



LOUISIANA STATE LAW INSTITUTE

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February 15, 2023

Representative Clay Schexnayder
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator Patrick Page Cortez
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**RE: HOUSE CONCURRENT RESOLUTION NO. 7 OF THE 2020 FIRST
EXTRAORDINARY SESSION**

Dear Mr. Speaker and Mr. President:

The Louisiana State Law Institute respectfully submits its report to the legislature relative to language in the Constitution of Louisiana.

Sincerely,

A handwritten signature in blue ink that reads "Guy Holdridge".

Guy Holdridge
Director

cc: Representative Barry Ivey

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.gov

Secretary of State, Mr. R. Kyle Ardoin
admin@sos.louisiana.gov

**LOUISIANA STATE LAW INSTITUTE
CONSTITUTIONAL LAWS COMMITTEE**

**REPORT TO THE LEGISLATURE IN RESPONSE TO HCR
NO. 7 OF THE 2020 FIRST EXTRAORDINARY SESSION**

Relative to the language of the Constitution of Louisiana

Prepared for the
Louisiana Legislature on

February 15, 2023

Baton Rouge, Louisiana

**LOUISIANA STATE LAW INSTITUTE
CONSTITUTIONAL LAWS COMMITTEE**

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* * * * *

Charles S. Weems, III, Reporter
Mallory C. Waller, Staff Attorney

2020 First Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 7

BY REPRESENTATIVE IVEY

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study and make recommendations to the Legislature of Louisiana regarding language in the Constitution of Louisiana that is outdated or transitional in nature and which can be removed or updated without affecting the effect of the constitutional provisions.

WHEREAS, it has been more than forty-five years since the Constitution of Louisiana became effective at midnight on December 31, 1974, and during these years the document which constitutes the state's basic law has been amended some one hundred ninety-seven times; and

WHEREAS, the language of the Constitution of Louisiana has not been studied broadly since it became effective and the legislature recognizes the importance for legal scholars to review the language to determine if there are updates or modifications to the language that should be made without changing the meaning and effect of the law.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study and make recommendations to the Legislature of Louisiana regarding language in the Constitution of Louisiana that is outdated or transitional in nature and which can be removed or updated without affecting the effect of the constitutional provisions.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute should further identify language in the constitution that is legally unnecessary, redundant, or obsolete; language that from an organizational or structural perspective should either be placed elsewhere in the constitution or should be reworded; and language that either from a best practice or comparative perspective is unusual or most commonly located in statute.

HCR NO. 7

ENROLLED

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit its findings and recommendations to each member of the legislature no later than February 1, 2022.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

February 15, 2023

To: Representative Clay Schexnayder
Speaker of the House
P.O. Box 94062
Baton Rouge, Louisiana 70804

Senator Patrick Page Cortez
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

**REPORT TO THE LEGISLATURE IN RESPONSE TO
HCR NO. 7 OF THE 2020 FIRST EXTRAORDINARY SESSION**

House Concurrent Resolution No. 7 of the 2020 First Extraordinary Session authorizes and directs the Louisiana State Law Institute to study and make recommendations regarding language in the Constitution that is outdated or transitional in nature and that can be removed or updated without affecting the meaning of the constitutional provisions. The resolution further asks the Law Institute to identify language in the Constitution that is legally unnecessary, redundant, or obsolete; that, from an organizational or structural perspective, should be relocated in or removed from the Constitution; and that, from a best practice or comparative perspective, is unusual or most commonly located in statute.

The Law Institute assigned this project to its Constitutional Laws Committee, which operates under the direction of Mr. Charles S. Weems, III as Reporter. In fulfillment of the resolution's first request, the Committee reviewed each article of Louisiana's Constitution to identify language that could be removed or updated without affecting the substance of the constitutional provisions. The Committee identified many technical changes that could potentially be made to conform to current legislative drafting practices or to eliminate transitional or time-sensitive provisions that are no longer applicable. Although the Law Institute notes the significant practical difficulties associated with enacting such amendments, the potential technical changes were considered and approved by the Council of the Law Institute as indicated throughout the attached appendix and are submitted to the Legislature for its consideration.

The Law Institute also considered the second of the resolution's requests – identifying language that is legally unnecessary or obsolete; that should be located elsewhere in or removed from the Constitution; and that, from a best practice or comparative perspective, is unusual or most commonly located in statute. Initial research was conducted comparing the length and basic components of Louisiana's Constitution with those of other states and of the United States. The Law Institute determined, however, that without a specific request from the Legislature to do so, it should not make recommendations concerning the wholesale removal or relocation of substantive provisions of Louisiana's Constitution. Doing so would be virtually impossible

without also making significant policy decisions that are generally reserved to the Legislature and voters or that would be undertaken by delegates at a constitutional convention. Any recommendations to this effect could also have significant political ramifications. The Law Institute further discussed several practical concerns with respect to the methodology of substantially amending, as opposed to wholly redrafting, Louisiana's Constitution. In light of these considerations, the Law Institute makes no recommendations in response to the resolution's second request at this time but stands ready to do so should it receive legislative direction to draft a structure for the content and/or adoption of a new Constitution.

**APPENDIX: POSSIBLE TECHNICAL CHANGES PURSUANT TO HCR NO. 7 OF THE
2020 FIRST EXTRAORDINARY SESSION**

CONSTITUTION OF THE STATE OF LOUISIANA OF 1974

PREAMBLE

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I. DECLARATION OF RIGHTS

* * *

§4. Right to Property

Section 4.(A) Every person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power.

* * *

(G) Compensation paid for the taking of, or loss or damage to, property rights for the construction, enlargement, improvement, or modification of federal or ~~non-federal~~ nonfederal hurricane protection projects, including mitigation related thereto, shall not exceed the compensation required by the Fifth Amendment of the Constitution of the United States of America. However, this Paragraph shall not apply to compensation paid for a building or structure that was destroyed or damaged by an event for which a presidential declaration of major disaster or emergency was issued, if the taking occurs within three years of such event. The legislature by law may provide procedures and definitions for the provisions of this Paragraph.

* * *

§13. Rights of the Accused

Section 13. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against ~~self-incrimination~~ self-incrimination, his right to the assistance of counsel and, if indigent, his right to court appointed counsel. In a criminal prosecution, an accused shall be informed of the nature and cause of the accusation against him. At each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or

1 appointed by the court if he is indigent and charged with an offense punishable by
2 imprisonment. The legislature shall provide for a uniform system for securing and compensating
3 qualified counsel for indigents.

4
5 * * *

6
7 **§16. Right to a Fair Trial**

8
9 Section 16. Every person charged with a crime is presumed innocent until proven guilty
10 and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element
11 of the offense occurred, unless venue is changed in accordance with law. No person shall be
12 compelled to give evidence against himself. An accused is entitled to confront and cross-examine
13 the witnesses against him, to compel the attendance of witnesses, to present a defense, and to
14 testify in his own behalf. However, nothing in this Section or any other section of this ~~constitution~~
15 Constitution shall prohibit the legislature from enacting a law to require a trial court to instruct a
16 jury in a criminal trial that the governor is empowered to grant a reprieve, pardon, or commutation
17 of sentence following conviction of a crime, that the governor in exercising such authority may
18 commute or modify a sentence of life imprisonment without benefit of parole to a lesser sentence
19 which includes the possibility of parole, may commute a sentence of death to a lesser sentence of
20 life imprisonment without benefit of parole, or may allow the release of an offender either by
21 reducing a life imprisonment or death sentence to the time already served by the offender or by
22 granting the offender a pardon.

23
24 **§17. Jury Trial in Criminal Cases; Joinder of Felonies; Mode of Trial**

25
26 Section 17.(A) Jury Trial in Criminal Cases. A criminal case in which the punishment may
27 be capital shall be tried before a jury of twelve persons, all of whom must concur to render a
28 verdict. A case for an offense committed prior to January 1, 2019, in which the punishment is
29 necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom
30 must concur to render a verdict. A case for an offense committed on or after January 1, 2019, in
31 which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve
32 persons, all of whom must concur to render a verdict. A case in which the punishment may be
33 confinement at hard labor or confinement without hard labor for more than six months shall be
34 tried before a jury of six persons, all of whom must concur to render a verdict. The accused shall
35 have a right to full voir dire examination of prospective jurors and to challenge jurors peremptorily.
36 The number of challenges shall be fixed by law. Except in capital cases, a defendant may
37 knowingly and intelligently waive his right to a trial by jury but no later than forty-five days prior
38 to the trial date and the waiver shall be irrevocable.

39
40 (B) Joinder of Felonies; Mode of Trial. Notwithstanding any provision of law to the
41 contrary, offenses in which punishment is necessarily confinement at hard labor may be charged
42 in the same indictment or information with offenses in which the punishment may be confinement
43 at hard labor; provided, however, that the joined offenses are of the same or similar character or
44 are based on the same act or transaction or on two or more acts or transactions connected together
45 or constituting parts of a common scheme or plan; and provided further, that cases so joined shall
46 be tried by a jury composed of twelve jurors, **ten of whom must concur to render a verdict.**

1 Note to the Legislature

2
3 *An amendment to Paragraph (A) of this Section was adopted in 2018 to require unanimous*
4 *jury verdicts for felony offenses committed on or after January 1, 2019. Consider whether similar*
5 *amendments are necessary with respect to the highlighted language in Paragraph (B).*
6

7 * * *

8
9 **§20.1. Abortion**

10
11 Section 20.1. To protect human life, nothing in this ~~constitution~~ Constitution shall be
12 construed to secure or protect a right to abortion or require the funding of abortion.
13

14 * * *

15
16 **§24. Unenumerated Rights**

17
18 Section 24. The enumeration in this ~~constitution~~ Constitution of certain rights shall not
19 deny or disparage other rights retained by the individual citizens of the state.
20

21 **§25. Rights of a Victim**

22
23 Section 25.(A) Any person who is a victim of crime shall be treated with fairness, dignity,
24 and respect, and shall be informed of the rights accorded under this Section. As defined by law, a
25 victim of crime shall have the right to reasonable notice and to be present and heard during all
26 critical stages of preconviction and postconviction proceedings; the right to be informed upon the
27 release from custody or the escape of the accused or the offender; the right to confer with the
28 prosecution prior to final disposition of the case; the right to refuse to be interviewed by the
29 accused or a representative of the accused; the right to review and comment upon the presentence
30 report prior to imposition of sentence; the right to seek restitution; and the right to a reasonably
31 prompt conclusion of the case. The legislature shall enact laws to implement this Section. The
32 evidentiary and procedural laws of this state shall be interpreted in a manner consistent with this
33 Section.
34

35 (B) Nothing in this Section shall be construed to inure to the benefit of an accused or to
36 confer upon any person the right to appeal or seek supervisory review of any judicial decision
37 made in a criminal proceeding. Nothing in this Section shall be the basis for an award of costs or
38 attorney fees, for the appointment of counsel for a victim, or for any cause of action for
39 compensation or damages against the state of Louisiana, a political subdivision, a public agency,
40 or a court, or any officer, employee, or agent thereof. Remedies to enforce the rights enumerated
41 in this Section shall be provided by law.
42

43 * * *

1 **§27. Freedom to Hunt, Fish, and Trap**

2
3 Section 27. The freedom to hunt, fish, and trap wildlife, including all aquatic life,
4 traditionally taken by hunters, trappers, and anglers, is a valued natural heritage that shall be
5 forever preserved for the people. Hunting, fishing, and trapping shall be managed by law and
6 regulation consistent with Article IX, Section 1 of this ~~the~~ Constitution of ~~Louisiana~~ to protect,
7 conserve, and replenish the natural resources of the state. The provisions of this Section shall not
8 alter the burden of proof requirements otherwise established by law for any challenge to a law or
9 regulation pertaining to hunting, fishing, or trapping the wildlife of the state, including all aquatic
10 life. Nothing contained ~~herein~~ in this Section shall be construed to authorize the use of private
11 property to hunt, fish, or trap without the consent of the owner of the property.

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ARTICLE II. DISTRIBUTION OF POWERS

* * *

§2. Limitations on Each Branch

Section 2. Except as otherwise provided by this ~~constitution~~ Constitution, no one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others.

1 **ARTICLE III. LEGISLATIVE BRANCH**

2
3 * * *

4
5 **§2. Sessions**

6
7 Section 2.(A) Annual Session. (1) The legislature shall meet annually in regular session for
8 a limited number of legislative days in the state capital. A legislative day is a calendar day on
9 which either house is in session.

10
11 * * *

12
13 (3)(a) All regular sessions convening in even-numbered years shall be general in nature
14 and shall convene at noon on the second Monday in March. The legislature shall meet in such a
15 session for not more than sixty legislative days during a period of eighty-five calendar days. No
16 such session shall continue beyond six o'clock in the evening of the eighty-fifth calendar day after
17 convening. No new matter intended to have the effect of law shall be introduced or received by
18 either house after six o'clock in the evening of the twenty-third calendar day. No matter intended
19 to have the effect of law, except a measure proposing a suspension of law, shall be considered on
20 third reading and final passage in either house after six o'clock in the evening of the fifty-seventh
21 legislative day or the eighty-second calendar day, whichever occurs first, except by a favorable
22 record vote of two-thirds of the elected members of each house.

23
24 (b) No measure levying or authorizing a new tax by the state or by any statewide political
25 subdivision whose boundaries are coterminous with the state; increasing an existing tax by the
26 state or by any statewide political subdivision whose boundaries are coterminous with the state; or
27 legislating with regard to tax exemptions, exclusions, deductions, or credits, shall be introduced or
28 enacted during a regular session held in an even-numbered year.

29
30 * * *

31
32 (D) Organizational Session. The legislature shall meet in an organizational session in the
33 state ~~capital~~ capital to be convened at ten o'clock in the morning on the day the members are
34 required to take office. No such session shall exceed three legislative days. The session shall be
35 for the primary purpose of judging the qualifications and elections of the members, taking the oath
36 of office, organizing the two houses, and selecting officers. No matter intended to have the effect
37 of law shall be introduced at an organizational session.

38
39 * * *

40
41 **§4. Qualifications; Residence and Domicile Requirements; Term; Election Limitations;**
42 **Vacancies; Temporary Successors; Salary**

43
44 Section 4.(A) Age; Residence; Domicile. An elector who at the time of qualification as a
45 candidate has attained the age of eighteen years, resided in the state for the preceding two years,

1 and been actually domiciled for the preceding year in the legislative district from which he seeks
2 election is eligible for membership in the legislature.

3
4 * * *

5
6 (E) Election Limitation. No person who has been elected to serve as a member of the
7 Senate for more than two and one-half terms in three consecutive terms, ~~that service being during~~
8 ~~a term of office that began on or after January 8, 1996,~~ shall be elected to the Senate for the
9 succeeding term. No person who has been elected to serve as a member of the House of
10 Representatives for more than two and one-half terms in three consecutive terms, ~~that service being~~
11 ~~during a term of office that began on or after January 8, 1996,~~ shall be elected to the House of
12 Representatives for the succeeding term.

13
14 * * *

15
16 **§7. Judging Qualifications and Elections; Procedural Rules; Discipline; Expulsion;**
17 **Subpoenas; Contempt; Officers**

18
19 Section 7.(A) Judging Qualifications and Elections; Procedural Rules; Discipline;
20 Expulsion. Each house shall be the judge of the qualifications and elections of its members; shall
21 determine its rules of procedure, not inconsistent with the provisions of this ~~constitution~~
22 Constitution; may punish its members for disorderly conduct or contempt; and may expel a
23 member with concurrence of two-thirds of its elected members. Expulsion creates a vacancy in
24 the office.

25
26 * * *

27
28 **§11. Legislative Auditor**

29
30 Section 11. There shall be a legislative auditor responsible solely to the legislature. ~~He~~
31 The legislative auditor shall serve as a fiscal advisor to it and shall perform the duties and functions
32 provided by law related to auditing fiscal records of the state, its agencies, and political
33 subdivisions. ~~He~~ The legislative auditor shall be elected by the concurrence of a majority of the
34 elected members of each house and may be removed by the concurrence of two-thirds of the
35 elected members of each house.

36
37 **§12. Prohibited Local and Special Laws**

38
39 Section 12.(A) Prohibitions. Except as otherwise provided in this ~~constitution~~
40 Constitution, the legislature shall not pass a local or special law:

41
42 * * *

1 **§16. Appropriations**

2
3 Section 16.(A) Specific Appropriation for One Year. Except as otherwise provided by
4 ~~this constitution~~ Constitution, no money shall be withdrawn from the state treasury except through
5 specific appropriation, and no appropriation shall be made under the heading of contingencies or
6 for longer than one year.

7
8 * * *

9
10 **§20. Suspension of Laws**

11
12 Section 20. Only the legislature may suspend a law, and then only by the same vote and,
13 except for gubernatorial veto and time limitations for introduction, according to the same
14 procedures and formalities required for enactment of that law. ~~After the effective date of this~~
15 ~~constitution, every~~ Every resolution suspending a law shall fix the period of suspension, which
16 shall not extend beyond the sixtieth day after final adjournment of the next regular session.

1
2
3 **ARTICLE IV. EXECUTIVE BRANCH**

4 **§1. Composition; Number of Departments; Reorganization**

5 Section 1.(A) Composition. The executive branch shall consist of the governor, lieutenant
6 governor, secretary of state, attorney general, treasurer, commissioner of agriculture,
7 commissioner of insurance, **superintendent of education, commissioner of elections¹**, and all other
8 executive offices, agencies, and instrumentalities of the state.
9

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

17 (C) Reorganization. Reallocation of the functions, powers, and duties of all departments,
18 offices, agencies, and other instrumentalities of the executive branch, except those functions,
19 powers, duties, and responsibilities allocated by this ~~constitution~~ Constitution, shall be as provided
20 by law.
21

22 **¹NOTE: Acts 2001, No. 451, provided, effective January 12, 2004, for the appointment in
23 lieu of election of the commissioner of elections and for the merger and consolidation of the
24 Department of Elections and Registration with the Department of State pursuant to Art.
25 IV, §20 of the constitution.**
26

27 **Note to the Legislature**

28
29 *The above note concerning the appointment in lieu of election of the commissioner of*
30 *elections appears on the legislative website but does not mention the superintendent of education,*
31 *who is also appointed rather than elected pursuant to R.S. 17:21.*
32

33 * * *

34
35 **§3. Election; Term**
36

37 Section 3.(A) Election. Except as provided in Section 20 of this Article, the governor,
38 lieutenant governor, secretary of state, attorney general, treasurer, commissioner of agriculture,
39 commissioner of insurance, **superintendent of education**, and **commissioner of elections¹** each
40 shall be elected for a term of four years by the electors of the state at the time and place of voting
41 for members of the legislature. The term of each such official shall begin at noon on the second
42 Monday in January next following the election.
43

44 (B) Limitation on Governor. A person who has served as governor for more than one and
45 one-half terms in two consecutive terms shall not be elected governor for the succeeding term.
46

1 (C) Additional Limitation. Except as provided by this ~~constitution~~ Constitution, no
2 official shall be elected statewide.
3

4 (D) ~~Notwithstanding any other provision of this constitution or of law to the contrary,~~
5 ~~statewide elected officials and members of the legislature elected in 1987 shall hold office from~~
6 ~~and after the second Monday in March, 1988. These statewide elected officials and any successor~~
7 ~~elected to the unexpired term of any of them shall serve for terms which shall expire at noon on~~
8 ~~January 13, 1992. These members of the legislature and any successor elected to the unexpired~~
9 ~~term of any of them shall serve for terms which shall expire at ten o'clock a.m. on January 13,~~
10 ~~1992. Thereafter, statewide~~ Statewide elected officials and members of the legislature shall be
11 elected for terms of four years. For purposes of retirement, the statewide elected officials and
12 members of the legislature elected in 1987 shall be deemed to be elected for a four-year term.
13

14 **¹NOTE: Acts 2001, No. 451, provided, effective January 12, 2004, for the appointment in**
15 **lieu of election of the commissioner of elections and for the merger and consolidation of the**
16 **Department of Elections and Registration with the Department of State pursuant to Art.**
17 **IV, §20 of the constitution.**
18

19 *Note to the Legislature*
20

21 *The above note concerning the appointment in lieu of election of the commissioner of*
22 *elections appears on the legislative website but does not mention the superintendent of education,*
23 *who is also appointed rather than elected pursuant to R.S. 17:21.*
24

25 **§4. Compensation**
26

27 Section 4. Except as otherwise provided by this ~~constitution~~ Constitution, the
28 compensation of each statewide elected official shall be provided by law. An increase in the salary
29 of a statewide elected official shall not become effective until the commencement of the
30 subsequent term for that office following the adoption or enactment of the increase.
31

32 **§5. Governor; Powers and Duties**
33

34 Section 5.(A) Executive Authority. The governor shall be the chief executive officer of
35 the state. ~~He~~ The governor shall faithfully support the constitution and laws of the state and of the
36 United States and shall see that the laws are faithfully executed.
37

38 * * *

39
40 (D) Operating and Capital Budget. The governor shall submit to the legislature an
41 operating budget and a capital budget, as provided by Article VII, Section 11 of this ~~constitution~~
42 Constitution.
43

44 * * *

45
46 (G) Item Veto.

1
2 (1) Except as otherwise provided by this ~~constitution~~ Constitution, the governor may veto
3 any line item in an appropriation bill. Any item vetoed shall be void unless the veto is overridden
4 as prescribed for the passage of a bill over a veto.

5
6 (2) The governor shall veto line items or use means provided in the bill so that total
7 appropriations for the year shall not exceed anticipated revenues for that year.

8
9 (H) Appointments.

10
11 (1) The governor shall appoint, subject to confirmation by the Senate, the head of each
12 department in the executive branch whose election or appointment is not provided by this
13 ~~constitution~~ Constitution and the members of each board and commission in the executive branch
14 whose election or appointment is not provided by this ~~constitution~~ Constitution or by law.

15
16 * * *

17
18 (I) Removal Power. The governor may remove from office a person he appoints, except
19 a person appointed for a term fixed by this ~~constitution~~ Constitution or by law.

20
21 (J) Commander-in-Chief. The governor shall be commander-in-chief of the armed forces
22 of the state, except when they are called into service of the federal government. ~~He~~ The governor
23 may call out these forces to preserve law and order, to suppress insurrection, to repel invasion, or
24 in other times of emergency.

25
26 (K) Other Powers and Duties. The governor shall have other powers and perform other
27 duties authorized by this ~~constitution~~ Constitution or provided by law.

28
29 **§6. Lieutenant Governor; Powers and Duties**

30
31 Section 6. The lieutenant governor shall serve ex officio as a member of each committee,
32 board, and commission on which the governor serves. ~~He~~ The lieutenant governor shall exercise
33 the powers delegated to him by the governor and shall have other powers and perform other duties
34 in the executive branch authorized by this ~~constitution~~ Constitution or provided by law.

35
36 **§7. Secretary of State; Powers and Duties**

37
38 Section 7. There shall be a Department of State. The secretary of state shall head the
39 department and shall be the chief election officer of the state. ~~He~~ The secretary of state shall
40 prepare and certify the ballots for all elections, promulgate all election returns, and administer the
41 election laws, except those relating to voter registration and custody of voting machines. ~~He~~ The
42 secretary of state shall administer the state corporation and trademark laws; serve as keeper of the
43 Great Seal of the State of Louisiana and attest therewith all official laws, documents,
44 proclamations, and commissions; administer and preserve the official archives of the state;
45 promulgate and publish all laws enacted by the legislature and retain the originals thereof; and
46 countersign and keep an official registry of all commissions. ~~He~~ The secretary of state may

1 administer oaths, and shall have other powers and perform other duties authorized by this
2 ~~constitution~~ Constitution or provided by law.

3
4 **§8. Attorney General; Powers and Duties**

5
6 Section 8. (A) There shall be a Department of Justice, headed by the attorney general, who
7 shall be the chief legal officer of the state. The attorney general shall be elected for a term of four
8 years at the state general election. The assistant attorneys general shall be appointed by the
9 attorney general to serve at his pleasure.

10
11 (B) As necessary for the assertion or protection of any right or interest of the state, the
12 attorney general shall have authority (1) to institute, prosecute, or intervene in any civil action or
13 proceeding; (2) upon the written request of a district attorney, to advise and assist in the
14 prosecution of any criminal case; and (3) for cause, when authorized by the court which would
15 have original jurisdiction and subject to judicial review, (a) to institute, prosecute, or intervene in
16 any criminal action or proceeding, or (b) to supersede any attorney representing the state in any
17 civil or criminal action.

18
19 (C) The attorney general shall exercise other powers and perform other duties authorized
20 by this ~~constitution~~ Constitution or by law.

21
22 **§9. Treasurer; Powers and Duties**

23
24 Section 9. There shall be a Department of the Treasury. The treasurer shall head the
25 department and shall be responsible for the custody, investment, and disbursement of the public
26 funds of the state, except as otherwise provided by this ~~constitution~~ Constitution. ~~He~~ The treasurer
27 shall report annually to the governor and to the legislature at least one month before each regular
28 session on the financial condition of the state, and shall have other powers and perform other duties
29 authorized by this ~~constitution~~ Constitution or provided by law.

30
31 **§10. Commissioner of Agriculture; Powers and Duties**

32
33 Section 10. There shall be a Department of Agriculture. The commissioner of agriculture
34 shall head the department and shall exercise all functions of the state relating to the promotion,
35 protection, and advancement of agriculture, except research and educational functions expressly
36 allocated by this ~~constitution~~ Constitution or by law to other state agencies. The department shall
37 exercise such functions and the commissioner shall have other powers and perform other duties
38 authorized by this ~~constitution~~ Constitution or provided by law.

39
40 **§11. Commissioner of Insurance; Powers and Duties**

41
42 Section 11. There shall be a Department of Insurance, headed by the commissioner of
43 insurance. The department shall exercise such functions and the commissioner shall have powers
44 and perform duties authorized by this ~~constitution~~ Constitution or provided by law.

1 **§12. Commissioner of Elections; Powers and Duties**

2
3 Section 12. There shall be a Department of Elections and Registration. The commissioner
4 of elections shall head the department and shall administer the laws relating to custody of voting
5 machines and voter registration. He shall have other powers and perform other duties authorized
6 by this constitution or provided by law.

7
8 **NOTE: Acts 2001, No. 451, provided, effective January 12, 2004, for the appointment in**
9 **lieu of election of the commissioner of elections and for the merger and consolidation of the**
10 **Department of Elections and Registration with the Department of State pursuant to Art.**
11 **IV, §20 of the constitution.**

12 * * *

13
14
15 **§20. Appointment of Officials; Merger, Consolidation of Offices and Departments**

16
17 Section 20. ~~After the first election of state officials following the effective date of this~~
18 ~~constitution, the~~ The legislature may provide, by law enacted by two-thirds of the elected members
19 of each house, for appointment, in lieu of election, of the commissioner of agriculture, the
20 commissioner of insurance, **the superintendent of education, the commissioner of elections¹**, or
21 any of them. In that event, the legislature shall prescribe qualifications and method of appointment
22 and by similar vote, may provide by law for the merger or consolidation of any such office, its
23 department, and functions with any other office or department in the executive branch. No action
24 of the legislature pursuant hereto shall reduce the term or compensation of any incumbent elected
25 official. By law enacted by two-thirds of the elected members of each house, the legislature may
26 reestablish any such office as elective and, in that event, shall prescribe qualifications.

27
28 ¹**NOTE: Acts 2001, No. 451, provided, effective January 12, 2004, for the appointment in**
29 **lieu of election of the commissioner of elections and for the merger and consolidation of the**
30 **Department of Elections and Registration with the Department of State pursuant to Art.**
31 **IV, §20 of the constitution.**

32
33 **Note to the Legislature**

34
35 *The above note concerning the appointment in lieu of election of the commissioner of*
36 *elections appears on the legislative website but does not mention the superintendent of education,*
37 *who is also appointed rather than elected pursuant to R.S. 17:21.*

38
39 **§21. Public Service Commission**

40
41 Section 21.(A)(1) Composition; Term; Domicile. There shall be a Public Service
42 Commission in the executive branch. It shall consist of five members, who shall be elected for
43 overlapping terms of six years at the time fixed for congressional elections from single member
44 districts established by law. The commission annually shall elect one member as chairman. It
45 shall be domiciled at the state capital, but may meet, conduct investigations, and render orders
46 elsewhere in this state.

1
2 (2) No person who has served as a member of the commission for more than two and one-
3 half terms in three consecutive terms shall be elected to the commission for the succeeding
4 term. ~~This Subparagraph shall not apply to any person elected to the commission prior to the~~
5 ~~effective date of this Subparagraph, except that it shall apply to any term of service of any such~~
6 ~~person that begins after such date.~~

7
8 * * *

9
10 (C) Limitation. The commission shall have no power to regulate any common carrier or
11 public utility owned, operated, or regulated on the effective date of this ~~constitution~~ Constitution
12 by the governing authority of one or more political subdivisions, except by the approval of a
13 majority of the electors voting in an election held for that purpose; however, a political subdivision
14 may reinvest itself with such regulatory power in the manner in which it was surrendered. This
15 Paragraph shall not apply to safety regulations pertaining to the operation of such utilities.

16
17 * * *

18
19 (E) Appeals. Appeal may be taken in the manner provided by law by any aggrieved party
20 or intervenor to the district court of the domicile of the commission. A right of direct appeal from
21 any judgment of the district court shall be allowed to the supreme court. These rights of appeal
22 shall extend to any action by the commission, including but not limited to action taken by the
23 commission or by a public utility under the provisions of Subparagraph ~~(3) of Paragraph (D)~~ (D)(3)
24 of this Section.

25
26 * * *

27
28 **§22. Term Limits; Certain Boards and Commissions**

29
30 ~~(A)~~ A person who has served as a member of any one or more of the following boards or
31 commissions for more than two and one-half terms in three consecutive terms combined shall not
32 serve as a member of any of the following boards or commissions for a period of at least two years
33 after the completion of such consecutive terms of service:

34
35 * * *

36
37 ~~(B) This Section shall not apply to any person who is serving on any such board or~~
38 ~~commission on the effective date of this Section, except that it shall apply to any term of service~~
39 ~~of any such person that begins after such date.~~

1 **§6. Supreme Court; Chief Justice**

2
3 Section 6. The judge oldest in point of service on the supreme court shall be chief justice.
4 ~~He~~ The chief justice is the chief administrative officer of the judicial system of the state, subject
5 to rules adopted by the court.

6
7 * * *

8
9 **§9. Courts of Appeal; Circuits and Districts**

10
11 Section 9. Each circuit shall be divided into at least three districts, and at least one judge
12 shall be elected from each. The circuits and districts and the number of judges as elected in each
13 circuit on the effective date of this ~~constitution~~ Constitution are retained, subject to change by law
14 enacted by two-thirds of the elected members of each house of the legislature.

15
16 **§10. Courts of Appeal; Jurisdiction**

17
18 Section 10.(A) Jurisdiction. Except as otherwise provided by this ~~constitution~~
19 Constitution, a court of appeal has appellate jurisdiction of (1) all civil matters, including direct
20 review of administrative agency determinations in worker's compensation matters as heretofore or
21 hereafter provided by law, (2) all matters appealed from family and juvenile courts, and (3) all
22 criminal cases triable by a jury, except as provided in Section 5(D)(2) ~~Section 5, Paragraph (D)(2)~~
23 of this Article. It has supervisory jurisdiction over cases which arise within its circuit.

