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CONSTITUTIONAL REVISION BY AMENDMENT—A LOUISIANA TRADITION

Constitutional revision in Louisiana, whether in conventions or by amendment, has been sufficiently continuous to justify including it with Mardi Gras, football, and corruption as one of the premier components of state culture.¹

Louisiana's first eight constitutions, all written during the 1800's, embodied the values and goals of the prevailing political faction—invariably composed of Louisiana's public elite.² By the late nineteenth century, revision by constitutional amendment rather than costly convention had become the preferred revision tactic.³ Indeed, since 1921 only one constitutional convention has been held. From that constitutional convention of 1973 (CC 73) emerged our present constitution which was ratified by voters in 1974. Revision of the 1921 constitution by convention was necessary because of the vast number of amendments voters had added to that document. From 1922 until 1973 voters approved 536 amendments making the 1921 constitution virtually incomprehensible.

Revision by amendment ostensibly leaves the ultimate power to determine a state's governing structure with the people. Ideally, a state constitution reflects the current values of the people and is responsive to changes in those values. Such a result makes some degree of detail in a constitution necessary. Also, the notion of leaving power with "the people" sounds very democratic. On the other hand, critics of the amendment process assert that it allows "a minority of interested voters . . . [to take] advantage of the general lethargy of a disinterested and uninformed electorate."⁴

Conventional wisdom and voting trends tend to support both the pros and cons of revision by amendment. State constitutions necessarily contain detailed provisions to check the "otherwise plenary power of state governments to do anything not expressly forbidden by the state

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1. Carleton, *Elitism Sustained: The Louisiana Constitution of 1974*, 54 Tul. L. Rev. 560 (1980).
2. See generally Carleton, *supra* note 1.
3. *Id.*
4. Carleton, *supra* note 1, at 564 (quoting Powell, *A History of Louisiana Constitutions in 1 Projet of a Constitution for the State of Louisiana* 271, 503 (La. State L. Inst. 1954)).

constitutions or federal law.”⁵ At some point, however, excessive detail like that found in the 1921 constitution makes the instrument incomprehensible even to lawyers and other professionals. Furthermore, the merit of keeping control of the government with the people depends upon the people’s active participation in the process by voting and their ability to make informed decisions when they vote.

Beginning with a cursory discussion of CC 73 and the present constitution, this paper will then survey the amendments to the 1974 constitution focusing on the particular provisions to which the most amendments have been made. Specifically, article VII dealing with Revenue and Finance, article V concerning the judicial branch, article X concerning Civil Service, and article VII dealing with education will receive special attention. This paper will conclude with some thoughts on what the voting trends say about constitutional revision by amendment. Is it a good thing that this process is with the people or is the criticism that the interested minority capitalizes on the apathy of the disinterested majority true?

The 1974 Constitution

Although Louisiana’s constitution is no longer the “political weapon”⁶ it once was, the role played by interest groups in CC 73 ensures that it remains to a large degree a political creation. Indeed, as one writer noted, the constitution of 1974 was written under Edwin Edwards’ watchful eye “by a wide and self-interested assortment of assessors, sheriffs, legislators, judges, lackeys and anyone who could get elected or appointed.”⁷

The 1974 constitution, Louisiana’s eleventh, is notably shorter than its predecessor of 1921—the former having around 35,000 words, the later consisting of more than 250,000 words.⁸ Even so, our constitution remains considerably longer than those of our sister states. Moreover, the brevity of our current constitution may not withstand the power of Louisiana’s voting public to amend its provisions.

The voluminous 1921 constitution originally contained only 40,200 words, with the excess coming from 536 amendments.⁹ Since 1974, voters have added forty-one out of sixty-six proposed amendments to the

5. Utter, *Freedom and Diversity in a Federal System: Perspectives on State Constitutions and the Washington Declaration of Rights*, National Conference on Developments in State Developments in State Constitutional Law 242 (1985).

