

Regular Session, 2010

SENATE BILL NO. 95

BY SENATOR MORRISH

ELECTED OFFICIALS. Constitutional amendment to abolish the offices of lieutenant governor and state treasurer. (2/3-CA13s1(A))

A JOINT RESOLUTION

Proposing to amend Article IV, Sections 1(A) and (B), 3(A), 7, 9, 13, 14, 16(A), and 19, Article VII, Sections 7(A), the introductory paragraph of 10-A(A) and (C), 10.1(A)(1), (B), and the introductory paragraphs of (D)(1) and (2), the introductory paragraph of 10.2(A), (B)(1) and (2), (E)(1), and (F)(1), 10.4(A)(2), the introductory paragraph of 10.5(A), (B) and (C), the introductory paragraph of 10.6(A) and (C), the introductory paragraph of 10.7(A), the introductory paragraph of 10.8(A)(1), (2), (3), and (4), (B), (C)(3)(i), 10.9(A), 10.10(B) and (C), 10.12(B)(1), 13, and 27(A), (C), and (D), Article IX, Sections 9(A)(1), (2)(b), (B), (C), and (D), 10(A), (B)(2), and (C), Article X, Sections 2(B)(10), 25, 29(E)(2)(d), and Article XIV, Sections 10 and 31, to add Part IV of Article XIV, to be comprised of Section 38, and to repeal Article IV, Sections 6 and 15 of the Constitution of Louisiana, to abolish the offices of lieutenant governor and state treasurer and to provide for the transfer of the powers and duties of said offices; to remove other references to the lieutenant governor and state treasurer; to specify an election for submission of the proposition to electors and to provide a ballot proposition; to provide that such provisions and such repeal shall be effective upon ratification by the electors; and to provide for

1 related matters.

2 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
3 elected to each house concurring, that there shall be submitted to the electors of the state, for
4 their approval or rejection in the manner provided by law, a proposal to amend Article IV,
5 Sections 1(A) and (B), 3(A), 7, 9, 13, 14, 16(A), and 19 of the Constitution of Louisiana, to
6 read as follows:

7 §1. Composition; Number of Departments; Reorganization

8 Section 1.(A) Composition. The executive branch shall consist of the
9 governor, ~~lieutenant governor~~, secretary of state, attorney general, ~~treasurer~~,
10 commissioner of agriculture, commissioner of insurance, superintendent of
11 education, commissioner of elections, and all other executive offices, agencies, and
12 instrumentalities of the state.

13 (B) Number of Departments. Except for the ~~offices~~ **office** of governor ~~and~~
14 ~~lieutenant governor~~, all offices, agencies, and other instrumentalities of the executive
15 branch and their functions, powers, duties, and responsibilities shall be allocated
16 according to function within not more than twenty departments. The powers,
17 functions, and duties allocated by this constitution to any executive office or
18 commission shall not be affected or diminished by the allocation provided herein
19 except as authorized by Section 20 of this Article.

20 * * *

21 §3. Election; Term

22 Section 3.(A) Election. Except as provided in Section 20 of this Article, the
23 governor, ~~lieutenant governor~~, secretary of state, attorney general, ~~treasurer~~,
24 commissioner of agriculture, commissioner of insurance, superintendent of
25 education, and commissioner of elections each shall be elected for a term of four
26 years by the electors of the state at the time and place of voting for members of the
27 legislature. The term of each such official shall begin at noon on the second Monday
28 in January next following the election.

29 * * *

1 §7. Secretary of State; Powers and Duties

2 Section 7. There shall be a Department of State. The secretary of state shall
3 head the department and shall be the chief election officer of the state. He shall
4 prepare and certify the ballots for all elections, promulgate all election returns, and
5 administer the election laws, except those relating to voter registration and custody
6 of voting machines. He shall administer the state corporation and trademark laws;
7 serve as keeper of the Great Seal of the State of Louisiana and attest therewith all
8 official laws, documents, proclamations, and commissions; administer and preserve
9 the official archives of the state; promulgate and publish all laws enacted by the
10 legislature and retain the originals thereof; and countersign and keep an official
11 registry of all commissions. **He shall serve ex officio as a member of each**
12 **committee, board, and commission on which the governor serves.** He may
13 administer oaths, and shall have other powers and perform other duties authorized
14 by this constitution or provided by law.

15 * * *

16 §9. ~~Treasurer~~ **Department of the Treasury**; ~~Powers and Duties~~

17 Section 9. There shall be a Department of the Treasury. The ~~treasurer~~
18 **secretary of state** shall head the department and shall be responsible for the custody,
19 investment, and disbursement of the public funds of the state, except as otherwise
20 provided by this constitution. He shall report annually to the governor and to the
21 legislature at least one month before each regular session on the financial condition
22 of the state, and shall have other powers and perform other duties authorized by this
23 constitution or provided by law.

24 * * *

25 §13. First Assistants; Appointment

26 Section 13. Each statewide elected official except the governor ~~and~~
27 ~~lieutenant governor~~ shall appoint a first assistant, subject to public confirmation by
28 the Senate, and may remove him at his pleasure. The official shall submit the
29 appointment to the Senate in the manner and subject to the procedures and

1 limitations applicable to appointments submitted by the governor. The first assistant
2 shall possess the qualifications required for election to the office.