24
25 (B) Scope of Review. Except as limited to questions of law by this ~~constitution~~
26 Constitution, or as provided by law in the review of administrative agency determinations,
27 appellate jurisdiction of a court of appeal extends to law and facts. In the review of an
28 administrative agency determination in a worker's compensation matter, a court of appeal may
29 render judgment as provided by law, or, in the interest of justice, remand the matter to the
30 administrative agency for further proceedings. In criminal cases its appellate jurisdiction extends
31 only to questions of law.

32
33 (C) Other Criminal Matters. In all criminal cases not provided for in ~~Paragraph (D)(2) or~~
34 ~~Paragraph (E) of Section 5~~ Section 5(D)(2) or (E) of this Article or Paragraph (A)(3) of this
35 Section, a defendant has a right of appeal or review, as provided by law.

36
37 * * *

38
39 **§15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms**

40
41 Section 15.(A) Court Retention; Trial Courts of Limited Jurisdiction. The district, family,
42 juvenile, parish, city, and magistrate courts existing on the effective date of this ~~constitution~~
43 Constitution are retained. Subject to the limitations in Sections 16 and 21 of this Article, the
44 legislature by law may abolish or merge trial courts of limited or specialized jurisdiction. The
45 legislature by law may establish trial courts of limited jurisdiction with parishwide territorial
46 jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. Effective

1 January 1, 2007, the legislature by law may establish new judgeships for district courts and
2 establish the new divisions with limited or specialized jurisdiction within the territorial jurisdiction
3 of the district court and subject matter jurisdiction over family or juvenile matters as provided by
4 law. The office of city marshal is continued until the city court he serves is abolished.

5
6 (B) Judicial Districts. The judicial districts existing on the effective date of this
7 ~~constitution~~ Constitution are retained. Subject to the limitations in Section 21 of this Article, the
8 legislature by law may establish, divide, or merge judicial districts with approval in a referendum
9 in each district and parish affected.

10 * * *

11
12
13 **§16. District Courts; Jurisdiction**

14
15 Section 16.(A) Original Jurisdiction. (1) Except as otherwise authorized by this
16 ~~constitution~~ Constitution or except as heretofore or hereafter provided by law for administrative
17 agency determinations in worker's compensation matters, a district court shall have original
18 jurisdiction of all civil and criminal matters.

19
20 (2) It shall have exclusive original jurisdiction of felony cases and of cases involving title
21 to immovable property, except as provided in Subparagraph (3) below of this Paragraph; the right
22 to office or other public position; civil or political right; probate and succession matters; except
23 for administrative agency determination provided for in Subparagraph (1) above of this Paragraph,
24 the state, a political corporation, or political subdivisions, or a succession, as a defendant; and the
25 appointment of receivers or liquidators for corporations or partnerships.

26 * * *

27
28
29 **§19. Special Juvenile Procedures**

30
31 Section 19. The determination of guilt or innocence, the detention, and the custody of a
32 person who is alleged to have committed a crime prior to his **seventeenth** birthday shall be pursuant
33 to special juvenile procedures which shall be provided by law. However, the legislature may (1)
34 by a two-thirds vote of the elected members of each house provide that special juvenile procedures
35 shall not apply to juveniles arrested for having committed first or second degree murder,
36 manslaughter, aggravated rape, armed robbery, aggravated burglary, aggravated kidnapping,
37 attempted first degree murder, attempted second degree murder, forcible rape, simple rape, second
38 degree kidnapping, a second or subsequent aggravated battery, a second or subsequent aggravated
39 burglary, a second or subsequent offense of burglary of an inhabited dwelling, or a second or
40 subsequent felony-grade violation of Part X or X-B of Chapter 4 of Title 40 of the Louisiana
41 Revised Statutes of 1950, involving the manufacture, distribution, or possession with intent to
42 distribute controlled dangerous substances, and (2) by two-thirds vote of the elected members of
43 each house lower the maximum ages of persons to whom juvenile procedures shall apply, and (3)
44 by two-thirds vote of the elected members of each house establish a procedure by which the court
45 of original jurisdiction may waive special juvenile procedures in order that adult procedures shall
46 apply in individual cases. The legislature, by a majority of the elected members of each house,

1 shall make special provisions for detention and custody of juveniles who are subject to the
2 jurisdiction of the district court pending determination of guilt or innocence.

3
4 **Note to the Legislature**

5
6 *Louisiana’s Raise the Age Act was adopted in 2016 to include seventeen-year-olds in the*
7 *juvenile justice system. Consider whether the highlighted language in this Section should be*
8 *changed to “eighteenth.”*
9

10 **§20. Mayors' Courts; Justice of the Peace Courts**

11
12 Section 20. Mayors' courts and justice of the peace courts existing on the effective date of
13 this ~~constitution~~ Constitution are continued, subject to change by law.

14 * * *

16
17 **§22. Judges; Election; Vacancy**

18
19 Section 22.(A) Election. Except as otherwise provided in this Section, all judges shall be
20 elected. Election shall be at the regular congressional election.

21 * * *

22
23
24 ~~(C) End of Term. A judge serving on the effective date of this constitution shall serve~~
25 ~~through December thirty first of the last year of his term or, if the last year of his term is not in the~~
26 ~~year of a regular congressional election, then through December thirty first of the following~~
27 ~~year. The election for the next term shall be held in the year in which the term expires, as provided~~
28 ~~above.~~

29
30 **§23. Judges; Retirement**

31
32 Section 23.(A) Retirement System. ~~Within two years after the effective date of this~~
33 ~~constitution, the~~ The legislature shall provide for a retirement system for judges which shall apply
34 to a judge taking office after the effective date of the law enacting the system and in which a judge
35 in office at that time may elect to become a member, with credit for all prior years of judicial
36 service and without contribution therefor. The retirement benefits and judicial service rights of a
37 judge in office or retired on the effective date of this ~~constitution~~ Constitution shall not be
38 diminished, nor shall the benefits to which a surviving spouse is entitled be reduced.

39 * * *

40
41
42 **§24. Judges; Qualifications**

43
44 Section 24.(A) A judge of the supreme court, a court of appeal, district court, family court,
45 parish court, or court having solely juvenile jurisdiction shall have been domiciled in the respective

1 district, circuit, or parish for one year preceding election and shall have been admitted to the
2 practice of law in the state for at least the number of years specified as follows:

3
4 * * *

5
6 (B) ~~He~~ The judge shall not practice law.

7
8 **§25. Judiciary Commission**

9
10 Section 25.(A) Composition. The judiciary commission shall consist of

11
12 (1) ~~one~~ One court of appeal judge and two district court judges selected by the supreme
13 court;

14
15 (2) ~~two~~ Two attorneys admitted to the practice of law for at least ten years and one attorney
16 admitted to the practice of law for at least three years but not more than ten years, selected by the
17 Conference of Court of Appeal Judges or its successor. They shall not be judges, active or retired,
18 or public officials, other than notaries public; and

19
20 (3) ~~three~~ Three citizens, not lawyers, judges active or retired, or public officials, selected
21 by the Louisiana District Judges' Association or its successor.

22
23 * * *

24
25 **§26. District Attorneys**

26
27 Section 26.(A) Election; Qualifications; Assistants. In each judicial district a district
28 attorney shall be elected for a term of six years. ~~He~~ The district attorney shall have been admitted
29 to the practice of law in the state for at least five years prior to his election and shall have resided
30 in the district for the two years preceding election. A district attorney may select assistants as
31 authorized by law, and other personnel.

32
33 (B) Powers. Except as otherwise provided by this ~~constitution~~ Constitution, a district
34 attorney, or his designated assistant, shall have charge of every criminal prosecution by the state
35 in his district, be the representative of the state before the grand jury in his district, and be the legal
36 advisor to the grand jury. ~~He~~ The district attorney shall perform other duties provided by law.

37
38 (C) Prohibition. No district attorney or assistant district attorney shall appear, plead, or in
39 any way defend or assist in defending any criminal prosecution or charge. A violation of this
40 Paragraph shall be cause for removal.

41
42 **§27. Sheriffs**

43
44 Section 27.(A) In each parish, a sheriff shall be elected for a term of four years. ~~He~~ The
45 sheriff shall be the chief law enforcement officer in the parish, except as otherwise provided by
46 this ~~constitution~~ Constitution, and shall execute court orders and process. ~~He~~ The sheriff shall be

1 the collector of state and parish ad valorem taxes and such other taxes and license fees as provided
2 by law.

3
4 (B) This Section shall not apply to Orleans Parish.

5
6 **§28. Clerks of Court**

7
8 Section 28.(A) Powers and Duties; Deputies. In each parish, a clerk of the district court
9 shall be elected for a term of four years. ~~He~~ The clerk shall be ex officio notary public and parish
10 recorder of conveyances, mortgages, and other acts and shall have other duties and powers
11 provided by law. The clerk may appoint deputies with duties and powers provided by law and,
12 with the approval of the district judges, ~~he~~ the clerk may appoint minute clerks with duties and
13 powers provided by law.

14
15 (B) Office Hours. The legislature shall establish uniform statewide office hours for clerks
16 of the district courts.

17
18 **§29. Coroners**

19
20 Section 29. In each parish, a coroner shall be elected for a term of four years. ~~He~~ The
21 coroner shall be a licensed physician and possess the other qualifications and perform the duties
22 provided by law. The requirement that ~~he~~ the coroner be a licensed physician shall be inapplicable
23 in any parish in which no licensed physician will accept the office.

24
25 **§30. Vacancies**

26
27 Section 30. When a vacancy occurs in the following offices, the duties of the office, until
28 it is filled by election as provided by law, shall be assumed by the following persons ~~herein~~
29 ~~designated~~: (1) sheriff, by the chief criminal deputy; (2) district attorney, by the first assistant; (3)
30 clerk of a district court, by the chief deputy; (4) coroner, by the chief deputy. If there is no such
31 person to assume the duties when the vacancy occurs, the governing authority or authorities of the
32 parish or parishes concerned shall appoint a qualified person to assume the duties of the office
33 until filled by election.

34
35 * * *

36
37 **§32. Orleans Parish Courts, Officials**

38
39 Section 32. Except for provisions relating to terms of office as provided elsewhere in this
40 Article, and notwithstanding any other contrary provision of this ~~constitution~~ Constitution, the
41 following courts and officers in Orleans Parish are continued, subject to change by law; the civil
42 and criminal district courts; the city, municipal, traffic, and juvenile courts; the clerks of the civil
43 and criminal district courts; the civil and criminal sheriffs; the constables and the clerks of the first
44 and second city courts; the register of conveyances; and the recorder of mortgages.

1 **§33. Jurors**

2

3 Section 33.(A) Qualifications. A citizen of the state who has reached the age of majority
4 is eligible to serve as a juror within the parish in which he is domiciled. The legislature may
5 provide additional qualifications.

6

7 (B) Exemptions. Persons who are seventy years of age or older shall be exempt from jury
8 service and may decline to serve as jurors, but may elect to serve as jurors if they meet the other
9 qualifications for service as jurors. The supreme court shall provide by rule for other grounds for
10 the exemption of jurors.

11

12

* * *

1 **ARTICLE VI. LOCAL GOVERNMENT**
2 **PART I. GENERAL PROVISIONS**

3
4 **§1. Parishes**

5
6 Section 1.(A) Parishes and Boundaries Ratified. Parishes and their boundaries as
7 established on the effective date of this ~~constitution~~ Constitution are recognized and ratified.

8
9 * * *

10
11 **§2. Municipalities**

12
13 Section 2. The legislature shall provide by general law for the incorporation, consolidation,
14 merger, and government of municipalities. No local or special law shall create a municipal
15 corporation or amend, modify, or repeal a municipal charter. However, a special legislative charter
16 existing on the effective date of this ~~constitution~~ Constitution may be amended, modified, or
17 repealed by local or special law.

18
19 * * *

20
21 **§4. Existing Home Rule Charters and Plans of Government**

22
23 Section 4. Every home rule charter or plan of government existing or adopted when this
24 ~~constitution~~ Constitution is adopted shall remain in effect and may be amended, modified, or
25 repealed as provided therein. Except as inconsistent with this ~~constitution~~ Constitution, each local
26 governmental subdivision ~~which that~~ has adopted such a home rule charter or plan of government
27 shall retain the powers, functions, and duties in effect when this ~~constitution~~ Constitution is
28 adopted. If its charter permits, each of them also shall have the right to powers and functions
29 granted to other local governmental subdivisions.

30
31 **§5. Home Rule Charter**

32
33 Section 5.(A) Authority to Adopt; Commission. Subject to and not inconsistent with this
34 ~~constitution~~ Constitution, any local governmental subdivision may draft, adopt, or amend a home
35 rule charter in accordance with this Section. The governing authority of a local governmental
36 subdivision may appoint a commission to prepare and propose a charter or an alternate charter, or
37 it may call an election to elect such a commission.

38
39 * * *

40
41 (E) Structure and Organization; Powers; Functions. A home rule charter adopted under
42 this Section shall provide the structure and organization, powers, and functions of the government
43 of the local governmental subdivision, which may include the exercise of any power and
44 performance of any function necessary, requisite, or proper for the management of its affairs, not
45 denied by general law or inconsistent with this ~~constitution~~ Constitution.

1 (F) Additional Powers and Functions. Except as prohibited by its charter, a local
2 governmental subdivision adopting a home rule charter under this Section shall have the additional
3 powers and functions granted to local governmental subdivisions by other provisions of this
4 ~~constitution~~ Constitution.

5
6 (G) Parish Officials and School Boards Not Affected. No home rule charter or plan of
7 government shall contain any provision affecting a school board or the offices of district attorney,
8 sheriff, assessor, clerk of a district court, or coroner, which is inconsistent with this ~~constitution~~
9 Constitution or law.

10 * * *

11
12
13 **§7. Powers of Other Local Governmental Subdivisions**

14
15 Section 7.(A) Powers and Functions. Subject to and not inconsistent with this ~~constitution~~
16 Constitution, the governing authority of a local governmental subdivision which has no home rule
17 charter or plan of government may exercise any power and perform any function necessary,
18 requisite, or proper for the management of its affairs, not denied by its charter or by general law,
19 if a majority of the electors voting in an election held for that purpose vote in favor of the
20 proposition that the governing authority may exercise such general powers. Otherwise, the local
21 governmental subdivision shall have the powers authorized by this ~~constitution~~ Constitution or by
22 law.

23 * * *

24
25
26 **§10. Codification of Ordinances**

27
28 Section 10. ~~Within two years after the effective date of this constitution, the~~ The governing
29 authority of each political subdivision shall have a code ~~prepared~~ containing all of its general
30 ordinances. ~~When the code is prepared, the~~ The governing authority shall make copies available
31 for public distribution. All general ordinances adopted after the approval of the code shall be
32 amendments or additions to the code.

33
34 **§11. Local Officials**

35
36 Section 11. The electors of each local governmental subdivision shall have the exclusive
37 right to elect their governing authority. Nothing ~~herein~~ in this Section shall be construed to
38 prohibit the election of the members from single-member districts.

39 * * *

40
41
42 **§13. Vacancies**

43
44 Section 13.(A) Vacancy; Appointment. Except as otherwise provided by this ~~constitution~~
45 Constitution, a vacancy in any local office filled by election wholly within the boundaries of a
46 local governmental subdivision or a school district shall be filled by appointment by the particular

1 governing authority of the local governmental subdivision or school district in which the vacancy
2 occurs, until it is filled by election as provided by law.

3
4 * * *

5
6 **§14. Increasing Financial Burden of Political Subdivisions**

7
8 Section 14.(A)(1) No law or state executive order, rule, or regulation requiring increased
9 expenditures for any purpose shall become effective within a political subdivision until approved
10 by ordinance enacted, or resolution adopted, by the governing authority of the affected political
11 subdivision or until, and only as long as, the legislature appropriates funds for the purpose to the
12 affected political subdivision and only to the extent and amount that such funds are provided, or
13 until a law provides for a local source of revenue within the political subdivision for the purpose
14 and the affected political subdivision is authorized by ordinance or resolution to levy and collect
15 such revenue and only to the extent and amount of such revenue. This Paragraph shall not apply
16 to a school board.

17
18 * * *

19
20 (B)(1) No law requiring increased expenditures within a city, parish, or other local public
21 school system for any purpose shall become effective within such school system only as long as
22 the legislature appropriates funds for the purpose to the affected school system and only to the
23 extent and amount that such funds are provided, or until a law provides for a local source of
24 revenue within the school system for the purpose and the affected school board is authorized by
25 ordinance or resolution to levy and collect such revenue and only to the extent and amount of such
26 revenue. This Paragraph shall not apply to any political subdivision to which Paragraph (A) of
27 this Section applies.

28
29 (2) This Paragraph shall not apply to:

30
31 * * *

32
33 (g) The formula for the Minimum Foundation Program of education as required by Article
34 VIII, Section 13(B) of this ~~constitution~~ Constitution, nor to any instrument adopted or enacted by
35 the legislature approving such formula.

36
37 * * *

38
39 **§16. Special Districts and Local Public Agencies**

40
41 Section 16.(A) Consolidation. A local governmental subdivision may consolidate and
42 merge into itself any special district or local public agency, except a school district, situated and
43 having jurisdiction entirely within the boundaries of the local governmental subdivision. Upon
44 the consolidation and merger, the local governmental subdivision shall succeed to and be vested
45 with all of the rights, revenues, resources, jurisdiction, authority, and powers of the special district
46 or local public agency. A consolidation and merger shall become effective only if approved by a

1 majority of the electors voting thereon in the local governmental subdivision as a whole and by a
2 majority of the electors voting thereon in the affected special district. A local public agency shall
3 be consolidated and merged only if approved by a majority of the electors voting thereon in an
4 election held for that purpose in the local governmental subdivision in which the agency is
5 located.

6
7 (B) Assumption of Debt. If the special district or local public agency ~~which that~~ is
8 consolidated and merged has outstanding indebtedness, the authority provided by this Section shall
9 not be exercised unless provision is made for the assumption of the indebtedness by the governing
10 authority of the local governmental subdivision involved.

11
12 * * *

13
14 **§19. Special Districts; Creation**

15
16 Section 19. Subject to and not inconsistent with this ~~eonstitution~~ Constitution, the
17 legislature by general law or by local or special law may create or authorize the creation of special
18 districts, boards, agencies, commissions, and authorities of every type, define their powers, and
19 grant to the special districts, boards, agencies, commissions, and authorities so created such rights,
20 powers, and authorities as it deems proper, including, but not limited to, the power of taxation and
21 the power to incur debt and issue bonds.

22
23 * * *

24
25 **§21. Assistance to Local Industry**

26
27 Section 21.(A) Authorization. In order to (1) induce and encourage the location of or
28 addition to industrial enterprises therein ~~which that~~ would have economic impact upon the area
29 and thereby the state, (2) provide for the establishment and furnishing of such industrial plant, (3)
30 facilitate the operation of public ports, or (4) provide movable or immovable property, or both, for
31 pollution control facilities, the legislature by law may authorize, subject to restrictions it may
32 impose, any political subdivision, public port commission, or public port, harbor, and terminal
33 district to:

34
35 (a) ~~issue~~ Issue bonds, subject to approval by the State Bond Commission or its successor,
36 and use the funds derived from the sale of the bonds to acquire and improve industrial plant sites
37 and other property necessary to the purposes thereof;

38
39 (b) ~~acquire~~ Acquire, through purchase, donation, exchange, and expropriation, and
40 improve industrial plant buildings and industrial plant equipment, machinery, furnishings, and
41 appurtenances, including public port facilities and operations ~~which that~~ relate to or facilitate the
42 transportation of goods in domestic and international commerce; and

43
44 (c) ~~sell~~ Sell, lease, lease-purchase, or demolish all or any part of the foregoing.

45
46 * * *

1 (D) Property excepted. The bona fide homestead, as defined by Article VII, Section
2 20(A)(1) of this Constitution, shall not be subject to expropriation pursuant to this Section.

3
4 **§22. Procedure for Certain Special Elections**

5
6 Section 22. When an election is required in a political subdivision under the provisions of
7 ~~this constitution which~~ Constitution that require submission to the electors of a proposition or
8 question, the election shall be called, conducted, and the returns thereof canvassed, in accordance
9 with the procedures established by the law then in effect pertaining to elections for incurring
10 bonded indebtedness and special taxes relative to local finance, or as may be otherwise provided
11 by law.

12
13 **§23. Acquisition of Property**

14
15 Section 23. Subject to and not inconsistent with this ~~constitution~~ Constitution and subject
16 to restrictions provided by general law, political subdivisions may acquire property for any public
17 purpose by purchase, donation, expropriation, exchange, or otherwise.

18 * * *

19
20
21 **§25. Courts Not Affected**

22
23 Section 25. Notwithstanding any provision of this Article, courts and their officers may be
24 established or affected only as provided in Article V of this ~~constitution~~ Constitution.

25
26 **PART II. FINANCE**

27
28 **§26. Parish Ad Valorem Tax**

29
30 Section 26.(A) Parish Tax for General Purposes; Millage Limits; Increase. The governing
31 authority of a parish may levy annually an ad valorem tax for general purposes not to exceed four
32 mills on the dollar of assessed valuation. However, in Orleans Parish the limitation shall be seven
33 mills, and in Jackson Parish the limitation shall be five mills. Millage rates may be increased in
34 any parish when approved by a majority of the electors voting thereon in an election held for that
35 purpose.

36 * * *

37
38
39 (C) Parish Tax in Municipality. The amount of the parish tax for general purposes ~~which~~
40 that any parish, except Orleans Parish, may levy, without a vote of the electors, on property located
41 wholly within any municipality ~~which~~ that has a population exceeding one thousand inhabitants
42 according to the last federal decennial census, or other census authorized by law, and ~~which~~ that
43 provides and maintains a system of street paving, shall not exceed one-half the tax levy for general
44 purposes.

1 (D) Withdrawal from Parish Taxing Authority. This Section shall not affect the withdrawal
2 of property in a municipality from parish taxing authority, in whole or in part, by a provision of
3 the legislative charter of a municipality in effect on the effective date of this ~~constitution~~
4 Constitution.

5
6 (E) Additional Taxes for Orleans Parish.

7
8 (1) In addition to any millage authorized by Paragraph (A) of this Section, the governing
9 authority of Orleans Parish may levy annually an additional ad valorem tax for fire protection not
10 to exceed ten mills on the dollar of assessed valuation and an additional ad valorem tax for police
11 protection not to exceed ten mills on the dollar of assessed valuation. Notwithstanding the
12 provisions of Article VII, Section 20(A) of this Constitution, the homestead exemption shall not
13 extend to such additional ad valorem taxes. The additional revenues generated by these fire and
14 police millages shall not displace, replace, or supplant funding by the city of New Orleans for fire
15 and police protection for calendar year 2013 nor shall the level of funding for such purposes by
16 the city for that calendar year be decreased below such level in any subsequent calendar year.
17 Furthermore, the revenues generated by these fire and police millages shall be used solely for fire
18 and police protection services that directly contribute to the safety of the residents of Orleans
19 Parish. In the event of either of the above, the authorization for such fire and police millages ~~herein~~
20 in this Subparagraph shall be null, void, and of no effect. This provision shall mean that no
21 appropriation for any calendar year from such additional revenues shall be made for any purpose
22 for which a city appropriation was made in the previous year unless the total appropriations for
23 that calendar year from the city for such purpose exceed city appropriations for the previous year.
24 This provision shall in no way limit city appropriations in excess of the minimum amounts ~~herein~~
25 established in this Subparagraph.

26
27 * * *

28
29 **§29. Local Governmental Subdivisions and School Boards; Sales Tax**

30
31 Section 29.(A) Sales Tax Authorized. Except as otherwise authorized in a home rule
32 charter as provided for in Section 4 of this Article, the governing authority of any local
33 governmental subdivision or school board may levy and collect a tax upon the sale at retail, the
34 use, the lease or rental, the consumption, and the storage for use or consumption, of tangible
35 personal property and on sales of services as defined by law, if approved by a majority of the
36 electors voting thereon in an election held for that purpose. The rate thereof, when combined with
37 the rate of all other sales and use taxes, exclusive of state sales and use taxes, levied and collected
38 within any local governmental subdivision, shall not exceed three percent.

39
40 * * *

41
42 (C) Bonds; Security. Nothing in this Section shall affect any sales or use tax authorized
43 or imposed on the effective date of this ~~constitution~~ Constitution or affect or impair the security of
44 any bonds payable from the proceeds of the tax.

45
46 * * *

1 **§30. Political Subdivisions; Taxing Power**

2
3 Section 30.(A) A political subdivision may exercise the power of taxation, subject to
4 limitations elsewhere provided by this ~~constitution~~ Constitution, under authority granted by the
5 legislature for parish, municipal, and other local purposes, strictly public in their nature. This
6 Section shall not affect similar grants to political subdivisions under self-operative sections of this
7 ~~constitution~~ Constitution.

8
9 (B) Notwithstanding the provisions of Paragraph (A) of this Section, or any other provision
10 of law to the contrary, no political subdivision shall submit the same tax proposition, or a new tax
11 proposition that includes such a tax proposition, to the electorate more than once within a ~~six-month~~
12 six-month period except in the case of an emergency as determined by the governing authority of
13 the political subdivision.

14
15 **§30.1. Bonding and Taxing Authority of Certain Political Subdivisions and Other Public**
16 **Entities**

17
18 Section 30.1.(A) The Louisiana Recovery District shall have no power or authority,
19 directly or indirectly, to incur debt or issue bonds after ~~the effective date of this Section~~ November
20 3, 1994, except to refund any such outstanding debt or bonds at a lower effective rate of
21 interest. ~~Any debt or bonds issued and outstanding on the effective date of this Section, or any~~
22 ~~debt incurred or bonds issued to refund such indebtedness or bonds as authorized by this Section~~
23 ~~shall be retired no later than the end of Fiscal Year 1998-1999.~~ At such time as there is no debt or
24 bonds of the Louisiana Recovery District outstanding, the Louisiana Recovery District shall cease
25 to exist and any authority or power of the district shall be null and void. The Louisiana Recovery
26 District shall not levy a new tax or increase any existing tax of the district.

27
28 * * *

29
30 (C) Except as provided in Paragraphs (A) and (B) of this Section, this Section shall not
31 apply to any political subdivision, special district, agency, board, commission, municipality,
32 parish, school board, levee district, port, or to any other similar authority.

33
34 **§31. Taxes; Ratification**

35
36 Section 31. Any tax validly being levied by a political subdivision under prior legislative
37 or constitutional authority on the effective date of this ~~constitution~~ Constitution is ratified.

38
39 * * *

40
41 **§33. Political Subdivisions; General Obligation Bonds**

42
43 Section 33.(A) Authorization. Subject to approval by the State Bond Commission or its
44 successor, general obligation bonds may be issued only after authorization by a majority of the
45 electors voting on the proposition at an election in the political subdivision issuing the
46 bonds. Bonds to refund outstanding indebtedness at the same or at a lower effective rate of interest,

1 even though payable solely from ad valorem taxes, need not be authorized at an election if the
2 indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if
3 money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate
4 amount, with interest, to be utilized solely to retire the refunded indebtedness or bonds and to pay
5 interest thereon and redemption premiums, if any, to the time of retirement.

6
7 (B) Full Faith and Credit. The full faith and credit of a political subdivision is hereby
8 pledged to the payment of general obligation bonds issued by it under this ~~constitution~~ Constitution
9 or the statute or proceedings pursuant to which they are issued. The governing authority of the
10 issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable
11 property in the political subdivision ad valorem taxes sufficient to pay principal and interest and
12 redemption premiums, if any, on such bonds as they mature.

13
14 * * *

15
16 **PART III. LEVEE DISTRICTS AND REGIONAL**
17 **FLOOD PROTECTION AUTHORITIES**

18
19 **§38. Levee Districts**

20
21 Section 38.(A) Retention; Reorganization; Consolidation. Levee districts as organized
22 and constituted on January 1, 1974 shall continue to exist, except that

23
24 (1) The legislature may provide by law for the consolidation, division, or reorganization
25 of existing levee districts, may create new levee districts, or may establish regional flood protection
26 authorities as authorized by Section 38.1 of this ~~Part~~ Article. However, except for the board of
27 commissioners of a regional flood protection authority the members of the board of commissioners
28 of a district heretofore or hereafter created shall be appointed or elected from among residents of
29 the district, as provided by law.

30
31 (2) A levee district whose flood control responsibilities are limited to and ~~which that~~ is
32 situated entirely within one parish may be consolidated and merged into such parish under the
33 terms and conditions and in the manner provided in Section 16 of this Article.

34
35 (B) Obligation of Contract Affirmed. No action taken under this Section shall impair the
36 obligation of outstanding bonded indebtedness or of any other contract of a levee district.

37
38 **§38.1. Regional Flood Protection Authorities**

39
40 Section 38.1.(A) Establishment. (1) The legislature by law may establish regional flood
41 protection authorities, with territorial jurisdiction limited to parishes and levee districts ~~which that~~
42 are situated entirely or partially within the coastal zone as described in R.S. 49:214.24 as of ~~the~~
43 ~~effective date of this Section~~ January 1, 2007, and provide for their territorial jurisdiction,
44 governing authority, powers, duties, and functions for the purpose of constructing and maintaining
45 levees, levee drainage, flood protection, and hurricane flood protection within the territorial
46 jurisdiction of the authority, and for all other purposes incidental thereto. Each authority shall be

1 governed by a board of commissioners which shall also be the governing authority of each levee
2 district within the territorial jurisdiction of the authority.

3
4 (2) The legislature, by law, may include within territorial jurisdiction of the regional flood
5 protection authority one or more parishes or portions of parishes ~~which~~ that are included in one or
6 more levee districts that are not included within territorial jurisdiction of the authority. The
7 inclusion of such parishes or portions of parishes shall not affect the authority of the respective
8 levee district (a) to levy taxes in such areas nor prohibit the levy of taxes provided for in this
9 Section in such areas, (b) to employ and provide for its employees, or (c) to own, construct, and
10 maintain its property.

11
12 * * *

13
14 (E) The phrase "levee district" when used in Sections 40 and 41 of this ~~Part~~ Article and in
15 Articles VII and IX of this Constitution shall include regional flood protection authorities.

16
17 * * *

18
19 **§40. Bond Issues**

20
21 Section 40.(A) Authorization. Subject to approval by the State Bond Commission or its
22 successor, the governing authority of a levee district may fund the proceeds of its taxes or other
23 revenues into bonds or other evidences of indebtedness. Proceeds thus derived shall be used for
24 the purposes mentioned in this Part ~~III of this Article~~ or for the funding or payment of any
25 outstanding indebtedness.

26
27 (B) Sale. Bonds issued under the authority of Paragraph (A) of this Section shall be sold
28 as provided by law concerning the issuance of bonds by levee districts.

29
30 * * *

31
32 **§42. Compensation for Property Used or Destroyed; Tax**

33
34 Section 42.(A) Compensation. Notwithstanding any contrary provision of this
35 ~~constitution~~ Constitution, lands and improvements thereon hereafter actually used or destroyed for
36 levees or levee drainage purposes shall be paid for as provided by law. With respect to lands and
37 improvements actually used or destroyed in the construction, enlargement, improvement, or
38 modification of federal or ~~non-federal~~ nonfederal hurricane protection projects, including
39 mitigation related thereto, such payment shall not exceed the amount of compensation authorized
40 under Article I, Section 4(G) of this ~~constitution~~ Constitution. However, nothing contained in this
41 Paragraph with respect to compensation for lands and improvements shall apply to batture or to
42 property the control of which is vested in the state or any political subdivision for the purpose of
43 commerce. If the district has no other funds or resources from which the payment can be made, it
44 shall levy on all taxable property within the district a tax sufficient to pay for property used or
45 destroyed to be used solely in the district where collected.