6. See generally Carleton, *supra* note 1.

7. Maginnis, *Too Many Amendments?*, *Gris Gris*, September 1990, at 7, col. 1.

8. Public Affairs Research Council, *Voter’s Guide to the 1974 Proposed Constitution* 1 (1974).

9. *Id.*

constitution. As local political analyst John Maginnis wrote, "the Louisiana constitution has been amended more in less than two decades than the sacred U. S. Constitution has in more than two centuries."¹⁰

Article VII—Revenue and Finance

The article of the constitution most often amended by voters has been that of Revenue and Finance. Nearly half of the approved amendments, eighteen of forty-one, were to article VII, and most related to taxes and constitutional dedications. Increasingly voters have ratified proposals which decrease the legislature's spending power through constitutional dedications directly affecting either article VII or the natural resource provision, article IX. Noting the trend for designating revenues for particular programs or services, the Public Affairs Research Council (PAR) projected the possibility of a self-executing budget that would eliminate the need for legislative consideration and warned that continuation of this trend would "deprive the Legislature of its most important authority, the power of the purse, plus complicate the fiscal structure and make it inflexible."¹¹ Given the large number of dedications and other spending limitations in the constitution today, it seems that PAR's projection is correct. An example of the problems associated with creating such an inflexible structure can be seen in the early years of the Roemer administration, when the legislature had to cut college budgets because constitutional spending limits left few other places to cut.

In 1978, the first year of constitutional amendment since 1972, voters dedicated revenues derived from the first use tax to establish a \$500 million permanent trust fund.¹² Voters later rejected an amendment to repeal this dedication even though the Supreme Court declared the tax unconstitutional in *Maryland v. Louisiana*.¹³ In this same year, 1982, voters strayed from their trend, which began in 1978, of passing all proposed amendments and passed only 4 of the 8 proposals. At first blush this unwillingness to rubber stamp amendments indicates that voters carefully considered the matters on which they were voting; however, the fact that the voters left in a useless provision seems to indicate otherwise.

True to the tradition of constitutional dedication, Louisianians in 1983 gave constitutional protection to the Louisiana Investment Fund for Enhancement (LIFE fund) and dedicated oil and gas windfall money for use in that fund.¹⁴ The section created by this amendment has not

10. Maginnis, *supra* note 7.

11. Public Affairs Research Council, *Voter's Guide*: Nov. 21, 1987, at 2.

12. La. Const. art. IX, § 9.

13. 451 U.S. 725, 101 S. Ct. 2114 (1981).

14. La. Const. art. IX, § 10.

yet been utilized due to the decline in oil and gas revenues, "but remains in force and susceptible of being applied when oil and gas revenues to the state exceed those collected in 1980-1981, after adjustment for inflation."¹⁵ The unfortunate crisis in the Persian Gulf and resulting increase in the price of oil, however, could necessitate use of this provision in the future.

Voters passed another revenue and finance related provision in 1983. Efforts to reclaim property and mineral rights expropriated to construct the Bohemia Spillway provided the foundation for this amendment which allows the legislature to return public property to the prior owners when the purpose for the expropriation no longer exists.¹⁶

Voters in 1984 uncharacteristically rejected a dedication of offshore mineral revenue settlements to a "rainy day" fund to finance programs designed to enhance economic development.¹⁷ The relatively high percentage of voters in 1984 voting on the proposed amendments, 53.7% of those registered, rejected all five proposals. Also, the proposed "rainy day" fund was fraught with numerous "constitutional, substantive and technical problems" despite its noble objectives.¹⁸ One might therefore conclude that voter rejection of this amendment stemmed from voter awareness of the proposal's infirmities.

In 1990, however, voters passed a similar amendment.¹⁹ This provision established a Revenue Stabilization/Mineral Trust Fund to receive severance tax, royalty and bonus revenue above \$750 million a year and any revenue above that \$750 million needed to finance appropriations within the spending limit set by the amendment. Also, the amendment requires that the "governor's proposed state budget be based on existing revenue sources and be within the spending limit."²⁰ By 1990, voters surely had their fill of wasteful state spending. Federal deregulation of the price of oil created a \$2 billion windfall in the early 1980's all of which was spent.²¹

Earlier, in 1986, voters evidenced their commitment to education and their belief that the legislature could not be trusted to adequately and prudently fund that commitment. The electorate dedicated to a permanent education trust fund (the 8(g) fund) settlement proceeds from a long-standing offshore oil dispute between the state and the federal government.²² Interest from money placed in this fund is divided between

15. L. Hargrave, *The Louisiana State Constitution* 163 (1990).

16. La. Const. art. VII, § 14(B).

17. 1984 La. Acts No. 963.