3 §14. Vacancy in Office of Governor

4 Section 14. When a vacancy occurs in the office of governor, the order of
5 succession shall be (1) ~~the elected lieutenant governor,~~ (2) the elected secretary of
6 state, (3) **(2)** the elected attorney general, (4) ~~the elected treasurer,~~ (5) **(3)** the
7 presiding officer of the Senate, (6) **(4)** the presiding officer of the House of
8 Representatives, and then (7) **(5)** as provided by law. The successor shall serve the
9 remainder of the term for which the governor was elected.

10 * * *

11 §16. Vacancies in Statewide Elective Offices

12 Section 16.(A) A vacancy in a statewide elective office other than that of
13 governor ~~or lieutenant governor~~ shall be filled by the first assistant. If the unexpired
14 term exceeds one year, the first assistant shall serve only until the person elected as
15 provided in Paragraph (B) of this Section takes office.

16 * * *

17 §19. Temporary Absences

18 Section 19. When the governor is temporarily absent from the state, the
19 ~~lieutenant governor~~ **secretary of state** shall act as governor. When any other
20 statewide elected official is temporarily absent from the state, the appointed first
21 assistant shall act in his absence.

22 Section 2. Be it further resolved by the Legislature of Louisiana, two-thirds of the
23 members elected to each house concurring, that there shall be submitted to the electors of
24 the state, for their approval or rejection in the manner provided by law, a proposal to amend
25 Article VII, Sections 7(A), the introductory paragraph of 10-A(A) and (C), 10.1(A)(1), (B),
26 and the introductory paragraphs of (D)(1) and (2), the introductory paragraph of 10.2(A),
27 (B)(1) and (2), (E)(1), and (F)(1), 10.4(A)(2), the introductory paragraph of 10.5(A), (B) and
28 (C), the introductory paragraph of 10.6(A) and (C), the introductory paragraph of 10.7(A),
29 the introductory paragraph of 10.8(A)(1), (2), (3), and (4), (B), (C)(3)(i), 10.9(A), 10.10(B)

1 and (C), 10.12(B)(1), 13, and 27(A), (C), and (D) of the Constitution of Louisiana, to read
2 as follows:

3 §7. State Debt; Interim Emergency Board

4 Section 7.(A) Composition. The Interim Emergency Board is created. It shall
5 be composed of the governor, ~~lieutenant governor, state treasurer,~~ presiding officer
6 of each house of the legislature, chairman of the Senate Finance Committee, and
7 chairman of the House Appropriations Committee, or their designees.

8 * * *

9 §10-A. Wildlife and Fisheries; Conservation Fund

10 Section 10-A. (A) Conservation Fund. Effective July 1, 1988, there shall be
11 established in the state treasury, as a special fund, the Louisiana Wildlife and
12 Fisheries Conservation Fund, hereinafter referred to as the Conservation Fund. Out
13 of the funds remaining in the Bond Security and Redemption Fund after a sufficient
14 amount is allocated from that fund to pay all obligations secured by the full faith and
15 credit of the state which become due and payable within any fiscal year as required
16 by Article VII, Section 9(B) of this constitution, the ~~treasurer~~ **secretary of state** shall
17 pay into the Conservation Fund all of the following, except as provided in Article
18 VII, Section 9(A), and except for the amount provided in R.S. 56:10(B)(1)(a) as that
19 provision existed on the effective date of this Section:

20 * * *

21 (C) All unexpended and unencumbered monies in the Conservation Fund at
22 the end of the fiscal year shall remain in the fund. The monies in the fund shall be
23 invested by the ~~treasurer~~ **secretary of state** in the manner provided by law. All
24 interest earned on monies invested by the ~~treasurer~~ **secretary of state** shall be
25 deposited in the fund. The ~~treasurer~~ **secretary of state** shall prepare and submit to
26 the department on a quarterly basis a printed report showing the amount of money
27 contained in the fund from all sources.

28 §10.1. Quality Trust Fund; Education

29 Section 10.1.(A) Louisiana Education Quality Trust Fund. (1) Effective

1 January 1, 1987, there shall be established in the state treasury as a special permanent
2 trust fund the Louisiana Education Quality Trust Fund, hereinafter referred to as the
3 "Permanent Trust Fund." After allocation of money to the Bond Security and
4 Redemption Fund as provided in Article VII, Section 9(B) of this constitution, and
5 notwithstanding Article XIV, Section 10 of this constitution, the ~~treasurer~~ **secretary**
6 **of state** shall deposit in and credit to the Permanent Trust Fund all money which is
7 received after the first one hundred million dollars from the federal government
8 under Section 1337(g) of Title 43 of the United States Code which is attributable to
9 mineral production activity or leasing activity on the Outer Continental Shelf which
10 has been held in escrow pending a settlement between the United States and the state
11 of Louisiana; twenty-five percent of the recurring revenues received under Section
12 1337(g) of Title 43 of the United States Code which are attributable to mineral
13 production activity or leasing activity on the Outer Continental Shelf; twenty-five
14 percent of the interest income earned on investment of monies in the Permanent
15 Trust Fund; seventy-five percent of the realized capital gains on investment of the
16 Permanent Trust Fund, unless such percentage is changed by law enacted by
17 two-thirds of the elected members of each house of the legislature; and twenty-five
18 percent of the dividend income earned on investment of the Permanent Trust Fund.
19 No appropriation shall be made from the Permanent Trust Fund. If any such money
20 has been received prior to the effective date of this Section, the ~~treasurer~~ **secretary**
21 **of state** shall transfer from the state general fund to the Permanent Trust Fund on the
22 effective date of this Section an amount of money which shall make the Permanent
23 Trust Fund balance equal to the amount of such money previously received, except
24 for the first one hundred million dollars. After six hundred million dollars has been
25 credited to the Permanent Trust Fund, the sum of fifty million dollars shall be
26 credited to the Coastal Environment Protection Trust Fund, as established in R.S.
27 30:313, from those monies received from the federal government under Section
28 1337(g) of Title 43 of the United States Code which is attributable to mineral
29 production activity or leasing activity on the Outer Continental Shelf and which has

