the items on their own wish lists for the greater good of the state. That's not a bad guiding principle, in the meantime, for the less exciting work of adopting a workable budget.

CONTRA COSTA TIMES

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DeSaulnier: Constitutional convention would fix state's problems

By Steven Harmon MediaNews Sacramento Bureau

Posted: 12/08/2008 05:32:32 PM PST

Updated: 12/08/2008 06:11:12 PM PST

SACRAMENTO — The one issue that has broad consensus in the Capitol is that state government isn't working.

Everything else is up for debate, subject to hard ideological boundaries and harsher structural realities such as strict funding formulas and near-impossible legislative hurdles, such as a two-thirds vote requirement for budgets and taxes.

Into this morass, Sen. Mark DeSaulnier, D-Concord, is offering a solution that's bound to raise the hackles of interest groups and partisan chieftains who thrive on governmental dysfunction. It's a resolution calling for the state's first constitutional convention since 1878.

His resolution, SCR 3, is open-ended and vague — calling for a constitutional convention without specifying what it is he wants to reform — leaving enough room for all factions to weigh in. A constitutional convention can address the whole constitution or parts of it, depending on the political will of delegates chosen to fix the core laws and principles that guide the state.

Delegates typically are chosen outside of government to remove appearances of legislative or executive interference and would likely meet in a series of hearings during a period of what could be

years before arriving at a product that would ultimately have to be approved by voters.

"I deliberately made it as open as possible because that's where we should start," said DeSaulnier, who introduced the measure as his first act once he was sworn in to the Senate last week. "I understand the dangers and limitations of a constitutional convention. By starting with anything but a blank slate, people would criticize and say you're trying to control the process."

Legislative approval of a constitutional convention would require a two-thirds vote, which would then have to be ratified by California voters. To get there, lawmakers will have to wade through a whole raft of contentious issues to decide what would be included — no small feat. In fact, most observers believe that as long as core issues such as taxes and budgets are involved, the less likely the Legislature would be able to come together for a supermajority vote.

DeSaulnier believes, however, that there are a handful of critical areas that need to be addressed to improve government, including the way the state finances public services and how taxes are raised. He also said he would like to reform the initiative process, which he compared to the Winchester House, "where you're adding rooms, but there are no connecting hallways."

"We have to look at everything — it's not a time for incremental change," he said. "But I'm not naive about how difficult this is."

DeSaulnier isn't a lone voice in advocating for a structural overhaul of the state's constitution. Assemblyman Sam Blakeslee, R-San Luis Obispo, has his own constitutional convention measure, AB4, which lays out who would be eligible to serve as a delegate.

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"That's a wonderful thing," DeSaulnier said. "Sam has the ability to move people in his own caucus. It gives me the feeling we might get some Republican votes on this."

A growing number of groups outside of the Capitol are also looking into putting the issue directly on the ballot.

"It may take a constitutional convention to rechart the course for California — and it is badly off course," said Jim Wunderman, CEO of the Bay Area Council, a business group involved in legislative issues. "If the Legislature doesn't move on this, we could do this through the public process. This is about people who do have ideological differences but are willing to make reasonable sacrifices to achieve a greater good for society."

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THE SACRAMENTO BEE sacbee.com

This story is taken from Sacbee / Capitol and California / Dan Walters

Dan Walters: California fiscal crisis spurs push for reform

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Published Sunday, Nov. 30, 2008

If there is a silver lining in California's prolonged budget crisis, it's a new awareness that it reflects a broader civic malaise.

California is functionally ungovernable. Our hyper-democracy has become, effectively, anti-democratic, thwarting the will of the majority in the pursuit of perfect process and exquisite equity. And the result is an ever-lengthening list of unresolved, but critical, issues – not only the deficit-riddled state budget, but water, education reform, health care, housing and many others.

California does not have a strong civic leadership cadre. Its physical size, lack of statewide media, cultural complexity and decentralized economy have undermined what was once a powerful, if sometimes self-serving, power structure that drove the state's public policy in much of the 20th century.

Nevertheless, a civic movement to overhaul California's dysfunctional government is gathering strength, although there's no consensus yet on whether it should be a radical restructuring or incremental change.

The latter approach, at least so far, is embodied by California Forward, a bipartisan organization that has substantial support from several major foundations, has backed Gov. Arnold Schwarzenegger's successful effort to reform legislative redistricting, and probably will support additional incremental steps, such as proposing an open legislative primary system to voters in 2010.

There are others, however, who see incrementalism as falling short while dissipating reformist energy that could be directed toward more fundamental change. Such groups as the New America Foundation's California branch and the Bay Area Council, a consortium of corporate executives, are more aggressive than California Forward.

