

2017 Regular Session

HOUSE BILL NO. 236

BY REPRESENTATIVE SHADOIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FUNDS/FUNDING: (Constitutional Amendment) Eliminates certain constitutional dedication of revenue and certain treasury funds

1 A JOINT RESOLUTION

2 Proposing to amend Article VI, Section 38.1(C), Article VII, Sections 4.1, 5, 10.1(A) and

3 (B), 10.8(A)(1) and (B), 10.10(D), and 27(A) and (B), and Article XII, Section

4 6(A)(1) and to repeal Article VII, Sections 10(F)(4)(h), 10.1(C) and (D), 10.2, 10.4,

5 10.5, 10.8(A)(2), (3), (4), and (5) and (C), 10.9, 10.15, and 10.16 and Article IX,

6 Section 10 of the Constitution of Louisiana, to eliminate certain constitutional

7 dedications and deposits into and expenditure out of certain funds including the

8 Louisiana Education Quality Trust Fund, Millennium Trust, Millennium Leverage

9 Fund, and Transportation Trust Fund; to repeal the Lottery Proceeds Fund, Louisiana

10 Quality Education Support Fund, Education Excellence Fund, Health Excellence

11 Fund, TOPS Fund, Louisiana Fund, Coastal Protection and Restoration Fund,

12 Mineral Revenue Audit and Settlement Fund, Louisiana Investment Fund for

13 Enhancement, Higher Education Louisiana Partnership Fund, and the Revenue

14 Stabilization Trust Fund; to provide for submission of the proposed amendment to

15 the electors; to provide for an effective date; and to provide for related matters.

16 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members

17 elected to each house concurring, that there shall be submitted to the electors of the state of

18 Louisiana, for their approval or rejection in the manner provided by law, a proposal to

19 amend Article VI, Section 38.1(C) of the Constitution of Louisiana, to read as follows:

1 §38.1. Regional Flood Protection Authorities

2 Section 38.1.

3 * * *

4 (C) ~~Notwithstanding the provisions of Article VII, Section 10.2(D) of this~~
5 ~~Constitution, the~~ The legislature may appropriate up to five hundred thousand dollars
6 annually to regional flood protection authorities ~~from the Coastal Protection and~~
7 ~~Restoration Fund.~~

8 * * *

9 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members
10 elected to each house concurring, that there shall be submitted to the electors of the state of
11 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
12 amend Article VII, Sections 4.1, 5, 10.1(A) and (B), 10.8(A)(1) and (B), 10.10(D), and
13 27(A) and (B) of the Constitution of Louisiana, to read as follows:

14 §4.1. Cigarette Tax Rates

15 Section 4.1. ~~To ensure revenue for the dedication provided for in Article VII,~~
16 ~~Section 10.8(C)(2)(c) of this constitution, the~~ The rate of the tax levied pursuant to
17 R.S. 47:841(B)(3) shall not be less than the rate set forth in that provision as it exists
18 on January 1, 2012.

19 §5. Motor Vehicle License Tax

20 Section 5. The legislature shall impose an annual license tax of not more
21 than one dollar per each one thousand dollars of actual value on automobiles for
22 private use based on the actual value of the vehicle, as provided by law. However,
23 the annual license tax shall not be less than ten dollars per automobile for private
24 use. On other motor vehicles, the legislature shall impose an annual license tax
25 based upon carrying capacity, horsepower, value, weight, or any of these. After
26 satisfying the requirements of Section 9(B) of this Article, and after satisfying
27 pledges respecting that portion of the revenues attributable to the tax rates in effect
28 at the time of such pledges for the payment of obligations for bonds or other
29 evidences of indebtedness ~~and upon the creation of a Transportation Trust Fund~~

1 ~~within this constitution~~, the revenues from the license tax on automobiles for private
2 use shall be deposited ~~therein~~ into the state general fund. ~~In the event no such trust~~
3 fund is established in this constitution, the revenues shall be used exclusively and
4 solely as provided by law for the construction, maintenance, and safety of the federal
5 and state system of roads and bridges, for the parish and municipal road systems, for
6 the operations of the office of state police, Department of Public Safety and
7 Corrections or its successor, and for the payment of any obligation for bonds issued
8 or indebtedness incurred in connection with any of the foregoing, which bonds may
9 be issued as revenue bonds under Article VII, Section 6(C) of this constitution,
10 subject to existing pledges only as to that portion of the tax collections attributable
11 to the rates in effect at the time of such pledges for the payment of any obligations
12 for bonds or other evidences of indebtedness outstanding on the effective date of this
13 Section. No parish or municipality may impose a license fee on motor vehicles.