1 been held in escrow pending a settlement between the United States and the state of
2 Louisiana; all funds in excess of seven hundred fifty million dollars shall be credited
3 to the Permanent Trust Fund.

4 * * *

5 (B) Investment. The money credited to the Permanent Trust Fund pursuant
6 to Paragraph (A) of this Section shall be permanently credited to the Permanent Trust
7 Fund and shall be invested by the ~~treasurer~~ **secretary of state**. Notwithstanding any
8 provision of this constitution or other law to the contrary, a portion of money in the
9 Permanent Trust Fund, not to exceed thirty-five percent, may be invested in stock.
10 The legislature shall provide for procedures for the investment of such monies by
11 law. The ~~treasurer~~ **secretary of state** shall contract, subject to the approval of the
12 State Bond Commission, for the management of such investments. The amounts in
13 the Support Fund shall be available for appropriation to pay expenses incurred in the
14 investment and management of the Permanent Trust Fund and for educational
15 purposes only as provided in Paragraphs (C) and (D) of this Section.

16 * * *

17 (D) Disbursement; Higher Education and Elementary and Secondary
18 Education.

19 (1) The ~~treasurer~~ **secretary of state** shall disburse not more than fifty percent
20 of the monies in the Support Fund as that money is appropriated by the legislature
21 and allocated by the Board of Regents for any or all of the following higher
22 educational purposes to enhance economic development:

23 * * *

24 (2) The ~~treasurer~~ **secretary of state** shall disburse not more than fifty percent
25 of the monies in the Support Fund as that money is appropriated by the legislature
26 and allocated by the State Board of Elementary and Secondary Education for any or
27 all of the following elementary and secondary educational purposes:

28 * * *

29 §10.2. Coastal Protection and Restoration Fund

1 severance taxes, royalty payments, bonus payments, or rentals shall not exceed an
2 amount provided by law, but in no event shall the amount provided by law be less
3 than five hundred million dollars.

4 * * *

5 (E)(1) Subject to Article VII, Sections 9(B) and 10.1 of this constitution, in
6 each fiscal year, the federal revenues that are received by the state generated from
7 Outer Continental Shelf oil and gas activity and eligible, as provided by federal law,
8 to be used for the purposes of this Paragraph shall be deposited and credited by the
9 ~~treasurer~~ **secretary of state** to the Coastal Protection and Restoration Fund.

10 * * *

11 (F)(1) Notwithstanding the provisions of Article VII, Section 10, Article VII,
12 Section 10.3, Article VII, Section 10.8, or any other provision of this constitution to
13 the contrary, if, after July 1, 2006, the state securitizes any portion of the revenues
14 received from the Master Settlement Agreement executed November 23, 1998, and
15 approved by Consent Decree and Final Judgment entered in the case "Richard P.
16 Ieyoub, Attorney General, ex rel. State of Louisiana v. Philip Morris, Incorporated,
17 et al.," bearing Number 98-6473 on the docket of the Fourteenth Judicial District for
18 the parish of Calcasieu, state of Louisiana, the ~~treasurer~~ **secretary of state** shall
19 transfer to the fund established in Paragraph A of this Section twenty percent in the
20 aggregate of the revenues received as a result of the securitization occurring after
21 July 1, 2006.

22 * * *

23 §10.4. Higher Education Louisiana Partnership Fund; Program

24 Section 10.4.(A) Higher Education Louisiana Partnership Fund.

25 (1) * * *

26 (2) All unexpended and unencumbered monies in the Higher Education
27 Louisiana Partnership Fund at the end of a fiscal year shall remain in such fund and
28 be available for appropriation in the next fiscal year. The monies in the fund shall be
29 invested by the ~~state treasurer~~ **secretary of state** in accordance with state law, and

1 interest earned on the investment of these monies shall be credited to the fund, after
2 compliance with the requirements of Article VII, Section 9(B) of the Constitution of
3 Louisiana, relative to the Bond Security and Redemption Fund.