18. Public Affairs Research Council, *Voter's Guide*: Nov. 6, 1984, at 4.

19. La. Const. arts. VII, §§ 10, 10.3, 11.

20. Public Affairs Research Council, *Voter's Guide*: October 6, 1990, at 2.

21. *Id.*

22. La. Const. art. VII, § 10.1.

the Board of Elementary and Secondary Education (BESE) and the Board of Regents. The Board of Regents makes appropriations for endowed chairs and research at the higher education level. Since 1986, \$10.4 million has been awarded by the Board for twenty-six endowed chairs for eminent scholars at Louisiana's public and private higher education institutions.²³

Voters initially rejected in 1989, but later passed in 1990, a measure requiring that the legislature regulate 8(g) fund spending for BESE's and the Board of Regents' administrative costs and forbidding the substitution of BESE's share of 8(g) money for general fund appropriations.²⁴

In 1987, voters approved more restrictions on the legislature's spending power by giving constitutional protection to the statutory Louisiana Wildlife and Fisheries Conservation Fund²⁵ and by requiring sound funding of the public employee retirement system.²⁶

Other dedications have involved giving a larger share of severance taxes to the producing parish. In 1990, voters again passed a previously rejected amendment to dedicate one-third of the lignite tax to the producing parish, currently Red River and DeSoto parishes.²⁷

During 1989, voters rejected in April, then ratified in October, two more limitations on the legislature's purse power. One amendment created a Transportation Fund to receive revenue from the increased gasoline/motor fuel tax which went from sixteen to twenty cents a gallon.²⁸ This amendment was tied to another approved amendment which increased the constitutionally-frozen \$3 auto license fee.²⁹ The \$3 fee, constitutionally mandated since 1940, symbolized the constitutional convention delegates' reluctance to change. Moreover, Louisiana's fee was far below the average U. S. auto license tax which was \$34.83 in 1988.³⁰ The amendment, however, placed a ceiling on the tax and required that the revenue be used for highway transportation-related purposes. A similar amendment failed in 1986, probably because it contained neither a provision restricting the legislature's ability to spend the increased revenues nor a provision placing a ceiling on the amount of the increase.

Not only do voters distrust the legislature when it comes to spending money, voting patterns indicate that they certainly do not trust the legislature's use of its power to raise money, i.e., to tax. Property taxes

23. C. Coltharp, Memo: Louisiana Board of Regents (Oct. 26, 1990).

24. La. Const. art. VII, § 10.1(C).

25. La. Const. art. VII, § 10(A).

26. La. Const. art. X, § 29(E).

27. La. Const. art. VII, § 4(D).

28. La. Const. art. VII, § 5.

29. La. Const. art. VII, § 5.

30. Public Affairs Research Council, Voter's Guide: Oct. 1989, at 10.

and the homestead exemption are recurring issues on proposed amendment ballots. Property taxation in Louisiana is a much-debated topic generally, and no group—convention delegates, legislators, or voters—has done much to clear up this area.³¹

In 1979, voters approved a measure creating a new classification for assessing public service property.³² Public service properties include oil and gas pipelines; electric, gas and telephone utility companies; and railroads and other common carriers. The 1974 constitution provided that land and residential improvements were to be assessed at 10% and other property at 15%. Essentially this amendment legalized the method used by the tax commission in 1978 to reappraise public service property. Facing the prospect of a 40% decline in revenues using the legally mandated fair market value approach, the commission opted for a method of reappraisal that kept assessments at or near their prior level.³³ Because electric co-ops retain the 15% level, out of state consumers bear most of the increased assessment via their use of common carriers and pipelines. Even though one cannot conclusively decide that voters are truly informed about all the ramifications of their decisions in the voting booth, one cannot deny that voters know enough to act in their own best interest.

In 1980, the largest voter turnout since passage of the 1974 constitution, 55.7%, unsurprisingly increased the homestead exemption from \$5,000 to \$7,000 in anticipation of the constitutionally-required 1982 value reassessment.³⁴ Related to this measure was an amendment voters passed mandating that property tax millages be adjusted at each reappraisal and permitting taxing authorities to restore rolled back millages without voter approval.³⁵ These two measures taken together have meant that taxes rise considerably less than property values would indicate during reappraisal years; however, tax rates are adjusted at each reappraisal interval in the hope that tax dollars will be adequate to cover local governments' operating costs.³⁶

Voters in 1982 accepted proposals to: 1) freeze property assessments for five years to encourage the development of historic or economic districts,³⁷ 2) exempt from taxation electric utility fuel inventories,³⁸ and 3) exempt from taxation coal and lignite stored for industrial uses.³⁹