The former staged a recent conference to explore structural changes in governance. They heard Sunne McPeak, a former head of the Bay Area Council and a one-time Schwarzenegger Cabinet member, say, "It is time for the revolution in every dimension." The Bay Area Council, meanwhile, has called for the first constitutional convention since 1878 to consider a

radical restructuring.

What kind of restructuring? It could conceivably go as far as casting out the federalist system (separate and equal executive, legislative and judicial branches) and embracing the parliamentary form used in many other democracies, such as Great Britain, in which the head of government would reflect the legislative majority.

New America Foundation is floating a step in that direction – a one-house, 360-seat Legislature whose members would be elected from eight geographic regions, half by districts and half at-large, the latter allocated by parties' vote share, known as proportional representation. It would give minor parties a way to gain seats.

Whatever we do, if we do anything, it should vigorously attack an outdated system that is not only unworkable, but perfect for evading accountability for failure.

Call The Bee's Dan Walters, (916) 321-1195. Back columns, www.sacbee.com/walters.

The Mercury News

MercuryNews.com

Business leaders: Calif. must revise Constitution

By JUDY LIN Associated Press Writer

Posted: 09/16/2008 08:03:18 PM PDT

SACRAMENTO—A constitutional convention was used nearly a century ago to wrest California's government from the hands of railroad barons. Today, some say it could help the state out of its current political dysfunction.

The Bay Area Council, which represents the chief executives of Google, Yahoo, Chevron, Wells Fargo and other major San Francisco Bay area businesses, is leading the charge for a state constitutional convention to revamp state government.

"This year's budget deadlock shows better than perhaps any other recent event that our state needs a constitutional convention to fix a governance system that is hopelessly broken," Jim Wunderman, president of the Bay Area Council, said in a statement.

On Tuesday, Gov. Arnold Schwarzenegger vowed to veto the \$145 billion spending plan lawmakers sent him after a record-long budget impasse that delayed billions of dollars in payments to schools, medical clinics, daycare centers and state vendors.

In the past year, attempts to reform California's health care market, upgrade its water system and implement long-term fiscal reforms palatable to all sides have failed amid partisan bickering. The Bay Area Council is laying the groundwork to authorize a convention through the Legislature or by ballot initiative.

Among some of the changes being proposed:

- Adopt a two-year budget cycle.
- Reform California's taxing and spending systems, along with its ties to local government spending.
- Remove the two-thirds vote requirement to pass a budget in the Legislature.

California is one of just three states with such a high threshold, along with Arkansas and Rhode Island.

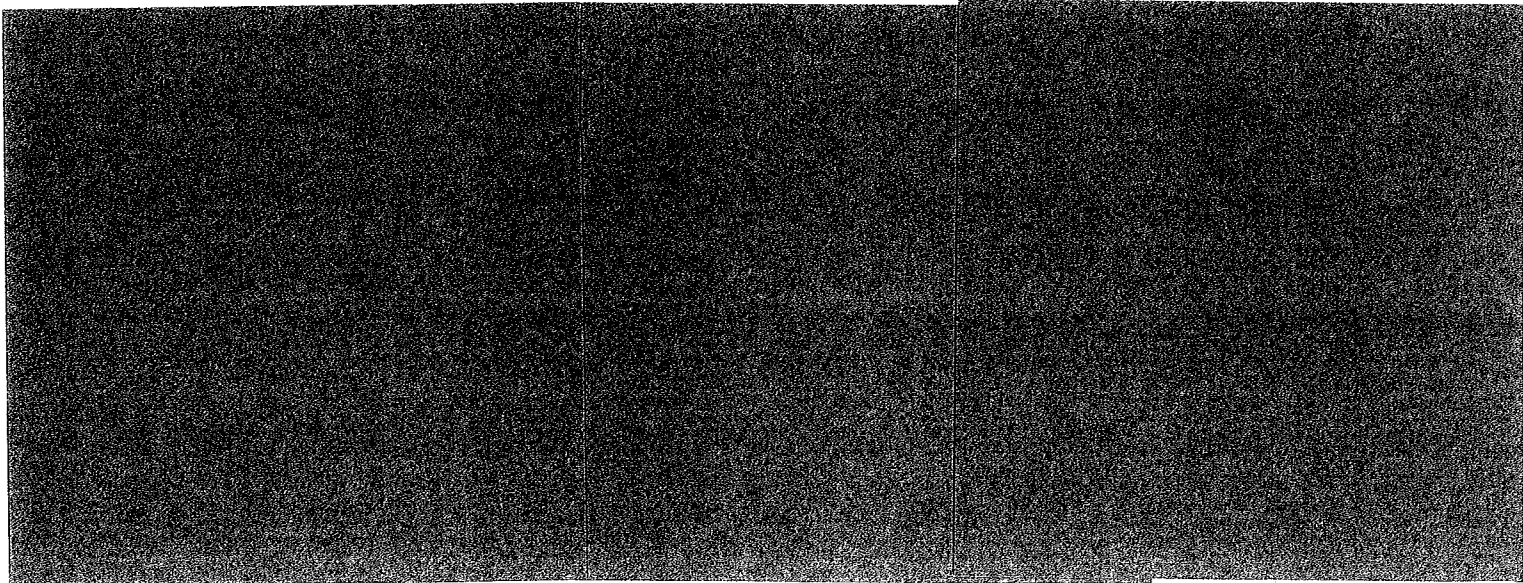
The two-thirds vote requirement is often cited by Democrats, who hold a majority in both houses of the Legislature, as a primary cause of the state's almost annual budget stalemates. It allows Republicans to hold up the budget until their demands are met—demands that often have little or nothing to do with the proposed spending plan.