4 * * *

5 §10.5. Mineral Revenue Audit and Settlement Fund

6 Section 10.5.(A) There shall be established in the state treasury the Mineral
7 Revenue Audit and Settlement Fund, hereinafter referred to as the "fund". Of
8 revenues received in each fiscal year by the state through settlements or judgments
9 which equal, in both principal and interest, five million dollars or more for each such
10 settlement or judgment, resulting from underpayment to the state of severance taxes,
11 royalty payments, bonus payments, or rentals, the ~~treasurer~~ **secretary of state** shall
12 make the following allocations as required:

13 * * *

14 (B) After making the allocations provided for in Paragraph (A), the ~~treasurer~~
15 **secretary of state** shall then deposit in and credit to the Mineral Revenue Audit and
16 Settlement Fund any such remaining revenues. Any revenues deposited in and
17 credited to the fund shall be considered mineral revenues from severance taxes,
18 royalty payments, bonus payments, or rentals for purposes of determining deposits
19 and credits to be made in and to the Coastal Protection and Restoration Fund as
20 provided in Article VII, Section 10.2 of this constitution. Any revenues deposited in
21 and credited to the fund shall not be considered mineral revenues for purposes of the
22 Budget Stabilization Fund as provided in Article VII, Section 10.3 of this
23 constitution. Money in the fund shall be invested as provided by law. The earnings
24 realized in each fiscal year on the investment of monies in the Mineral Revenue
25 Audit and Settlement Fund shall be deposited in and credited to the Mineral Revenue
26 Audit and Settlement Fund.

27 (C) After making the allocations provided for in Paragraph (A), the ~~treasurer~~
28 **secretary of state** shall credit thirty-five million dollars to the Coastal Protection and
29 Restoration Fund, and thereafter any monies credited to the fund in any fiscal year

1 may be annually appropriated by the legislature only for the purposes of retirement
 2 in advance of maturity through redemption, purchase, or repayment of debt of the
 3 state, pursuant to a plan proposed by the State Bond Commission to maximize the
 4 savings to the state; for payments against the unfunded accrued liability of the public
 5 retirement systems which are in addition to any payments required for the annual
 6 amortization of the unfunded accrued liability of the public retirement systems,
 7 required by Article X, Section 29 of this constitution; however, any such payment
 8 to the public retirement systems shall not be used, directly or indirectly, to fund
 9 cost-of-living increases for such systems; and for deposit in the Coastal Protection
 10 and Restoration Fund.

11 §10.6. Oilfield Site Restoration Fund

12 Section 10.6.(A) Oilfield Site Restoration Fund. Effective January 4, 1996,
 13 there shall be established in the state treasury, as a special fund, the Oilfield Site
 14 Restoration Fund, hereinafter referred to as the restoration fund. Out of the funds
 15 remaining in the Bond Security and Redemption Fund after a sufficient amount is
 16 allocated from that fund to pay all obligations secured by the full faith and credit of
 17 the state which become due and payable within any fiscal year as required by Article
 18 VII, Section 9(B) of this constitution, the ~~treasurer~~ **secretary of state** shall pay into
 19 the restoration fund all of the following:

20 * * *

21 (C) All unexpended and unencumbered monies in the restoration fund at the
 22 end of the fiscal year shall remain in the fund. The monies in the fund shall be
 23 invested by the ~~treasurer~~ **secretary of state** in the manner provided by law. All
 24 interest earned on monies invested by the ~~treasurer~~ **secretary of state** shall be
 25 deposited in the fund. The ~~treasurer~~ **secretary of state** shall prepare and submit to
 26 the department on a quarterly basis a printed report showing the amount of money
 27 contained in the fund from all sources.

28 * * *

29 §10.7. Oil Spill Contingency Fund

1 year into the Millennium Trust, and one-third of all investment earnings on the
2 investment of the Millennium Trust. The ~~treasurer~~ **secretary of state** shall report
3 annually to the legislature as to the amount of Millennium Trust investment earnings
4 credited to the Health Excellence Fund.

5 (3) The Education Excellence Fund shall be established as a special fund
6 within the Millennium Trust. The ~~treasurer~~ **secretary of state** shall credit to the
7 Education Excellence Fund one-third of the Settlement Agreement proceeds
8 deposited each year into the Millennium Trust, and one-third of all investment
9 earnings on the investment of the Millennium Trust. The ~~treasurer~~ **secretary of state**
10 shall report annually to the legislature and the state superintendent of education as
11 to the amount of Millennium Trust investment earnings credited to the Education
12 Excellence Fund.

13 (4) The TOPS Fund shall be established as a special fund within the
14 Millennium Trust. The ~~treasurer~~ **secretary of state** shall deposit in and credit to the
15 TOPS Fund one-third of the Settlement Agreement proceeds deposited into the
16 Millennium Trust, and one-third of all investment earnings on the investment of the
17 Millennium Trust. The ~~treasurer~~ **secretary of state** shall report annually to the
18 legislature as to the amount of Millennium Trust investment earnings credited to the
19 TOPS Fund.

20 * * *

21 (B) Investment. Monies credited to the Millennium Trust pursuant to
22 Paragraph (A) of this Section shall be invested by the ~~treasurer~~ **secretary of state**
23 with the same authority and subject to the same restrictions as the Louisiana
24 Education Quality Trust Fund. However, the portion of monies in the Millennium
25 Trust which may be invested in stock may be increased to no more than fifty percent
26 by a specific legislative instrument which receives a favorable vote of two-thirds of
27 the elected members of each house of the legislature. The legislature shall provide
28 for procedures for the investment of such monies by law. The ~~treasurer~~ **secretary of**
29 **state** may contract, subject to the approval of the State Bond Commission, for the

1 management of such investments and, if a contract is entered into, amounts necessary
2 to pay the costs of the contract shall be appropriated from the Millennium Trust.