* * *

§10.1. Quality Trust Fund; ~~Education~~

16 Section 10.1.(A) Louisiana ~~Education~~ Quality Trust Fund. ~~(1) Effective~~
17 ~~January 1, 1987, there~~ There shall be established in the state treasury as a special
18 permanent trust fund the Louisiana ~~Education~~ Quality Trust Fund, hereinafter
19 referred to as the "Permanent Trust Fund". After allocation of money to the Bond
20 Security and Redemption Fund as provided in Article VII, Section 9(B) of this
21 constitution, and notwithstanding Article XIV, Section 10 of this constitution, the
22 treasurer shall deposit in and credit to the Permanent Trust Fund all money which is
23 received after the first one hundred million dollars from the federal government
24 under Section 1337(g) of Title 43 of the United States Code which is attributable to
25 mineral production activity or leasing activity on the Outer Continental Shelf which
26 has been held in escrow pending a settlement between the United States and the state
27 of Louisiana; ~~twenty-five percent~~ All of the recurring revenues received under
28 Section 1337(g) of Title 43 of the United States Code which are attributable to
29 mineral production activity or leasing activity on the Outer Continental Shelf;

1 ~~twenty-five percent~~ all of the interest income earned on investment of monies in the
2 Permanent Trust Fund; ~~seventy-five percent~~ all of the realized capital gains on
3 investment of the Permanent Trust Fund, ~~unless such percentage is changed by law~~
4 ~~enacted by two-thirds of the elected members of each house of the legislature; and~~
5 ~~twenty-five percent~~ all of the dividend income earned on investment of the
6 Permanent Trust Fund shall be deposited into the state general fund. No
7 appropriation shall be made from the Permanent Trust Fund. ~~If any such money has~~
8 ~~been received prior to the effective date of this Section, the treasurer shall transfer~~
9 ~~from the state general fund to the Permanent Trust Fund on the effective date of this~~
10 ~~Section an amount of money which shall make the Permanent Trust Fund balance~~
11 ~~equal to the amount of such money previously received, except for the first one~~
12 ~~hundred million dollars. After six hundred million dollars has been credited to the~~
13 ~~Permanent Trust Fund, the sum of fifty million dollars shall be credited to the~~
14 ~~Coastal Environment Protection Trust Fund, as established in R.S. 30:313, from~~
15 ~~those monies received from the federal government under Section 1337(g) of Title~~
16 ~~43 of the United States Code which is attributable to mineral production activity or~~
17 ~~leasing activity on the Outer Continental Shelf and which has been held in escrow~~
18 ~~pending a settlement between the United States and the state of Louisiana; all funds~~
19 ~~in excess of seven hundred fifty million dollars shall be credited to the Permanent~~
20 ~~Trust Fund.~~

21 (2) ~~After allocation of money to the Bond Security and Redemption Fund as~~
22 ~~provided in Article VII, Section 9(B) of the constitution, and notwithstanding Article~~
23 ~~XIV, Section 10 of the constitution, seventy-five percent of the recurring revenues~~
24 ~~received under Section 1337(g) of Title 43 of the United States Code which are~~
25 ~~attributable to mineral production activity or leasing activity, and the percent~~
26 ~~remaining of the realized capital gains and interest income and dividend income~~
27 ~~earned on investment of the Permanent Trust Fund after the deposit required to the~~
28 ~~Permanent Trust Fund in Paragraph A(1) of this Section shall be deposited and~~
29 ~~credited to a special fund which is hereby created in the state treasury and which~~

1 shall be known as the Louisiana Quality Education Support Fund, hereinafter
2 referred to as the "Support Fund".