1 (B) Appropriation. Nothing in this Section shall prevent the appropriation of such
2 property before payment.

3
4 **PART IV. PORT COMMISSIONS AND DISTRICTS**

5
6 * * *

7
8 **PART V. DEFINITIONS**

9
10 **§44. Terms Defined**

11
12 Section 44. As used in this Article:

13
14 ~~(7)~~ (1) "Deep-water port commissions" and "deep-water port, harbor, and terminal
15 districts" mean those commissions or districts within whose territorial jurisdiction exist facilities
16 capable of accommodating vessels of at least twenty-five feet of draft and of engaging in foreign
17 commerce.

18
19 ~~(5)~~ (2) "General law" means a law of statewide concern enacted by the legislature ~~which~~
20 that is uniformly applicable to all persons or to all political subdivisions in the state or ~~which that~~
21 is uniformly applicable to all persons or to all political subdivisions within the same class.

22
23 ~~(6)~~ (3) "General obligation bonds" means those bonds, the principal and interest of which
24 are secured by and payable from ad valorem taxes levied without limitation as to rate or amount.

25
26 (4) "Governing authority" means the body ~~which~~ that exercises the legislative functions
27 of the political subdivision.

28
29 ~~(4)~~ (5) "Local governmental subdivision" means any parish or municipality.

30
31 ~~(3)~~ (6) "Municipality" means an incorporated city, town, or village.

32
33 ~~(2)~~ (7) "Political subdivision" means a parish, municipality, and any other unit of local
34 government, including a school board and a special district, authorized by law to perform
35 governmental functions.

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ARTICLE VII. REVENUE AND FINANCE
PART I. GENERAL PROVISIONS

§1. Power to Tax; Public Purpose

Section 1.(A) Except as otherwise provided by this ~~constitution~~ Constitution, the power of taxation shall be vested in the legislature; shall never be surrendered, suspended, or contracted away; and shall be exercised for public purposes only.

* * *

§2.1. Fees and Civil Fines; Limitation

Section 2.1.(A) Any new fee or civil fine or increase in an existing fee or civil fine imposed or assessed by the state or any board, department, or agency of the state shall require the enactment of a law by a two-thirds vote of the elected members of each house of the legislature.

(B) The provisions of this Section shall not apply to any department ~~which~~ that is constitutionally created and headed by an officer who is elected by majority vote of the electorate of the state.

§2.2. Power to Tax; Sales and Use Tax; Limitation

Section 2.2.(A) ~~Effective January 1, 2003, the sales and use tax rate imposed by the state of Louisiana or by a political subdivision whose boundaries are coterminous with those of the state shall not exceed two percent of the price of the following items:~~

~~(1) Food for home consumption, as defined in R.S. 47:305(D)(1)(n) through (r) on January 1, 2003.~~

~~(2) Natural gas, electricity, and water sold directly to the consumer for residential use.~~

~~(3) Prescription drugs.~~

~~(B) Effective July 1, 2003, the~~ (A) The sales and use tax imposed by the state of Louisiana or by a political subdivision whose boundaries are coterminous with those of the state shall not apply to sales or purchases of the following items:

* * *

(B) As used in this Section, the term "sold directly to the consumer for residential use" includes the furnishing of natural gas, electricity, or water to single private residences, including the separate private units of apartment houses and other multiple dwellings, actually used for residential purposes, which residences are separately metered or measured, regardless of the fact that a person other than the resident is contractually bound to the supplier for the charges, actually

1 pays the charges, or is billed for the charges. The use of electricity, natural gas, or water in hotel
2 or motel units does not constitute residential use.

3
4 **§2.3. Power to Tax; Limitation; Sale or Transfer of Immovable Property**

5
6 Section 2.3. No new tax or fee upon the sale or transfer of immovable property, including
7 documentary transaction taxes or fees, or any other tax or fee, shall be levied by the state of
8 Louisiana, by a political subdivision whose boundaries are coterminous with those of the state, or
9 by a political subdivision, as defined in Article VI, Section 44(2) of this ~~constitution~~ Constitution
10 after November 30, 2011. A documentary transaction is any transaction pursuant to any
11 instrument, act, writing, or document ~~which~~ that transfers or conveys immovable property. Fees
12 for the cost of recordation, filing, or maintenance of documents, or records effectuating the sale or
13 transfer of immovable property, impact fees for development of property, annual parcel fees, and
14 ad valorem taxes shall not be considered taxes or fees upon the sale or transfer of immovable
15 property.

16
17 **§3. Collection of Taxes**

18
19 Section 3.(A) The legislature shall prohibit the issuance of process to restrain the collection
20 of any tax. It shall provide a complete and adequate remedy for the prompt recovery of an illegal
21 tax paid by a taxpayer.

22
23 (B)(1) Notwithstanding any contrary provision of this ~~constitution~~ Constitution, sales and
24 use taxes levied by political subdivisions shall be collected by a single collector for each
25 parish. ~~On or before July 1, 1992, all political subdivisions within each parish which levy a sales~~
26 ~~and use tax shall agree between and among themselves to provide for the collection of such taxes~~
27 ~~by a single collector or a central collection commission.~~ The legislature, by general law, shall
28 provide for the collection of sales and use taxes, levied by political subdivisions, by a central
29 collection commission in those parishes where a single collector or a central collection commission
30 has not been established by July 1, 1992.

31
32 * * *

33
34 (5) The provisions of this Paragraph shall not apply in those parishes ~~which~~ that have a
35 single collector or a centralized collection arrangement as of July 1, 1992.

36
37 **§4. Income Tax; Severance Tax; Political Subdivisions**

38
39 Section 4.(A) Income Tax. Equal and uniform taxes may be levied on net incomes, and
40 these taxes may be graduated according to the amount of net income. However, the maximum state
41 individual rate shall not exceed four and three-quarters percent for tax years beginning after
42 December 31, 2021. Federal income taxes paid may be allowed as a deductible item in computing
43 state income taxes for the same period as provided by law.

44
45 (B) Severance Tax. (1) Taxes may be levied on natural resources severed from the soil or
46 water, to be paid proportionately by the owners thereof at the time of severance. Natural resources

1 may be classified for the purpose of taxation. Such taxes may be predicated upon either the quantity
2 or value of the products at the time and place of severance. No further or additional tax or license
3 shall be levied or imposed upon oil, gas, or sulphur leases or rights. No additional value shall be
4 added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their
5 production therefrom. However, sulphur in place shall be assessed for ad valorem taxation to the
6 person, firm, or corporation having the right to mine or produce the same in the parish where
7 located, at no more than twice the total assessed value of the physical property subject to taxation,
8 excluding the assessed value of sulphur above ground, as is used in sulphur operations in such
9 parish. Likewise, the severance tax shall be the only tax on timber; however, standing timber shall
10 be liable equally with the land on which it stands for ad valorem taxes levied on the land.

11
12 (2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph, the presence of
13 oil or gas or the production thereof, may be included in the methodology to determine the fair
14 market value of an oil or gas well for ad valorem taxes.

15 * * *

16
17
18 (D)(1) Severance Tax Allocation. One-third of the sulphur severance tax, but not to exceed
19 one hundred thousand dollars; one-third of the lignite severance tax, but not to exceed one hundred
20 thousand dollars; one-fifth of the severance tax on all natural resources, other than sulphur, lignite,
21 or timber, but not to exceed five hundred thousand dollars; and three-fourths of the timber
22 severance tax shall be remitted to the governing authority of the parish in which severance or
23 production occurs.

24 * * *

25
26
27 (4) Effective April 1, 2012, the provisions of this Subparagraph shall be implemented if
28 and when the last official forecast of revenues adopted for a fiscal year before the start of that fiscal
29 year contains an estimate of severance tax revenues derived from natural resources other than
30 sulphur, lignite, or timber in an amount ~~which that~~ exceeds the actual severance tax revenues from
31 such natural resources collected in Fiscal Year 2008-2009. Upon the adoption of such official
32 forecast, the Revenue Estimating Conference shall certify that the requirements for the
33 implementation of the provisions contained in this Subparagraph have been met. In such event, the
34 following distributions and allocations of severance tax revenues and other revenues provided in
35 this Subparagraph shall be effective and implemented for the fiscal year for which the official
36 forecast was adopted, and each year thereafter. The legislature shall provide by law for the
37 administrative procedures necessary to change the severance tax allocation to parishes from a
38 calendar year basis to a fiscal year basis.

39
40 (a) Remittance to parishes.

41
42 (i) In the first fiscal year of implementation of this Subparagraph, the maximum amount of
43 severance tax on all natural resources other than sulphur, lignite, or timber ~~which that~~ is remitted
44 to the parish in which severance or production occurs shall not exceed one million eight hundred
45 fifty thousand dollars. For all subsequent fiscal years, the maximum amount remitted to a parish
46 shall not exceed two million eight hundred fifty thousand dollars.

1 (ii) On July first of each year, the maximum amount remitted to the parish in which
2 severance or production occurs, as provided in Item (i) of this Subsubparagraph, shall be increased
3 by an amount equal to the average annual increase in the Consumer Price Index for all urban
4 consumers for the previous calendar year, as published by the United States Department of Labor,
5 which amount shall be as calculated and adopted by the Revenue Estimating Conference.
6

7 (iii) Of the total amount of severance tax revenues remitted in a fiscal year to a parish
8 governing authority pursuant to the provisions of this Subparagraph, any portion ~~which~~ that is in
9 excess of the amount of such tax revenues remitted to that parish in Fiscal Year 2011-2012 shall
10 be known as "excess severance tax". At least fifty percent of the excess severance tax received by
11 a parish governing authority in a fiscal year shall be expended within the parish in the same manner
12 and for the same purposes as monies received by the parish from the Parish Transportation Fund.
13

14 (b) Deposit into the Atchafalaya Basin Conservation Fund.
15

16 (i) Notwithstanding any other provision of this constitution to the contrary, after allocation
17 of money to the Bond Security and Redemption Fund as provided in ~~Article VII~~, Section 9(B) of
18 this ~~constitution~~ Article, and after satisfying the required allocations in Subsubparagraph (a) of
19 this Subparagraph, Paragraph (E) of this Section, and ~~Article VII~~, Sections 10-A and 10.2 of this
20 ~~constitution~~ Article, an amount equal to fifty percent of the revenues received from severance taxes
21 and royalties on state lands in the Atchafalaya Basin, but not to exceed ten million dollars each
22 fiscal year, shall be deposited by the treasurer into the Atchafalaya Basin Conservation Fund,
23 hereinafter referred to as the "fund", which is hereby created as a special fund in the state treasury.
24 The monies in the fund shall be invested by the treasurer in the manner provided by law, and
25 interest earned on the investment of these monies shall be deposited in and credited to the fund.
26 All unexpended or unencumbered monies remaining in the fund at the end of the fiscal year shall
27 remain in the fund.
28

29 * * *

30 (E) Royalties Allocation. One-tenth of the royalties from mineral leases on state-owned
31 land, lake and river beds, and other water bottoms belonging to the state or the title to which is in
32 the public for mineral development shall be remitted to the governing authority of the parish in
33 which severance or production occurs. A parish governing authority may fund these royalties into
34 general obligation bonds of the parish in accordance with law. The provisions of this Paragraph
35 shall not apply to properties comprising the Russell Sage Wildlife and Game Refuge.
36

37 **§4.1. Cigarette Tax Rates** 38

39 Section 4.1. To ensure revenue for the dedication provided for in ~~Article VII~~, Section
40 10.8(C)(2)(c) of this ~~constitution~~ Article, the rate of the tax levied pursuant to R.S. 47:841(B)(3)
41 shall not be less than the rate set forth in that provision as it exists on January 1, 2012.
42

43 **§5. Motor Vehicle License Tax** 44

45 Section 5. The legislature shall impose an annual license tax of not more than one dollar
46 per each one thousand dollars of actual value on automobiles for private use based on the actual

1 value of the vehicle, as provided by law. However, the annual license tax shall not be less than
2 ten dollars per automobile for private use. On other motor vehicles, the legislature shall impose
3 an annual license tax based upon carrying capacity, horsepower, value, weight, or any of
4 these. After satisfying the requirements of Section 9(B) of this Article, and after satisfying pledges
5 respecting that portion of the revenues attributable to the tax rates in effect at the time of such
6 pledges for the payment of obligations for bonds or other evidences of indebtedness and upon the
7 creation of a Transportation Trust Fund within this ~~constitution~~ Constitution, the revenues from
8 the license tax on automobiles for private use shall be deposited therein. In the event no such trust
9 fund is established in this ~~constitution~~ Constitution, the revenues shall be used exclusively and
10 solely as provided by law for the construction, maintenance, and safety of the federal and state
11 system of roads and bridges, for the parish and municipal road systems, for the operations of the
12 office of state police, Department of Public Safety and Corrections or its successor, and for the
13 payment of any obligation for bonds issued or indebtedness incurred in connection with any of the
14 foregoing, which bonds may be issued as revenue bonds under ~~Article VII~~, Section 6(C) of this
15 ~~constitution~~ Article, subject to existing pledges only as to that portion of the tax collections
16 attributable to the rates in effect at the time of such pledges for the payment of any obligations for
17 bonds or other evidences of indebtedness outstanding on ~~the effective date of this Section~~
18 November 7, 1989. No parish or municipality may impose a license fee on motor vehicles.

19
20 **§6. State Debt; Full Faith and Credit Obligations**

21
22 Section 6.(A) Authorization. Unless otherwise authorized by this ~~constitution~~
23 Constitution, the state shall have no power, directly or indirectly, or through any state board,
24 agency, commission, or otherwise, to incur debt or issue bonds except by law enacted by two-
25 thirds of the elected members of each house of the legislature. The debt may be incurred or the
26 bonds issued only if the funds are to be used to repel invasion; suppress insurrection; provide relief
27 from natural catastrophes; refund outstanding indebtedness at the same or a lower effective interest
28 rate; or make capital improvements, but only in accordance with a comprehensive capital budget,
29 which the legislature shall adopt.

30
31 (B) Capital Improvements. (1) If the purpose is to make capital improvements, the nature
32 and location and, if more than one project, the amount allocated to each and the order of priority
33 shall be stated in the comprehensive capital budget ~~which that~~ that the legislature adopts.

34
35 * * *

36
37 (C) Full Faith and Credit. The full faith and credit of the state shall be pledged to the
38 repayment of all bonds or other evidences of indebtedness issued by the state directly or through
39 any state board, agency, or commission pursuant to the provisions of Paragraphs (A) and (B) ~~hereof~~
40 of this Section. The full faith and credit of the state is not hereby pledged to the repayment of
41 bonds of a levee district, political subdivision, or local public agency. In addition, any state board,
42 agency, or commission authorized by law to issue bonds, in the manner so authorized and with the
43 approval of the State Bond Commission or its successor, may issue bonds ~~which that~~ that are payable
44 from fees, rates, rentals, tolls, charges, grants, or other receipts or income derived by or in
45 connection with an undertaking, facility, project, or any combination thereof, without a pledge of
46 the full faith and credit of the state. Such revenue bonds may, but are not required to, be issued in

1 accordance with the provisions of Paragraphs (A) and (B) ~~hereof~~ of this Section. If issued other
2 than as provided in Paragraphs (A) and (B) of this Section, such revenue bonds shall not carry the
3 pledge of the full faith and credit of the state, and the issuance of the bonds shall not constitute the
4 incurring of state debt under this ~~constitution~~ Constitution. The rights granted to deep-water port
5 commissions or deep-water port, harbor, and terminal districts under this ~~constitution~~ Constitution
6 shall not be impaired by this Section.

7
8 (D) Referendum. The legislature, by law enacted by two-thirds of the elected members of
9 each house, may propose a statewide public referendum to authorize incurrence of debt for any
10 purpose for which the legislature is not ~~herein~~ authorized in this Section to incur debt.

11
12 * * *

13
14 (F) Limitation. (1) The legislature shall provide for the determination of a limit to the
15 amount of net state tax supported debt ~~which that~~ that may be issued by the state in any fiscal year. Net
16 state tax supported debt shall be defined by law. When enacted, such definition shall not be
17 changed except by specific legislative instrument ~~which that~~ that receives a favorable vote of two-
18 thirds of the elected members of each house of the legislature. The limitation shall be established
19 so that by Fiscal Year 2003-2004 and thereafter the amount necessary to service outstanding net
20 state tax supported debt shall not exceed six percent of the estimate of money to be received by
21 the state general fund and dedicated funds contained in the official forecast adopted by the Revenue
22 Estimating Conference at its first meeting after the beginning of each fiscal year and any other
23 money required by this Paragraph to be included in the estimate ~~by this Paragraph~~. In making such
24 estimate, the conference shall include all amounts ~~which that~~ that are to be used to service net state tax
25 supported debt. For purposes of this Paragraph, servicing outstanding net state tax supported debt
26 includes payments of principal, interest, and sinking fund requirements. The limitation established
27 pursuant to this Paragraph shall not be construed to prevent the payment of debt service on net
28 state tax supported debt.

29
30 * * *

31
32 (3) Except as provided in Subparagraph (2) of this Paragraph, the State Bond Commission
33 shall not approve the issuance of any net state tax supported debt, the debt service requirement of
34 which would cause the limit ~~herein~~ established in this Paragraph to be exceeded.

35
36 **§7. State Debt; Interim Emergency Board**

37
38 Section 7.(A) Composition. The Interim Emergency Board is created. It shall be
39 composed of the governor, lieutenant governor, state treasurer, presiding officer of each house of
40 the legislature, chairman of the Senate Finance Committee, and chairman of the House
41 Appropriations Committee, or their designees.

42
43 (B) Powers. Between sessions of the legislature, when the board by majority vote
44 determines that an emergency or impending flood emergency exists, it may appropriate from the
45 state general fund or borrow on the full faith and credit of the state an amount to meet the
46 emergency. The appropriation may be made or the indebtedness incurred only for a purpose for

1 which the legislature may appropriate funds and then only after the board obtains, as provided by
2 law, the written consent of two-thirds of the elected members of each house of the legislature. For
3 the purposes of this Paragraph, an emergency is an event or occurrence not reasonably anticipated
4 by the legislature, and an impending flood emergency shall be an anticipated situation ~~which that~~
5 endangers an existing flood protection structure. The appropriation or indebtedness incurred for
6 an impending flood emergency shall not exceed two hundred fifty thousand dollars for any one
7 event or occurrence. For an impending emergency to qualify for funding, it ~~must~~ shall be
8 determined as such by the United States Army Corp of Engineers or the United States Coast Guard.
9 Total funding for such impending emergencies shall not exceed twenty-five percent of the funds
10 annually available to the Interim Emergency Board.

11
12 * * *

13
14 **§8. State Bond Commission**

15
16 Section 8.(A) Creation. The State Bond Commission is created. Its membership and
17 authority shall be determined by law.

18
19 * * *

20
21 (C) Contesting State Bonds. Bonds, notes, certificates, or other evidences of indebtedness
22 of the state, (hereafter referred to as "bonds"), shall not be invalid because of any irregularity or
23 defect in the proceedings or in the issuance and sale thereof and shall be incontestable in the hands
24 of a bona fide purchaser or holder. The issuing agency, after authorizing the issuance of bonds by
25 resolution, shall publish once in the official journal of the state, as provided by law, a notice of
26 intention to issue the bonds. The notice shall include a description of the bonds and the security
27 therefor. Within thirty days after the publication, any person in interest may contest the legality
28 of the resolution, any provision of the bonds to be issued pursuant to ~~the resolution~~, the
29 provisions securing the bonds, and the validity of all other provisions and proceedings relating to
30 the authorization and issuance of the bonds. If no action or proceeding is instituted within the
31 thirty days, no person may contest the validity of the bonds, the provisions of the resolution
32 pursuant to which the bonds were issued, the security of the bonds, or the validity of any other
33 provisions or proceedings relating to their authorization and issuance, and the bonds shall be
34 presumed conclusively to be legal. Thereafter no court shall have authority to inquire into such
35 matters.

36
37 **§9. State Funds**

38
39 Section 9.(A) Deposit in State Treasury. All money received by the state or by any state
40 board, agency, or commission shall be deposited immediately upon receipt in the state treasury,
41 except that received:

42
43 (1) ~~as~~ As a result of grants or donations or other forms of assistance when the terms and
44 conditions thereof or of agreements pertaining thereto require otherwise;

45
46 (2) ~~by~~ By trade or professional associations;

1 (3) ~~by~~ By the employment security administration fund or its successor;

2
3 (4) ~~by~~ By retirement system funds;

4
5 (5) ~~by~~ By state agencies operating under authority of this ~~constitution~~ Constitution
6 preponderantly from fees and charges for the shipment of goods in international maritime trade
7 and commerce; and

8
9 (6) ~~by~~ By a state board, agency, or commission, but pledged by it in connection with the
10 issuance of revenue bonds as provided in ~~Paragraph (C)~~ of Section 6(C) of this Article, other than
11 any surplus as may be defined in the law authorizing such revenue bonds.

12
13 (B) Bond Security and Redemption Fund. Subject to contractual obligations existing on
14 ~~the effective date of this constitution~~ January 1, 1975, all state money deposited in the state treasury
15 shall be credited to a special fund designated as the Bond Security and Redemption Fund, except
16 money received as the result of grants or donations or other forms of assistance when the terms
17 and conditions thereof or of agreements pertaining thereto require otherwise. In each fiscal year
18 an amount is allocated from the ~~bond security and redemption fund~~ Bond Security and Redemption
19 Fund sufficient to pay all obligations ~~which that~~ are secured by the full faith and credit of the state
20 and ~~which that~~ become due and payable within the current fiscal year, including principal, interest,
21 premiums, sinking or reserve fund, and other requirements. Thereafter, except as otherwise
22 provided by law, money remaining in the fund shall be credited to the state general fund.

23 * * *

24
25
26 **§10. Expenditure of State Funds**

27
28 Section 10.(A) Revenue Estimating Conference. The Revenue Estimating Conference shall
29 be composed of four members: the governor, or his designee, the president of the senate, or his
30 designee, the speaker of the house or his designee, and a faculty member of a university or college
31 in Louisiana who has expertise in forecasting revenues. Changes to the membership beyond the
32 four members shall be made by law enacted by a favorable vote of two-thirds of the elected
33 members of each house.

34
35 (B) Official Forecast. The conference shall prepare and publish initial and revised estimates
36 of money to be received by the state general fund and dedicated funds for the current and next
37 fiscal years ~~which that~~ are available for appropriation. In each estimate, the conference shall
38 designate the money in the estimate ~~which that~~ is recurring and ~~which that~~ is nonrecurring. All
39 conference decisions to adopt these estimates shall be by unanimous vote of its members. Changes
40 to the unanimous vote requirement shall be made by law enacted by a favorable vote of two-thirds
41 of the elected members of each house. The most recently adopted estimate of money available for
42 appropriation shall be the official forecast.

43
44 (C) Expenditure Limit. (1) The legislature shall provide for the determination of an
45 expenditure limit for each fiscal year to be established during the first quarter of the calendar year
46 for the next fiscal year. ~~However, the expenditure limit for the 1991-1992 Fiscal Year shall be the~~

1 actual appropriations from the state general fund and dedicated funds for that year except funds
2 allocated by Article VII, Section 4, Paragraphs (D) and (E). For subsequent fiscal years, the The
3 limit shall not exceed the expenditure limit for the current fiscal year plus an amount equal to that
4 limit times a positive growth factor. The growth factor is the average annual percentage rate of
5 change of personal income for Louisiana as defined and reported by the United States Department
6 of Commerce for the three calendar years prior to the fiscal year for which the limit is calculated.

7
8 (2) The expenditure limit may be changed in any fiscal year by a favorable vote of two-
9 thirds of the elected members of each house. Any such change in the expenditure limit shall be
10 approved by passage of a specific legislative instrument ~~which~~ that clearly states the intent to
11 change the limit.

12
13 (3) ~~Beginning with the 1995-1996 Fiscal Year, the~~ The expenditure limit shall be
14 determined in accordance with the provisions of Paragraph (J) of this Section. ~~The redetermination~~
15 ~~of the expenditure limit for each fiscal year from the 1991-1992 Fiscal Year through the 1994-~~
16 ~~1995 Fiscal Year shall only be used in computing the expenditure limit for the 1995-1996 Fiscal~~
17 ~~Year and shall not affect the expenditure limit already computed in accordance with this Paragraph~~
18 ~~for such fiscal years.~~

19
20 (4) The provisions of this Paragraph shall not apply to or affect funds allocated by ~~Article~~
21 ~~VII, Section 4, Paragraphs (D) and (E)~~ Section 4(D) and (E) of this Article.

22
23 (D) Appropriations. (1) Except as otherwise provided by this ~~constitution~~ Constitution,
24 money shall be drawn from the state treasury only pursuant to an appropriation made in accordance
25 with law. Appropriations from the state general fund and dedicated funds except funds allocated
26 by ~~Article VII, Section 4, Paragraphs (D) and (E)~~ Section 4(D) and (E) of this Article shall not
27 exceed the expenditure limit for the fiscal year.

28
29 (2) Except as otherwise provided in this ~~constitution~~ Constitution, the appropriation or
30 allocation of any money designated in the official forecast as nonrecurring shall be made only for
31 the following purposes:

32
33 (a) Retiring or for the defeasance of bonds in advance or in addition to the existing
34 amortization requirements of the state.

35
36 (b)(i) Providing for payments against the unfunded accrued liability of the public
37 retirement systems ~~which~~ that are in addition to any payments required for the annual amortization
38 of the unfunded accrued liability of the public retirement systems, as required by Article X, Section
39 29(E)(2)(c) of this ~~constitution~~ Constitution; however, any such payments to the public retirement
40 systems shall not be used, directly or indirectly, to fund cost-of-living increases for such systems.

41
42 (ii) ~~For Fiscal Years 2013-2014 and 2014-2015 the legislature shall appropriate no less~~
43 ~~than five percent of any money designated in the official forecast as nonrecurring to the Louisiana~~
44 ~~State Employees' Retirement System and the Teachers' Retirement System of Louisiana for~~
45 ~~application to the balance of the unfunded accrued liability of such systems existing as of June 30,~~
46 ~~1988, in proportion to the balance of such unfunded accrued liability of each such system. Any~~

1 such payments to the public retirement systems shall not be used, directly or indirectly, to fund
2 cost-of-living increases for such systems.

3
4 (iii) For ~~Fiscal Year 2015-2016 and every fiscal year thereafter~~ each fiscal year, the
5 legislature shall appropriate no less than ten percent of any money designated in the official
6 forecast as nonrecurring to the Louisiana State Employees' Retirement System and the Teachers'
7 Retirement System of Louisiana for application to the balance of the unfunded accrued liability of
8 such systems existing as of June 30, 1988, in proportion to the balance of such unfunded accrued
9 liability of each such system. Any such payments to the public retirement systems shall not be
10 used, directly or indirectly, to fund cost-of-living increases for such systems.

11
12 (c) Providing funding for capital outlay projects in the comprehensive state capital budget.

13
14 (d) Providing for allocation or appropriation for deposit into the Budget Stabilization Fund
15 established in ~~Article VII~~, Section 10.3 of this ~~constitution~~ Article.

16
17 (e) Providing for allocation or appropriation for deposit into the Coastal Protection and
18 Restoration Fund established in ~~Article VII~~, Section 10.2 of this ~~constitution~~ Article.

19
20 (f) Providing for new highway construction for which federal matching funds are available,
21 without excluding highway projects otherwise eligible as capital projects under other provisions
22 of this ~~constitution~~ Constitution.

23
24 (3)(a) The legislature shall provide by law for the payment by the state of supplements to
25 the salaries of full-time local law enforcement and fire protection officers of the state. No law shall
26 reduce any payments by the state provided as a supplement to the salaries of full-time local law
27 enforcement and fire protection officers of the state. ~~Beginning with the fiscal year which begins~~
28 ~~July 1, 2003~~ For each fiscal year, the legislature shall appropriate funds sufficient to fully fund the
29 cost of such state supplement to the salaries of full-time law enforcement and fire protection
30 officers.

31
32 (b) For the purposes of this Subparagraph, local law enforcement and fire protection
33 officers shall mean and include the same classes of officers ~~which~~ that are eligible for such state
34 salary supplements under the law as of July 1, 2003.

35
36 (c) Full funding as required in Subsubparagraph (a) of this Subparagraph shall be equal to
37 the amount ~~which~~ that is required to meet the requirements of law.

38
39 (d) Neither the governor nor the legislature may reduce an appropriation made pursuant to
40 this Subparagraph except that the governor may reduce such appropriation using means provided
41 in the Act containing the appropriation, provided that two-thirds of the elected members of each
42 house of the legislature consent to any such reduction in writing.

43
44 (E) Balanced Budget. Appropriations by the legislature from the state general fund and
45 dedicated funds for any fiscal year except funds allocated by ~~Article VII, Section 4, Paragraphs~~

1 ~~(D) and (E)~~ Section 4(D) and (E) of this Article shall not exceed the official forecast in effect at
2 the time the appropriations are made.
3

4 (F) Projected Deficit. (1) The legislature by law shall establish a procedure to determine if
5 appropriations will exceed the official forecast and an adequate method for adjusting
6 appropriations in order to eliminate a projected deficit. Any law establishing a procedure to
7 determine if appropriations will exceed the official forecast and methods for adjusting
8 appropriations, including any constitutionally protected or mandated allocations or appropriations,
9 once enacted, shall not be changed except by specific legislative instrument ~~which~~ that receives a
10 favorable vote of two-thirds of the elected members of each house of the legislature.
11 Notwithstanding the provisions of Article III, Section 2 of this ~~constitution~~ Constitution, such law
12 may be introduced and considered in any regular session of the legislature.
13

14 (2)(a) Notwithstanding any other provision of this ~~constitution~~ Constitution to the contrary,
15 adjustments to any constitutionally protected or mandated allocations or appropriations, and
16 transfer of monies associated with such adjustments, are authorized when state general fund
17 allocations or appropriations have been reduced in an aggregate amount equal to at least seven-
18 tenths of one percent of the total of such allocations and appropriations for a fiscal year. Such
19 adjustments may not exceed five percent of the total appropriation or allocation from a fund for
20 the fiscal year. For purposes of this Subsubparagraph, reductions to expenditures required by
21 Article VIII, Section 13(B) of this ~~constitution~~ Constitution shall not exceed one percent and such
22 reductions shall not be applicable to instructional activities included within the meaning of
23 instruction pursuant to the Minimum Foundation Program formula. Notwithstanding any other
24 provisions of this ~~constitution~~ Constitution to the contrary, monies transferred as a result of such
25 budget adjustments are deemed available for appropriation and expenditure in the year of the
26 transfer from one fund to another, but in no event shall the aggregate amount of any transfers
27 exceed the amount of the deficit.
28

29 (b) Notwithstanding any other provision of this ~~constitution~~ Constitution to the contrary,
30 for the purposes of the budget estimate and enactment of the budget for the next fiscal year, when
31 the official forecast of recurring revenues for the next fiscal year is at least one percent less than
32 the official forecast for the current fiscal year, the following procedure may be employed to avoid
33 a budget deficit in the next fiscal year. An amount not to exceed five percent of the total
34 appropriations or allocations for the current fiscal year from any fund established by law or this
35 ~~constitution~~ Constitution shall be available for expenditure in the next fiscal year for a purpose
36 other than as specifically provided by law or this ~~constitution~~ Constitution. For the purposes of
37 this Subsubparagraph, an amount not to exceed one percent of the current fiscal year appropriation
38 for expenditures required by Article VIII, Section 13(B) of this ~~constitution~~ Constitution shall be
39 available for expenditures for other purposes in the next fiscal year. Notwithstanding any other
40 provisions of this ~~constitution~~ Constitution to the contrary, monies made available as authorized
41 under this Subsubparagraph may be transferred to a fund for which revenues have been forecast to
42 be less than the revenues in the current fiscal year for such fund. Monies transferred as a result of
43 the budget actions authorized by this Subsubparagraph are deemed available for appropriation and
44 expenditure, but in no event shall the aggregate amount of any such transfers exceed the amount
45 of the difference between the official forecast for the current fiscal year and the next fiscal year.
46

1 (c) The legislature may provide by law for the implementation of the provisions of this
2 Subparagraph.