3 (C) Appropriations.

4 * * *

5 (3) Appropriations from the Education Excellence Fund shall be limited as
6 follows:

7 * * *

8 (i) The ~~treasurer~~ **secretary of state** shall maintain within the state treasury
9 a record of the amounts appropriated and credited for each entity through
10 appropriations authorized in this Subparagraph and which remain in the state
11 treasury. Notwithstanding any other provisions of this constitution to the contrary,
12 such amounts, and investment earnings attributable to such amounts, shall remain to
13 the credit of each recipient entity at the close of each fiscal year.

14 * * *

15 §10.9. Louisiana Fund

16 Section 10.9. Louisiana Fund.

17 A. The Louisiana Fund is established in the state treasury as a special fund.
18 After allocation of money to the Bond Security and Redemption Fund as provided
19 in Article VII, Section 9(B) of this constitution, the ~~treasurer~~ **secretary of state** shall
20 deposit in and credit to the Louisiana Fund all remaining monies received as a result
21 of the Settlement Agreement after deposits into the Millennium Trust as provided in
22 Section 10.8 of this Article, and all interest income on the investment of monies in
23 the Louisiana Fund. Monies in the Louisiana Fund shall be invested by the ~~treasurer~~
24 **secretary of state** in the same manner as the state general fund.

25 * * *

26 §10.10. Millennium Leverage Fund

27 * * *

28 B. Investment. Monies deposited in the Leverage Fund shall be invested and
29 administered by the ~~treasurer~~ **secretary of state**. Notwithstanding any provision of

1 this constitution to the contrary, a portion of the monies in the Leverage Fund, not
2 to exceed fifty percent, may be invested in stock. The legislature shall provide for
3 the procedure for the investment of such monies by law. The ~~treasurer~~ **secretary of**
4 **state** shall contract, subject to approval of the State Bond Commission, for the
5 management of such investments. The monies in the Leverage Fund shall be
6 available for appropriation to pay expenses incurred in the investment and
7 management of monies in the fund.

8 C. Revenue Bonds. The State Bond Commission, or its successor, may issue
9 and sell bonds, notes, or other obligations, hereinafter the "bonds" secured by a
10 pledge of a portion of the monies received by the state as a result of the Settlement
11 Agreement which are otherwise to be deposited in the Leverage Fund as provided
12 in this Section. Such bonds may be issued only in amounts authorized by the
13 legislature by two-thirds of the elected members of each house of the legislature. If
14 settlement revenues are pledged to secure any revenue bonds issued pursuant to this
15 Section, any portion thereof needed to pay principal, interest, or premium, if any, and
16 other obligations incident to the issuance, security, prepayment, defeasance, and
17 payment in respect thereof may be expended by the ~~treasurer~~ **secretary of state**
18 without the need for an appropriation, provided that the prepayment or defeasance
19 has been approved by the legislature. Bonds so issued may also be further secured
20 by a collateralization of all or a portion of monies in the Leverage Fund. If bonds are
21 issued subject to such a collateralization, the ~~treasurer~~ **secretary of state** may pay
22 from the Leverage Fund any principal, interest, or premium, if any, and other
23 obligations incident to the issuance, security, prepayment, defeasance, and payment
24 in respect thereof without the need for an appropriation, provided that the
25 prepayment or defeasance has been approved by the legislature. The net proceeds of
26 any bonds issued pursuant to this Section shall be deposited in and credited to the
27 Leverage Fund. Any revenue bonds issued under authority of this Section shall not
28 be general obligation bonds secured by the full faith and credit of the state.

29 * * *

1 notes, or other obligations ("Bonds") secured by a pledge of a portion of the revenues
 2 not to exceed the avails of four cents per gallon of the taxes on gasoline and motor
 3 fuels and on special fuels received by the ~~state treasurer~~ **secretary of state**. Bonds
 4 so issued may also be secured by a pledge of all or a portion of excess revenues as
 5 additional security therefor, and if so pledged any portion thereof needed to pay
 6 principal, interest, or premium, if any, and other obligations incident to the issuance,
 7 security, and payment in respect to Bonds may be expended by the ~~treasurer~~
 8 **secretary of state** without the need for legislative appropriation. The Bonds may be
 9 issued in the manner set forth in this Section to provide for the costs for and
 10 associated with construction and maintenance of the roads and bridges of the state
 11 and federal highway systems, Statewide Flood-Control Program, ports, airports, and
 12 for any other purpose for which monies in the trust fund may be expended as
 13 provided by law. Such Bonds shall not be considered to be debt under Article VII,
 14 Section 6, unless the provisions of Article VII, Section 6, relative to incurring debt
 15 by the state are met, in which case the full faith and credit of the state may also be
 16 pledged in addition to the revenues received by the ~~treasurer~~ **secretary of state**.

17 (D) The State Bond Commission or its successor may also issue and sell
 18 bonds, notes, or other obligations secured by a pledge of the excess revenues
 19 deposited in the trust fund, which shall otherwise be issued in the manner and for the
 20 purposes provided for in this Section, and if so pledged any portion thereof needed
 21 to pay principal, interest, or premium, if any, and other obligations incident to the
 22 issuance, security, and payment in respect thereof may be expended by the ~~treasurer~~
 23 **secretary of state** without the need for legislative appropriation.

