



# Citizens for 1 Greater New Orleans

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### *Independent Weekly*

#### **EDITORIAL: Our Constitutional Amendment Recommendations**

9/27/2006

Louisiana voters should plan on spending more time than usual in the voting booth this Saturday, Sept. 30. In addition to the elections for Commissioner of Insurance, Secretary of State and several local offices, there are 13 proposed constitutional amendments. Our state often asks voters to consider these amendments based on ballot items written in tortured legalese. But a number of this year's proposed amendments are a direct result of hurricane-related issues, and deserve voters' careful consideration.

The Independent Weekly has parsed the language in the proposed amendments, and our recommendations follow. For more info, we also urge voters to visit the Web sites of the Public Affairs Research Council of Louisiana (<http://www.la-par.org/>) and Council for a Better Louisiana (<http://www.cabl.org/>) and read both organizations' detailed breakdown of the proposed amendments.

Your vote counts, and it's more important than ever in our current post-hurricane environment. Make your voice heard and vote on Sept. 30.

- 1) Coastal Protection and Restoration Fund
- 2) Consolidation of Coastal Funds

It took two deadly hurricanes to do it, but Louisiana leaders and residents now fully understand the crucial importance of coastal restoration and restoring our barrier wetlands. The first amendment would exclusively dedicate federal royalty revenues to coastal preservation, coastal protection and hurricane protection. Amendment No. 2 would dedicate potential revenue from a sale of the state's tobacco-lawsuit settlement to coastal restoration. We vote FOR both amendments.

- 3) Regional Flood Protection Authorities

The only people who support maintaining Louisiana's Byzantine and wasteful model of multiple levee boards are the beneficiaries of the wasteful patronage that accompanies the system. While this amendment wouldn't achieve the most efficient model of one levee board in charge of the state, it does consolidate more than 20 levee districts into two regional flood-protection agencies. We vote FOR Amendment 3.

- 4) Hurricane Protection Liability
- 5) Limits on Expropriation of Private Property
- 6) Procedures to Transfer Expropriated Property

Eminent domain and the seizure of private land by the government has become an emotional national issue, but the topic's particularly relevant in post-storm Louisiana as property owners worry about government's ability and intentions to take private property. Amendment 4 is particularly galling, as it would reduce the amount government would have to pay property owners if it seized private land. Amendment 5 is supposed to prevent the state from taking private land for economic development, while Amendment 6 purports to force the state to offer expropriated land back to property owners in certain circumstances. As PARC and opponents of Amendments 5 and 6 have noted, the language in those two amendments is so vague and muddy that it has no place in the Constitution. We vote AGAINST Amendments 4, 5 and 6.

- 7) Medicaid Trust Fund Investment

Amendment No. 7 would grant Louisiana government the ability to invest up to 35 percent of the Medicaid Trust Fund for the Elderly into the stock market, which is currently forbidden by the state Constitution. But this is a wise financial move, as the stock market historically outperforms fixed-rate funds. The risk associated with stock-market investment is also minimized by the 35 percent cap, so we vote FOR Amendment 7.

- 8) Homestead Exemptions and Special Assessments for Damaged Homes

For homes damaged or destroyed by a natural disaster, this amendment provides property owners continued homestead exemptions — with the caveat that the homeowners would

have to return to live in their damaged home within five years. This not only helps protect homeowners' financial investment in their property, it provides an incentive for storm-affected residents to rebuild and stay in Louisiana. We vote FOR Amendment 8.

9) State Mandates on School Spending

Much like Amendments 5 and 6, this proposal to require local school boards to spend mandated amounts to achieve education goals is admirable in its intent, but the wording of the amendment is rife with vague language and possible loopholes. We vote AGAINST Amendment 9.

10) Higher Education Investments

This amendment functions like Amendment 5 does for the Medicaid Trust Fund for the Elderly. It would allow endowed college and university funds to invest up to 35 percent of their portfolios in the stock market, and we vote FOR Amendment 10.

11) Homestead Exemption for Homes in Revocable Trusts

The Constitution currently allows the homestead exemption for properties placed in irrevocable trusts, and this amendment would extend that to revocable trusts. Relying on the homestead exemption already contributes to the state's overreliance on regressive sales taxes, and we view this amendment as another unnecessary addition to the Constitution that could be handled statutorily. We vote AGAINST Amendment 11.

12) Vacancy in Statewide Elected Offices

If the Lt. Governor position is vacated for some reason, this amendment provides a clear procedure for filling the job vacancy. The governor's choice for the position would have to be confirmed by the House and the Senate, and if more than one year remained in the term, a special election would be called to allow voters to decide who should be Lt. Governor. We vote FOR Amendment 12.

13) Judges' Qualifications

Simply put, this amendment would raise the bar for our judicial system. It requires district court judges to serve as attorneys for eight years rather than five years before taking the bench, and increases the service requirements from five years to 10 years for appellate judges and Supreme Court justices. We vote FOR Amendment 13.

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