3
4 (3) If within thirty days of the determination that appropriations will exceed the official
5 forecast the necessary adjustments in appropriations are not made to eliminate the projected deficit,
6 the governor shall call a special session of the legislature for this purpose unless the legislature is
7 in regular session. This special session shall commence as soon as possible as allowed by the
8 provisions of this ~~constitution~~ Constitution, including but not limited to Article III, Section 2(B)
9 of this Constitution.

10
11 (4) The provisions of Subparagraphs (1) and (2) of this Paragraph shall not be applicable
12 to, nor affect:

13
14 (a) The Bond Security and Redemption Fund or any bonds secured thereby, or any other
15 funds pledged as security for bonds or other evidences of indebtedness.

16
17 (b) The allocations provided for by ~~Article VII~~, Section 4(D) and (E) of this ~~constitution~~
18 Article.

19
20 (c) The contributions made in accordance with Article X, Section 29(E) of this ~~constitution~~
21 Constitution.

22
23 (d) The Louisiana Education Quality Trust Fund as defined in ~~Article VII~~, Section
24 10.1(A)(1) of this ~~constitution~~ Article.

25
26 (e) The Millennium Trust as provided in ~~Article VII~~, Section 10.8 of this ~~constitution~~
27 Article, except for appropriations from the trust.

28
29 (f) Any monies not required to be deposited in the state treasury as provided in ~~Article VII~~,
30 Section 9 of this ~~constitution~~ Article.

31
32 (g) The Medicaid Trust Fund for the Elderly created under the provisions of R.S. 46:2691
33 et seq.

34
35 (h) The Revenue Stabilization Trust Fund, as provided in ~~Article VII~~, Section 10.15 of this
36 ~~constitution~~ Article.

37
38 (i) The Louisiana Unclaimed Property Permanent Trust Fund, as provided in ~~Article VII~~,
39 Section 28 of this ~~Constitution~~ Article.

40
41 (G) Year End Deficit. If a deficit exists in any fund at the end of a fiscal year, that deficit
42 shall be eliminated no later than the end of the next fiscal year.

43
44 (H) Publication. The legislature shall have published a regular statement of receipts and
45 expenditures of all state money at intervals of not more than one year.

1 (I) Public Purpose. No appropriation shall be made except for a public purpose.

2
3 (J) Definition of Funds. For the purposes of this Article, the state general fund and
4 dedicated funds shall be all money required to be deposited in the state treasury, except that money
5 the origin of which is:

6
7 (1) The federal government.

8
9 (2) Self-generated collections by any entity subject to the policy and management authority
10 established by Article VIII, Sections 5 through 7 of this Constitution.

11
12 (3) A transfer from another state agency, board, or commission.

13
14 (4) The provisions of this Paragraph shall not apply to or affect funds allocated by ~~Article~~
15 ~~VII, Section 4, Paragraphs (D) and (E)~~ Section 4(D) and (E) of this Article.

16
17 **§10.1. Quality Trust Fund; Education**

18
19 Section 10.1.(A) Louisiana Education Quality Trust Fund. (1) ~~Effective January 1, 1987,~~
20 ~~there~~ There shall be established in the state treasury as a special permanent trust fund the Louisiana
21 Education Quality Trust Fund, hereinafter referred to as the "Permanent Trust Fund." After
22 allocation of money to the Bond Security and Redemption Fund as provided in ~~Article VII, Section~~
23 ~~9(B) of this constitution~~ Article, and notwithstanding Article XIV, Section 10 of this ~~constitution~~
24 Constitution, the treasurer shall deposit in and credit to the Permanent Trust Fund all money ~~which~~
25 that is received after the first one hundred million dollars from the federal government under
26 ~~Section 1337(g) of Title 43 of the United States Code which~~ 43 U.S.C. 1337(g) ~~that~~ is attributable
27 to mineral production activity or leasing activity on the Outer Continental Shelf ~~which that~~ has
28 been held in escrow pending a settlement between the United States and the state of Louisiana;
29 twenty-five percent of the recurring revenues received under ~~Section 1337(g) of Title 43 of the~~
30 ~~United States Code which~~ 43 U.S.C. 1337(g) ~~that~~ are attributable to mineral production activity or
31 leasing activity on the Outer Continental Shelf; twenty-five percent of the interest income earned
32 on investment of monies in the Permanent Trust Fund; seventy-five percent of the realized capital
33 gains on investment of the Permanent Trust Fund, unless such percentage is changed by law
34 enacted by two-thirds of the elected members of each house of the legislature; and twenty-five
35 percent of the dividend income earned on investment of the Permanent Trust Fund. No
36 appropriation shall be made from the Permanent Trust Fund. ~~If any such money has been received~~
37 ~~prior to the effective date of this Section, the treasurer shall transfer from the state general fund to~~
38 ~~the Permanent Trust Fund on the effective date of this Section an amount of money which shall~~
39 ~~make the Permanent Trust Fund balance equal to the amount of such money previously received,~~
40 ~~except for the first one hundred million dollars.~~ After six hundred million dollars has been credited
41 to the Permanent Trust Fund, the sum of fifty million dollars shall be credited to the Coastal
42 Environment Protection Trust Fund, as established in R.S. 30:313, from those monies received
43 from the federal government under ~~Section 1337(g) of Title 43 of the United States Code which is~~
44 43 U.S.C. 1337(g) ~~that~~ are attributable to mineral production activity or leasing activity on the
45 Outer Continental Shelf and ~~which that~~ has been held in escrow pending a settlement between the

1 United States and the state of Louisiana; all funds in excess of seven hundred fifty million dollars
2 shall be credited to the Permanent Trust Fund.

3
4 (2) After allocation of money to the Bond Security and Redemption Fund as provided in
5 ~~Article VII, Section 9(B) of the constitution~~ this Article, and notwithstanding Article XIV, Section
6 10 of ~~the constitution~~ this Constitution, seventy-five percent of the recurring revenues received
7 under ~~Section 1337(g) of Title 43 of the United States Code which~~ 43 U.S.C. 1337(g) that are
8 attributable to mineral production activity or leasing activity, and the percent remaining of the
9 realized capital gains and interest income and dividend income earned on investment of the
10 Permanent Trust Fund after the deposit required to the Permanent Trust Fund in ~~Paragraph A(1)~~
11 ~~of this Section~~ Subparagraph (1) of this Paragraph shall be deposited and credited to a special fund
12 ~~which that~~ that is hereby created in the state treasury and ~~which that~~ that shall be known as the Louisiana
13 Quality Education Support Fund, hereinafter referred to as the "Support Fund".

14
15 (3) All recurring revenues and interest earnings shall be credited to the respective funds as
16 provided in Subparagraphs (1) and (2) ~~above of this Paragraph~~ until the balance in the Permanent
17 Trust Fund equals two billion dollars. After the Permanent Trust Fund reaches a balance of two
18 billion dollars, all interest earnings on the Permanent Trust Fund shall be credited to the Support
19 Fund and all recurring revenues shall be credited to the ~~State General Fund~~ state general fund.

20
21 (B) Investment. The money credited to the Permanent Trust Fund pursuant to Paragraph
22 (A) of this Section shall be permanently credited to the Permanent Trust Fund and shall be invested
23 by the treasurer. Notwithstanding any provision of this ~~constitution~~ Constitution or other law to
24 the contrary, a portion of money in the Permanent Trust Fund, not to exceed thirty-five percent,
25 may be invested in stock. The legislature shall provide for procedures for the investment of such
26 monies by law. The treasurer shall contract, subject to the approval of the State Bond Commission,
27 for the management of such investments. The amounts in the Support Fund shall be available for
28 appropriation to pay expenses incurred in the investment and management of the Permanent Trust
29 Fund and for educational purposes only as provided in Paragraphs (C) and (D) of this Section.

30
31 (C) Reports; Allocation. (1) The State Board of Elementary and Secondary Education and
32 the Board of Regents shall annually submit to the legislature and the governor not less than sixty
33 days prior to the beginning of each regular session of the legislature a proposed program and
34 budget for the expenditure of the monies in the Support Fund. Proposals for such expenditures
35 shall be designed to improve the quality of education and shall specifically designate those monies
36 to be used for administrative costs, as defined and authorized by law.

37
38 * * *

39
40 (3) The legislature shall appropriate the total amount intended for higher educational
41 purposes to the Board of Regents and the total amount intended for elementary and secondary
42 educational purposes to the State Board of Elementary and Secondary Education, which boards
43 shall allocate the monies so appropriated to the programs as previously approved by the legislature.

44
45 (4) The monies appropriated by the legislature and disbursed from the Support Fund shall
46 not displace, replace, or supplant appropriations from the general fund for elementary and

1 secondary education, including implementing the Minimum Foundation Program, or displace,
2 replace, or supplant funding for higher education. For elementary and secondary education and
3 for higher education, this Paragraph shall mean that no appropriation for any fiscal year from the
4 Support Fund shall be made for any purpose for which a general fund appropriation was made in
5 the previous year unless the total appropriations for that fiscal year from the state general fund for
6 such purpose exceed general fund appropriations for the previous year. This Paragraph shall in no
7 way limit general fund appropriations in excess of the minimum amounts ~~herein~~ established.

8
9 (D) Disbursement; Higher Education and Elementary and Secondary Education.

10 * * *

11
12
13 (2) The treasurer shall disburse not more than fifty percent of the monies in the Support
14 Fund as that money is appropriated by the legislature and allocated by the State Board of
15 Elementary and Secondary Education for any or all of the following elementary and secondary
16 educational purposes:

17 * * *

18
19
20 (b) To ~~insure~~ ensure an adequate supply of superior textbooks, library books, equipment,
21 and other instructional materials.

22 * * *

23
24
25 **§10.2. Coastal Protection and Restoration Fund**

26
27 Section 10.2(A) There shall be established in the state treasury the Coastal Protection and
28 Restoration Fund to provide a dedicated, recurring source of revenues for the development and
29 implementation of a program to protect and restore Louisiana's coastal area.

30
31 Of revenues received in each fiscal year by the state as a result of the production of or
32 exploration for minerals, hereinafter referred to as mineral revenues from severance taxes, royalty
33 payments, bonus payments, or rentals, and excluding such revenues received by the state as a result
34 of grants or donations when the terms or conditions thereof require otherwise, the treasurer shall
35 make the following allocations:

36
37 (1) To the Bond Security and Redemption Fund as provided in ~~Article VII~~, Section 9(B)
38 of this ~~constitution~~ Article.

39
40 (2) To the political subdivisions of the state as provided in ~~Article VII~~, Sections 4(D) and
41 (E) of this ~~constitution~~ Article.

42
43 (3) As provided by the requirements of ~~Article VII~~, Sections 10-A and 10.1 of this
44 ~~constitution~~ Article.

1 (B)(1) After making the allocations provided for in Paragraph (A) of this Section, the
2 treasurer shall then deposit in and credit to the Coastal Protection and Restoration Fund any amount
3 of mineral revenues that may be necessary to ~~insure~~ ensure that a total of five million dollars is
4 deposited into such fund for the fiscal year from this source; provided that the balance of the fund
5 ~~which that~~ consists of mineral revenues from severance taxes, royalty payments, bonus payments,
6 or rentals shall not exceed an amount provided by law, but in no event shall the amount provided
7 by law be less than five hundred million dollars.
8

9 (2)(a) After making the allocations and deposits provided for in ~~Paragraphs (A) and (B)(1)~~
10 Paragraph (A) of this Section and Subparagraph (1) of this Paragraph, the treasurer shall deposit
11 in and credit to the Coastal Protection and Restoration Fund as follows:
12

13 ~~(a)~~ (i) Ten million dollars of the mineral revenues in excess of six hundred million dollars
14 ~~which that~~ remain after the allocations provided for in Paragraph (A) of this Section are made by
15 the treasurer.
16

17 ~~(b)~~ (ii) Ten million dollars of the mineral revenues in excess of six hundred fifty million
18 dollars ~~which that~~ remain after the allocations provided in Paragraph (A) of this Section are made
19 by the treasurer.
20

21 (b) However, the balance of the fund ~~which that~~ consists of mineral revenues from
22 severance taxes, royalty payments, bonus payments, or rentals shall not exceed an amount
23 provided by law, but in no event shall the amount provided by law be less than five hundred million
24 dollars.
25

26 (C) The money in the fund shall be invested as provided by law and any earnings realized
27 on investment of money in the fund shall be deposited in and credited to the fund. Money from
28 other sources, such as donations, appropriations, or dedications, may be deposited in and credited
29 to the fund; however, the balance of the fund ~~which that~~ consists of mineral revenues from
30 severance taxes, royalty payments, bonus payments, or rentals shall not exceed an amount
31 provided by law, but in no event shall the amount provided by law be less than five hundred million
32 dollars. Any unexpended money remaining in the fund at the end of the fiscal year shall be retained
33 in the fund.
34

35 (D)(1) The money in the fund may be appropriated for purposes consistent with the Coastal
36 Protection Plan developed by the Coastal Protection and Restoration Authority, or its successor.
37

38 (2) No appropriation shall be made from the fund inconsistent with the purposes of the
39 plan.
40

41 (E)(1) Subject to ~~Article VII~~, Sections 9(B) and 10.1 of this ~~constitution~~ Article, in each
42 fiscal year, the federal revenues that are received by the state generated from Outer Continental
43 Shelf oil and gas activity and eligible, as provided by federal law, to be used for the purposes of
44 this Paragraph shall be deposited and credited by the treasurer to the Coastal Protection and
45 Restoration Fund.
46

1 (2) Federal revenues credited to the Coastal Protection and Restoration Fund pursuant to
2 this Paragraph shall be used only for the purposes of coastal protection, including conservation,
3 coastal restoration, hurricane protection, and infrastructure directly impacted by coastal wetland
4 losses.

5
6 (3) The fund balance limitations provided for in Paragraph (B) of this Section relative to
7 the mineral revenues deposited to this fund shall not apply to revenues deposited pursuant to the
8 provisions of this Paragraph.

9
10 (F)(1) Notwithstanding the provisions of ~~Article VII, Section 10, Article VII, Section 10.3,~~
11 ~~Article VII, Section 10.8~~ Sections 10, 10.3, and 10.8 of this Article, or any other provision of this
12 ~~constitution~~ Constitution to the contrary, if, after July 1, 2006, the state securitizes any portion of
13 the revenues received from the Master Settlement Agreement executed November 23, 1998, and
14 approved by Consent Decree and Final Judgment entered in the case "Richard P. Ieyoub, Attorney
15 General, ex rel. State of Louisiana v. Philip Morris, Incorporated, et al.," bearing Number 98-6473
16 on the docket of the Fourteenth Judicial District for the parish of Calcasieu, state of Louisiana, the
17 treasurer shall transfer to the fund established in Paragraph ~~A~~ (A) of this Section twenty percent
18 in the aggregate of the revenues received as a result of the securitization occurring after July 1,
19 2006.

20
21 (2) The legislature may appropriate up to twenty percent of the funds deposited into the
22 fund pursuant to Subparagraph (1) of this Paragraph to the Barrier Island Stabilization and
23 Preservation Fund to be used for purposes of the Louisiana Coastal Wetlands Conservation and
24 Restoration Program.

25
26 (3) The fund balance limitations provided for in Paragraph (B) of this Section relative to
27 the mineral revenues deposited to this fund shall not apply to revenues deposited pursuant to the
28 provisions of this Paragraph.

29 **§10.3. Budget Stabilization Fund**

30
31
32 Section 10.3.(A) There is hereby established in the state treasury a Budget Stabilization
33 Fund hereinafter referred to as the fund. Money shall be deposited in the fund as follows:

34
35 (1) All money available for appropriation from the state general fund and dedicated funds
36 in excess of the expenditure limit, except funds allocated by ~~Article VII, Section 4, Paragraphs (D)~~
37 ~~and (E)~~ Section 4(D) and (E) of this Article, shall be deposited in the fund.

38
39 (2)(a) All revenues received in each fiscal year by the state in excess of seven hundred fifty
40 million dollars, hereinafter referred to as the base, as a result of the production of or exploration
41 for minerals, hereinafter referred to as mineral revenues, including severance taxes, royalty
42 payments, bonus payments, or rentals, and excluding such revenues designated as nonrecurring
43 pursuant to ~~Article VII, Section 10(B) of the constitution~~ this Article, any such revenues received
44 by the state as a result of grants or donations when the terms or conditions thereof require
45 otherwise, and revenues derived from any tax on the transportation of minerals, shall be deposited
46 in the fund after the following allocations of ~~said~~ the mineral revenues have been made:

1 (i) To the Bond Security and Redemption Fund as provided by ~~Article VII, Section 9(B)~~
2 9(B) of this ~~constitution~~ Article.
3

4 (ii) To the political subdivisions of the state as provided in ~~Article VII, Sections 4 (D)~~
5 Sections 4(D) and (E) of this ~~constitution~~ Article.
6

7 (iii) As provided by the requirements of ~~Article VII, Section~~ Sections 10-A and 10.1 of this
8 ~~constitution~~ Article.
9

10 (b) The base may be increased every ten years beginning in the year 2000 by a law enacted
11 by two-thirds of the elected members of each house of the legislature. Any such increase shall not
12 exceed fifty percent in the aggregate of the increase in the consumer price index for the
13 immediately preceding ten years.
14

15 (3) Twenty-five percent of any money designated in the official forecast as nonrecurring
16 as provided in ~~Article VII, Section 10(D)(2)~~ of this ~~constitution~~ Article shall be deposited in and
17 credited to the fund.
18

19 (4) Any money appropriated to the fund by the legislature including any appropriation to
20 the fund from money designated in the official forecast as provided in ~~Article VII, Section 10(D)(2)~~
21 of this ~~constitution~~ Article shall be deposited in the fund.
22

23 * * *

24
25 (C) The money in the fund shall not be available for appropriation or use except under the
26 following conditions:
27

28 (1) If the official forecast of recurring money for the next fiscal year is less than the official
29 forecast of recurring money for the current fiscal year, the difference, not to exceed one-third of
30 the fund, shall be incorporated into the next year's official forecast only after the consent of two-
31 thirds of the elected members of each house of the legislature. If the legislature is not in session,
32 the two-thirds requirement may be satisfied upon obtaining the written consent of two-thirds of
33 the elected members of each house of the legislature in a manner provided by law.
34

35 (2) If a deficit for the current fiscal year is projected due to a decrease in the official
36 forecast, an amount equal to one-third of the fund not to exceed the projected deficit may be
37 appropriated after the consent of two-thirds of the elected members of each house of the legislature.
38 Between sessions of the legislature, the appropriation may be made only after the written consent
39 of two-thirds of the elected members of each house of the legislature.
40

41 * * *

1 **§10.4. Higher Education Louisiana Partnership Fund; Program**
2

3 Section 10.4.(A) Higher Education Louisiana Partnership Fund. (1) There is hereby
4 established a special fund in the state treasury to be known as the Higher Education Louisiana
5 Partnership Fund, hereinafter referred to as the "fund", consisting of monies appropriated annually
6 by the legislature, grants, gifts, and donations received by the state for the purposes of this Section,
7 and other revenues as may be provided by law; provided that no such monies shall come from the
8 allocations provided in ~~Article VII, Section 4, Paragraphs (D) and (E)~~ Section 4(D) and (E) of this
9 ~~constitution~~ Article.

10
11 (2) All unexpended and unencumbered monies in the Higher Education Louisiana
12 Partnership Fund at the end of a fiscal year shall remain in such fund and be available for
13 appropriation in the next fiscal year. The monies in the fund shall be invested by the state treasurer
14 in accordance with state law, and interest earned on the investment of these monies shall be
15 credited to the fund, after compliance with the requirements of ~~Article VII, Section 9(B) of the~~
16 ~~Constitution of Louisiana~~ this Article, relative to the Bond Security and Redemption Fund.

17
18 (B) Higher Education Louisiana Partnership Program. (1) Upon appropriation by the
19 legislature, the monies in the fund shall be divided into matching grants for the Higher Education
20 Louisiana Partnership Program, which shall be administered by the Board of Regents. The Board
21 of Regents may allocate program funds to each public or independent institution of higher
22 education on a one to one and one-half matching basis or one twenty thousand dollar state matching
23 grant for each thirty thousand dollars raised specifically for the purposes of participation in the
24 Higher Education Louisiana Partnership Program by the institutions of higher education from
25 private sources. The state matching portion shall be allocated by the Board of Regents only after
26 it determines that an eligible institution has accumulated not less than the minimum required
27 amount from private sources for the purposes of the Higher Education Louisiana Partnership
28 Program.

29
30 (2)(a) No public institution of higher education shall be eligible in any given fiscal year to
31 receive a share of program funds ~~which that~~ which that is greater than that institution's proportion of the full-
32 time equivalent number of students enrolled in public higher education in the state.

33
34 (b) No independent institution of higher education shall be eligible in any given fiscal year
35 to receive a share of program funds ~~which that~~ which that is greater than that institution's proportion of the
36 full-time equivalent number of students enrolled in independent institutions of higher education in
37 the state.

38
39 (c) However, if there are monies ~~which that~~ which that have been appropriated to the fund but remain
40 on March first of any fiscal year unallocated to any matching grant, then any participating
41 institution of higher education ~~which that~~ which that has raised the required funds from private sources may
42 apply for and be awarded the number of additional matching grants for which unallocated funding
43 is available and ~~which that~~ which that the institution is able to match. ~~Provided however, that~~ Nevertheless,
44 no participating institution shall receive more than fifty percent of available funds in any fiscal
45 year.

1 * * *

2
3 (4) Each institution of higher education may establish its own Higher Education Louisiana
4 Partnership Program fund as a depository for private contributions and state matching funds as
5 provided ~~herein~~ in this Paragraph. The state matching funds allocated by the Board of Regents
6 shall be transferred to an institution upon notification that the institution has received and deposited
7 the necessary private contributions in its own Higher Education Louisiana Partnership Program
8 fund.

9 * * *

10
11
12 (7) The monies appropriated by the legislature and disbursed from the Higher Education
13 Louisiana Partnership Fund shall not displace, replace, or supplant appropriations for higher
14 education from the general fund or from bond proceeds. This shall mean that no disbursement
15 from the fund for a current fiscal year shall be made for any higher education purpose for which
16 an appropriation was made the previous year from the general fund or from bond proceeds unless
17 the total appropriations for the current fiscal year for higher education from the state general fund
18 or from bond proceeds exceed general fund appropriations or bond proceeds appropriations for
19 higher education for the previous year. This requirement shall in no way limit appropriations from
20 the general fund or from bond proceeds in excess of the minimum amounts ~~herein~~ established.

21
22 (C) Implementation. The legislature shall provide for the implementation of this Section.

23
24 **§10.5. Mineral Revenue Audit and Settlement Fund**

25
26 Section 10.5.(A) There shall be established in the state treasury the Mineral Revenue Audit
27 and Settlement Fund, hereinafter referred to as the "fund". Of revenues received in each fiscal year
28 by the state through settlements or judgments ~~which~~ that equal, in both principal and interest, five
29 million dollars or more for each such settlement or judgment, resulting from underpayment to the
30 state of severance taxes, royalty payments, bonus payments, or rentals, the treasurer shall make
31 the following allocations as required:

32
33 (1) To the Bond Security and Redemption Fund as provided in ~~Article VII~~, Section 9(B)
34 of this ~~constitution~~ Article.

35
36 (2) To the political subdivisions of the state as provided in ~~Article VII~~, Section 4(D) and
37 (E) of this ~~constitution~~ Article.

38
39 (3) As provided by the requirements of ~~Article VII~~, Sections 10-A, 10.1, 10.2, and 10.3 of
40 this ~~constitution~~ Article.

41
42 (B) After making the allocations provided for in Paragraph (A) of this Section, the treasurer
43 shall then deposit in and credit to the Mineral Revenue Audit and Settlement Fund any such
44 remaining revenues. Any revenues deposited in and credited to the fund shall be considered
45 mineral revenues from severance taxes, royalty payments, bonus payments, or rentals for purposes
46 of determining deposits and credits to be made in and to the Coastal Protection and Restoration

1 Fund as provided in ~~Article VII~~, Section 10.2 of this ~~constitution~~ Article. Any revenues deposited
2 in and credited to the fund shall not be considered mineral revenues for purposes of the Budget
3 Stabilization Fund as provided in ~~Article VII~~, Section 10.3 of this ~~constitution~~ Article. Money in
4 the fund shall be invested as provided by law. The earnings realized in each fiscal year on the
5 investment of monies in the Mineral Revenue Audit and Settlement Fund shall be deposited in and
6 credited to the Mineral Revenue Audit and Settlement Fund.

7
8 (C) After making the allocations provided for in Paragraph (A) of this Article, the treasurer
9 shall credit thirty-five million dollars to the Coastal Protection and Restoration Fund, and
10 thereafter any monies credited to the fund in any fiscal year may be annually appropriated by the
11 legislature only for the purposes of retirement in advance of maturity through redemption,
12 purchase, or repayment of debt of the state, pursuant to a plan proposed by the State Bond
13 Commission to maximize the savings to the state; for payments against the unfunded accrued
14 liability of the public retirement systems ~~which that~~ are in addition to any payments required for
15 the annual amortization of the unfunded accrued liability of the public retirement systems, required
16 by Article X, Section 29 of this ~~constitution~~ Constitution; however, any such payment to the public
17 retirement systems shall not be used, directly or indirectly, to fund cost-of-living increases for such
18 systems; and for deposit in the Coastal Protection and Restoration Fund.

19
20 **§10.6. Oilfield Site Restoration Fund**

21
22 Section 10.6.(A) Oilfield Site Restoration Fund. Effective January 4, 1996, there shall be
23 established in the state treasury, as a special fund, the Oilfield Site Restoration Fund, hereinafter
24 referred to as the “restoration fund”. Out of the funds remaining in the Bond Security and
25 Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations
26 secured by the full faith and credit of the state ~~which that~~ become due and payable within any fiscal
27 year as required by ~~Article VII~~, Section 9(B) of this ~~constitution~~ Article, the treasurer shall pay
28 into the restoration fund all of the following:

29
30 (1)(a) All revenue from the types and classes of fees, penalties, other revenues, or
31 judgments associated with site cleanup activities paid into the restoration fund as provided by law
32 on the effective date of this Section. Such revenue shall be deposited in the restoration fund even
33 if the names of such fees, other revenues, or penalties are changed.

34
35 (b) Any increase in the amount charged for such fees, penalties, other revenues, or
36 judgments associated with site cleanup activities enacted by the legislature after the effective date
37 of this Section, for the purpose of orphaned oilfield site restoration shall be irrevocably dedicated
38 and deposited in the restoration fund.

39
40 ~~(2) The balance remaining on January 4, 1996 in the Oilfield Site Restoration Fund~~
41 ~~established by law.~~

42
43 (3) All funds or revenues ~~which that~~ may be donated expressly to the restoration fund.

44
45 * * *

1 (D) The provisions of this Section shall not apply to or affect funds allocated by ~~Article~~
2 ~~VII, Section 4, Paragraphs (D) and (E)~~ Section 4(D) and (E) of this Article.

3
4 **§10.7. Oil Spill Contingency Fund**

5
6 Section 10.7.(A) Oil Spill Contingency Fund. Effective January 4, 1996, there shall be
7 established in the state treasury, as a special fund, the Oil Spill Contingency Fund, hereinafter
8 referred to as the “contingency fund”. Out of the funds remaining in the Bond Security and
9 Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations
10 secured by the full faith and credit of the state ~~which that~~ become due and payable within any fiscal
11 year as required by ~~Article VII, Section 9(B) of this constitution~~ Article, the treasurer shall pay
12 into the contingency fund all of the following, on the effective date of this Section:

13
14 (1)(a) All revenue from the types and classes of fees, taxes, penalties, judgments,
15 reimbursements, charges, and federal funds collected or other revenue paid into the contingency
16 fund as provided by law on the effective date of this Section. Such revenue shall be deposited in
17 the contingency fund even if the names of such fees, taxes, penalties, judgments, reimbursements,
18 charges, and federal funds collected or other revenues are changed.

19
20 (b) Any increase in the amount charged for such fees, taxes, penalties, judgments,
21 reimbursements, charges, and federal funds collected or other revenue, or any new fees, taxes,
22 penalties, judgments, reimbursements, charges, and federal funds collected or other revenue
23 enacted by the legislature for the purposes of abatement and containment of actual or threatened
24 unauthorized discharges of oil after the effective date of this Section, shall be irrevocably dedicated
25 and deposited in the contingency fund.

26
27 ~~(2) The balance remaining on January 4, 1996 in the Oil Spill Contingency Fund~~
28 ~~established by law.~~

29
30 (3) All funds or revenues ~~which that~~ may be donated expressly to the contingency fund.

31
32 * * *

33
34 (D) The provisions of this Section shall not apply to or affect funds allocated by ~~Article~~
35 ~~VII, Section 4, Paragraphs (D) and (E)~~ Section 4(D) and (E) of this Article.