24 * * *

25 Section 3. Be it further resolved by the Legislature of Louisiana, two-thirds of the
 26 members elected to each house concurring, that there shall be submitted to the electors of
 27 the state, for their approval or rejection in the manner provided by law, a proposal to amend
 28 Article IX, Sections 9(A)(1), (2)(b), (B), (C), and (D), 10(A), (B)(2), and (C) of the
 29 Constitution of Louisiana, to read as follows:

1 §9. First Use Tax Trust Fund

2 Section 9.(A)(1) Creation. The First Use Tax Trust Fund is hereby created
 3 and established in the state treasury as a special and irrevocable trust fund for the
 4 deposit of the proceeds, and interest derived therefrom, of the first use tax imposed
 5 by law in 1978 or thereafter and any other tax imposed by law which would have the
 6 effect of imposing any new or alternative tax on uses of those resources subject to
 7 the tax levied by the first use tax. The ~~treasurer~~ **secretary of state** shall pay into the
 8 state general fund, from the total proceeds of the first use tax, as imposed by law in
 9 1978 or thereafter such amounts as are necessary to fully reimburse the state general
 10 fund for tax credits granted in 1978 against that tax pursuant to Part I-B of Chapter
 11 6 of Title 47 of the Louisiana Revised Statutes. The remainder of such tax proceeds
 12 shall be credited to the following accounts within the First Use Tax Trust Fund and
 13 shall not be deposited into the Bond Security and Redemption Fund or the general
 14 fund.

15 (2) Distribution; debt accounts. Seventy-five percent of the proceeds, and
 16 interest derived therefrom, shall be deposited into the following accounts:

17 * * *

18 (b) Debt Retirement and Redemption Account. All proceeds of this portion
 19 of the tax over and above the amount required to be maintained in the Initial
 20 Proceeds Account shall be maintained in an account in the First Use Tax Trust Fund
 21 to be known as the "Debt Retirement and Redemption Account". Monies in the Debt
 22 Retirement and Redemption Account shall be invested and the investment earnings
 23 shall accrue to that account. Except for investment, monies on deposit in the Debt
 24 Retirement and Redemption Account shall be used only to purchase, in advance of
 25 maturity, on the open market any outstanding obligations of the state, or to call, pay
 26 or redeem in advance of maturity any outstanding bonds, notes or other evidence of
 27 state debt, or both. No purchase or redemption of state debt shall occur with the
 28 monies unless the purchase or redemption results in interest savings to the state. The
 29 methods used for retiring such future debt shall be determined by the ~~state treasurer~~

1 of the funds remaining in the Bond Security and Redemption Fund, after a sufficient
2 amount has been allocated for the payment of obligations secured by the full faith
3 and credit of the state which become due and payable within the fiscal year, the
4 ~~treasurer~~ **secretary of state** shall credit an amount equal to the windfall revenues
5 from oil and gas price deregulation to the Louisiana Investment Fund for
6 Enhancement.

7 (B) As used in this Section, "windfall revenues from oil and gas price
8 deregulation" means those revenues received by the state in a fiscal year which are
9 in excess of the base for that particular fiscal year, as calculated in accordance with
10 this Paragraph. The base for fiscal year 1981-1982 shall be the estimated level of
11 collections for oil, gas, and other severance taxes and from oil and gas production
12 royalties in fiscal year 1980-1981, which for the purposes hereof shall be one billion
13 eighty-five million dollars, calculated as follows:

14 (1) Seven hundred sixty million dollars from oil, gas, and other severance
15 taxes; and

16 (2) Three hundred twenty-five million dollars from oil and gas royalty
17 payments, excluding bonuses and rentals.

18 In each subsequent fiscal year, the state ~~treasurer~~ **secretary of state** shall
19 calculate the windfall revenues from oil and gas price deregulation for that fiscal
20 year by determining a new base as follows: The base for the previous fiscal year
21 shall be multiplied by the most recent annual change in the consumer price index and
22 then the product shall be added to the base for the previous fiscal year.

23 (C) The ~~state treasurer~~ **secretary of state** shall invest the monies in the
24 Louisiana Investment Fund for Enhancement in the manner provided by law.
25 Interest from the investment shall be credited to the general fund.

26 * * *

27 Section 4. Be it further resolved by the Legislature of Louisiana, two-thirds of the
28 members elected to each house concurring, that there shall be submitted to the electors of
29 the state, for their approval or rejection in the manner provided by law, a proposal to amend

1 Article X, Sections 2(B)(10), 25, 29(E)(2)(d) of the Constitution of Louisiana, to read as
2 follows:

3 §2. Classified and Unclassified Service

4 * * *

5 (B) Unclassified Service. The unclassified service shall include the following
6 officers and employees in the state and city civil service:

7 * * *

8 (10) employees, deputies, and officers of the legislature and of the offices of
9 the governor, ~~lieutenant governor~~, attorney general, each mayor and city attorney,
10 of police juries, school boards, assessors, and of all offices provided for in Article
11 V of this constitution except the offices of clerk of the municipal and traffic courts
12 in New Orleans;

13 * * *

14 §25. Removal by Suit; Officials Subject

15 Section 25. For the causes enumerated in Paragraph (A) of Section 24 of this
16 Article, the legislature shall provide by general law for the removal by suit of any
17 state, district, parochial, ward, or municipal official except the governor, ~~lieutenant~~
18 ~~governor~~, and judges of the courts of record.