3 (3) ~~All recurring revenues and interest earnings shall be credited to the~~
4 ~~respective funds as provided in Subparagraphs (1) and (2) above until the balance in~~
5 ~~the Permanent Trust Fund equals two billion dollars. After the Permanent Trust~~
6 ~~Fund reaches a balance of two billion dollars, all interest earnings on the Permanent~~
7 ~~Trust Fund shall be credited to the Support Fund and all recurring revenues shall be~~
8 ~~credited to the State General Fund.~~

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

20 * * *

21 §10.8. Millennium Trust

22 Section 10.8. Millennium Trust

23 (A) Creation.

24 (†) There shall be established in the state treasury as a special permanent
25 trust the "Millennium Trust". After allocation of money to the Bond Security and
26 Redemption Fund as provided in Article VII, Section 9(B) of this constitution, the
27 treasurer shall deposit in and credit to the Millennium Trust certain monies received
28 as a result of the Master Settlement Agreement, hereinafter the "Settlement
29 Agreement", executed November 23, 1998, and approved by Consent Decree and

1 Final Judgment entered in the case "Richard P. Ieyoub, Attorney General, ex rel.
2 State of Louisiana v. Philip Morris, Incorporated, et al.", bearing Number 98-6473
3 on the docket of the Fourteenth Judicial District for the parish of Calcasieu, state of
4 Louisiana; and all dividend and interest income and all realized capital gains on
5 investment of the monies in the Millennium Trust. Beginning on July 1, 2018, the
6 treasurer shall deposit into the state general fund all monies received as a result of
7 the Master Settlement Agreement and all earnings on the investment of the monies
8 in the Millennium Trust. The treasurer shall deposit in and credit to the Millennium
9 Trust the following amounts of monies received as a result of the Settlement
10 Agreement:

11 (a) ~~Fiscal Year 2000-2001, forty-five percent of the total monies received~~
12 ~~that year.~~

13 (b) ~~Fiscal Year 2001-2002, sixty percent of the total monies received that~~
14 ~~year.~~

15 (c) ~~Fiscal Year 2002-2003 and each fiscal year thereafter, seventy-five~~
16 ~~percent of the total monies received that year. However, beginning in Fiscal Year~~
17 ~~2011-2012 after the balance in the Millennium Trust reaches a total of one billion~~
18 ~~three hundred eighty million dollars, the monies deposited in and credited to the~~
19 ~~Millennium Trust, received as a result of the Settlement Agreement, shall be~~
20 ~~allocated to the various funds within the Millennium Trust as provided in~~
21 ~~Subsubparagraphs (2)(b), (3)(b), and (4)(b) and (c) of this Paragraph.~~

22 (d) ~~For Fiscal Year 2000-2001, Fiscal Year 2001-2002, and Fiscal Year~~
23 ~~2002-2003, ten percent of the total monies received in each of those years for credit~~
24 ~~to the Education Excellence Fund which, notwithstanding the provisions of~~
25 ~~Subparagraph (C)(1) of this Section, shall be appropriated for the purposes provided~~
26 ~~in Subsubparagraph (d) of Subparagraph (3) of Paragraph (C) of this Section.~~

27 (B) Investment. Monies credited to the Millennium Trust pursuant to
28 Paragraph (A) of this Section shall be invested by the treasurer with the same
29 authority and subject to the same restrictions as the Louisiana Education Quality

1 Trust Fund. However, the portion of monies in the Millennium Trust which may be
 2 invested in stock may be increased to no more than fifty percent by a specific
 3 legislative instrument which receives a favorable vote of two-thirds of the elected
 4 members of each house of the legislature. The legislature shall provide for
 5 procedures for the investment of such monies by law. The treasurer may contract,
 6 subject to the approval of the State Bond Commission, for the management of such
 7 investments and, if a contract is entered into, amounts necessary to pay the costs of
 8 the contract shall be appropriated from the Millennium Trust.

9 * * *

10 §10.10. Millennium Leverage Fund

11 Section 10.10. Millennium Leverage Fund

12 * * *

13 (D) Appropriations. ~~(1) The legislature may annually appropriate~~ treasurer
 14 shall deposit into the state general fund the bond proceeds credited to the Leverage
 15 Fund and all earnings, income, and realized capital gains on investment of monies
 16 in the Leverage Fund as recognized as available for appropriation in the official
 17 forecast of the Revenue Estimating Conference. The Revenue Estimating
 18 Conference shall include in its forecast of monies available for appropriation only
 19 that amount of earnings, income, and realized capital gains which are in excess of
 20 inflation as determined by the conference.