36
37 **§10.8. Millennium Trust**

38
39 Section 10.8. Millennium Trust

40
41 (A) Creation

42
43 (1) There shall be established in the state treasury as a special permanent trust the
44 "Millennium Trust". After allocation of money to the Bond Security and Redemption Fund as
45 provided in ~~Article VII, Section 9(B) of this constitution~~ Article, the treasurer shall deposit in and
46 credit to the Millennium Trust certain monies received as a result of the Master Settlement

1 Agreement, hereinafter the "Settlement Agreement", executed November 23, 1998, and approved
2 by Consent Decree and Final Judgment entered in the case "Richard P. Ieyoub, Attorney General,
3 ex rel. State of Louisiana v. Philip Morris, Incorporated, et al.", bearing Number 98-6473 on the
4 docket of the Fourteenth Judicial District for the parish of Calcasieu, state of Louisiana; and all
5 dividend and interest income and all realized capital gains on investment of the monies in the
6 Millennium Trust. The treasurer shall deposit in and credit to the Millennium Trust the following
7 amounts of monies received as a result of the Settlement Agreement:
8

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

10
11 ~~(b) Fiscal Year 2001-2002, sixty percent of the total monies received that year.~~

12
13 ~~(c) Fiscal Year 2002-2003 and each fiscal year thereafter~~ For each fiscal year, seventy-five
14 percent of the total monies received that year. However, beginning in Fiscal Year 2011-2012 after
15 the balance in the Millennium Trust reaches a total of one billion three hundred eighty million
16 dollars, the monies deposited in and credited to the Millennium Trust, received as a result of the
17 Settlement Agreement, shall be allocated to the various funds within the Millennium Trust as
18 provided in Subsubparagraphs (2)(b), (3)(b), and (4)(b) and (c) of this Paragraph.
19

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

25
26 (2)(a) The Health Excellence Fund shall be established as a special fund within the
27 Millennium Trust. The treasurer shall credit to the Health Excellence Fund one-third of the
28 Settlement Agreement proceeds deposited each year into the Millennium Trust, and one-third of
29 all investment earnings on the investment of the Millennium Trust. The treasurer shall report
30 annually to the legislature as to the amount of Millennium Trust investment earnings credited to
31 the Health Excellence Fund.
32

33 ~~(b) Beginning Fiscal Year 2011-2012, and each fiscal year thereafter~~ For each fiscal year,
34 the treasurer shall credit to the Health Excellence Fund one-third of all investment earnings on the
35 investment of the Millennium Trust. The treasurer shall report annually to the legislature as to the
36 amount of Millennium Trust investment earnings credited to the Health Excellence Fund.
37

38 (c) Beginning on July 1, 2012, after allocation of money to the Bond Security and
39 Redemption Fund as provided in ~~Article VII~~, Section 9(B) of this ~~constitution~~ Article, the state
40 treasurer shall deposit in and credit to the Health Excellence Fund an amount equal to the revenues
41 derived from the tax levied pursuant to R.S. 47:841(B)(3).
42

43 (3)(a) The Education Excellence Fund shall be established as a special fund within the
44 Millennium Trust. The treasurer shall credit to the Education Excellence Fund one-third of the
45 Settlement Agreement proceeds deposited each year into the Millennium Trust, and one-third of
46 all investment earnings on the investment of the Millennium Trust. The treasurer shall report

1 annually to the legislature and the state superintendent of education as to the amount of Millennium
2 Trust investment earnings credited to the Education Excellence Fund.

3
4 ~~(b) Beginning Fiscal Year 2011-2012, and each fiscal year thereafter~~ For each fiscal year,
5 the treasurer shall credit to the Education Excellence Fund one-third of all investment earnings on
6 the investment of the Millennium Trust. The treasurer shall report annually to the legislature and
7 the state superintendent of education as to the amount of Millennium Trust investment earnings
8 credited to the Education Excellence Fund.

9
10 (4)(a) The TOPS Fund shall be established as a special fund within the Millennium Trust.
11 The treasurer shall deposit in and credit to the TOPS Fund one-third of the Settlement Agreement
12 proceeds deposited into the Millennium Trust, and one-third of all investment earnings on the
13 investment of the Millennium Trust. The treasurer shall report annually to the legislature as to the
14 amount of Millennium Trust investment earnings credited to the TOPS Fund.

15
16 ~~(b) Beginning Fiscal Year 2011-2012, and each fiscal year thereafter~~ For each fiscal year,
17 the treasurer shall credit to the TOPS Fund one hundred percent of the Settlement Agreement
18 proceeds deposited into the Millennium Trust, and one-third of all investment earnings on the
19 investment of the Millennium Trust. The treasurer shall report annually to the legislature as to the
20 amount of Millennium Trust Settlement Agreement proceeds and investment earnings credited to
21 the TOPS Fund.

22
23 ~~(c) Upon the effective date of this Subsubparagraph, the state treasurer shall deposit,~~
24 ~~transfer, or otherwise credit funds in an amount equal to such Settlement Agreement proceeds~~
25 ~~deposited in and credited to the Millennium Trust received by the state between April 1, 2011 and~~
26 ~~the effective date of this Subsubparagraph to the TOPS Fund.~~

27
28 (5) The amount of Settlement Agreement revenues deposited in the Millennium Trust and
29 credited to the respective funds may be increased and the amount of such revenues deposited into
30 the Louisiana Fund may be decreased by a specific legislative instrument ~~which~~ that receives a
31 favorable vote of two-thirds of the elected members of each house of the legislature.

32
33 (B) Investment. Monies credited to the Millennium Trust pursuant to Paragraph (A) of this
34 Section shall be invested by the treasurer with the same authority and subject to the same
35 restrictions as the Louisiana Education Quality Trust Fund. However, the portion of monies in the
36 Millennium Trust ~~which~~ that may be invested in stock may be increased to no more than fifty
37 percent by a specific legislative instrument ~~which~~ that receives a favorable vote of two-thirds of
38 the elected members of each house of the legislature. The legislature shall provide for procedures
39 for the investment of such monies by law. The treasurer may contract, subject to the approval of
40 the State Bond Commission, for the management of such investments and, if a contract is entered
41 into, amounts necessary to pay the costs of the contract shall be appropriated from the Millennium
42 Trust.

43
44 (C) Appropriations. (1)(a) Appropriations from the Education Excellence Fund shall be
45 limited to an annual amount not to exceed the estimated aggregate annual earnings from interest,
46 dividends, and realized capital gains on investment of the trust allocated as provided by Paragraph

1 (A) of this Section and as recognized by the Revenue Estimating Conference. Amounts determined
2 to be available for appropriation shall be those aggregate investment earnings ~~which~~ that are in
3 excess of an inflation factor as determined by the Revenue Estimating Conference. The amount of
4 realized capital gains on investment ~~which~~ that may be included in the aggregate earnings available
5 for appropriation in any year shall not exceed the aggregate of earnings from interest and dividends
6 for that year.

7
8 ~~(b)(i) For Fiscal Year 2011-2012, appropriations from the Health Excellence Fund shall be~~
9 ~~limited to an annual amount not to exceed the estimated aggregate annual earnings from interest,~~
10 ~~dividends, and realized capital gains on investment of the trust and credited to the Health~~
11 ~~Excellence Fund as provided by Subsubparagraph (A)(2)(b) of this Section and as recognized by~~
12 ~~the Revenue Estimating Conference.~~

13
14 ~~(ii) For Fiscal Year 2012-2013, and each fiscal year thereafter, appropriations from the~~
15 ~~Health Excellence Fund shall be limited to an annual amount not to exceed the estimated aggregate~~
16 ~~annual earnings from interest, dividends, and realized capital gains on investment of the trust and~~
17 ~~credited to the Health Excellence Fund as provided by Subsubparagraph (A)(2)(b) of this Section~~
18 ~~and as recognized by the Revenue Estimating Conference and the amount of proceeds credited to~~
19 ~~and deposited into the Health Excellence Fund as provided by Subsubparagraph (A)(2)(c) of this~~
20 ~~Section.~~

21
22 ~~(c)(i) For Fiscal Year 2011-2012, appropriations from the TOPS Fund shall be limited to~~
23 ~~the amount of Settlement Agreement proceeds credited to and deposited into the TOPS Fund as~~
24 ~~provided by Subsubparagraphs (A)(4)(b) and (c) of this Section, and an annual amount not to~~
25 ~~exceed the estimated aggregate annual earnings from interest, dividends, and realized capital gains~~
26 ~~on investment of the trust and credited to the TOPS Fund as provided by Subsubparagraph~~
27 ~~(A)(4)(b) of this Section and as recognized by the Revenue Estimating Conference.~~

28
29 ~~(ii) For Fiscal Year 2012-2013, and each fiscal year thereafter, appropriations from the~~
30 ~~TOPS Fund shall be limited to the amount of annual Settlement Agreement proceeds credited to~~
31 ~~and deposited into the TOPS Fund as provided in Subsubparagraph (A)(4)(b) of this Section, and~~
32 ~~an annual amount not to exceed the estimated aggregate annual earnings from interest, dividends,~~
33 ~~and realized capital gains on investment of the trust and credited to the TOPS Fund as provided in~~
34 ~~Subsubparagraph (A)(4)(b) of this Section and as recognized by the Revenue Estimating~~
35 ~~Conference.~~

36
37 ~~(iii) Further, for Fiscal Year 2011-2012, and each fiscal year thereafter, amounts~~
38 ~~determined to be available for appropriation from the TOPS Fund from interest earnings shall be~~
39 ~~those aggregate investment earnings ~~which~~ that are in excess of an inflation factor as determined~~
40 ~~by the Revenue Estimating Conference. The amount of realized capital gains on investment ~~which~~~~
41 ~~that may be included in the aggregate earnings available for appropriation in any year shall not~~
42 ~~exceed the aggregate of earnings from interest and dividends for that year.~~

43 * * *

44
45 (3) Appropriations from the Education Excellence Fund shall be limited as follows:

1 * * *

2
3 (c) Appropriations may be made for independent public schools approved by the State
4 Board of Elementary and Secondary Education or any city, parish, or other local school system,
5 laboratory schools approved by the State Board of Elementary and Secondary Education and
6 operated by a public postsecondary education institution, and for alternative schools and programs
7 ~~which that~~ are authorized and approved by the State Board of Elementary and Secondary Education
8 but are not subject to the jurisdiction and management of any city, parish, or local school system
9 to provide for an allocation for each pupil, which shall be the average statewide per pupil amount
10 provided in each city, parish, or local school system pursuant to Subsubparagraph (e) of this
11 Subparagraph.

12
13 (d) Repealed by Acts 2019, No. 445, §2, approved Oct. 12, 2019, eff. Nov. 18, 2019.

14
15 (e) ~~Beginning Fiscal Year 2007-2008 and for~~ For each fiscal year thereafter, of the monies
16 available for appropriation after providing for the purposes enumerated in Subsubparagraphs (a),
17 (b), and (c) of this Subparagraph, one hundred percent of the monies available for appropriation in
18 any fiscal year shall be appropriated for each city, parish, and other local school system on a pro
19 rata basis ~~which that~~ is based on the ratio of the student population of that school or school system
20 to that of the total state student population as contained in the most recent Minimum Foundation
21 Program.

22 * * *

23
24
25 (i) The treasurer shall maintain within the state treasury a record of the amounts
26 appropriated and credited for each entity through appropriations authorized in this Subparagraph
27 and ~~which that~~ remain in the state treasury. Notwithstanding any other provisions of this
28 ~~constitution~~ Constitution to the contrary, such amounts, and investment earnings attributable to
29 such amounts, shall remain to the credit of each recipient entity at the close of each fiscal year.

30
31 (4) Appropriations from the TOPS Fund shall be restricted to support of state programs for
32 financial assistance for students attending Louisiana institutions of postsecondary education.

33
34 **§10.9. Louisiana Fund**

35
36 Section 10.9. Louisiana Fund

37
38 (A) The Louisiana Fund is established in the state treasury as a special fund. After
39 allocation of money to the Bond Security and Redemption Fund as provided in ~~Article VII~~, Section
40 9(B) of this ~~constitution~~ Article, the treasurer shall deposit in and credit to the Louisiana Fund all
41 remaining monies received as a result of the Settlement Agreement after deposits into the
42 Millennium Trust as provided in Section 10.8 of this Article, and all interest income on the
43 investment of monies in the Louisiana Fund. Monies in the Louisiana Fund shall be invested by
44 the treasurer in the same manner as the state general fund.

45 * * *

1 **§10.10. Millennium Leverage Fund**

2
3 Section 10.10. Millennium Leverage Fund

4
5 (A) Millennium Leverage Fund. Notwithstanding the provisions of ~~Article VII~~, Sections
6 10.8 and 10.9 of this ~~constitution~~ Article, the legislature may provide, by passage of a specific
7 legislative instrument by a favorable vote of two-thirds of the elected members of each house of
8 the legislature, for the deposit of all or a portion of monies received by the state as a result of the
9 Master Settlement Agreement, hereinafter the "Settlement Agreement", executed November 23,
10 1998, and approved by Consent Decree and Final Judgment entered in the case "Richard P. Ieyoub,
11 Attorney General, ex rel. State of Louisiana v. Philip Morris, Incorporated, et al.", bearing Number
12 98-6473 on the docket of the Fourteenth Judicial District for the parish of Calcasieu, state of
13 Louisiana; after satisfying the requirements of ~~Article VII~~, Section 9(B) of this ~~constitution~~ Article,
14 into the Millennium Leverage Fund, which is hereby established as a special permanent trust fund
15 in the state treasury. The Millennium Leverage Fund shall hereinafter be referred to as the
16 "Leverage Fund".

17
18 (B) Investment. Monies deposited in the Leverage Fund shall be invested and
19 administered by the treasurer. Notwithstanding any provision of this ~~constitution~~ Constitution to
20 the contrary, a portion of the monies in the Leverage Fund, not to exceed fifty percent, may be
21 invested in stock. The legislature shall provide for the procedure for the investment of such monies
22 by law. The treasurer shall contract, subject to approval of the State Bond Commission, for the
23 management of such investments. The monies in the Leverage Fund shall be available for
24 appropriation to pay expenses incurred in the investment and management of monies in the fund.
25

26 (C) Revenue Bonds. The State Bond Commission, or its successor, may issue and sell
27 bonds, notes, or other obligations, hereinafter the "bonds", secured by a pledge of a portion of the
28 monies received by the state as a result of the Settlement Agreement ~~which~~ that are otherwise to
29 be deposited in the Leverage Fund as provided in this Section. Such bonds may be issued only in
30 amounts authorized by the legislature by two-thirds of the elected members of each house of the
31 legislature. If settlement revenues are pledged to secure any revenue bonds issued pursuant to this
32 Section, any portion thereof needed to pay principal, interest, or premium, if any, and other
33 obligations incident to the issuance, security, prepayment, defeasance, and payment in respect
34 thereof may be expended by the treasurer without the need for an appropriation, provided that the
35 prepayment or defeasance has been approved by the legislature. Bonds so issued may also be
36 further secured by a collateralization of all or a portion of monies in the Leverage Fund. If bonds
37 are issued subject to such a collateralization, the treasurer may pay from the Leverage Fund any
38 principal, interest, or premium, if any, and other obligations incident to the issuance, security,
39 prepayment, defeasance, and payment in respect thereof without the need for an appropriation,
40 provided that the prepayment or defeasance has been approved by the legislature. The net proceeds
41 of any bonds issued pursuant to this Section shall be deposited in and credited to the Leverage
42 Fund. Any revenue bonds issued under authority of this Section shall not be general obligation
43 bonds secured by the full faith and credit of the state.
44

45 (D) Appropriations. (1) The legislature may annually appropriate the bond proceeds
46 credited to the Leverage Fund and all earnings, income, and realized capital gains on investment

1 of monies in the Leverage Fund as recognized as available for appropriation in the official forecast
2 of the Revenue Estimating Conference. The Revenue Estimating Conference shall include in its
3 forecast of monies available for appropriation only that amount of earnings, income, and realized
4 capital gains ~~which are~~ that is in excess of inflation as determined by the conference.

5
6 (2) Appropriations may be made only for the following purposes:

7 * * *

8
9
10 (e) The amounts available for appropriation for each of the purposes contained in
11 ~~Subparagraphs~~ Subsubparagraphs (a) through (c) of this ~~Paragraph~~ Subparagraph may be
12 increased, and the amount available for appropriation for the purposes of Subsubparagraph (d) of
13 this Subparagraph may be decreased by a specific legislative instrument ~~which that~~ receives a
14 favorable vote of two-thirds of the elected members of each house of the legislature.

15
16 (E) Termination. The legislature may, by passage of a specific legislative instrument by a
17 favorable vote of two-thirds of the elected members of each house of the legislature, provide for
18 the termination of deposits to the Leverage Fund. Any such termination shall be made in such a
19 manner so as to not impair the obligation, validity, or security of any bonds issued under the
20 authority of this Section. Upon termination, the amount of any settlement revenues over and above
21 the amount pledged for security of any bonds issued pursuant to the authority granted in this
22 Section, shall be deposited in and credited as provided in ~~Article VII~~, Sections 10.8 and 10.9 of
23 this ~~Constitution~~ Article.

24
25 **§10.11. Artificial Reef Development Fund**

26
27 (A) Artificial Reef Development Fund. There shall be established in the state treasury, as
28 a special fund, the Artificial Reef Development Fund. Out of the funds remaining in the Bond
29 Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all
30 obligations secured by the full faith and credit of the state that become due and payable within any
31 fiscal year as required by ~~Article VII~~, Section 9(B) of this ~~constitution~~ Article, the treasurer shall
32 pay into the Artificial Reef Development Fund the monies received as provided in Paragraph (B)
33 of this Section.

34 * * *

35
36
37 **§10.12. Farmers and fishermen assistance programs; Agricultural and Seafood Products**
38 **Support Fund**

39
40 (A) The legislature is authorized to provide by law for programs to assist Louisiana
41 farmers and fishermen with support and expansion of their industries.

42
43 (B)(1) The Agricultural and Seafood Products Support Fund is hereby established in the
44 state treasury as a special fund, hereinafter referred to as the "fund". The source of monies in this
45 fund shall be any monies received by the state from the licensing of trademarks or labels for use
46 in promoting Louisiana agricultural and seafood products; grants, gifts, and donations received by

1 the state for the purposes of this Section; any other revenues as may be provided by law; and other
2 monies ~~which~~ that may be appropriated by the legislature to the fund. After compliance with the
3 requirements of ~~Article VII~~, Section 9(B) of this ~~constitution~~ Article relative to the Bond Security
4 and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal
5 to that deposited into the state treasury from the foregoing sources shall be deposited in and
6 credited to the fund. Monies in the fund shall be subject to appropriation in accordance with
7 Subparagraph (2) of this Paragraph (2) of this Section. All unexpended and unencumbered monies
8 remaining in the fund at the end of the fiscal year shall remain in the fund. The monies in the fund
9 shall be invested by the state treasurer in the same manner as monies in the state general fund.

10
11 (2) The monies in the Agricultural and Seafood Products Support Fund may be
12 appropriated solely for the programs and purposes as required by the Department of Economic
13 Development for assistance to Louisiana farmers and fishermen with support and expansion of
14 their industries.

15
16 (C) The provisions of this Section shall not apply to or affect funds allocated by ~~Article~~
17 ~~VII, Section 4, Paragraphs (D) and (E)~~ Section 4(D) and (E) of this Article.

18
19 **§10.13. Hospital stabilization formula and assessment; Hospital Stabilization Fund**

20
21 (A) Hospital Stabilization Formula. (1) The legislature may annually adopt a Hospital
22 Stabilization Formula, hereafter referred to in this Section as "the formula", by concurrent
23 resolution by a favorable vote of a majority of the elected members of each house. Such resolution
24 shall be referred to the standing committees of the legislature that hear the general appropriation
25 bill. The formula shall, to the maximum extent possible, enhance the economic viability of
26 Louisiana hospitals and reduce shifting the cost of caring for Louisiana's needy residents to the
27 state's insured residents.

28
29 * * *

30
31 (B) Appropriation. (1) The legislature shall annually appropriate an amount necessary to
32 fund the base reimbursement level for hospitals established in the most recent formula adopted by
33 the legislature.

34
35 * * *

36
37 (3) Notwithstanding ~~Article VII~~, Section 10(F) of this ~~constitution~~ Article, neither the
38 governor nor the legislature may reduce the appropriation funding the base reimbursement level
39 or the reimbursement enhancements to satisfy a budget deficit, except the governor may reduce
40 the appropriation to the base reimbursement level if the following occur:

41
42 * * *

43
44 (C) Hospital Stabilization Fund. There is hereby established as a special fund in the state
45 treasury the Hospital Stabilization Fund, hereafter referred to as "the fund". After compliance with
46 the requirements of ~~Article VII~~, Section 9(B) of this ~~constitution~~ Article relative to the Bond

1 Security and Redemption Fund, the treasurer shall deposit all proceeds from the assessment
2 collected pursuant to the Hospital Stabilization Formula provided for in this Section. The monies
3 in the fund shall be invested in the same manner as monies in the state general fund, and all interest
4 earned on the investment of the fund shall be deposited in and credited to the fund. Appropriations
5 from the fund shall be restricted to funding the reimbursement enhancements established in the
6 Hospital Stabilization Formula adopted by the legislature for the fiscal year in which the
7 assessment is collected.

8
9 **§10.14. Louisiana Medical Assistance Trust Fund**

10
11 (A) There is hereby established as a special fund in the state treasury the Louisiana Medical
12 Assistance Trust Fund, hereinafter referred to as "the fund", which shall consist of monies
13 generated by fees as provided for in law. Subject to the exceptions contained in ~~Article VII~~, Section
14 9(A) of this ~~constitution~~ Article, and after compliance with the requirements of ~~Article VII~~, Section
15 9(B) of this ~~constitution~~ Article relative to the Bond Security and Redemption Fund, the treasurer
16 shall deposit all proceeds from the fees collected as provided for in laws relative to the Louisiana
17 Medical Assistance Trust Fund into the fund. The monies in the fund shall be invested by the state
18 treasurer in the same manner as monies in the state general fund. All interest earned from the
19 investment of monies in the fund shall be deposited in and remain to the credit of the fund. All
20 unexpended and unencumbered monies remaining in the fund at the close of each fiscal year shall
21 remain in the fund.

22
23 * * *

24
25 (C) The legislature is authorized to appropriate monies from the fund only if the
26 appropriation is eligible for federal financial participation under Title XIX of the Social Security
27 Act, or its successor. The balance of each account shall be appropriated for reimbursement of
28 services to the provider group ~~which that~~ which that paid the fee into the account in any fiscal year, except
29 monies deposited into the general account may be appropriated for any Medicaid Program
30 expenditure.

31
32 * * *

33
34 (E)(1) The legislature shall annually appropriate the funds necessary to provide for
35 Medicaid Program rates for each provider group ~~which that~~ which that pays fees into the fund that is no less
36 than the average Medicaid Program rates established for Fiscal Year 2013-2014 and ~~which that~~
37 may be adjusted annually by establishing the rates of inflation, or rebasing if applicable, which
38 rates shall not be negative, to be applied to the base rates to establish the new base rates for the
39 next fiscal year as authorized by law. For the purpose of this Section, "Medicaid Program" shall
40 refer to the Louisiana medical assistance program provided for in Title XIX of the Social Security
41 Act, or its successor.

42
43 (2) Notwithstanding ~~Article VII~~, Section 10(F) of this ~~constitution~~ Article, neither the
44 governor nor the legislature may reduce the base rate as provided for in this Paragraph to satisfy a
45 budget deficit, except the governor may reduce the appropriation for the base rate if the following
46 occur:

1 * * *

2
3 **§10.15. Revenue Stabilization Trust Fund**

4
5 Section 10.15. Revenue Stabilization Trust Fund. (A) The Revenue Stabilization Trust
6 Fund is hereby established in the state treasury as a special trust fund, hereinafter referred to as the
7 "fund".

8
9 (B) After allocation of money to the Bond Redemption and Security Fund as provided in
10 ~~Article VII, Section 9(B) of the Constitution of Louisiana~~ this Article, the treasurer shall deposit
11 in and credit to the fund the revenues as provided for in Paragraphs (C) and (D) of this Section.

12
13 (C) The treasurer shall deposit into the fund the amount of mineral revenues as provided in
14 Section 10.16 of this ~~constitution~~ Article.

15 * * *

16
17
18 (F)(1) Except as provided in Subparagraphs (2) and (3) of this Paragraph, no appropriations
19 shall be made from the Revenue Stabilization Trust Fund.

20
21 (2)(a) In any fiscal year in which the balance of the fund at the beginning of the year is in
22 excess of five billion dollars, hereinafter referred to as the "minimum fund balance", the legislature
23 may appropriate an amount not to exceed ten percent of the fund balance, hereinafter referred to
24 as the "allowable percentage", for the following:

25 * * *

26
27
28 **§10.16. Dedications of Mineral Revenues**

29
30 Section 10.16.(A) All mineral revenues as defined in Paragraph (D) of this Section received
31 in each fiscal year by the state as a result of the production of or exploration for minerals,
32 hereinafter referred to as "mineral revenues", shall be allocated as provided in this Section after
33 the following allocations and deposits of mineral revenues have been made:

34
35 (1) To the Bond Security and Redemption Fund as provided in ~~Article VII, Section 9 (B)~~
36 Section 9(B) of this constitution Article.

37
38 (2) To the political subdivisions of the state as provided in ~~Article VII, Sections 4 (D) and~~
39 (E) of this constitution Section 4(D) and (E) of this Article.

40
41 (3) To the Louisiana Wildlife and Fisheries Conservation Fund as provided by the
42 requirements of ~~Article VII, Section 10-A of this constitution~~ Article and as provided by law.

43 * * *

1 (9) To the Louisiana Education Quality Trust Fund and Louisiana Quality Education
2 Support Fund as provided in ~~Article VII~~, Section 10.1 of this ~~constitution~~ Article.

3
4 (10) To the Coastal Protection and Restoration Fund as provided in ~~Article VII~~, Section
5 10.2 of this ~~constitution~~ Article and as provided by law.

6
7 (11) To the Mineral Revenue and Audit Settlement Fund as provided in ~~Article VII~~, Section
8 10.5 of this ~~constitution~~ Article and as provided by law.

9
10 (12) To the Budget Stabilization Fund as provided in ~~Article VII~~, Section 10.3 of this
11 ~~constitution~~ Article and as provided by law.

12 * * *

13
14 (C) Mineral revenues in excess of the base ~~which that~~ would otherwise be deposited into
15 the Budget Stabilization Fund under ~~Subparagraph (A)(2) of Section 10.3 of this constitution~~
16 Section 10.3(A)(2) of this Article, but are prohibited from being deposited into the fund under
17 ~~Subparagraph (C)(4) of Section 10.3 of this constitution~~ Section 10.3(C)(4) of this Article, shall
18 be distributed as follows:
19

20 * * *

21
22 (D) For purposes of this Section, "mineral revenues" shall include severance taxes, royalty
23 payments, bonus payments, or rentals, with the following exceptions:

24
25 (1) Revenues designated as nonrecurring, pursuant to ~~Article VII~~, Section 10(B) of this
26 ~~constitution~~ Article.

27 * * *

28
29
30 **§10-A. Wildlife and Fisheries; Conservation Fund**

31
32 Section 10-A. (A) Conservation Fund. Effective July 1, 1988, there shall be established
33 in the state treasury, as a special fund, the Louisiana Wildlife and Fisheries Conservation Fund,
34 hereinafter referred to as the "Conservation Fund". Out of the funds remaining in the Bond
35 Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all
36 obligations secured by the full faith and credit of the state ~~which that~~ become due and payable
37 within any fiscal year as required by ~~Article VII~~, Section 9(B) of this ~~constitution~~ Article, the
38 treasurer shall pay into the Conservation Fund all of the following, except as provided in ~~Article~~
39 ~~VII~~, Section 9(A) of this Article, and except for the amount provided in R.S. 56:10(B)(1)(a) as that
40 provision existed on the effective date of this Section:
41

42 * * *

43
44 (2) The balance remaining on June 30, 1988, in the Conservation Fund established
45 pursuant to R.S. 56:10.
46

1 (3) All funds or revenues ~~which~~ that may be donated expressly to the Conservation Fund.

2
3 (B) The monies in the Conservation Fund shall be appropriated by the legislature to the
4 Department of Wildlife and Fisheries, or its successor, and shall be used solely for the programs
5 and purposes of conservation, protection, preservation, management, and replenishment of the
6 state's natural resources and wildlife, including use for land acquisition or for federal matching
7 fund programs ~~which~~ that promote such purposes, and for the operation and administration of the
8 Department and the Wildlife and Fisheries Commission, or their successors.

9
10 * * *

11
12 **§11. Budgets**

13
14 Section 11.(A) Budget Estimate. The governor shall submit to the legislature, at the time
15 and in the form fixed by law, a budget estimate for the next fiscal year setting forth all proposed
16 state expenditures. This budget shall include a recommendation for appropriations from the state
17 general fund and from dedicated funds, except funds allocated by ~~Article VII, Section 4,~~
18 ~~Paragraphs (D) and (E)~~ Section 4(D) and (E) of this Article, which shall not exceed the official
19 forecast of the Revenue Estimating Conference and the expenditure limit for the fiscal year. The
20 recommendation shall also comply with the provisions of ~~Article VII, Section 10(D)~~ of this
21 Article. This budget shall include a recommendation for funding of state salary supplements for
22 full-time law enforcement and fire protection officers of the state, as provided in ~~Article VII,~~
23 ~~Section 10(D)(3) of this constitution~~ Article.

24
25 (B) Operating Budget. The governor shall cause to be submitted a general appropriation
26 bill for proposed ordinary operating expenditures ~~which~~ that shall be in conformity with the
27 recommendations for appropriations contained in the budget estimate. The governor may cause
28 to be submitted a bill or bills to raise additional revenues with proposals for the use of these
29 revenues.

30
31 (C) Capital Budget. The governor shall submit to the legislature, at each regular session,
32 a proposed five-year capital outlay program and request implementation of the first year of the
33 program. Prior to inclusion in the comprehensive capital budget ~~which~~ that the legislature adopts,
34 each capital improvement project shall be evaluated through a feasibility study, as defined by the
35 legislature, which shall include an analysis of need and estimates of construction and operating
36 costs. The legislature shall provide by law for procedures, standards, and criteria for the evaluation
37 of such feasibility studies and shall set the schedule of submission of such feasibility studies ~~which~~
38 ~~shall take effect not later than December thirty first following the first regular session convening~~
39 ~~after this Paragraph takes effect~~. These procedures, standards, and criteria for evaluation of such
40 feasibility studies cannot be changed or altered except by a separate legislative instrument
41 approved by a favorable vote of two-thirds of the elected members of each house of the
42 legislature. For those projects not eligible for funding under the provisions of ~~Article VII, Section~~
43 ~~27 of this constitution~~ Article, the request for implementation of the first year of the program shall
44 include a list of the proposed projects in priority order based on the evaluation of the feasibility
45 studies submitted. Capital outlay projects approved by the legislature shall be made a part of the
46 comprehensive state capital budget, which shall be adopted by the legislature.