19 * * *

20 §29. Retirement and Survivor's Benefits

21 Section 29.

* * *

22 (E) Actuarial Soundness.

23 * * *

24 (2) For public retirement systems whose benefits are guaranteed by this
25 constitution as is specified in Paragraphs (A) and (B) of this Section:

26 * * *

27 (d) Amounts provided for under (b) and (c) above are hereby guaranteed
28 payable, each fiscal year, to each retirement system covered herein. If, for any fiscal
29 year, the legislature fails to provide these guaranteed payments, upon warrant of the

1 governing authority of the retirement system, following the close of said fiscal year,
 2 the ~~state treasurer~~ **secretary of state** shall pay the amount guaranteed directly from
 3 the state general fund.

4 * * *

5 Section 5. Be it further resolved by the Legislature of Louisiana, two-thirds of the
 6 members elected to each house concurring, that there shall be submitted to the electors of
 7 the state, for their approval or rejection in the manner provided by law, a proposal to amend
 8 Article XIV, Sections 10 and 31 of the Constitution of Louisiana, to read as follows:

9 §10. Offshore Mineral Revenues; Use of Funds

10 Section 10. Funds derived from offshore mineral leases and held in escrow
 11 under agreement between the state and the United States pending settlement of the
 12 dispute between the parties shall be deposited in the state treasury when received.
 13 Upon such settlement, these funds and the interest from their investment, except the
 14 portion otherwise allocated or dedicated by this constitution, shall be used by the
 15 ~~state treasurer~~ **secretary of state** to purchase, retire, or pay in advance of maturity
 16 the existing bonded indebtedness of the state or shall be invested for that purpose.
 17 If any of these funds cannot be so expended within one year, the legislature may
 18 appropriate annually, for capital improvements or for the purchase of land, ten
 19 percent of the remaining funds, not to exceed ten million dollars in one year.

20 * * *

21 §31. Pardon Board

22 Section 31. Until a pardon board is appointed under the terms of this
 23 constitution, ~~the lieutenant governor, the~~ attorney general, and presiding judge of the
 24 sentencing court shall continue to serve as a board of pardons.

25 Section 6. Be it further resolved by the Legislature of Louisiana, two-thirds of the
 26 members elected to each house concurring, that there shall be submitted to the electors of
 27 the state of Louisiana, for their approval or rejection in the manner provided by law, a
 28 proposal to amend Article XIV of the Constitution of Louisiana, by adding a new Part IV,
 29 comprised of Section 38, to read as follows:

PART IV

**§38. Abolition of the Offices of Lieutenant Governor and State Treasurer;
Reallocation of Functions of Certain Executive Branch Departments;
Effectiveness of Amendments Approved in 2011**

Section 41. The provisions of Article IV, Sections 1(A) and (B), 3(A), 7, 9, 13, 14, 16(A), and 19, Article VII, Sections 7(A), the introductory paragraph of 10-A(A) and (C), 10.1(A)(1), (B), and the introductory paragraphs of (D)(1) and (2), the introductory paragraph of 10.2(A), (B)(1) and (2), (E)(1), and (F)(1), 10.4(A)(2), the introductory paragraph of 10.5(A), (B) and (C), the introductory paragraph of 10.6(A) and (C), the introductory paragraph of 10.7(A), the introductory paragraph of 10.8(A)(1), (2), (3), and (4), (B), (C)(3)(i), 10.9(A), 10.10(B) and (C), 10.12(B)(1), 13, and 27(A), (C), and (D), Article IX, Sections 9(A)(1), (2)(b), (B), (C), and (D), 10(A), (B)(2), and (C), Article X, Sections 2(B)(10), 25, 29(E)(2)(d), and Article XIV, Sections 10 and 31, all amended as approved in 2011, and the repeal of Article IV, Sections 6 and 15, as approved in 2011, shall be effective at noon on January 10, 2011, and thereafter.

Section 7. Be it further resolved by the Legislature of Louisiana, two-thirds fo the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to repeal Article IV, Sections 6 and 15 of the Constitution of Louisiana.

Section 8. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 2, 2010.

Section 9. Be it further resolved that on the official ballot to be used at said election there shall be printed a proposition, upon which the electors of the state shall be permitted to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall read as follows:

To abolish the offices of lieutenant governor and state treasurer and to transfer the powers and duties of those offices to the secretary of state,

1 beginning at noon on January 10, 2011. (Amends Article IV, Sections 1(A)
 2 and (B), 3(A), 7, 9, 13, 14, 16(A), and 19, Article VII, Sections 7(A), the
 3 introductory paragraph of 10-A(A) and (C), 10.1(A)(1), (B), and the
 4 introductory paragraphs of (D)(1) and (2), the introductory paragraph of
 5 10.2(A), (B)(1) and (2), (E)(1), and (F)(1), 10.4(A)(2), the introductory
 6 paragraph of 10.5(A), (B) and (C), the introductory paragraph of 10.6(A) and
 7 (C), the introductory paragraph of 10.7(A), the introductory paragraph of
 8 10.8(A)(1), (2), (3), and (4), (B), (C)(3)(i), 10.9(A), 10.10(B) and (C),
 9 10.12(B)(1), 13, and 27(A), (C), and (D), Article IX, Sections 9(A)(1), (2)(b),
 10 (B), (C), and (D), 10(A), (B)(2), and (C), Article X, Sections 2(B)(10), 25,
 11 29(E)(2)(d), and Article XIV, Sections 10 and 31; adds Part IV of Article
 12 XIV, comprised of Section 38; and repeals Article IV, Sections 6 and 15)