"Our budget process is broken," said Assemblyman Sandre Swanson, D-Oakland, a member of the Assembly Budget Committee.

The California Constitution initially was drafted in 1849 to establish constitutional officers and the state Legislature. The first constitutional convention convened in 1878 in an attempt to provide a more equitable system of taxation and a stricter regulation of the railroads.

Between 1964 and 1976, the California Constitution Revision Commission made comprehensive revisions and whittled the state's guiding document by 40,000 words, according to the Bay Area Council.

The council began its campaign last month with a column in the San Francisco Chronicle. Under its model, 121 delegates would be selected randomly by auditors to avoid having lawmakers and special interests pick favorites.



The Mercury News

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The response, Wunderman said, has been overwhelmingly positive from Democrats and Republicans.

"It appears we have successfully tapped a rich vein of frustration driven by the budget crisis, several high-profile legislative failures over the past two years, a negative economy and a realization that maybe the recall wasn't enough," he said.

Wunderman was alluding to the 2003 recall of former Gov. Gray Davis, which elevated Arnold Schwarzenegger to the governor's office.

Longtime supporters of a constitutional convention applaud the council's goal but question whether it could be achieved in the current political climate.

State Treasurer Bill Lockyer, a Democrat who served 25 years in the Legislature, said it's unlikely the group can muster the two-thirds vote from the Legislature. He said an initiative process could take years.

Time for convention: Fix state Constitution

Published in the Reporter

Posted: 12/04/2008 01:02:29 AM PST

Amid the howling of Californians angered by their government's inability to get a handle on the state's financial crisis, a call for a constitutional convention is growing louder.

Potentially ripping up the state's foundation and building a whole new government system, as some are calling for, seems like a drastic response. And yet, the deep frustration that many citizens are feeling right now is exactly what has fueled previous reforms.

Of course, some of those reforms, such as the ability to write laws or revise the state Constitution via the ballot box, are contributing to today's problems, as initiatives requiring services without providing ways to pay for them hamper the Legislature's ability to make cuts when revenues fall.

While making piecemeal changes to the state Constitution is almost a sport in California, the idea of wholesale change rears its head only occasionally. The most vocal of the current voices is the Bay Area Council, a business-sponsored, public-policy advocacy group.

Among the reforms it advocates via a convention: adopt a two-year budget cycle; implement an open primary system or make state offices nonpartisan; create a system similar to that in Texas where every state agency is reviewed periodically and either renewed or eliminated; change the state's taxation and spending system and its ties to local government spending; require more voters' signatures to put an initiative on the ballot; and

eliminate or revise the two-thirds vote required to pass a budget in the Legislature.

The Bay Area Council, however, is not the only group pushing for constitutional reform. This week, returning Assemblyman Sam Blakeslee, R-San Luis Obispo, introduced legislation calling for a constitutional convention to address election and campaign reform, tax reform and budget reform. Newly elected state Sen. Mark DeSaulnier, D-Concord, ran on a platform promising that the first bill he will introduce will call for a constitutional convention to address budget reform, the initiative process and the state's structural problems. And the New American Foundation wants a convention to introduce even bolder ideas for changing the way the state works.

There is no perfect system of government. Each has its benefits and drawbacks. But California's is clearly broken, to the point that one wonders if the Legislature and governor even have the power to fix the immediate problems.

Changing the state Constitution through a convention will provide no quick solution. But a thorough and deliberate review of what's working and what isn't, along with some proposals on how to handle it better, is long overdue.