1
2
3 **§13. Investment of State Funds**
4

5 Section 13. All money in the custody of the state treasurer ~~which~~ that is available for
6 investment shall be invested as provided by law.
7

8 **§14. Donation, Loan, or Pledge of Public Credit**
9

10 Section 14.(A) Prohibited Uses. Except as otherwise provided by this ~~constitution~~
11 Constitution, the funds, credit, property, or things of value of the state or of any political
12 subdivision shall not be loaned, pledged, or donated to or for any person, association, or
13 corporation, public or private. Except as otherwise provided in this Section, neither the state nor a
14 political subdivision shall subscribe to or purchase the stock of a corporation or association or for
15 any private enterprise.
16

17 (B) Authorized Uses. Nothing in this Section shall prevent (1) the use of public funds for
18 programs of social welfare for the aid and support of the needy; (2) contributions of public funds
19 to pension and insurance programs for the benefit of public employees; (3) the pledge of public
20 funds, credit, property, or things of value for public purposes with respect to the issuance of bonds
21 or other evidences of indebtedness to meet public obligations as provided by law; (4) the return of
22 property, including mineral rights, to a former owner from whom the property had previously been
23 expropriated, or purchased under threat of expropriation, when the legislature by law declares that
24 the public and necessary purpose ~~which~~ that originally supported the expropriation has ceased to
25 exist and orders the return of the property to the former owner under such terms and conditions as
26 specified by the legislature; (5) acquisition of stock by any institution of higher education in
27 exchange for any intellectual property; (6) the donation of abandoned or blighted housing property
28 by the governing authority of a municipality or a parish to a nonprofit organization ~~which~~ that is
29 recognized by the Internal Revenue Service as a 501(c)(3) or 501(c)(4) nonprofit organization and
30 ~~which~~ that agrees to renovate and maintain such property until conveyance of the property by such
31 organization; (7) the deduction of any tax, interest, penalty, or other charges forming the basis of
32 tax liens on blighted property so that they may be subordinated and waived in favor of any
33 purchaser who is not a member of the immediate family of the blighted property owner or ~~which~~
34 that is not any entity in which the owner has a substantial economic interest, but only in connection
35 with a property renovation plan approved by an administrative hearing officer appointed by the
36 parish or municipal government where the property is located; (8) the deduction of past due taxes,
37 interest, and penalties in favor of an owner of a blighted property, but only when the owner sells
38 the property at less than the appraised value to facilitate the blighted property renovation plan
39 approved by the parish or municipal government and only after the renovation is completed such
40 deduction being canceled, null and void, and to no effect in the event ownership of the property in
41 the future reverts back to the owner or any member of his immediate family; (9) the donation by
42 the state of asphalt ~~which~~ that has been removed from state roads and highways to the governing
43 authority of the parish or municipality where the asphalt was removed, or if not needed by such
44 governing authority, then to any other parish or municipal governing authority, but only pursuant
45 to a cooperative endeavor agreement between the state and the governing authority receiving the
46 donated property; (10) the investment in stocks of a portion of the Rockefeller Wildlife Refuge

1 Trust and Protection Fund, created under the provisions of R.S. 56:797, and the Russell Sage or
 2 Marsh Island Refuge Fund, created under the provisions of R.S. 56:798, such portion not to exceed
 3 thirty-five percent of each fund; (11) the investment in stocks of a portion of the state-funded
 4 permanently endowed funds of a public or private college or university, not to exceed thirty-five
 5 percent of the public funds endowed; (12) the investment in equities of a portion of the Medicaid
 6 Trust Fund for the Elderly created under the provisions of R.S. 46:2691 et seq., such portion not
 7 to exceed thirty-five percent of the fund; (13) the investment of public funds to capitalize a state
 8 infrastructure bank and the loan, pledge, or guarantee of public funds by a state infrastructure bank
 9 solely for transportation projects; (14) pursuant to a written agreement, the donation of the use of
 10 public equipment and personnel by a political subdivision upon request to another political
 11 subdivision for an activity or function the requesting political subdivision is authorized to exercise;
 12 or (15) a political subdivision from waiving charges for water if the charges are the result of water
 13 lost due to damage to the water delivery infrastructure and that damage is not the result of any act
 14 or failure to act by the customer being charged for the water.

15 * * *

17
 18 **PART II. PROPERTY TAXATION**

19
 20 **§18. Ad Valorem Taxes**

21
 22 Section 18.(A) Assessments. Property subject to ad valorem taxation shall be listed on the
 23 assessment rolls at its assessed valuation, which, except as provided in Paragraphs (C), (F), and
 24 (G) of this Section, shall be a percentage of its fair market value. The percentage of fair market
 25 value shall be uniform throughout the state upon the same class of property.

26
 27 (B) Classification. The classifications of property subject to ad valorem taxation and the
 28 percentage of fair market value applicable to each classification for the purpose of determining
 29 assessed valuation are as follows:

30
 31

Classifications	Percentages
32 1. Land	10%
33 2. Improvements for residential purposes	10%
34 3. Electric cooperative properties, excluding land	15%
35 4. Public service properties, excluding land	25%
36 5. Other property	15%

37
 38 The legislature may enact laws defining electric cooperative properties and public service
 39 properties.

40
 41 * * *

42
 43 (D) Valuation. Each assessor shall determine the fair market value of all property subject
 44 to taxation within his respective parish or district except public service properties, which shall be
 45 valued at fair market value by the Louisiana Tax Commission or its successor. Each assessor shall

1 determine the use value of property which is to be so assessed under the provisions of Paragraph
2 (C) of this Section. Fair market value and use value of property shall be determined in accordance
3 with criteria ~~which that~~ shall be established by law and ~~which that~~ shall apply uniformly throughout
4 the state.

5
6 * * *

7
8 (F) Reappraisal. (1) All property subject to taxation shall be reappraised and valued in
9 accordance with this Section, at intervals of not more than four years.

10
11 (2)(a) In the year of implementation of a reappraisal as required in Subparagraph (1) of this
12 Paragraph, solely for purposes of determining the ad valorem tax imposed on residential property
13 subject to the homestead exemption as provided in Section 20 of this Article, if the assessed value
14 of immovable property increases by an amount ~~which that~~ is greater than fifty percent of the
15 property's assessed value in the previous year, the collector shall phase-in the additional tax
16 liability resulting from the increase in the property's assessed value over a four-year period as
17 follows:

18
19 (i) For purposes of calculating the ad valorem taxes on the property in the first levy
20 following reappraisal, the collector shall use the property's assessed value from the previous year,
21 which shall be called the base amount as used in this Subparagraph, and shall increase the portion
22 of the assessed value of the property used to calculate ad valorem taxes by adding an amount ~~which~~
23 that is equal to one-fourth of the amount of the increase in the property's assessed value as a result
24 of the reappraisal to the base amount. This resulting amount shall constitute the property's taxable
25 value and shall be used solely for purposes of calculating ad valorem taxes for that taxable year.

26
27 (ii) For purposes of calculating the ad valorem taxes on the property in the second levy
28 following reappraisal, the collector shall increase the portion of the assessed value of the property
29 used to calculate ad valorem taxes by adding an amount ~~which that~~ is equal to one-half of the
30 amount of the increase in the property's assessed value as a result of the reappraisal to the base
31 amount. This resulting amount shall constitute the property's taxable value and shall be used solely
32 for purposes of calculating ad valorem taxes for that taxable year.

33
34 (iii) For purposes of calculating the ad valorem taxes on the property in the third levy
35 following reappraisal, the collector shall increase the portion of the assessed value of the property
36 used to calculate ad valorem taxes by adding an amount ~~which that~~ is equal to three-quarters of
37 the amount of the increase in the property's assessed value as a result of the reappraisal to the base
38 amount. This resulting amount shall constitute the property's taxable value and shall be used solely
39 for purposes of calculating ad valorem taxes for that taxable year.

40
41 * * *

42
43 (d) Notwithstanding any provision of this ~~constitution~~ Constitution to the contrary, the
44 increase in assessed valuation of property phased-in under this Subparagraph shall be included as
45 taxable property for purposes of any subsequent reappraisals and valuation for millage adjustment
46 purposes under ~~Article VII~~, Section 23(B) of this ~~constitution~~ Article. The decrease in the total

1 amount of ad valorem tax collected by a taxing authority as a result of this phase-in of assessed
2 valuation shall be absorbed by the taxing authority and shall not create any additional tax liability
3 for other taxpayers in the taxing district as a result of any subsequent reappraisal and valuation or
4 millage adjustment. Implementation of this phase-in of increase in assessed valuation authorized
5 in this Subparagraph shall neither trigger nor be cause for a reappraisal of property or an adjustment
6 of millages pursuant to the provisions of ~~Article VII~~, Section 23(B) of this ~~constitution~~ Article.

7
8 * * *

9
10 (G) Special Assessment Level.

11
12 (1)(a)(i) The assessment of residential property receiving the homestead exemption ~~which~~
13 that is owned and occupied by any of the following and who meet all of the other requirements of
14 this Section shall not be increased above the total assessment of that property for the first year that
15 the owner qualifies for and receives the special assessment level, provided that such person or
16 persons remain qualified for and receive the special assessment level:

17
18 * * *

19
20 (dd) Any person or persons permanently totally disabled as determined by a final ~~non-~~
21 appealable nonappealable judgment of a court or as certified by a state or federal administrative
22 agency charged with the responsibility for making determinations regarding disability.

23
24 (ii) Any person or persons shall be prohibited from receiving the special assessment as
25 provided in this Section if such person's or persons' adjusted gross income, as reported in the
26 federal tax return for the year prior to the application for the special assessment, exceeds one
27 hundred thousand dollars. For persons applying for the special assessment whose filing status is
28 married filing separately, the adjusted gross income for purposes of this Section shall be
29 determined by combining the adjusted gross income on both federal tax returns. Beginning for the
30 tax year 2026, and for each tax year thereafter, the ~~one hundred thousand dollar~~ one-hundred-
31 thousand-dollar limit shall be adjusted annually by the Consumer Price Index as reported by the
32 United States Government.

33
34 * * *

35
36 (4)(a) The special assessment level on property that is sold shall automatically expire on
37 the last day of December in the year prior to the year that the property is sold. The property shall
38 be immediately revalued at fair market value by the assessor and shall be assessed by the assessor
39 on the assessment rolls in the year it was sold at the assessment level provided for in ~~Article VII~~,
40 Section 18 of ~~the Constitution of Louisiana~~ this Article.

41
42 * * *

43
44 (5)(a) Any owner entitled to the special assessment level set forth in this Paragraph who is
45 unable to occupy the homestead on or before December thirty-first of a future calendar year due
46 to damage or destruction of the homestead caused by a disaster or emergency declared by the

1 governor shall be entitled to keep the special assessment level of the homestead prior to its damage
2 or destruction on the repaired or rebuilt homestead provided the repaired or rebuilt homestead is
3 reoccupied by the owner within five years from December thirty-first of the year following the
4 disaster. The assessed value of the land and buildings on which the homestead was located prior
5 to its damage shall not be increased above its assessed value immediately prior to the damage or
6 destruction described in this Subsubparagraph. If the property owner receives a homestead
7 exemption on another homestead during the same five-year period, the damaged or destroyed
8 property shall not be entitled to keep the special assessment level, and the land and buildings shall
9 be assessed in that year at the percentage of fair market value set forth in this ~~constitution~~
10 Constitution. In addition, the owner shall also maintain the homestead exemption set forth in
11 ~~Article VII~~, Section 20(A)(10) of this Article to qualify for the special assessment level in this
12 Subsubparagraph.

13
14 * * *

15
16 **§20. Homestead Exemption**

17
18 Section 20.(A) Homeowners.

19
20 (1) The bona fide homestead, consisting of a tract of land or two or more tracts of land
21 even if the land is classified and assessed at use value pursuant to ~~Article VII~~, Section 18(C) of
22 this ~~constitution~~ Article, with a residence on one tract and a field with or without timber on it,
23 pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and
24 appurtenances, whether rural or urban, owned and occupied by any person or persons owning the
25 property in indivision, shall be exempt from state, parish, and special ad valorem taxes to the extent
26 of seven thousand five hundred dollars of the assessed valuation. The same homestead exemption
27 shall also fully apply to the primary residence, including a mobile home, ~~which~~ that serves as a
28 bona fide home and ~~which~~ that is owned and occupied by any person or persons owning the
29 property in indivision, regardless of whether the homeowner owns the land upon which the home
30 or mobile home is sited; however, this homestead exemption shall not apply to the land upon which
31 such primary residence is sited if the homeowner does not own the land.

32
33 * * *

34
35 (3) The homestead exemption shall extend to property owned by a trust when the principal
36 beneficiary or beneficiaries of the trust are the settlor or settlors of the trust and were the immediate
37 prior owners of the homestead, and the homestead is occupied as such by a principal
38 beneficiary. The provisions of this Subparagraph shall apply only to property ~~which~~ that qualified
39 for the homestead exemption immediately prior to transfer, conveyance, or donation in trust or
40 ~~which~~ that would have qualified for the homestead exemption if such property were not owned in
41 trust.

42
43 (4) The homestead exemption shall extend to property where the usufruct of the property
44 has been granted to no more than two usufructuaries who were the immediate prior owners of the
45 homestead and the homestead is occupied as such by a usufructuary. The provisions of this
46 Subparagraph shall apply only to property ~~which~~ that qualified for the homestead exemption

1 immediately prior to the granting of such usufruct, or ~~which that~~ would have qualified for the
2 homestead exemption if such usufruct had not been granted.

3
4 * * *

5
6 (6) Except as otherwise provided for in this Paragraph, the homestead exemption shall
7 apply to property owned in indivision; but shall be limited to the pro rata ownership interest of that
8 person or persons occupying the homestead.

9
10 (7) No homestead exemption shall be granted on bond for deed property. However, any
11 homestead exemption granted prior to June 20, 2003, on any property occupied upon ~~the effective~~
12 ~~date of this Paragraph~~ * December 7, 2004, by a buyer under a bond for deed contract shall remain
13 valid as long as the circumstances giving rise to the exemption at the time the exemption was
14 granted remain applicable.

15
16 * * *

17
18 (B) Residential Lessees. Notwithstanding any contrary provision in this ~~constitution~~
19 Constitution, the legislature may provide for tax relief to residential lessees in the form of credits
20 or rebates in order to provide equitable tax relief similar to that granted to homeowners through
21 homestead exemptions.

22
23 **§21. Other Property Exemptions**

24
25 Section 21. In addition to the homestead exemption provided for in Section 20 of this
26 Article, the following property and no other shall be exempt from ad valorem taxation:

27
28 * * *

29
30 (B)(1)(a)(i) Property owned by a nonprofit corporation or association organized and
31 operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal,
32 or educational purposes, no part of the net earnings of which inure to the benefit of any private
33 shareholder or member thereof and ~~which that~~ is declared to be exempt from federal or state
34 income tax; and

35
36 (ii) ~~medical~~ Medical equipment leased for a term exceeding five years to such a nonprofit
37 corporation or association ~~which that~~ owns or operates a small, rural hospital and ~~which that~~ uses
38 the equipment solely for health care purposes at the hospital, provided that the property shall be
39 exempt only during the term of the lease to such corporation or association, and further provided
40 that "small, rural hospital" shall mean a hospital ~~which that~~ meets all of the following criteria:

41
42 * * *

43
44 (bb) It is located in a municipality with a population of less than ten thousand ~~which that~~
45 has been classified as an area with a shortage of health manpower by the United States Health
46 Service; and

1 (b) ~~property~~ Property leased to such a nonprofit corporation or association for use solely as
2 housing for homeless persons, as defined by regulation adopted by the tax commission or its
3 successor provided that the term of such lease shall be for at least five years, that as a condition of
4 entering into the lease the property be in compliance with all applicable health and sanitation codes
5 for use as housing for homeless persons, that the lease shall provide that compensation to be paid
6 the lessor shall not exceed one dollar per year, and that such contract of lease shall recite that the
7 property shall be used exclusively for the purpose of housing the homeless, and further provided
8 that at such time as the property is no longer used solely as housing for homeless persons, the
9 property shall no longer be exempt from taxation;

10
11 (2) ~~property~~ Property of a bona fide labor organization representing its members or
12 affiliates in collective bargaining efforts; and

13
14 (3) ~~property~~ Property of an organization such as a lodge or club organized for charitable
15 and fraternal purposes and practicing the same, and property of a nonprofit corporation devoted to
16 promoting trade, travel, and commerce, and also property of a trade, business, industry or
17 professional society or association, if that property is owned by a nonprofit corporation or
18 association organized under the laws of this state for such purposes.

19
20 (4) None of the property listed in this Paragraph ~~(B)~~ shall be exempt if owned, operated,
21 leased, or used for commercial purposes unrelated to the exempt purposes of the corporation or
22 association.

23
24 (C)(1) Cash on hand or deposit;

25
26 (2) ~~stocks~~ Stocks and bonds, except bank stocks, the tax on which shall be paid by the
27 banking institution;

28
29 (3) ~~obligations~~ Obligations secured by mortgage on property located in Louisiana and the
30 notes or other evidence thereof;

31
32 (4) ~~loans~~ Loans by life insurance companies to policyholders, if secured solely by their
33 policies;

34
35 (5) ~~the~~ The legal reserve of domestic life insurance companies;

36
37 (6) ~~loans~~ Loans by a homestead or building and loan association to its members, if secured
38 solely by stock of the association;

39
40 (7) ~~debts~~ Debts due for merchandise or other articles of commerce or for services rendered;

41
42 (8) ~~obligations~~ Obligations of the state or its political subdivisions;

43
44 (9) ~~personal~~ Personal property used in the home or on loan in a public place;

1 (10) ~~irrevocably~~ Irrevocably dedicated places of burial held by individuals for purposes of
2 burial of themselves or members of their families;

3
4 (11) ~~agricultural~~ Agricultural products while owned by the producer, agricultural
5 machinery and other implements used exclusively for agricultural purposes, animals on the farm,
6 and property belonging to an agricultural fair association;

7
8 (12) ~~property~~ Property used for cultural, Mardi Gras carnival, or civic activities and not
9 operated for profit to the owners;

10
11 (13) ~~rights-of-way~~ Rights-of-way granted to the State Department of Highways;

12
13 (14) ~~boats~~ Boats using gasoline as motor fuel;

14
15 (15) ~~commercial~~ Commercial vessels used for gathering seafood for human consumption;
16 and

17
18 (16) ~~ships~~ Ships and oceangoing tugs, towboats, and barges engaged in international trade
19 and domiciled in Louisiana ports. However, this exemption shall not apply to harbor, wharf, shed,
20 and other port dues or to any vessel operated in the coastal trade of the states of the United States.

21
22 * * *

23
24 (18) All incorporeal movables of any kind or nature whatsoever, except public service
25 properties, bank stocks, and credit assessments on premiums written in Louisiana by insurance
26 companies and loan and finance companies. For purposes of this Section, incorporeal movables
27 shall have the meaning set forth in the Louisiana Civil Code of 1870, as amended.

28
29 (19) All artwork including sculptures, glass works, paintings, drawings, signed and
30 numbered posters, photographs, mixed media, collages, or any other item ~~which~~ that would be
31 considered as the material result of a creative endeavor ~~which~~ that is listed as a consignment article
32 by an art dealer.

33
34 (D)(1) Raw materials, goods, commodities, and articles imported into this state from
35 outside the states of the United States:

36
37 (a) ~~so~~ So long as the imports remain on the public property of the port authority or docks
38 of the common carrier where they first entered this state;

39
40 (b) ~~so~~ So long as the imports (other than minerals and ores of the same kind as any mined
41 or produced in this state and manufactured articles) are held in this state in the original form in
42 bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held
43 in bulk as all or a part of the new material inventory of manufacturers or processors, solely for
44 manufacturing or processing; or

1 (c) ~~se~~ So long as the imports are held by an importer in any public or private storage in the
2 original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and
3 agricultural products in bulk. This exemption shall not apply to these imports when held by a retail
4 merchant as part of his stock-in-trade for sale at retail.

5
6 * * *

7
8 (3) Goods, commodities, and personal property in public or private storage while in transit
9 through this state ~~which that~~ are moving in interstate commerce through or over the territory of the
10 state or ~~which that~~ are in public or private storage within Louisiana, having been shipped from
11 outside Louisiana for storage in transit to a final destination outside Louisiana, whether such
12 destination was specified when transportation began or afterward.

13
14 (4) Property described in this Paragraph ~~(D)~~, whether or not entitled to exemption, shall be
15 reported to the proper taxing authority on the forms required by law.

16
17 * * *

18
19 (F)(1) Notwithstanding any contrary provision of this Section, the State Board of
20 Commerce and Industry or its successor, with the approval of the governor, may enter into
21 contracts for the exemption from ad valorem taxes of a new manufacturing establishment or an
22 addition to an existing manufacturing establishment, on such terms and conditions as the board,
23 with the approval of the governor, deems in the best interest of the state.

24
25 (2) The exemption shall be for an initial term of no more than five calendar years; and may
26 be renewed for an additional five years. All property exempted shall be listed on the assessment
27 rolls and submitted to the Louisiana Tax Commission or its successor, but no taxes shall be
28 collected thereon during the period of exemption.

29
30 (3) The terms "manufacturing establishment" and "addition" as used ~~herein~~ in this
31 Paragraph mean a new plant or establishment or an addition or additions to any existing plant or
32 establishment ~~which that~~ engages in the business of working raw materials into wares suitable for
33 use or ~~which that~~ gives new shapes, qualities, or combinations to matter ~~which that~~ already has
34 gone through some artificial process.

35
36 * * *

37
38 (H) Notwithstanding any contrary provision of this ~~constitution~~ Constitution, the State
39 Board of Commerce and Industry or its successor, with the approval of the governor and the local
40 governing authority and in accordance with procedures and conditions provided by law, may enter
41 into contracts granting to a property owner, who proposes the expansion, restoration,
42 improvement, or development of an existing structure or structures in a downtown, historic, or
43 economic development district established by a local governing authority or in accordance with
44 law, the right for an initial term of five years after completion of the work to pay ad valorem taxes
45 based upon the assessed valuation of the property for the year prior to the commencement of the
46 expansion, restoration, improvement, or development. Contracts may be renewed, subject to the

1 same conditions, for an additional five years extending such right for a total of ten years from
2 completion of the work.

3
4 (I)(1) Notwithstanding any contrary provision of this Section, the authority or district
5 charged with economic development of each parish is hereby authorized to enter into contracts for
6 the exemption from parish, municipal, and special ad valorem taxes of goods held in inventory by
7 distribution centers. In the absence of the existence of an economic development authority or
8 district, the parish governing authority is authorized to grant contracts of exemption as are provided
9 for in this Paragraph.

10
11 (2) The contract for exemption shall be on such terms and to the extent, up to and including
12 the full assessed valuation of the goods held in inventory, as the economic development authority
13 or district deems in the best interest of the parish. However, prior to entering into each individual
14 contract, the economic development authority or district ~~must~~ shall request and receive written
15 approval of the contract, including its terms and an estimated fiscal impact, from each affected tax
16 recipient body in the parish, as evidenced by a favorable vote of a majority of the members of the
17 governing authority of the tax recipient body. Failure to receive all required approvals from the
18 tax recipient bodies before entering into a contract shall render the contract null and void and of
19 no effect.

20
21 (3) The term "distribution center" as used ~~herein in this Paragraph~~ means an establishment
22 engaged in the sale of products for resale or further processing for resale. The term "goods held in
23 inventory" as used ~~herein in this Paragraph~~ means goods or products ~~which that~~ have been given
24 new shapes, qualities, or combinations through some artificial process and does not include raw
25 materials such as natural gas, crude oil, sulphur, or timber or goods or products held for sale to
26 consumers.

27
28 (J)(1) Drilling rigs used exclusively for the exploration and development of minerals
29 outside the territorial limits of the state in Outer Continental Shelf waters ~~which that~~ are within the
30 state for the purpose of being stored or stacked for use outside the territorial limits of the state, or
31 for the purpose of being converted, renovated, or repaired, and any property in the state for the
32 purpose of being incorporated in, or to be used in the operation of said drilling rigs.

33 * * *

34
35
36 (L)(1) Except as otherwise provided ~~herein in this Section~~, property owned or leased by,
37 and used by, a targeted ~~non-manufacturing~~ nonmanufacturing business in the operation of its
38 facility, including buildings, improvements, equipment, and other property necessary or beneficial
39 to such operation, according to a program and pursuant to contracts of exemption ~~which that~~
40 contain such terms and conditions ~~which that~~ shall be provided by law. Land underlying the facility
41 and other property pertaining to the facility on which ad valorem taxes have previously been paid,
42 inventories, consumables, and property eligible for the manufacturing exemption provided by
43 Paragraph (F) of this Section; shall not be exempt under this Paragraph.

44 * * *

1 (3) A targeted ~~non-manufacturing~~ nonmanufacturing business means at least fifty percent
2 of such business' total annual sales from a site or sites in the state is to out-of-state customers or
3 buyers, or to in-state customers or buyers but the product or service is resold by the purchaser to
4 an out-of-state customer or buyer for ultimate use, or to the federal government, or any
5 combination thereof. The legislature may provide by law for the inclusion of sales by affiliates
6 when appropriate in making this fifty percent determination.
7

8 (4) A contract for the exemption shall be available only in parishes ~~which~~ that have agreed
9 to participate, in the manner provided by the legislature by law.
10

11 (M) There is hereby established an exemption from ad valorem tax for the total assessed
12 value of the homestead of the unmarried surviving spouse of a person who died under the
13 conditions enumerated in Subsubparagraph (1)(a) or (b) of this Paragraph, and if the conditions
14 established in Subsubparagraph (1)(c) of this Paragraph are met.
15

16 (1)(a) ~~For ad valorem taxes due in 2017 and thereafter, the~~ The exemption shall apply
17 beginning in the tax year in which any of the following persons died or 2017, whichever is later:
18

19 * * *

20
21 (b) ~~For ad valorem taxes due in 2018 and thereafter, the~~ The exemption shall apply
22 beginning in the tax year in which any of the following persons died or 2018, whichever is later:
23

24 * * *

25
26 (3) Once an unmarried surviving spouse has qualified for and taken the exemption, if the
27 surviving spouse then acquires a different property ~~which~~ that qualifies for the homestead
28 exemption, the surviving spouse shall be entitled to an exemption on that subsequent homestead,
29 the exemption being limited in value to the amount of the exemption claimed on the prior
30 homestead in the last year for which the exemption was claimed. The assessor may require the
31 submission of certain information concerning the amount of the exemption on the prior homestead
32 for purposes of determining the extent of the exemption available for the subsequent homestead.
33

34 * * *

35
36 (N)(1) All property delivered to a construction project site for the purpose of incorporating
37 the property into any tract of land, building, or other construction as a component part, including
38 the type of property that may be deemed to be a component part once placed on an immovable ~~for~~
39 ~~its service and improvement~~ pursuant to the provisions of the Louisiana Civil Code of 1870, as
40 amended. The exemption provided for in this Paragraph shall be applicable until the construction
41 project for which the property has been delivered is complete. A construction project shall be
42 deemed complete when construction is finished to the extent that the project can be used or
43 occupied for its intended purpose. A construction project shall not be deemed complete during its
44 inspection, testing, or commissioning stages, as defined by reasonable industry standards.
45

1 (2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph, this exemption
2 shall not apply to any of the following:

3
4 * * *

5
6 (c) Any public service property, unless the public service property is otherwise eligible for
7 an exemption provided by any other provision of this ~~constitution~~ Constitution.

8
9 **§22. No Impairment of Existing Taxes or Obligations**

10
11 Section 22. This Part shall not be applied in a manner ~~which~~ that will (a) invalidate taxes
12 authorized and imposed prior to the effective date of this ~~constitution~~ Constitution or (b) impair
13 the obligations, validity, or security of any bonds or other debt obligations authorized prior to the
14 effective date of this ~~constitution~~ Constitution.

15
16 **§23. Adjustment of Ad Valorem Tax Millages**

17
18 Section 23.(A) First Adjustment. Prior to the end of the third year after the effective date
19 of this ~~constitution~~ Constitution, the assessors and the Louisiana Tax Commission or its successor
20 shall complete determination of the fair market value or the use value of all property subject to
21 taxation within each parish for use in implementing this Article. Except as provided in this
22 Section, the total amount of ad valorem taxes collected by any taxing authority in the year in which
23 Sections 18 and 20 of this Article are implemented shall not be increased or decreased, because of
24 their provisions, above or below ad valorem taxes collected by that taxing authority in the year
25 preceding implementation. To accomplish this result, it shall be mandatory for each affected
26 taxing authority, in the year in which Sections 18 and 20 of this Article are implemented, to adjust
27 millages upwards or downwards without regard to millage limitations contained in this
28 constitution, and the maximum authorized millages shall be increased or decreased, without further
29 voter approval, in proportion to the amount of the adjustment upward or downward. Thereafter,
30 such millages shall remain in effect unless changed as permitted by this constitution.

31
32 (B) Subsequent Adjustments. Except as otherwise permitted in this Section, the total
33 amount of ad valorem taxes collected by any taxing authority in the year in which the reappraisal
34 and valuation provisions of ~~Section 18, Paragraph (F)~~ Section 18(F) of this Article are
35 implemented shall not be increased or decreased because of a reappraisal or valuation or increases
36 or decreases in the homestead exemption above or below the total amount of ad valorem taxes
37 collected by that taxing authority in the year preceding implementation of the reappraisal and
38 valuation. To accomplish this result, the provisions of millage adjustments relative to
39 implementation of ~~Section 18 and Section 20~~ Sections 18 and 20 of this Article, as set forth in
40 Paragraph (A) of this Section, shall be mandatory. Thereafter, following implementation of each
41 subsequent reappraisal and valuation required by ~~Paragraph (F) of Section 18~~ Section 18(F) of this
42 Article, the millages as fixed in each such implementation shall remain in effect unless changed as
43 permitted by Paragraph (C) of this Section.

44
45 (C) Increases Permitted. Nothing herein shall prohibit a taxing authority from collecting,
46 in the year in which Sections 18 and 20 of this Article are implemented or in any subsequent year,

1 a larger dollar amount of ad valorem taxes by (1) levying additional or increased millages as
2 provided by law or (2) placing additional property on the tax rolls. Increases in the millage rate in
3 excess of the rates established as provided by Paragraph (B) ~~above of this Section~~ but not in excess
4 of the prior year's maximum authorized millage rate may be levied by two-thirds vote of the total
5 membership of a taxing authority without further voter approval but only after a public hearing
6 held in accordance with the open meetings law; however, in addition to any other requirements of
7 the open meetings law, public notice of the time, place, and subject matter of such hearing shall
8 be published on two separate days no less than thirty days before the public hearing. Such public
9 notice shall be published in the official journal of the taxing authority, and another newspaper with
10 a larger circulation within the taxing authority than the official journal of the taxing authority, if
11 there is one.

12
13 (D) Application. This Section shall not apply to millages required to be levied for the
14 payment of general obligation bonds.

15
16 **Note to the Legislature**

17
18 *Much of the language in Article VII, Section 23, particularly in Paragraphs (A) and (B), is*
19 *no longer relevant and can be eliminated, but the Law Institute was unsure how to amend this*
20 *provision without changing its meaning.*

21
22 * * *

23
24 **§25. Tax Sales**

25
26 Section 25.(A) Tax Sales. (1) There shall be no forfeiture of property for nonpayment of
27 taxes. However, at the expiration of the year in which the taxes are due, the collector, without suit,
28 and after giving notice to the delinquent in the manner provided by law, shall advertise for sale the
29 property on which the taxes are due. The advertisement shall be published in the official journal
30 of the parish or municipality, or, if there is no official journal, as provided by law for sheriffs' sales,
31 in the manner provided for judicial sales. On the day of sale, the collector shall sell the portion of
32 the property ~~which~~ that the debtor points out. If the debtor does not point out sufficient property,
33 the collector shall sell immediately the least quantity of property ~~which~~ that any bidder will buy
34 for the amount of the taxes, interest, and costs. The sale shall be without appraisalment. A tax deed
35 by a tax collector shall be prima facie evidence that a valid sale was made.

36
37 * * *

38
39 (B) Redemption. (1) The property sold shall be redeemable for three years after the date of
40 recordation of the tax sale, by paying the price given, including costs, five percent penalty thereon,
41 and interest at the rate of one percent per month until redemption.

42
43 (2) In the city of New Orleans, when such property sold is residential or commercial
44 property ~~which~~ that is abandoned property as defined by **R.S. 33:4720.12(1)** or blighted property
45 as defined by Act 155 of the 1984 Regular Session, it shall be redeemable for eighteen months

1 after the date of recordation of the tax sale by payment in accordance with Subparagraph (1) of
2 this Paragraph.

3
4 (3) In any parish other than Orleans, when such property sold is vacant residential or
5 commercial property ~~which that~~ has been declared blighted, as defined by R.S. 33:1374(B)(1) on
6 January 1, 2013, or abandoned, as defined by R.S. 33:4720.59(D)(2) on January 1, 2013, it shall
7 be redeemable for eighteen months after the date of recordation of the tax sale by payment in
8 accordance with Subparagraph (1) of this Paragraph.