31. See Carleton, *supra* note 1.

32. La. Const. art. VII, § 18(B).

33. Public Affairs Research Council, *Voter's Guide*: October 27, 1979, at 39-40.

34. La. Const. art. VII, § 20(A).

35. La. Const. art. VII, § 23.

36. Public Affairs Research Council, *Voter's Guide*: Nov. 4, 1980.

37. La. Const. art. VII, § 21(G).

38. La. Const. art. VII, § 21(C).

39. La. Const. art. VII, § 21(G).

The oil crisis of the late 1970's provided the major impetus for the last two amendments. The federal Fuel Use Act of 1978 forced many industries to utilize coal or lignite as fuel by forbidding the construction of new oil or gas-fueled boilers. Providing property tax exemptions for fuel stockpiles enabled natural gas-dependant Louisiana industries to offset, to some extent, the substantial conversion costs resulting from the switch to other fuels.⁴⁰

Other measures affecting article VII have included: 1) an amendment allowing colleges and universities to acquire stock with the fruits of their labor, i.e., research/intellectual property,⁴¹ 2) an amendment prohibiting local governments from levying inheritance taxes,⁴² 3) an amendment exempting from taxation property leased to non-profit corporations to house the homeless,⁴³ and 4) an amendment allowing New Orleans to levy up to ten mills in property taxes.

Article V—The Judicial Branch

Although many reforms were needed in the judicial branch when delegates revised the constitution in 1973, few meaningful changes were made.⁴⁴ Voters, however, have instituted some changes by amendment. Specifically, in 1980 voters ratified an amendment giving appellate jurisdiction to the supreme court for direct appeal of death penalty cases with all other criminal appeals going to the circuit courts of appeal.⁴⁵ The amendment became necessary because the supreme court had become overrun with routine criminal appeals that consumed much of the justices' time.

In 1979, voters amended article V, section 19 to clarify the instances in which a juvenile may be tried as an adult and to authorize legislative enlargement of the list of offenses.⁴⁶

Ostensibly in an attempt to save money and increase voter participation, the 1983 legislature proposed and the people approved a measure allowing 12 months, instead of 6 months, in which to hold special elections to fill judgeship vacancies.⁴⁷ Four years later, in 1987, voters approved a previously rejected amendment giving the state supreme court sole authority to provide for the appointment of attorneys as temporary or ad hoc judges of city, municipal, traffic, parish, juvenile, or family

40. See generally Public Affairs Research Council, *Voter's Guide* (1982).

41. La. Const. art. VII, § 14(B).

42. La. Const. art. VII, § 4(C).

43. La. Const. art. VII, § 21(B)(1)).

44. See L. Hargrave, *supra* note 15, at 20.

45. La. Const. art. V, § 5.

46. La. Const. art. V, § 19.

47. La. Const. art. V, § 22(B).

courts.⁴⁸ This amendment eliminated concern over the constitutionality of Louisiana Code of Civil Procedure article 158 which allowed the legislature to appoint temporary judges, even though the constitution prior to this amendment required that all judges be elected.

In 1990, the people approved a measure assuring the continued use of administrative hearing officers to resolve disputed workers' compensation claims.⁴⁹

Two amendments that failed in 1989 would have affected Louisiana's current state judicial election scheme. The at-large election scheme in place today has been attacked as a violation of the federal Voting Rights Act.⁵⁰ Two separate suits, *Chisom v. Roemer*⁵¹ and *Clark v. Roemer*,⁵² prompted the proposed amendments. One amendment related to the election of supreme court justices. The other amendment would have created more opportunities for blacks to elect black judges by creating subdistricts where a majority of the population would be black.

In *Chisom*, petitioner argued that Louisiana's present system for electing supreme court justices dilutes black voting strength. The amendment would have given the New Orleans metropolitan parishes three of the eight justices until 1998, with one justice elected to a ten year term in 1998 and two elected during the 1990 Congressional election. A federal district court in New Orleans dismissed the suit on the grounds that the Voting Rights Act does not apply to judges. The Fifth Circuit, however, reversed the decision⁵³ and the United States Supreme Court rejected an appeal. The court based its ruling on the distinction between trial judges and supreme court justices. Unlike a supreme court justice, according to the court, a trial judge holds a single-member office which is not subject to the dilution concerns associated with electing "representatives of the people."⁵⁴

The petitioner in *Clark* complained that the present system for electing district and court of appeal judges prevents blacks from being elected. Although the court found the judicial districts in violation of the Voting Rights Act, the court withheld a remedy to give the legislature a chance to correct the problem.