21 ~~(2) Appropriations may be made only for the following purposes:~~

22 ~~(a) Twenty-five percent shall be available for appropriation for the purposes~~
 23 ~~as provided in the TOPS Fund.~~

24 ~~(b) Twenty-five percent shall be available for appropriation for the purposes~~
 25 ~~as provided in the Health Excellence Fund.~~

26 ~~(c) Twenty-five percent shall be available for appropriation as provided in~~
 27 ~~the Education Excellence Fund.~~

28 ~~(d) Twenty-five percent shall be available for appropriation as provided in~~
 29 ~~the Louisiana Fund.~~

1 ~~(e) The amounts available for appropriation for each of the purposes~~
 2 ~~contained in Subparagraphs (a) through (c) of this Paragraph may be increased, and~~
 3 ~~the amount available for appropriation for the purposes of Subsubparagraph (d) may~~
 4 ~~be decreased by a specific legislative instrument which receives a favorable vote of~~
 5 ~~two-thirds of the elected members of each house of the legislature.~~

6 * * *

7 §27. Transportation Trust Fund

8 Section 27.(A) Creation of fund. Effective January 1, 1990, there shall be
 9 established in the state treasury as a special permanent trust fund the Transportation
 10 Trust Fund ("the trust fund") in which shall be deposited the "excess revenues" as
 11 defined herein which are a portion of the avails received in each year from all taxes
 12 levied on gasoline and motor fuels and on special fuels (said avails being referred to
 13 as the "revenues") as provided herein. After satisfying pledges respecting that
 14 portion of the revenues attributable to the tax rates in effect at the time of such
 15 pledges for the payment of obligations for bonds or other evidences of indebtedness
 16 on the effective date of this Section, the treasurer shall allocate such portion of the
 17 revenues received in each year as necessary to pay all principal, interest, premium,
 18 if any, and other obligations incident to the issuance, security, and payment in
 19 respect of bonds as authorized in Paragraph (C) hereof. Thereafter, the portion of the
 20 revenues remaining shall be deposited in the Bond Security and Redemption Fund
 21 in the state treasury. After (1) the payment of any obligations for bonds or other
 22 evidences of indebtedness in existence on the effective date of this Section which are
 23 secured by revenues; (2) payments in respect of bonds authorized in Paragraph (C)
 24 hereof; and (3) credit to the Bond Security and Redemption Fund, the treasurer shall
 25 deposit in and credit to the trust fund all of the revenues remaining (the "excess
 26 revenues") from the avails of all taxes levied on gasoline and motor fuels and on
 27 special fuels, as follows: for the fiscal year beginning July 1, 1989, the avails of
 28 twelve cents per gallon of said taxes received on and after January 1, 1990; for the
 29 fiscal year beginning on July 1, 1990, the avails of fourteen cents per gallon of said

1 taxes; for the fiscal year beginning on July 1, 1991, through the fiscal year beginning
2 on July 1, 2017, and thereafter, the avails of all taxes levied on gasoline and motor
3 fuels and on special fuels; for the fiscal year beginning on July 1, 2018, and
4 thereafter: (a) avails from one cent per gallon of the taxes for appropriation from the
5 Parish Transportation Fund, (b) the avails of taxes levied on gasoline and motor fuels
6 and on special fuels necessary to satisfy pledges respecting that portion of the
7 revenues attributable to the tax rates in effect at the time of such pledges for the
8 payment of bond obligations or other evidences of indebtedness on January 1, 2018,
9 and (c) the avails of other taxes levied on gasoline and motor fuels and on special
10 fuels as may be provided by law. Purchases of gasoline, diesel fuel, or special fuels
11 which are subject to excise tax under Chapter 7 of Subtitle II of Title 47 of the
12 Louisiana Revised Statutes of 1950 shall be exempt from the state sales tax and any
13 sales tax levied by a political subdivision as defined by Article VI, Section 44(2).
14 All monies appropriated by the Federal Highway Administration and the Federal
15 Aviation Administration, or their successors, either reimbursed or paid directly, shall
16 be paid directly or deposited in and credited to the trust fund.