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CHRISTIAN SCIENCE MONITOR

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A bold fix for California's budget impasse

Fed up with another late budget, a business group proposes a state constitutional convention.

By Ben Arnoldy | Staff writer of *The Christian Science Monitor*
from the September 9, 2008 edition

Oakland, Calif. - As California lawmakers broke the record last week for the most overdue budget in state history, exasperated residents told pollsters they are deeply pessimistic about where the state is headed and how it is run.

Enter a bold proposal: convene a state constitutional convention to change the way the budget gets made.

The idea comes not from a quixotic citizen crusader, but from a staid corner of the business community. "Everything is stuck in place. Political stalemate abounds on the budget and other major issues," says Jim Wunderman, CEO of the Bay Area Council, a business consortium based in San Francisco. "We can't compete the way we are operating."

Constitutional conventions have become rare even in states that periodically place the option on the ballot, including this November in Hawaii, Illinois, and Connecticut. Voters are concerned about opening a Pandora's box of special interests, though experts say there are ways to limit that.

"When the real problem is legislative gridlock or intransigence, and ballot measures have already failed, then there isn't any other avenue than the constitutional convention," says Robert Williams, a law professor and associate director of the Center for State Constitutional Studies at Rutgers University in Camden, N.J.

California leaders have made little headway for years on some of the state's most urgent problems, including prison overcrowding and water allocation. No issue typifies the gridlock more than the budget. For 23 of the past 32 years, lawmakers failed to agree on a budget on time.

This year, lawmakers facing a \$15.2 billion deficit have been unable to enact a budget since July 1, the longest such delay in the state.

Unlike most states, California requires a two-thirds majority to pass a budget. Democrats have a solid majority but not two-thirds, giving Republicans little power except effective veto over

the budget. Also, the legislature carves out districts "safe" for one or the other party, resulting in the election of few moderates.

Democrats balk at Republicans' proposed spending cuts, while Republicans won't budge on pledges never to raise taxes. Gov. Arnold Schwarzenegger (R) wants a temporary increase in the sales tax, followed by a deeper tax cut, but members of his own party aren't interested. Even when a budget deal is finally struck, it's unlikely to change the opinion of many Californians who see the process as dysfunctional.

Nine in 10 Californians think changes are needed in the budget process, and 74 percent say "major" changes are needed, according to a recent poll from the Public Policy Institute of California (PPIC). "There's pretty strong consensus across parties that major changes are needed," says Mark Baldassare, PPIC president. "The big question for the public is, who's going to initiate the process and who's going to lead it so it's not just business as usual."

Individual reforms put to voters on the ballot – such as allowing a simple majority to pass the budget – often fail to pass under suspicion that one side or other is trying to game the system. To succeed, a constitutional convention would have to allay similar suspicions of partisanship and special interest, says Mr. Baldassare.

Special interests would try to dominate any constitutional convention, warns Joel Fox, president of the Small Business Action Committee. That's what happened in the only state convention in 1879, he points out. The Workingmen's Party won about one third of seats to the convention, then wove anti-Chinese immigrant provisions into the constitution.

Constitutional conventions need not deal with hot button issues such as abortion and illegal immigration, argues Mr. Williams. Voters can place limits on the convention, and, he adds, special interest influence can be minimized by holding the event outside the capital and banning current officeholders from participating.

Even if Californians wanted a constitutional convention, they may not get it. The legislature, by some scholars' reading of the state constitution, must first put the question of a convention before voters. And legislators don't seem enthusiastic. "We don't need to replace our constitution, we need to return to it," says outgoing state Sen. Tom McClintock (R).

When he first arrived in the Assembly 25 years ago, he says, the budget process was more collegial and transparent. That's been short-circuited in favor of high-stakes, closed-door talks between the "Big Five" – the governor and the party leaders in the Assembly and Senate.

The Democrat who chairs the Assembly's Budget Committee, John Laird, worries a constitutional convention would try to do too much, provoking opposition. Having the legislature put targeted reforms on the ballot and rallying bipartisan support for them may be more successful, he says.

Another option is to appoint a commission to put reforms on the ballot, says Fred Silva, senior fiscal policy adviser for California Forward, a government reform group. California tried a version of this in the 1990s but the commission's proposals went not to voters but lawmakers. Turnover in leadership and an improved fiscal outlook reduced the legislature's appetite for many of the proposals, says Mr. Silva.

Silva says he wouldn't be surprised if an influx of freshmen legislators in the coming years opens up dialogue about another commission. But the move would not be easy. "For those involved in [legislation] on a day-to-day basis, there's nothing more difficult than to change the order of things," Silva says.

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<http://www.csmonitor.com/2008/0909/p03s03-usec.html>