In 1990 the Fifth Circuit again addressed the applicability of the Voting Rights Act to judges in *LULAC v. Clements*.⁵⁵ In that decision,

48. La. Const. art. V, § 5(A).

49. La. Const. art. V, §§ 10(A), (B), 16(A).

50. 42 U.S.C. §§ 1971-1974e (1989); PAR, Voter's Guide (1989).

51. 917 F.2d 187 (5th Cir. 1990), cert. granted, (U.S. Jan. 18, 1991) (1990 WL 193313).

52. 750 F. Supp. 200 (1990).

53. 839 F.2d 1056 (5th Cir. 1988).

54. Latin American Citizens Council (LULAC) v. Clements, 914 F.2d 620, 623 (5th Cir. 1990) (explaining *Chisom v. Edwards*, 839 F.2d 1056 (5th Cir. 1988)).

55. 914 F.2d 620 (5th Cir. 1990).

the court held that the Act does not apply to the election of judges thus overruling *Chisom*.

The amendments may have failed, but the saga of Louisiana's election system continues. On November 2, 1990, the United States Supreme Court blocked the state's November 6 and December 8 judicial elections in districts that did not have the federal approval required by the Voting Rights Act. Thus, the current constitutional provision for the judiciary has many problems that have not and probably should not be remedied through the amendment process.

Article X—Public Officials and Employees

The already detailed provisions of article X, which regulate public officials and employees, have become more complex by amendment since 1974. The revised 1974 constitution added to this article a provision that a seat on the Civil Service Commission (CSC) be filled by a person elected by classified employees.⁵⁶ This trend toward giving more control over the CSC to the employees has been continued in the amendments to this provision.

Presidents of private colleges and universities nominate candidates from which the governor may choose CSC members to ensure that appointments are as free from political bias as possible. This practice is also followed by the New Orleans Civil Service Commission; however, in 1984 one of the nominating colleges, St. Mary's Dominican College, closed. Voters rejected a 1984 amendment naming Our Lady of Holy Cross College to replace St. Mary's and a 1985 amendment naming both the University of New Orleans and Southern University in New Orleans as replacements. In 1987 voters finally passed an amendment "allow[ing] the seat to be filled from nominees elected by the [city's] classified employees."⁵⁷ Another indication that state employees are getting more control of their system is the passage of a 1987 amendment requiring actuarially sound funding of the retirement fund.⁵⁸

In 1982, voters amended sections 8 and 12 of article X to authorize the CSC to allow referees to decide appeals by state employees contesting their firing or other disciplinary action.⁵⁹ Prior to the amendment the CSC clearly had the power to appoint referees to take testimony. The referees, however, did more than just take testimony: they prepared recommended findings of fact and wrote proposed opinions for the CSC.⁶⁰ The legislature proposed the amendment to nullify the effect of

56. La. Const. art. X, § 3(C).

57. L. Hargrave, *supra* note 15, at 168.

58. La. Const. art. X, § 29(E); see also L. Hargrave, *supra* note 15.

59. La. Const. art. X, §§ 8, 12.

60. Public Affairs Research Council, *Voter's Guide*: Sept. 11, 1982, at 7.

a state appellate court decision which had declared that the referee's de facto functions violated the constitution.⁶¹

Among the fourteen out of fifteen proposals ratified by voters in 1990 were two amendments concerning the CSC. First, voters added to article X a section which establishes a separate CSC for state police.⁶² Second, a related amendment removes the legislature's authority to provide supplemental pay to Wildlife and Fisheries enforcement officers.⁶³

Article VIII—Education

The fact that improving Louisiana's education system is important to the voting public is embodied in the constitutional dedication in article VIII of 8(g) funds to an education trust fund.⁶⁴ Direct amendments to this article, however, have been few in number.

In a professed effort to make BESE members more accountable and visible to the public, voters changed members' terms from six-year staggered terms to four-year terms concurrent with those of the governor and the state superintendent of education.⁶⁵ Proponents of this measure stated that "[c]hanging from the relatively low voter turnout at congressional elections to the more visible gubernatorial election time [would] heighten voter interest in these important positions, and permit a better dialogue on education issues between candidates for BESE and other statewide offices."⁶⁶ Average voter participation in 1983, a gubernatorial election year, was 44.2%, a relatively high turnout; however, in another election year, 1988, only 22.7% voted. Therefore, one must wonder if the amendment has really enlivened debate on educational issues and increased BESE-member accountability. Moreover, Louisiana State University Law Professor Lee Hargrave notes in his treatise that this amendment undermines the attempt of CC 73 delegates "to ensure the board's independence from the governor by providing for six-year overlapping terms."⁶⁷