9
10 (C) Annulment. No sale of property for taxes shall be set aside for any cause, except on
11 proof of payment of the taxes prior to the date of the sale, unless the proceeding to annul is
12 instituted within six months after service of notice of sale. A notice of sale shall not be served until
13 the final day for redemption has ended. It ~~must~~ shall be served within five years after the date of
14 the recordation of the tax deed if no notice is given. The fact that taxes were paid on a part of the
15 property sold prior to the sale thereof, or that a part of the property was not subject to taxation,
16 shall not be cause for annulling the sale of any part thereof on which the taxes for which it was
17 sold were due and unpaid. No judgment annulling a tax sale shall have effect until the price and
18 all taxes and costs are paid, and until ten percent per annum interest on the amount of the price and
19 taxes paid from date of respective payments are paid to the purchaser; however, this shall not apply
20 to sales annulled because the taxes were paid prior to the date of sale.

21
22 * * *

23
24 (E)(1) Movable; Tax Sales. When taxes on movables are delinquent, the tax collector shall
25 seize and sell sufficient movable property of the delinquent taxpayer to pay the tax, whether or not
26 the property seized is the property ~~which that~~ was assessed. Sale of the property shall be at public
27 auction, without appraisal, after ten days advertisement, published within ten days after date
28 of seizure. It shall be absolute and without redemption.

29
30 (2) If the tax collector can find no corporeal movables of the delinquent to seize, he may
31 levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in
32 the courts to compel the delinquent to deliver for sale property in his possession or under his
33 control.

34
35 * * *

36
37 **Note to the Legislature**

38
39 *The highlighted reference in Subparagraph (B)(2) was repealed and no longer exists.*
40 *Perhaps the definition of abandoned property in R.S. 33:4720.59(D)(2) as used in Subparagraph*
41 *(B)(3) could apply instead.*

1 **PART III. REVENUE SHARING**

2
3 **§26. Revenue Sharing Fund**

4
5 Section 26.(A) Creation of Fund. The Revenue Sharing Fund is created as a special fund
6 in the state treasury.

7
8 * * *

9
10 (D) Distributing Officer. The funds distributed to each parish as provided in Paragraph
11 (C) of this Section shall be distributed in Orleans Parish by the city treasurer of New Orleans and
12 in all other parishes by the parish tax collector. The funds allocated to the Monroe City School
13 Board or its successor shall be distributed to and by the city treasurer of Monroe.

14
15 (E) Bonded Debt. A political subdivision, as defined by Article VI of this ~~constitution~~
16 Constitution, may incur debt by issuing negotiable bonds and may pledge for the payment of all
17 or part of the principal and interest of such bonds the proceeds derived or to be derived from that
18 portion of the funds received by it from the revenue sharing fund, to offset current losses caused
19 by homestead exemptions granted by this Article. Unless otherwise provided by law, no moneys
20 allocated within any parish from the balance remaining in its distribution may be pledged to the
21 payment of the principal or interest of any bonds. Bonds issued under this Paragraph shall be
22 issued and sold as provided by law, and shall require approval of the State Bond Commission or
23 its successor prior to issuance and sale.

24 **PART IV. TRANSPORTATION**

25
26
27 **§27. Transportation Trust Fund**

28
29 Section 27.(A) Creation of fund. ~~Effective January 1, 1990, there~~ There shall be established
30 in the state treasury as a special permanent trust fund the Transportation Trust Fund, hereinafter
31 ("the trust fund"), in which shall be deposited the "excess revenues" as defined ~~herein~~ which in
32 this Section that are a portion of the avails received in each year from all taxes levied on gasoline
33 and motor fuels and on special fuels, ~~(said these~~ these avails being referred to as the "revenues"), as
34 provided ~~herein~~ in this Section. After satisfying pledges respecting that portion of the revenues
35 attributable to the tax rates in effect at the time of such pledges for the payment of obligations for
36 bonds or other evidences of indebtedness on ~~the effective date of this Section~~ January 1, 1990, the
37 treasurer shall allocate such portion of the revenues received in each year as necessary to pay all
38 principal, interest, premium, if any, and other obligations incident to the issuance, security, and
39 payment in respect of bonds as authorized in Paragraph (C) ~~hereof~~ of this Section. Thereafter, the
40 portion of the revenues remaining shall be deposited in the Bond Security and Redemption Fund
41 in the state treasury. After (1) the payment of any obligations for bonds or other evidences of
42 indebtedness in existence on ~~the effective date of this Section~~ which January 1, 1990, that are
43 secured by revenues; (2) payments in respect of bonds authorized in Paragraph (C) ~~hereof~~ of this
44 Section; and (3) credit to the Bond Security and Redemption Fund, the treasurer shall deposit in
45 and credit to the trust fund all of the revenues remaining (the "excess revenues") from the avails
46 of all taxes levied on gasoline and motor fuels and on special fuels, as follows: ~~for the fiscal year~~

1 ~~beginning July 1, 1989, the avails of twelve cents per gallon of said taxes received on and after~~
2 ~~January 1, 1990; for the fiscal year beginning on July 1, 1990, the avails of fourteen cents per~~
3 ~~gallon of said taxes; for the fiscal year beginning on July 1, 1991, and thereafter~~ for each fiscal
4 year, the avails of all taxes levied on gasoline and motor fuels and on special fuels. Purchases of
5 gasoline, diesel fuel, or special fuels ~~which that~~ are subject to excise tax under Chapter 7 of Subtitle
6 II of Title 47 of the Louisiana Revised Statutes of 1950 shall be exempt from the state sales tax
7 and any sales tax levied by a political subdivision as defined by Article VI, Section 44(2). All
8 monies appropriated by the Federal Highway Administration and the Federal Aviation
9 Administration, or their successors, either reimbursed or paid directly, shall be paid directly or
10 deposited in and credited to the trust fund.

11
12 (B)(1) Except as provided for in Subparagraph (2) of this Paragraph, the monies in the trust
13 fund shall be appropriated or dedicated solely and exclusively for the costs for and associated with
14 construction and maintenance of the roads and bridges of the state and federal highway systems,
15 the Statewide Flood-Control Program or its successor, ports, airports, transit, and the Parish
16 Transportation Fund or its successor and for the payment of all principal, interest, premium, if any,
17 and other obligations incident to the issuance, security, and payment in respect of bonds or other
18 obligations payable from the trust fund as authorized in Paragraph (D) of this Section. Unless
19 pledged to the repayment of bonds authorized in ~~Paragraphs~~ Paragraph (C) or (D) of this Section,
20 the monies in the trust fund allocated to ports, airports, flood control, parish transportation, and
21 state highway construction shall be appropriated annually by the legislature only pursuant to
22 programs established by law ~~which that~~ establish a system of priorities for the expenditure of such
23 monies, except that the Transportation Infrastructure Model for Economic Development, which
24 shall include only those projects enumerated in House Bill 17 of the 1989 First Extraordinary
25 Session of the Legislature and US Highway 61 from Thompson Creek to the Mississippi Line, in
26 lieu of "US 61-Bains to Mississippi Line", and US Highway 165 from I-10 to Alexandria to
27 Monroe to Bastrop and thence on US Highway 425 from Bastrop to the Arkansas Line, in lieu of
28 "US 165-I-10 Alexandria-Monroe-Bastrop-Arkansas Line" and LA 15-Natchez, Mississippi to
29 Chase in lieu of "LA 15-Natchez, Mississippi to Monroe", shall be funded as provided by law. The
30 state-generated tax monies appropriated for ports, Parish Transportation Fund, or its successor,
31 and the Statewide Flood-Control Program, or its successor shall not exceed twenty percent
32 annually of the state-generated tax revenues in the trust fund; provided, however, that no less than
33 the avails of one cent of the tax on gasoline and special fuels shall be appropriated each year to the
34 Parish Transportation Fund, or its successor. The annual appropriation for airports shall be a sum
35 equal to, but not greater than, the annual estimated revenue to be derived from the state taxes to be
36 collected and received on aviation fuel. Unencumbered and unexpended balances at the end of
37 each fiscal year shall remain in the trust fund. The earnings realized in each fiscal year on the
38 investment of monies in the trust fund shall be deposited in and credited to the trust fund.

39
40 * * *

41
42 (C) The State Bond Commission or its successor, may issue and sell bonds, notes, or other
43 obligations, ~~("Bonds")~~ hereinafter referred to as "bonds", secured by a pledge of a portion of the
44 revenues not to exceed the avails of four cents per gallon of the taxes on gasoline and motor fuels
45 and on special fuels received by the state treasurer. Bonds so issued may also be secured by a
46 pledge of all or a portion of excess revenues as additional security therefor, and if so pledged any

1 portion thereof needed to pay principal, interest, or premium, if any, and other obligations incident
2 to the issuance, security, and payment in respect to ~~Bonds~~ bonds may be expended by the treasurer
3 without the need for legislative appropriation. The ~~Bonds~~ bonds may be issued in the manner set
4 forth in this Section to provide for the costs for and associated with construction and maintenance
5 of the roads and bridges of the state and federal highway systems, Statewide Flood-Control
6 Program, ports, airports, and for any other purpose for which monies in the trust fund may be
7 expended as provided by law. Such ~~Bonds~~ bonds shall not be considered to be debt under ~~Article~~
8 ~~VII, Section 6 of this Article,~~ Article VII, Section 6, of this Article relative
9 to incurring debt by the state are met, in which case the full faith and credit of the state may also
10 be pledged in addition to the revenues received by the treasurer.

11
12 * * *
13

14 (E) Bonds, notes, or other obligations issued pursuant to the provisions of ~~Paragraphs~~
15 Paragraph (C) or (D) above of this Section may be issued in the manner provided by resolution of
16 the State Bond Commission or its successor under the authority of ~~said Paragraphs~~ Paragraphs (C)
17 and (D) of this Section without compliance with any other requirement of this ~~constitution~~
18 Constitution or law. To that end, ~~said Paragraphs (C) and (D) hereof of this Section~~ shall be deemed
19 self-operative.

20
21 **PART V. UNCLAIMED PROPERTY**
22

23 **§28. Louisiana Unclaimed Property Permanent Trust Fund**
24

25 Section 28.(A) Creation of Fund. (1) ~~Effective July 1, 2021, there~~ There shall be established
26 in the state treasury as a special permanent trust fund, the Louisiana Unclaimed Property
27 Permanent Trust Fund, referred to as the "UCP Permanent Trust Fund". No appropriation shall be
28 made from the UCP Permanent Trust Fund.
29

30 (2) The purpose of the UCP Permanent Trust Fund is to ensure a source of payment for
31 claims made by owners of unclaimed property. After allocation of money to the Bond Security
32 and Redemption Fund as provided in ~~Article VII, Section 9(B) of this Constitution~~ Article, after
33 the payment of all administrative fees, costs, and expenses as provided by law, and after the deposit
34 of monies into the Unclaimed Property Leverage Fund, the treasurer shall annually deposit in and
35 credit to the UCP Permanent Trust Fund the net amount of all monies received as a result of the
36 Uniform Unclaimed Property Act of 1997 or its successor.
37

38 * * *
39

40 (B) Investment and Administration. The money credited to the UCP Permanent Trust Fund
41 pursuant to Paragraph (A) of this Section shall be permanently credited to the UCP Permanent
42 Trust Fund and shall be invested by the treasurer. Notwithstanding any provision of this
43 ~~constitution~~ Constitution to the contrary, a portion of money in the UCP Permanent Trust Fund,
44 not to exceed fifty percent of the money in the UCP Permanent Trust Fund, may be invested in
45 equities. The legislature shall establish by law procedures for the investment of such monies. The
46 treasurer may contract, subject to the approval of the State Bond Commission, for the management

1 of such investments. Investment earnings shall be available for appropriation to pay expenses
2 incurred in the investment and management of the UCP Permanent Trust Fund.
3

4 (C) Reports; Allocation. (1) Not less than sixty days prior to the beginning of each regular
5 session of the legislature, the state treasurer shall submit to the legislature and the governor a report
6 of the following:
7

8 * * *
9

10 ~~(2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph, not less than~~
11 ~~sixty days prior to the beginning of the 2022 Regular Session of the legislature, the state treasurer~~
12 ~~shall submit to the legislature and the governor a report of the following:~~
13

14 ~~(a) The balance of the UCP Permanent Trust Fund as of January 1, 2022.~~
15

16 ~~(b) The state's potential liability to unclaimed property claimants as of the close of the prior~~
17 ~~fiscal year.~~
18

19 * * *

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ARTICLE VIII. EDUCATION

PREAMBLE

The goal of the public educational system is to provide learning environments and experiences, at all stages of human development, that are humane, just, and designed to promote excellence in order that every individual may be afforded an equal opportunity to develop to his full potential.

* * *

§2. State Superintendent of Education

Section 2. There shall be a superintendent of education for public elementary and secondary education who, subject to provisions for appointment in lieu of election set forth in Article IV, Section 20; of this ~~constitution~~ Constitution, shall be elected for a term of four years. If the office is made appointive, the State Board of Elementary and Secondary Education shall make the appointment. ~~He~~ The superintendent shall be the administrative head of the Department of Education and shall implement the policies of the State Board of Elementary and Secondary Education and the laws affecting schools under its jurisdiction. The qualifications and other powers, functions, duties, and responsibilities of the superintendent shall be provided by law.

Note to the Legislature

The superintendent of education is now appointed rather than elected pursuant to R.S. 17:21. Consider adding a note on the legislative website similar to those for the appointment in lieu of election of the commissioner of elections in Article IV of the Constitution.

§3. State Board of Elementary and Secondary Education

Section 3.(A) Creation; Functions. The State Board of Elementary and Secondary Education is created as a body corporate. It shall supervise and control the public elementary and secondary schools and special schools under its jurisdiction and shall have budgetary responsibility for all funds appropriated or allocated by the state for those schools, all as provided by law. The board shall have other powers, duties, and responsibilities as provided by this ~~constitution~~ Constitution or by law, but shall have no control over the business affairs of a city, parish, or other local public school board or the selection or removal of its officers and employees; however, the board shall have the power to supervise, manage, and operate or provide for the supervision, management, and operation of a public elementary or secondary school ~~which that~~ that has been determined to be failing, including the power to receive, control, and expend state funds appropriated and allocated pursuant to Section 13(B) of this Article, any local contribution required by Section 13 of this Article, and any other local revenue available to a school board with responsibility for a school determined to be failing in amounts that are calculated based on the number of students in attendance in such a school, all in the manner provided by and in accordance with law.

1 (B)(1) Membership; Terms. The board shall consist of eleven members, eight of whom
2 shall be elected from single-member districts, which shall be determined as provided by law, and
3 three of whom shall be appointed by the governor from the state at large, with consent of the
4 Senate. Members shall serve terms of four years, which shall be concurrent with the term of the
5 governor.
6

7 (2) No person who has served as a member of the board for more than two and one-half
8 terms in three consecutive terms shall be elected or appointed to the board for the succeeding
9 term. ~~This Subparagraph shall not apply to any person elected or appointed to the board prior to~~
10 ~~the effective date of this Subparagraph[†], except that it shall apply to any term of service of any~~
11 ~~such person that begins after such date.~~

12 * * *

15 §5. Board of Regents

16
17 Section 5.(A) Creation; Functions. The Board of Regents is created as a body corporate. It
18 shall plan, coordinate, and have budgetary responsibility for all public postsecondary education
19 and shall have other powers, duties, and responsibilities provided in this Section or by law.
20

21 (B)(1) Membership; Terms. The board shall be composed of fifteen members, of whom
22 two members shall be from each congressional district and the remaining member or members
23 shall be from the state at large appointed by the governor, with consent of the Senate, for
24 overlapping terms of six years, following initial terms which shall be fixed by law. The board
25 should be representative of the state's population by race and gender to ensure diversity.
26

27 (2) No person who has served as a member of the board for more than two and one-half
28 terms in three consecutive terms shall be appointed to the board for the succeeding term. ~~This~~
29 ~~Subparagraph shall not apply to any person appointed to the board prior to the effective date of~~
30 ~~this Subparagraph[†], except that it shall apply to any term of service of any such person that begins~~
31 ~~after such date.~~

32 * * *

33
34
35 (D) Powers. The Board of Regents shall meet with the State Board of Elementary and
36 Secondary Education at least twice a year to coordinate programs of public elementary, secondary,
37 vocational-technical, career, and higher education. The Board of Regents shall have the following
38 powers, duties, and responsibilities relating to public institutions of postsecondary education:
39

40 * * *

41
42 (3)(a) To study the need for and feasibility of creating a new institution of postsecondary
43 education, which includes establishing a branch of such an institution or converting any non-
44 degree granting institution to an institution ~~which that~~ grants degrees or converting any college or
45 university ~~which that~~ is limited to offering degrees of a lower rank than baccalaureate to a college
46 or university that offers baccalaureate degrees or merging any institution of postsecondary

1 education into any other institution of postsecondary education, establishing a new management
2 board, and transferring a college or university from one board to another.

3
4 * * *

5
6 (4) To formulate and make timely revision of a master plan for postsecondary
7 education. ~~As~~ At a minimum, the plan shall include a formula for equitable distribution of funds
8 to the institutions of postsecondary education.

9
10 * * *

11
12 **§6. Board of Supervisors for the University of Louisiana System**

13
14 Section 6.(A) Creation; Functions. The Board of Supervisors for the University of
15 Louisiana System is created as a body corporate. Subject to powers vested by this Article in the
16 Board of Regents, it shall have supervision and management of state colleges and universities not
17 managed by a higher education board created by or under this Article.

18
19 (B)(1) Membership; Terms. The board shall be composed of fifteen members, of whom
20 two members shall be from each congressional district and the remaining member or members
21 shall be from the state at large, appointed by the governor with consent of the Senate. The
22 members shall serve overlapping terms of six years, following initial terms fixed by law.

23
24 (2) No person who has served as a member of the board for more than two and one-half
25 terms in three consecutive terms shall be appointed to the board for the succeeding term. ~~This~~
26 ~~Subparagraph shall not apply to any person appointed to the board prior to the effective date of~~
27 ~~this Subparagraph,[†] except that it shall apply to any term of service of any such person that begins~~
28 ~~after such date.~~

29
30 (C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the
31 remainder of the unexpired term by appointment by the governor, with consent of the Senate.

32
33 **§7. Board of Supervisors of Louisiana State University and Agricultural and Mechanical**
34 **College; Board of Supervisors of Southern University and Agricultural and Mechanical**
35 **College**

36
37 Section 7.(A) Creation; Powers. The Board of Supervisors of Louisiana State University
38 and Agricultural and Mechanical College and the Board of Supervisors of Southern University and
39 Agricultural and Mechanical College are created as bodies corporate. Subject to powers vested by
40 this Article in the Board of Regents, each shall supervise and manage the institutions, statewide
41 agricultural programs, and other programs administered through its system.

42
43 (B)(1) Membership; Terms. Each board shall be composed of fifteen members, of whom
44 two members shall be from each congressional district and the remaining member or members
45 shall be from the state at large, appointed by the governor with consent of the Senate. The
46 members shall serve overlapping terms of six years, following initial terms fixed by law.

1
2 (2) No person who has served as a member of either board for more than two and one-half
3 terms in three consecutive terms shall be appointed to the board for the succeeding term. ~~This~~
4 ~~Subparagraph shall not apply to any person appointed to either board prior to the effective date of~~
5 ~~this Subparagraph,~~¹ ~~except that it shall apply to any term of service of any such person that begins~~
6 ~~after such date.~~

7
8 (C) Vacancy. A vacancy occurring prior to the expiration of a term shall be filled for the
9 remainder of the unexpired term by appointment by the governor, with consent of the Senate.

10
11 **§7.1. Board of Supervisors of Community and Technical Colleges**

12
13 Section 7.1.(A) Creation; Powers; Institutions; Divisions. (1) The Board of Supervisors
14 of Community and Technical Colleges is created as a body corporate to manage the Louisiana
15 Community and Technical College System subject to powers vested by this Article in the Board
16 of Regents. The system shall include all programs of public postsecondary vocational-technical
17 training, and, as provided by law, institutions of higher education which offer associate degrees
18 but not baccalaureate degrees and such programs and institutions shall be supervised and managed
19 by the board. The system shall be comprised of two divisions, the vocational-technical division
20 which shall include all public postsecondary vocational-technical schools and the community
21 college division which shall include the community colleges in the system.

22
23 * * *

24
25 (B)(1) Membership; Terms; Initial Membership and Terms. The board shall be composed
26 of fifteen members appointed by the governor, as provided by law. In addition, the board shall
27 have two student members as provided by law. All members selected and appointed by the
28 governor shall be appointed with the consent of the Senate. Of those members selected and
29 appointed by the governor, there shall be two members from each congressional district and the
30 remaining member or members from the state at large. The board should be representative of the
31 state's population by race and gender to ensure diversity. The members selected and appointed by
32 the governor shall serve terms of six years, except that the initial members shall serve terms as
33 provided by law.

34
35 (2) No person who has served as a member of the board for more than two and one-half
36 terms in three consecutive terms shall be appointed to the board for the succeeding term. ~~This~~
37 ~~Subparagraph shall not apply to any person appointed to the board prior to the effective date of~~
38 ~~this Subparagraph,~~¹ ~~except that it shall apply to any term of service of any such person that begins~~
39 ~~after such date.~~

40
41 * * *

42
43 ~~(D) Transitional Funding. Appropriations annually from the state general fund for Fiscal~~
44 ~~Years 1999-2000, 2000-2001, and 2001-2002, for those institutions of higher education supervised~~
45 ~~and managed in 1998 by each of the management boards of higher education, that is the Board of~~
46 ~~Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of~~

1 ~~Supervisors of Southern University and Agricultural and Mechanical College, and the Board of~~
2 ~~Trustees for State Colleges and Universities, respectively, shall be no less than the appropriations~~
3 ~~from the state general fund in Fiscal Year 1998-1999 for those same institutions of higher~~
4 ~~education regardless of their management boards. Appropriations annually from the state general~~
5 ~~fund for Fiscal Years 1999-2000, 2000-2001, and 2001-2002, for those institutions in the~~
6 ~~Louisiana Community and Technical College System shall be no less than the state general fund~~
7 ~~appropriations in Fiscal Year 1998-1999 for those same institutions regardless of their~~
8 ~~management boards. Appropriations annually from the state general fund for Fiscal Years 1999-~~
9 ~~2000, 2000-2001, and 2001-2002, for postsecondary vocational technical education shall be no~~
10 ~~less than the total of all appropriations for such purpose from the state general fund for Fiscal Year~~
11 ~~1998-1999. The provisions of this Paragraph shall be null and void for any such fiscal year in~~
12 ~~which state general fund revenues are less than the state general fund revenues of Fiscal Year~~
13 ~~1998-1999 as determined by the Revenue Estimating Conference.~~

14
15 * * *

16
17 **§8. Boards; Membership; Compensation**

18
19 Section 8.(A) Dual Membership. No person shall be eligible to serve simultaneously on
20 more than one board created by or pursuant to this Article.

21
22 (B) Student Membership. The legislature may provide for the membership of one student
23 on the boards created by Sections 5, 6, and 7 of this Article. The term of a student member shall
24 not exceed one year, and no student member shall be eligible to succeed himself. A student
25 member shall have all of the privileges and rights of other board members.

26
27 (C) Compensation. A member of a board created by or pursuant to this Article shall serve
28 without pay, but per diem and expenses may be provided by law.

29
30 (D) Congressional District Members. In order to implement the provisions of
31 ~~Subparagraphs~~ Sections 5(B)(1), 6(B)(1), 7(B)(1), and 7.1(B)(1) of this Article, beginning on
32 January 3, 2013, and beginning every ten years thereafter on the day the members of congress
33 from newly reapportioned congressional districts take office, any vacancy that occurs on the
34 respective board from a congressional district from which there are two or more board members
35 shall be filled by appointment of an individual from a congressional district from which there are
36 less than two members. After the membership includes two members from each congressional
37 district, the next vacancy shall be filled by an appointment from the state at large.

38
39 **§9. Parish School Boards; Parish Superintendents**

40
41 Section 9.(A) Boards. The legislature shall create parish school boards and provide for
42 the election of their members.

43
44 (B) Superintendents. Each parish board shall elect a superintendent of parish schools. The
45 State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the

1 duties of the parish superintendent. ~~He~~ The parish superintendent need not be a resident of the
2 parish in which he serves.

3
4 **§10. Existing Boards and Systems Recognized; Consolidation**

5
6 Section 10.(A) Recognition. Parish and city school board systems in existence on the
7 effective date of this ~~constitution~~ Constitution are recognized, subject to control and supervision
8 by the State Board of Elementary and Secondary Education and the power of the legislature to
9 enact laws affecting them.

10
11 (B) Ouachita Parish and Monroe City School Systems; Board Membership. Only persons
12 residing within the jurisdiction of the Monroe City School Board shall be eligible to vote for or be
13 members of the Monroe City School Board. Only persons residing in that portion of Ouachita
14 Parish outside the jurisdiction of the Monroe City School Board shall be eligible to vote for or be
15 members of the Ouachita Parish School Board. The position of a member of either board shall be
16 vacated when ~~he~~ the member no longer satisfies the requirements of this
17 Paragraph. ~~Notwithstanding any contrary provision of this constitution, this Paragraph shall~~
18 ~~become operative upon the election of members to the Ouachita Parish School Board taking office~~
19 ~~in 1977 or upon the first reapportionment affecting the Ouachita Parish School Board, whichever~~
20 ~~occurs earlier.~~

21
22 * * *

23
24 **§13. Funding; Apportionment**

25
26 Section 13.(A) Free School Books. The legislature shall appropriate funds to supply free
27 ~~school books~~ schoolbooks and other materials of instruction prescribed by the State Board of
28 Elementary and Secondary Education to the children of this state at the elementary and secondary
29 levels.

30
31 (B) Minimum Foundation Program. The State Board of Elementary and Secondary
32 Education, or its successor, shall annually develop and adopt a formula ~~which~~ that shall be used to
33 determine the cost of a minimum foundation program of education in all public elementary and
34 secondary schools as well as to equitably allocate the funds to parish and city school systems. Such
35 formula shall provide for a contribution by every city and parish school system. Prior to approval
36 of the formula by the legislature, the legislature may return the formula adopted by the board to
37 the board and may recommend to the board an amended formula for consideration by the board
38 and submission to the legislature for approval. The legislature shall annually appropriate funds
39 sufficient to fully fund the current cost to the state of such a program as determined by applying
40 the approved formula in order to ~~insure~~ ensure a minimum foundation of education in all public
41 elementary and secondary schools. Neither the governor nor the legislature may reduce such
42 appropriation, except that the governor may reduce such appropriation using means provided in
43 the act containing the appropriation provided that any such reduction is consented to in writing by
44 two-thirds of the elected members of each house of the legislature. The funds appropriated shall
45 be equitably allocated to parish and city school systems according to the formula as adopted by
46 the State Board of Elementary and Secondary Education, or its successor, and approved by the

1 legislature prior to making the appropriation. Whenever the legislature fails to approve the formula
2 most recently adopted by the board, or its successor, the last formula adopted by the board, or its
3 successor, and approved by the legislature shall be used for the determination of the cost of the
4 minimum foundation program and for the allocation of funds appropriated.

5
6 * * *

7
8 (D)(1) Municipal and Other School Systems. For the effects and purposes of this Section,
9 the Central community school system and the Zachary community school system in East Baton
10 Rouge Parish, and the municipalities of Baker in East Baton Rouge Parish, Monroe in Ouachita
11 Parish, and Bogalusa in Washington Parish, and no others, shall be regarded and treated as parishes
12 and shall have the authority granted parishes. Consistent with this Article VIII of this constitution,
13 relevant to equal educational opportunities, no state dollars shall be used to discriminate or to have
14 the effect of discriminating in providing equal educational opportunity for all students.

15
16 * * *

17
18 **~~§15. Members of State Board of Elementary and Secondary Education; beginning and end~~**
19 **~~of terms~~**

20
21 ~~Section 15. In order to effectuate the terms of office as provided in Article VIII, Section~~
22 ~~3(B), the successors in office to the elected members whose terms end in 1980 and 1982 shall be~~
23 ~~elected for terms which shall end at noon on the second Monday in March in 1984, and thereafter~~
24 ~~the successors in office to those members shall be elected and shall take office at the same time as~~
25 ~~the governor. The successor in office to the elected member whose term ends in 1984 shall be~~
26 ~~elected for a term which shall end at noon on the second Monday in March in 1988, and thereafter~~
27 ~~the successor in office to that member shall be elected and shall take office at the same time as the~~
28 ~~governor. The successors in office to the appointed members whose terms end in 1980 and 1982~~
29 ~~shall be appointed for terms which shall end at noon on the second Monday in March in 1984, and~~
30 ~~thereafter the successors in office to those members shall be appointed for terms which shall be~~
31 ~~concurrent with the term of the governor making the appointment. The successor in office to the~~
32 ~~appointed member whose term ends in 1984 shall be appointed for a term which shall end at noon~~
33 ~~on the second Monday in March in 1988, and thereafter the successors in office to that member~~
34 ~~shall be appointed for terms which shall be concurrent with the term of the governor making the~~
35 ~~appointment.~~

36
37 **§16. Public Hospitals**

38
39 Section 16. Notwithstanding any provision of this Article to the contrary, the legislature
40 may provide by law for the supervision, operation, and management of public hospitals and their
41 programs by the Board of Regents or by any board having powers of management over public
42 institutions of higher education created by ~~this constitution~~ Constitution or pursuant to this
43 Article. Such laws may include but shall not be limited to laws providing for the submission and
44 approval of capital and operating budgets, appropriations and expenditures, the supervision,
45 management, and oversight of the hospitals and their programs, and legislative review and
46 disapproval of related rules. This Section shall not apply to institutions and programs operated or

1 managed prior to January 1, 1997, by any higher education management board created by this
2 Article.

1 **ARTICLE IX. NATURAL RESOURCES**

2 * * *

3
4
5 **§2. Natural Gas**

6
7 Section 2.(A) Public Policy; Regulation. Natural gas is declared to be affected with a
8 public interest. Notwithstanding any provision of this ~~constitution~~ Constitution relative to the
9 powers and duties of the Public Service Commission, the legislature shall provide by law for
10 regulation of natural gas by the regulatory authority it designates. It may designate the Public
11 Service Commission as the regulatory authority.

12 * * *

13
14
15 **§4. Reservation of Mineral Rights; Prescription**

16
17 Section 4.(A) Reservation of Mineral Rights. The mineral rights on property sold by the
18 state shall be reserved, except when the owner or person having the right to redeem buys or
19 redeems property sold or adjudicated to the state for taxes. The mineral rights on land, contiguous
20 to and abutting navigable waterbottoms reclaimed by the state through the implementation and
21 construction of coastal restoration projects shall be reserved, except when the state and the
22 landowner having the right to reclaim or recover the land have agreed to the disposition of mineral
23 rights, in accordance with the conditions and procedures provided by law.

24
25 (B) Prescription. Lands and mineral interests of the state, of a school board, or of a levee
26 district shall not be lost by prescription except as authorized in Paragraph ~~C~~ (C) of this Section.

27 * * *

28
29
30 **§8. Forestry**

31
32 Section 8.(A) Forestry; Acreage Taxes. Forestry shall be practiced in the state, and the
33 legislature may enact laws therefor. It may authorize parish governing authorities to levy acreage
34 taxes, not to exceed two cents per acre, for the purposes of this Section. The provisions of this
35 ~~constitution~~ Constitution exempting homesteads from taxation shall apply to forestry acreage
36 taxes.