17 (B) The monies in the trust fund shall be appropriated or dedicated solely
18 and exclusively for the costs for and associated with ~~construction and maintenance~~
19 ~~of the roads and bridges of the state and federal highway systems, the Statewide~~
20 ~~Flood-Control Program or its successor, ports, airports, transit, state police for traffic~~
21 ~~control purposes, and the Parish Transportation Fund or its successor and for the~~
22 payment of all principal, interest, premium, if any, and other obligations incident to
23 the issuance, security, and payment in respect of bonds or other obligations payable
24 from the trust fund as authorized in Paragraph (D) hereof. ~~Unless pledged to the~~
25 ~~repayment of bonds authorized in Paragraphs (C) or (D) of this Section, the monies~~
26 ~~in the trust fund allocated to ports, airports, flood control, parish transportation, and~~
27 ~~state highway construction shall be appropriated annually by the legislature only~~
28 ~~pursuant to programs established by law which establish a system of priorities for the~~
29 ~~expenditure of such monies, except that the Transportation Infrastructure Model for~~

1 ~~Economic Development, which shall include only those projects enumerated in~~
2 ~~House Bill 17 of the 1989 First Extraordinary Session of the Legislature* and US~~
3 ~~Highway 61 from Thompson Creek to the Mississippi Line, in lieu of "US 61-Bains~~
4 ~~to Mississippi Line", and US Highway 165 from I-10 to Alexandria to Monroe to~~
5 ~~Bastrop and thence on US Highway 425 from Bastrop to the Arkansas Line, in lieu~~
6 ~~of "US 165-I-10 Alexandria-Monroe-Bastrop-Arkansas Line",² and LA 15-Natchez,~~
7 ~~Mississippi to Chase in lieu of "LA 15-Natchez, Mississippi to Monroe", shall be~~
8 ~~funded as provided by law. The state generated tax monies appropriated for ports,~~
9 ~~Parish Transportation Fund, or its successor, and the Statewide Flood-Control~~
10 ~~Program, or its successor, and state police for traffic control purposes shall not~~
11 ~~exceed twenty percent annually of the state generated tax revenues in the trust fund.;~~
12 ~~provided, however, that no less than the avails of one cent of the tax on gasoline and~~
13 ~~special fuels shall be appropriated each year to the Parish Transportation Fund, or its~~
14 ~~successor. The annual appropriation for airports shall be a sum equal to, but not~~
15 ~~greater than, the annual estimated revenue to be derived from the state taxes to be~~
16 ~~collected and received on aviation fuel. Unencumbered and unexpended balances~~
17 ~~at the end of each fiscal year shall remain in the trust fund. The and the earnings~~
18 ~~realized in each fiscal year on the investment of monies in the trust fund shall be~~
19 ~~deposited in and credited to the ~~trust~~ state general fund.~~

* * *

21 Section 3. Be it resolved by the Legislature of Louisiana, two-thirds of the members
22 elected to each house concurring, that there shall be submitted to the electors of the state of
23 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
24 amend Article XII, Section 6(A)(1) of the Constitution of Louisiana, to read as follows:

25 §6. Lotteries; Gaming, Gambling, or Wagering

26 Section 6.(A) Lotteries. (1) The legislature may provide for the creation and
27 operation of a state lottery and may create a special corporation for that purpose
28 whose employees shall not be subject to state civil service. ~~The~~ After compliance
29 with the requirement of Article VII, Section 9(B) of this constitution, net proceeds

1 from the operation of the lottery shall be deposited ~~in a special fund created in the~~
 2 ~~state treasury entitled the Lottery Proceeds Fund. Amounts deposited in the fund~~
 3 ~~shall not be appropriated for expenditure in the same calendar year in which they are~~
 4 ~~received. The legislature shall annually appropriate from the fund only for the~~
 5 ~~purposes of the minimum foundation program and no more than five hundred~~
 6 ~~thousand dollars for services related to compulsive and problem gaming as may be~~
 7 ~~provided by law~~ into the state general fund.

8 * * *

9 Section 4. Be it resolved by the Legislature of Louisiana, two-thirds of the members
 10 elected to each house concurring, that there shall be submitted to the electors of the state of
 11 Louisiana, for their approval or rejection in the manner provided by law, a proposal to repeal
 12 Article VII, Sections 10(F)(4)(h), 10.1(C) and (D), 10.2, 10.4, 10.5, 10.8(A)(2), (3), (4), and
 13 (5) and (C), and 10.9, 10.15, and 10.16 and Article IX, Section 10 of the Constitution of
 14 Louisiana.