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present constitution provides for a lieutenant governor who has the following specific powers and duties:

- (1) Service as an ex officio member of each committee, board, and commission on which the governor serves.
- (2) Exercise of powers delegated to him by the governor.
- (3) Performance of other duties authorized by the constitution or provided by law including:
 - (a) Service as first in the line of succession when a vacancy occurs in the office of governor.
 - (b) Acting as governor when the governor is temporarily absent from the state.

Present constitution creates the Department of the Treasury and provides for a state treasurer to head the department, who has the following specific powers and duties:

- (1) Responsible for the custody, investment, and disbursement of the public funds of the state.
- (2) Report annually to the governor and to the legislature at least one month before each regular session on the financial condition of the state.
- (3) Other powers and duties authorized by this constitution or provided by law, including:

- (a) Service as second in the line of succession when a vacancy occurs in the office of governor, following the lieutenant governor.
- (b) Depositing to the Louisiana Education Quality Trust Fund all money received after the first \$100,000,000 from the federal government under Section 1337(g) of Title 43 of the United States Code, and investing of such funds.
- (c) Making allocations from the Coastal Protection and Restoration Fund as provided by present constitution.
- (d) Investing all unexpended and unencumbered monies remaining in the Higher Education Louisiana Partnership Fund at the end of a fiscal year.
- (e) Making allocations from the Mineral Revenue Audit and Settlement Fund as provided by present constitution.
- (f) Making payments into the Oilfield Site Restoration Fund and Oil Spill Contingency Fund as required by present constitution.
- (g) Depositing into the TOPS fund proceeds provided for by present constitution.
- (h) Investing monies in the Agricultural and Seafood Products Support Fund in the same manner as monies in the state general fund.
- (i) Making payments into the Louisiana Wildlife and Fisheries Conservation Fund as required by present constitution.
- (j) Investing all monies on deposit in the First Use Tax Trust Fund and Debt Retirement and Redemption Account in accordance with the law governing the investment of idle state funds.
- (k) Using funds, and interest from their investment, derived from offshore mineral leases and held in escrow under agreement between the state and the United States pending settlement of the dispute between the parties to purchase, retire, or pay in advance of maturity the existing bonded indebtedness of the state, or investing funds for that purpose.

Present constitution also provides for a Department of State, headed by the secretary of state, who has certain specified powers and duties, including serving as second (after lieutenant governor) in the line of succession when a vacancy occurs in the office of the governor.

Proposed constitutional amendment abolishes the office of lieutenant governor as of noon on Jan. 10, 2011 (upon the expiration of the current term of office). Transfers the powers and duties of the lieutenant governor to the secretary of state. Further deletes all pertinent references to the office of lieutenant governor from present constitution, including provisions for election and term of office of the lieutenant governor; provisions exempting lieutenant governor from appointing or being succeeded by a first assistant; provisions for succession to the office of governor (substitutes elected secretary of state); provision for service as governor in the governor's absence (substitutes secretary of state); provision for service as a member of the Interim Emergency Board (substitutes secretary of state); provision for unclassified employees in the office of the lieutenant governor; provision excepting lieutenant governor's office from 20-department limit on executive branch; provision excepting the lieutenant governor from removal by suit; and provision for governor's nominating and the legislature's confirming of a person to fill a vacancy in the office of lieutenant governor.

Proposed constitutional amendment abolishes the office of treasurer as of noon on Jan. 10,

2011 (upon the expiration of the current term of office). Transfers the powers and duties of the treasurer provided for by present constitution to the secretary of state. Further deletes all pertinent references to the office of treasurer found in present constitution.

Specifies submission of the amendment to the voters at the statewide election to be held on November 2, 2010.

Effective at noon January 10, 2011.

(Amends Const. Art. IV, Sec. 1(A) and (B), 3(A), 7, 9, 13, 14, 16(A), and 19, Art. VII, Sec. 7(A), the introductory paragraph of 10-A(A) and (C), 10.1(A)(1), (B), and the introductory paragraphs of (D)(1) and (2), the introductory paragraph of 10.2(A), (B)(1) and (2), (E)(1), and (F)(1), 10.4(A)(2), the introductory paragraph of 10.5(A), (B) and (C), the introductory paragraph of 10.6(A) and (C), the introductory paragraph of 10.7(A), the introductory paragraph of 10.8(A)(1), (2), (3), and (4), (B), (C)(3)(i), 10.9(A), 10.10(B) and (C), 10.12(B)(1), 13, and 27(A), (C), and (D), Art. IX, Sec. 9(A)(1), (2)(b), (B), (C), and (D), 10(A), (B)(2), and (C), Art. X, Sec. 2(B)(10), 25, 29(E)(2)(d), and Art. XIV, Sec. 10 and 31; adds Part IV of Art. XIV, comprised of Sec. 38; and repeals Article IV, Sec. 6 and 15)