That constitutional amendment by the state's voting populace is one means of checking legislative power is evidenced by voter approval of a 1987 amendment giving BESE, rather than the legislature, power to decide the components and objectives of the minimum foundation program.⁶⁸ Educators successfully urged this amendment in anticipation of

61. *Id.*

62. La. Const. art. X, §§ 1(A), 10(A)(1), part IV.

63. La. Const. art. X, § 10(A)(1).

64. See *supra* text accompanying notes 22 and 23.

65. La. Const. art. VIII, §§ 3(B), 15.

66. Public Affairs Research Council, *Voter's Guide*: Nov. 1979, at 43.

67. L. Hargrave, *supra* note 15, at 147.

68. La. Const. art. VIII, § 13(B).

the Louisiana Supreme Court decision in *Louisiana Association of Educators v. Edwards* where the court held that the constitutional mandate that the legislature appropriate funds for the program was unenforceable by court order.⁶⁹ In the most recent amendment to article VIII, voters on the October 1989 ballot approved a measure creating a voting student board position for all boards of higher education.⁷⁰

Other Amendments

Although revenue and finance provisions have been amended the most, other provisions have not completely escaped the attention on legislators and voters. Most recently in 1990, the question of whether Louisianians want a state lottery finally came before the public. Despite adamant opposition based mainly on moral and religious conviction, voters answered "yes."⁷¹ Creation of the lottery is a prime example of how constitutional amendments operate to make the constitution reflect changes in the values of the population.

Another reflection of strong public sentiment can be found in passage of the 1989 amendment relating to drug seizure.⁷² This amendment changes the forfeiture of contraband from a quasi-criminal to a civil proceeding and reduces the burden of proof on the state to the preponderance standard. Thus, the amendment permits "forfeiture without a criminal conviction if the state [can] show probable cause for forfeiture and the owner [cannot] prove his innocence."⁷³

In 1990, voters also approved an amendment mandating that the regular legislative session begin 21 days earlier than in prior years.⁷⁴ In the past, sessions began on the third Monday in April. This date, however, caused payroll problems because the legislature was in session at the end of the fiscal year, July 1.

CONCLUSION

Considering the voting patterns of Louisiana's voting public, one can see that financing the state is a major concern of the people. Given the large number of dedications and other spending limits, it is also obvious that the public does not trust the legislature to wisely spend revenues. This distrust may, however, lead to a constitution just as incomprehensible and inflexible as the 1921 constitution. Since people do not trust the representatives they have chosen, and their history of

69. 521 So. 2d 390 (La. 1988).

70. La. Const. art. VIII, § 8(B).

71. La. Const. art. XII, § 6.

72. La. Const. art. I, § 4.

73. Public Affairs Research Council, Voter's Guide: Oct. 7, 1989, at 5.

74. La. Const. art. III, § 2(A).

unwise spending seems to justify the people's concerns, then maybe the more appropriate remedy is to elect new officials rather than amend the constitution.⁷⁵

Another area where revision other than by amendment may be appropriate is where the judiciary branch is concerned. The current battle over the validity of Louisiana's election scheme under federal law shows that something more than piecemeal amendment of the constitution is required to reform that provision of the constitution.

For better or worse, our constitution does seem to reflect the current values of the people. For the better, the people created an education trust fund in an effort make desperately needed changes in Louisiana's educational system. Another indication of current values is seen in the passage of a state-wide lottery. One can also glean from the passed amendments to the constitution the fact that state workers want and are gaining more control of their system. Possibly for the worse is the public's attitude toward property taxes. Rather than homeowners bearing a fair share of the tax burden, consumers pay the most in sales taxes, increased utility costs, and increased rent. Some even attribute to Louisiana's property tax scheme much of the blame for the state's lagging economic growth.

That voters are often disinterested or just apathetic is shown by low voter turnout—from a low of 24.9% in September of 1982 to a high of 55.7% in November of 1980. These numbers also lend support to the criticism that revision by amendment allows the few interested voters to capitalize on voter apathy. Furthermore, the fact that many previously rejected amendments are ratified the second or third time around tends to show that voters are neither adequately informed about the issues nor are they carefully considering the effects of their decisions.

Z. Melissa Lawrence

75. During the 1991 legislative session, Governor Roemer will urge the legislature to propose to the voters an amendment limiting the terms of elected officials.