15 Section 5. The state treasurer is hereby authorized and directed to transfer any
 16 unencumbered balances remaining in the funds repealed and abolished in Sections 1 through
 17 4 of this Act to the state general fund after satisfying the appropriations for Fiscal Year
 18 2017-2018.

19 Section 6. Be it further resolved that this proposed amendment shall be submitted
 20 to the electors of the state of Louisiana at the statewide election to be held on October 14,
 21 2017.

22 Section 7. Be it further resolved that the provisions of this proposed amendment
 23 shall become effective July 1, 2018.

24 Section 8. Be it further resolved that on the official ballot to be used at the election,
 25 there shall be printed a proposition, upon which the electors of the state shall be permitted
 26 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 27 follows:

28 Do you support an amendment to remove certain constitutional dedications,
 29 including certain deposits into the Louisiana Education Quality Trust Fund,

1 the Millennium Trust, the Millennium Leverage Fund, and the Transportation
 2 Trust Fund and to repeal the Louisiana Quality Education Support Fund, the
 3 Lottery Proceeds Fund, the Education Excellence Fund, the Health
 4 Excellence Fund, the TOPS Fund, the Louisiana Fund, the Coastal Protection
 5 and Restoration Fund, the Mineral Revenue Audit and Settlement Fund, the
 6 Louisiana Investment Fund for Enhancement, the Higher Education
 7 Louisiana Partnership Fund, and the Revenue Stabilization Trust Fund?
 8 (Effective July 1, 2018) (Amends Article VI, Section 38.1(C), and Article
 9 VII, Sections 4.1, 5, 10.1(A) and (B), 10.8(A)(1) and (B), 10.10(D), and
 10 27(A) and (B), and Article XII, Section 6(A)(1); Repeals Article VII,
 11 Sections 10(F)(4)(h), 10.1(C) and (D), 10.2, 10.4, 10.5, 10.8(A)(2), (3), (4),
 12 and (5) and (C), 10.9, 10.15, and 10.16 and Article IX, Section 10)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 236 Reengrossed

2017 Regular Session

Shadoin

Abstract: Eliminates certain constitutional dedications of revenue and certain treasury funds.

**Louisiana Education Quality Trust Fund and
 Louisiana Quality Education Support Fund**

Present constitution creates the La. Education Quality Trust Fund (Const. Art. 7, §10.1) and deposits into the trust revenues from the federal government related to mineral activities on the outer continental shelf. Further prohibits appropriations from the trust and provides that once the balance of the trust reaches \$2 billion, all recurring revenues in the trust are deposited into the state general fund. Proposed constitutional amendment changes the name of the trust from La. Education Quality Trust Fund to the La. Quality Trust Fund.

Present constitution further creates the La. Quality Education Support Fund and deposits into the fund 75% of certain revenues into the trust and interest earnings from the trust. The monies in the fund are available for appropriation only for educational purposes. Proposed constitutional amendment eliminates the La. Quality Education Support Fund. Further, changes the source receiving the deposit of 75% of revenues that go into the trust and interest earnings from the La. Quality Education Support Fund to the state general fund.

**Louisiana Fund and Millennium Trust: the Health Excellence Fund,
 the Education Excellence Fund, and the TOPS Fund**

Present constitution creates the Millennium Trust (Const. Art. 7, §10.8) and deposits 75% of the monies received from the multi-state tobacco settlement agreement into the trust.

Present constitution further creates the La. Fund (Const. Art. 7, §10.9) and deposits 25% of the monies received from the multi-state tobacco settlement agreement. The monies in the La. Fund are available for use for healthcare and educational purposes. Proposed constitutional amendment requires that, beginning July 1, 2018, all money received as a result of the tobacco settlement agreement be deposited into the state general fund and eliminates the La. Fund in the constitution.

Present constitution further creates three funds within the Millennium Trust: the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund. Present constitution allocates 1/3 of the interest earnings on the trust to the Health Excellence Fund and the Education Excellence Fund. Monies in the Health Excellence Fund are available only for certain healthcare related purposes and the monies in the Education Excellence Fund are available only for certain education related purposes. Present constitution allocates all of the monies received from the multi-state tobacco settlement agreement and deposited into the Millennium Trust into the TOPS Fund and further allocates 1/3 of the interest earnings on the trust to the TOPS Fund. Monies in the TOPS Fund can be used only for financial assistance for students attending La. institutions of higher education.

Proposed constitutional amendment eliminates the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund in the constitution.

Proposed constitutional amendment changes the source receiving all of the monies from the tobacco settlement agreement and deposited into the Millennium Trust from the TOPS Fund to the state general fund. Further changes the source receiving the interest earnings on the trust from an allocation of 1/3 of the amount to the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund to the state general fund.

Millennium Leverage Fund

Present constitution creates the Millennium Leverage Fund and authorizes the legislature to provide by law for a portion of the of the monies received from the multi-state tobacco settlement agreement to be deposited into the fund (Const. Art. 7, §10.10). Further authorizes the State Bond Commission to issue bonds secured by a portion of the monies deposited into the fund.

Present constitution provides that the legislature may annually appropriate the bond proceeds credited to the Millennium Leverage Fund and authorizes appropriations to the TOPS Fund, the Health Excellence Fund, the Education Excellence Fund, and the Louisiana Fund.

Proposed constitutional amendment deletes authority for the legislature to annually appropriate the bond proceeds and instead provides for the treasurer to deposit into state general fund the bond proceeds that are credited to the Millennium Leverage Fund.

Proposed constitutional amendment deletes the authorization for appropriations to the TOPS Fund, the Health Excellence Fund, the Education Excellence Fund, and the Louisiana Fund.

Lottery Proceeds Fund

Present constitution authorizes the legislature to create a state lottery and requires that the net proceeds be deposited into the Lottery Proceeds Fund and used to fund the Minimum Foundation Program (Const. Art. 12, §6). Proposed constitutional amendment eliminates the Lottery Proceeds Fund and deletes the requirement that the net lottery proceeds are used to fund the Minimum Foundation Program.

Transportation Trust Fund

Present constitution creates the Transportation Trust Fund (Const. Art. 7, §27) and deposits into the trust certain taxes on certain fuels and vehicle licenses (Const. Art. 7, §5). Proposed

constitutional amendment changes the dedication of the tax on vehicle licenses from the Transportation Trust Fund to the state general fund. Proposed constitutional amendment retains present constitution regarding the deposit of taxes on fuels into the fund through FY 2014-2018. For the fiscal year beginning on July 1, 2018, dedicates the one cent of the taxes levied on fuels to the Parish Transportation Fund, the amount necessary to satisfy revenues pledged for debt service on Jan. 1, 2018, and deposits of other taxes on fuels into the trust may be provided by law.

Additional Constitutional Dedications

Proposed constitutional amendment eliminates the following special treasury funds in the constitution and the constitutional requirements regarding such funds:

Coastal Protection and Restoration Fund	Const. Art 7, §10.2
Higher Education La. Partnership Fund	Const. Art 7, §10.4
La. Investment Fund for Enhancement	Const. Art 9, §10
Mineral Revenue Audit and Settlement Fund	Const. Art 7, §10.5
Revenue Stabilization Trust Fund	Const. Art 7, §10.15

Authorizes and directs the state treasurer to transfer any unencumbered balances remaining in the funds eliminated in the proposed constitutional amendment to the state general fund after satisfying the appropriations for Fiscal Year 2017-2018.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 14, 2017.

Effective July 1, 2018.

(Amends Const. Art. VI, §38.1(C), and Const. Art. VII, §§4.1, 5, 10.1(A) and (B), 10.8(A)(1) and (B), 10.10(D), and 27(A) and (B), and Const. Art. XII, §6(A)(1); Repeals Const. Art. VII, §§10(F)(4)(h), 10.1(C) and (D), 10.2, 10.4, 10.5, 10.8(A)(2), (3), (4), and (5) and (C), 10.9, 10.15, and 10.16 and Const. Art. IX, §10)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Provide for the treasurer to deposit into state general fund the bond proceeds that are credited to the Millennium Leverage Fund under present constitution and deletes the authorization for appropriations out of the Millennium Leverage Fund to specified funds.

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill:

1. Add technical amendments, including adding an omitted reference to a fund in the ballot language.