37
38 (B)(1) Forestry Commission. The practice of forestry is placed under the Louisiana
39 Forestry Commission. The commission shall be in the executive branch and shall consist of seven
40 members. The head of the Department of Forestry at Louisiana State University and Agricultural
41 and Mechanical College and the director of the Wildlife and Fisheries Commission shall serve ex
42 officio as members. The governor shall appoint the remaining five members, subject to
43 confirmation by the Senate, for overlapping terms of five years, as provided by law.

44
45 (2) No person who has served as an appointed member of the commission for more than
46 two and one-half terms in three consecutive terms shall be appointed to the commission for the

1 succeeding term. ~~This Subparagraph shall not apply to any person appointed to the commission~~
2 ~~prior to the effective date of this Subparagraph,¹ except that it shall apply to any term of service of~~
3 ~~any such person that begins after such date.~~

4
5 (C) State Forester. The commission shall appoint a state forester. ~~He~~ The state forester
6 shall be a graduate of an accredited school of forestry and have at least four years of forestry
7 experience, as provided by law.

8
9 **§9. First Use Tax Trust Fund**

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

22
23 (2) Distribution; debt accounts. Seventy-five percent of the proceeds, and interest derived
24 therefrom, shall be deposited into the following accounts:

25
26 (a) Initial Proceeds Account. From this portion of the initial proceeds of the tax, the sum
27 of five hundred million dollars shall be maintained in an account within the First Use Tax Trust
28 Fund in the state treasury to be known as the "Initial Proceeds Account". Monies in the Initial
29 Proceeds Account shall be invested, and the investment earnings shall accrue to that
30 account. Except for investment and except as provided in Paragraph (C) of this Section, monies
31 on deposit in the Initial Proceeds Account shall not be used. If the balance of the Initial Proceeds
32 Account at any time is less than five hundred million dollars, then an amount from the next
33 proceeds of the tax shall be credited to the Initial Proceeds Account until there is a balance therein
34 of five hundred million dollars.

35
36 (b) Debt Retirement and Redemption Account. All proceeds of this portion of the tax over
37 and above the amount required to be maintained in the Initial Proceeds Account shall be
38 maintained in an account in the First Use Tax Trust Fund to be known as the "Debt Retirement
39 and Redemption Account". Monies in the Debt Retirement and Redemption Account shall be
40 invested, and the investment earnings shall accrue to that account. Except for investment, monies
41 on deposit in the Debt Retirement and Redemption Account shall be used only to purchase, in
42 advance of maturity, on the open market any outstanding obligations of the state, or to call, pay,
43 or redeem in advance of maturity any outstanding bonds, notes or other evidence of state debt, or
44 both. No purchase or redemption of state debt shall occur with the monies unless the purchase or
45 redemption results in interest savings to the state. The methods used for retiring such future debt

1 shall be determined by the state treasurer, with concurrence of two-thirds of the members of the
2 State Bond Commission acting in open session.

3
4 (3) Distribution; conservation account. Twenty-five percent of the proceeds, and interest
5 derived therefrom, shall be deposited into the following account:

6
7 (a) Barrier Islands Conservation Account. Twenty-five percent of the proceeds of the tax
8 shall be maintained in an account in the First Use Tax Trust Fund to be known as the "Barrier
9 Islands Conservation Account". Monies in the Barrier Islands Conservation Account shall be
10 invested, and the investment earnings shall accrue to that account. Except for investment, monies
11 on deposit in the Barrier Islands Conservation Account shall be used exclusively to fund capital
12 improvement projects designed to conserve, preserve, and maintain the barrier islands, reefs, and
13 shores of the coastline of Louisiana. Only such capital improvements contained in the
14 comprehensive capital budget adopted by the legislature each year shall be funded.

15
16 (B) Investments. The state treasurer shall invest all monies on deposit in the accounts
17 established under Paragraph (A) of this Section in accordance with the law governing the
18 investment of idle funds of the state.

19
20 * * *

21
22 (D) The funds deposited in the First Use Tax Trust Fund shall be considered escrowed and
23 shall not be used for the purposes enumerated ~~herein~~ in this Section until the proceeds of the first
24 use tax are determined to be available for such uses by the treasurer with concurrence of two-thirds
25 of the members of the State Bond Commission, acting in open session. During the time these
26 funds are escrowed such funds may be ordered remitted upon final action by a court of last resort,
27 with the interest earned thereon, as provided by law, if the tax is held to be invalid as to any
28 taxpayer who has paid the tax.

29
30 **Note to the Legislature**

31
32 *Louisiana's First Use Tax, R.S. 47:1301 et seq., was held unconstitutional by the United*
33 *States Supreme Court in Maryland v. Louisiana, 451 U.S. 725 (1981), and was subsequently*
34 *repealed by the Legislature in 1998. In addition, the highlighted reference in Section 9(A)(1)*
35 *appears to be outdated.*

36
37 **§10. Louisiana Investment Fund for Enhancement**

38
39 Section 10.(A) The Louisiana Investment Fund for Enhancement is established as a special
40 fund in the state treasury. All revenues received by the state from the production of oil and gas
41 within the state shall be deposited in the state treasury and credited to the Bond Security and
42 Redemption Fund in accordance with the provisions of Article VII, Section 9, and shall be remitted
43 to the political subdivisions of the state pursuant to Article VII, Section 4. In each fiscal year out
44 of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount has
45 been allocated for the payment of obligations secured by the full faith and credit of the state ~~which~~
46 that become due and payable within the fiscal year, the treasurer shall credit an amount equal to

1 the windfall revenues from oil and gas price deregulation to the Louisiana Investment Fund for
2 Enhancement.

3
4 (B)(1) As used in this Section, "windfall revenues from oil and gas price deregulation"
5 means those revenues received by the state in a fiscal year ~~which~~ that are in excess of the base for
6 that particular fiscal year, as calculated in accordance with this Paragraph. ~~The base for fiscal year~~
7 ~~1981-1982 shall be the estimated level of collections for oil, gas, and other severance taxes and~~
8 ~~from oil and gas production royalties in fiscal year 1980-1981, which for the purposes hereof shall~~
9 ~~be one billion eighty five million dollars, calculated as follows:~~

10
11 ~~(1) Seven hundred sixty million dollars from oil, gas, and other severance taxes; and~~

12
13 ~~(2) Three hundred twenty five million dollars from oil and gas royalty payments,~~
14 ~~excluding bonuses and rentals.~~

15
16 (2) In each ~~subsequent~~ fiscal year, the state treasurer shall calculate the windfall revenues
17 from oil and gas price deregulation for that fiscal year by determining a new base as follows: The
18 base for the previous fiscal year shall be multiplied by the most recent annual change in the
19 consumer price index and then the product shall be added to the base for the previous fiscal year.

20
21 * * *

1 (8) ~~members~~ Members of the military or naval forces;

2
3 (9) ~~teaching~~ Teaching and professional staffs, and administrative officers of schools,
4 colleges, and universities of the state, and bona fide students of those institutions employed by any
5 state, parochial, or municipal agency;

6
7 (10) ~~employees~~ Employees, deputies, and officers of the legislature and of the offices of
8 the governor, lieutenant governor, attorney general, each mayor and city attorney, of police juries,
9 school boards, assessors, and of all offices provided for in Article V of this ~~constitution~~
10 Constitution except the offices of clerk of the municipal and traffic courts in New Orleans;

11
12 (11) ~~commissioners~~ Commissioners of elections, watchers, and custodians and deputy
13 custodians of voting machines;

14
15 (12) ~~railroad~~ Railroad employees whose working conditions and retirement benefits are
16 regulated by federal agencies in accordance with federal law; and

17
18 (13) ~~the~~ The director, deputy director, and all employees of the Governor's Office of
19 Homeland Security and Emergency Preparedness.

20
21 (C) Additional positions may be added to the unclassified service and those positions may
22 be revoked by rules adopted by a commission.

23
24 **§3. State Civil Service Commission**

25
26 Section 3.(A) Composition. The State Civil Service Commission is established and shall
27 be domiciled in the state capital. It shall be composed of seven members who are electors of this
28 state, four of whom shall constitute a quorum. At least one appointed member shall be from each
29 congressional district. In order to implement this requirement, every ten years beginning on the
30 day the members of congress from newly reapportioned congressional districts take office, any
31 vacancy that occurs on the commission shall be filled from a congressional district from which
32 there is no commission member. Only when the membership includes a member from each
33 congressional district may a vacancy be filled by an appointment from the state at large.

34
35 (B)(1) Appointment. The members shall be appointed by the governor, with consent of
36 the Senate, as hereinafter provided, for overlapping terms of six years.

37
38 (2) No person who has served as a member of the commission for more than two and one-
39 half terms in three consecutive terms shall be appointed to the commission for the succeeding
40 term. ~~This Subparagraph shall not apply to any person appointed to the commission prior to the~~
41 ~~effective date of this Subparagraph,[†] except that it shall apply to any term of service of any such~~
42 ~~person that begins after such date.~~

43
44 * * *

1 **§4. City Civil Service Commission**

2
3 Section 4.(A) Creation; Membership; Domicile. A city civil service commission shall
4 exist in each city having a population exceeding four hundred thousand. The domicile of each
5 commission shall be in the city it serves. Each commission shall be composed of five members,
6 who are electors of the city, three of whom shall constitute a quorum. The members shall serve
7 overlapping terms of six years as hereinafter provided.

8
9 * * *

10
11 (E) New Orleans; Implementation of Certain Member. The member appointed from
12 nominations by the classified employees of the city of New Orleans shall be the successor to the
13 member nominated by the president of St. Mary's Dominican College ~~and the initial member so~~
14 ~~appointed shall take office at the expiration of the term of the member who took office on April~~
15 ~~30, 1987.~~

16
17 * * *

18
19 **§6. Department of Civil Service; Directors**

20
21 Section 6.(A) State Department. A Department of State Civil Service is established in the
22 executive branch of the state government.

23
24 * * *

25
26 (C) Directors. Each commission shall appoint a director, after competitive examination,
27 who shall be in the classified service. ~~He~~ The director shall be the administrative head of his
28 department. Each director shall appoint personnel and exercise powers and duties to the extent
29 prescribed by the commission appointing him.

30
31 * * *

32
33 **§10. Rules; Investigations; Wages and Hours**

34
35 Section 10.(A) Rules. (1) Powers. (a) Each commission is vested with broad and general
36 rulemaking and subpoena powers for the administration and regulation of the classified service,
37 including the power to adopt rules for regulating employment, promotion, demotion, suspension,
38 reduction in pay, removal, certification, qualifications, political activities, employment conditions,
39 compensation and disbursements to employees, and other personnel matters and transactions; to
40 adopt a uniform pay and classification plan; to require an appointing authority to institute an
41 employee training and safety program; and generally to accomplish the objectives and purposes of
42 the merit system of civil service as ~~herein~~ established in this Section. It may make
43 recommendations with respect to employee training and safety.

44
45 (b) Nothing ~~herein~~ in this Section shall prevent the legislature from supplementing the
46 uniform pay plans for sworn, commissioned law enforcement officers employed by a bona fide

1 police agency of the state or its political subdivisions and for fire protection officers employed by
2 a port authority, from any available funds of the state, the department, the agency, or the political
3 subdivision, provided that such supplement may be made available only for those sworn,
4 commissioned law enforcement officers employed on a full-time basis who serve the welfare of
5 the public in the capacity of a police officer by providing police services to the general public, by
6 effecting arrests, issuing citations, and serving warrants while patrolling waterways and riverfront
7 areas and for those fire protection officers employed on a full-time basis who provide fire
8 protection services to a port authority.

9
10 (2) Veterans. The state and city civil service departments shall accord a five-point
11 preference in original appointment to each person who served honorably in the armed forces of the
12 United States during a war declared by the United States Congress; or in a peacetime campaign or
13 expedition for which campaign badges are authorized; or for at least ninety days after September
14 11, 2001, for reasons other than training; or during war period dates or dates of armed conflicts as
15 provided by state law enacted by two-thirds of the elected members of each house of the
16 legislature. The state and city civil service departments shall accord a ten-point preference in
17 original appointment to each honorably discharged veteran who served either in peace or in war
18 and who has one or more disabilities recognized as service-connected by the Veterans
19 Administration; to the spouse of each veteran whose physical condition precludes his or her
20 appointment to a civil service job in his or her usual line of work; to the unremarried widow of
21 each deceased veteran who served in a war period, as defined ~~above~~ in this Subparagraph, or in a
22 peacetime campaign or expedition; or to the unremarried widowed parent of any person who died
23 in active wartime or peacetime service or who suffered total and permanent disability in active
24 wartime or peacetime service; or the divorced or separated parents of any person who died in
25 wartime or peacetime service or who became totally and permanently disabled in wartime or
26 peacetime service. However, only one ten-point preference shall be allowed in the original
27 appointment to any person enumerated ~~above~~ in this Subparagraph. If the ten-point preference is
28 not used by the veteran, either because of the veteran's physical or mental incapacity ~~which that~~
29 precludes his appointment to a civil service job in his usual line of work or because of his death,
30 the preference shall be available to his spouse, unremarried widow, or eligible parents as defined
31 ~~above~~ in this Subparagraph, in the order specified. However, any such preference may be given
32 only to a person who has attained at least the minimum score required on each test and who has
33 received at least the minimum rating required for eligibility.

34
35 (3) Layoffs; Preference Employees. When a position in the classified service is abolished,
36 or needs to be vacated because of stoppage of work from lack of funds or other causes, preference
37 employees (ex-members of the armed forces and their dependents as described in this Section)
38 whose length of service and efficiency ratings are at least equal to those of other competing
39 employees shall be retained in preference to all other competing employees. However, when any
40 function of a state agency is transferred to, or when a state agency is replaced by, one or more
41 other state agencies, every preference employee in classifications and performing functions
42 transferred, or working in the state agency replaced, shall be transferred to the replacing state
43 agency or agencies for employment in a position for which he is qualified before that state agency
44 or agencies appoint additional employees for such positions from eligible lists. The appointing
45 authority shall give the director written notice of any proposed lay-off within a reasonable length
46 of time before its effective date, and the director shall issue orders relating thereto ~~which that~~ he

1 considers necessary to secure compliance with the rules. No rule, regulation, or practice of the
2 commission, of any agency or department, or of any official of the state or any political subdivision
3 shall favor or discriminate against any applicant or employee because of his membership or non-
4 membership in any private organization; but this shall not prohibit any state agency, department,
5 or political subdivision from contracting with an employee organization with respect to wages,
6 hours, grievances, working conditions, or other conditions of employment in a manner not
7 inconsistent with this ~~constitution~~ Constitution, a civil service law, or a valid rule or regulation of
8 a commission.

9
10 * * *

11
12 **§12. Appeal**

13
14 Section 12.(A) State. The State Civil Service Commission shall have the exclusive power
15 and authority to hear and decide all removal and disciplinary cases, with subpoena power and
16 power to administer oaths. It may appoint a referee, with subpoena power and power to administer
17 oaths, to take testimony, hear, and decide removal and disciplinary cases. The decision of a referee
18 is subject to review by the commission on any question of law or fact upon the filing of an
19 application for review with the commission within fifteen calendar days after the decision of the
20 referee is rendered. If an application for review is not timely filed with the commission, the
21 decision of the referee becomes the final decision of the commission as of the date the decision
22 was rendered. If an application for review is timely filed with the commission and, after a review
23 of the application by the commission, the application is denied, the decision of the referee becomes
24 the final decision of the commission as of the date the application is denied. The final decision of
25 the commission shall be subject to review on any question of law or fact upon appeal to the court
26 of appeal wherein the commission is located, upon application filed with the commission within
27 thirty calendar days after its decision becomes final. Any referee appointed by the commission
28 shall have been admitted to the practice of law in this state for at least three years prior to his
29 appointment.

30
31 (B) Cities. Each city commission established by this Part I ~~of this Article~~ shall have the
32 exclusive power and authority to hear and decide all removal and disciplinary cases, with subpoena
33 power and power to administer oaths. It may appoint a referee to take testimony, with subpoena
34 power and power to administer oaths to witnesses. The decision of a commission shall be subject
35 to review on any question of law or fact upon appeal to the court of appeal wherein the commission
36 is located, upon application filed with the commission within thirty calendar days after its decision
37 becomes final.

38
39 * * *

40
41 **§15. City, Parish Civil Service System; Creation; Prohibition**

42
43 Section 15.(A) Nothing in this Part shall prevent the establishment by the legislature, or
44 by the respective parish governing authority, of a parish civil service system in one or more
45 parishes, applicable to any or all parish employees, except teaching and professional staffs and
46 administrative officers of schools, or the establishment by the legislature or by the respective

1 municipal governing authority of a municipal civil service system in one or more municipalities
2 having a population of less than four hundred thousand, in any manner now or hereafter provided
3 by law. However, paid firemen and paid municipal policemen in a municipality operating a
4 regularly paid fire and police department and having a population exceeding thirteen thousand,
5 and paid firemen in all parishes and in fire protection districts, are expressly excluded from such a
6 civil service system.

7
8 (B) Nothing in this Part shall permit inclusion in the local civil service of officials and
9 employees listed in Section 2 of this Article.

10
11 (C) No law enacted after the effective date of this ~~constitution~~ Constitution establishing a
12 civil service system applicable to one or more parishes or to one or more municipalities having a
13 population of less than four hundred thousand shall be effective in any parish or in any municipality
14 until approved by ordinance adopted by the governing authority of the parish or municipality.

15
16 **PART II. FIRE AND POLICE CIVIL SERVICE**

17
18 * * *

19
20 **§18. Prior Provisions**

21
22 Section 18. Except as inconsistent with this Part, the provisions of Article XIV, Section
23 15.1 of the Constitution of 1921 are retained and continued in force and effect as statutes. By law
24 enacted by two-thirds of the elected members of each house, the legislature may amend or
25 otherwise modify any of those provisions, but it may not abolish the system of classified civil
26 service for such firemen and municipal policemen or make the system inapplicable to any
27 municipality having a population exceeding thirteen thousand according to the latest decennial
28 federal census or to any parish or fire protection district operating a regularly paid fire
29 department. However, in a municipality having a population exceeding four hundred thousand,
30 paid firemen and municipal policemen shall be included if a majority of the electors therein voting
31 at an election held for that purpose approve their inclusion. ~~Such an election shall be called by the~~
32 ~~governing authority of the affected city within one year after the effective date of this constitution.~~

33
34 **§19. Exclusion**

35
36 Section 19. Nothing in Part I of this Article authorizing cities or other political
37 subdivisions to be placed under the provisions of ~~said Part I of this Article~~ by election, act of the
38 legislature, or ordinance of the local governing authority shall authorize the inclusion in a city civil
39 service system of firemen and policemen in any municipality having a population greater than
40 thirteen thousand but fewer than four hundred thousand and operating a regularly paid fire and
41 municipal police department or in any parish or fire protection district operating a regularly paid
42 fire department. Such firemen and policemen are expressly excluded from any such system.

43
44 * * *

1 **PART III. OTHER PROVISIONS**

2 * * *

3
4
5 **§23. Compensation of Elected Public Officials; Reduction**

6
7 Section 23. The compensation of an elected public official shall not be reduced during the
8 term for which ~~he~~ the public official is elected.

9
10 **§24. Impeachment**

11
12 Section 24.(A) Persons Liable. A state or district official, whether elected or appointed,
13 shall be liable to impeachment for commission or conviction, during his term of office of a felony
14 or for malfeasance or gross misconduct while in such office.

15
16 (B) Procedure. Impeachment shall be by the House of Representatives and trial by the
17 Senate, with senators under oath or affirmation for the trial. The concurrence of two-thirds of the
18 elected senators shall be necessary to convict. The Senate may try an impeachment whether or not
19 the House is in session and may adjourn when it deems proper. Conviction upon impeachment
20 shall result in immediate removal from office. Nothing ~~herein~~ in this Section shall prevent other
21 action, prosecution, or punishment authorized by law.

22
23 **§25. Removal by Suit; Officials Subject**

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

29 * * *

30
31
32 **§27. Filling of Vacancies**

33
34 Section 27.(A) Gubernatorial Appointment; Election. If no other provision therefor is
35 made by this ~~constitution~~ Constitution, by statute, by local government charter, by home rule
36 charter or plan of government, or by ordinance, the governor may fill a vacancy occurring in any
37 elective office. When a vacancy occurs in the office and the unexpired portion of the term exceeds
38 one year, the vacancy shall be filled at an election, as provided by law, and the appointment shall
39 be effective only until a successor takes office.

40 * * *

41
42
43 **§29. Retirement and Survivor's Benefits**

44
45 Section 29.(A) Public School Employees. The legislature shall provide for retirement of
46 teachers and other employees of the public educational system through establishment of one or

1 more retirement systems. Membership in such a retirement system shall be a contractual
2 relationship between employee and employer, and the state shall guarantee benefits payable to a
3 member or retiree or to his lawful beneficiary upon his death.

4
5 * * *

6
7 (E) Actuarial Soundness. (1) The actuarial soundness of state and statewide retirement
8 systems shall be attained and maintained and the legislature shall establish, by law, for each state
9 or statewide retirement system, the particular method of actuarial valuation to be employed for
10 purposes of this Section.

11
12 (2) For public retirement systems whose benefits are guaranteed by this ~~constitution~~
13 Constitution as is specified in Paragraphs (A) and (B) of this Section:

14
15 (a) The legislature shall, by law, determine and set all required contributions to be made
16 by members. However, until the unfunded accrued liability referenced in Subsubparagraph (c)
17 ~~below of this Subparagraph~~ is eliminated, this determination and setting shall not cause the ratio
18 of employee contributions to total contributions, on the basis of each particular plan or
19 classification within each particular retirement system, to exceed such ratio as it existed on January
20 1, 1987. Upon elimination of the unfunded accrued liability referenced in Subsubparagraph (c)
21 ~~below of this Subparagraph~~, this determination and setting shall not cause a member's contribution
22 to exceed an amount contributed on his behalf as an employer contribution.

23
24 (b) The legislature shall, in each fiscal year, by law, provide an amount necessary to fund
25 the employer portion of the normal cost, which shall be determined in accordance with the method
26 of valuation established under Subparagraph (1) ~~above of this Paragraph~~.

27
28 (c) The legislature shall, in each fiscal year, by law, provide for the amortization of the
29 unfunded accrued liability existing as of June 30, 1988, which shall be determined in accordance
30 with the method of valuation selected in Subparagraph (1) ~~above of this Paragraph~~, by the year
31 2029, commencing with Fiscal Year 1989-1990.

32
33 (d) Amounts provided for under Subsubparagraphs (b) and (c) ~~above~~ of this Subparagraph
34 are hereby guaranteed payable, each fiscal year, to each retirement system covered ~~herein~~ in this
35 Section. If, for any fiscal year, the legislature fails to provide these guaranteed payments, upon
36 warrant of the governing authority of the retirement system, following the close of said fiscal year,
37 the state treasurer shall pay the amount guaranteed directly from the state general fund.

38
39 (3) For statewide public retirement systems not covered by Paragraphs (A) and (B) of this
40 Section, the legislature shall determine all required contributions to be made by members,
41 contributions to be made by employers, and dedicated taxes required for the sound actuarial
42 maintenance of the systems, including the elimination of the unfunded accrued liability as of the
43 end of the 1988-1989 Fiscal Year, under the method of valuation selected under Subparagraph (1)
44 ~~above of this Paragraph~~, by the year 2029, commencing with Fiscal Year 1989-1990.

1 * * *

2
3 (G) Forfeiture of Retirement Benefits; Felony Convictions. The receipt of a public
4 retirement benefit shall be expressly conditioned upon the rendition of honorable service by the
5 public official or employee. Notwithstanding any provision of this ~~constitution~~ Constitution or of
6 any home rule charter to the contrary, the legislature may provide for the forfeiture of all or part
7 of the benefits from a public retirement system, plan, or fund in this state by any person who holds
8 or held any public office or employment and who is convicted of a felony associated with and
9 committed during his service in such public office or employment. The legislature may provide
10 for the application of all or part of any forfeited benefits to the unfunded accrued liability of the
11 system, plan, or fund. The provisions of this Paragraph shall be applied only to persons employed,
12 re-employed, or elected on or after January 1, 2013. The provisions of this Paragraph shall be
13 applied only to benefits earned on or after January 1, 2013.

14
15 **§29.1. Part-time Public Officials**

16
17 Section 29.1.(A) Except as provided in Paragraph (B) of this Section, the following elected
18 or appointed officials are hereby deemed to be part-time public servants who, based on such part-
19 time service, shall not participate in, or receive credit for service in, any public retirement system,
20 fund, or plan sponsored by the state of Louisiana or any instrumentality or political subdivision
21 thereof:

22 * * *

23
24
25 (B) The provisions of Paragraph (A) of this Section shall not apply to any person who is
26 serving on January 1, 1997, in any elected or appointed position set forth in Paragraph (A) of this
27 Section and who is also a member on January 1, 1997 of a retirement system covering that position.

28 * * *

29
30
31 **PART IV. STATE POLICE SERVICE**

32
33 **§41. State Police Service**

34
35 Section 41.(A) Service Established. The state police service is established and includes
36 all regularly commissioned full-time law enforcement officers employed by the Department of
37 Public Safety and Corrections, office of state police, or its successor, who are graduates of the state
38 police training academy course of instruction and are vested with full state police powers, as
39 provided by law, and persons in training to become such officers.

40
41 (B) Implementation. The provisions of this Part ~~IV~~ shall become effective on January 1,
42 1991; ~~however, prior to that date members of the State Police Commission shall be selected and~~
43 ~~take office and shall adopt rules and take actions necessary to implement this Part on January 1,~~
44 ~~1991.~~

45 * * *

1 **§43. State Police Commission**

2
3 Section 43.(A) Composition. The State Police Commission is established and shall be
4 domiciled in the state capital. It shall be composed of seven members who are electors of this
5 state, four of whom shall constitute a quorum. At least one appointed member shall be from each
6 congressional district. No appointed member shall concurrently serve on another board or
7 commission whose purpose is similar to that of the State Police Commission. In order to
8 implement this requirement, every ten years beginning on the day the members of congress from
9 newly reapportioned congressional districts take office, any vacancy that occurs on the
10 commission shall be filled from a congressional district from which there is no commission
11 member. Only when the membership includes a member from each congressional district may a
12 vacancy be filled by an appointment from the state at large.

13
14 (B)(1) Appointment. The members shall be selected, as hereinafter provided, for terms of
15 six years, after initial terms of one year, two years, three years, four years, five years, and six years
16 for the appointed members, as designated by the governor, and six years for the elected member.

17
18 (2) No person who has served as a member of the commission for more than two and one-
19 half terms in three consecutive terms shall be appointed or elected to the commission for the
20 succeeding term. ~~This Subparagraph shall not apply to any person appointed or elected to the~~
21 ~~commission prior to the effective date of this Subparagraph,~~[†] ~~except that it shall apply to any term~~
22 ~~of service of any such person that begins after such date.~~

23
24 * * *

25
26 **§45. Appointments; Promotions**

27
28 Section 45. Permanent appointments and promotions in the classified state police service
29 shall be made only after certification by the director under a general system based upon merit,
30 efficiency, fitness, and length of service, as ascertained by examination ~~which that~~, so far as
31 practical, shall be competitive. The number to be certified shall not be less than three; however,
32 if more than one vacancy is to be filled, the name of one additional person eligible for each vacancy
33 may be certified. The commission shall adopt rules for the method of certifying persons eligible
34 for appointment, promotion, reemployment, and reinstatement and shall provide for appointments
35 defined as emergency and temporary appointments if certification is not required.

36
37 * * *

38
39 **§48. Rules; Investigations; Wages and Hours**

40
41 Section 48.(A) Rules. (1) Powers. The commission is vested with broad and general
42 rulemaking and subpoena powers for the administration and regulation of the classified state police
43 service, including the power to adopt rules for regulating employment, promotion, demotion,
44 suspension, reduction in pay, removal, certification, qualifications, political activities,
45 employment conditions, compensation and disbursements to employees, and other personnel
46 matters and transactions; to adopt a uniform pay and classification plan; to require an appointing

1 authority to institute an employee training and safety program; and generally to accomplish the
2 objectives and purposes of the merit system of state police service as ~~herein~~ established in this
3 Section. It may make recommendations with respect to employee training and safety.
4

5 (2) Veterans. The director shall accord a five-point preference in original appointment to
6 each person honorably discharged, or discharged under honorable conditions from the armed
7 forces of the United States who served in the Vietnam Era from July 1, 1958 through May 7, 1975,
8 except the period of July 1, 1958 through August 4, 1964, shall apply only to those who served
9 within the area known as the Vietnam Theater; or during a war declared by the United States
10 Congress; or in a peacetime campaign or expedition for which campaign badges are authorized; or
11 for at least ninety days after September 11, 2001, for reasons other than training; or during war
12 period dates or dates of armed conflicts as provided by state law enacted by two-thirds of the
13 elected members of each house of the legislature. The director shall accord a ten-point preference
14 in original appointment to each honorably discharged veteran who served either in peace or in war
15 and who has one or more disabilities recognized as service-connected by the Veterans
16 Administration; to the spouse of each veteran whose physical condition precludes his or her
17 appointment to the state police service; to the unremarried widow of each deceased veteran who
18 served in a war period, as defined ~~above~~ in this Subparagraph, or in a peacetime campaign or
19 expedition; or to the unremarried widowed parent of any person who died in active wartime or
20 peacetime service or who suffered total and permanent disability in active wartime or peacetime
21 service; or the divorced or separated parents of any person who died in wartime or peacetime
22 service or who became totally and permanently disabled in wartime or peacetime
23 service. However, only one ten-point preference shall be allowed in the original appointment to
24 any person enumerated ~~above~~ in this Subparagraph. If the ten-point preference is not used by the
25 veteran, either because of the veteran's physical or mental incapacity ~~which~~ that precludes his
26 appointment to the classified state police service or because of his death, the preference shall be
27 available to his spouse, unremarried widow, or eligible parents as defined ~~above~~ in this
28 Subparagraph, in the order specified. However, any such preference may be given only to a person
29 who has attained at least the minimum score required on each test and who has received at least
30 the minimum rating required for eligibility.
31

32 (3) Layoffs; Preference Employees. When a position in the classified state police service
33 is abolished, or must be vacated because of stoppage of work from lack of funds or other causes,
34 preference employees (ex-members of the armed forces and their dependents as described in this
35 Section) whose length of service and efficiency ratings are at least equal to those of other
36 competing employees shall be retained in preference to all other competing employees. However,
37 when any function of the state police is transferred to, or when the state police is replaced by, one
38 or more other state agencies, every preference employee in classifications and performing
39 functions transferred, or working in the state police, shall be transferred to the replacing state
40 agency or agencies for employment in a position for which he is qualified before that state agency
41 or agencies appoint additional employees for such positions from eligible lists. The appointing
42 authority shall give the commission written notice of any proposed lay-off within a reasonable
43 length of time before its effective date, and the commission shall issue orders relating thereto ~~which~~
44 that it considers necessary to secure compliance with the rules. No rule, regulation, or practice of
45 the commission, of any agency or department, or of any official of the state shall favor or
46 discriminate against any applicant or employee because of his membership or nonmembership in

1 any private organization; but this shall not prohibit the Department of Public Safety and
2 Corrections, office of state police, or its successor, from contracting with an employee organization
3 with respect to wages, hours, grievances, working conditions, or other conditions of employment
4 in a manner not inconsistent with this ~~constitution~~ Constitution, law, or a valid rule or regulation
5 of the commission.

6
7

* * *

1 **ARTICLE XI. ELECTIONS**

2
3 * * *

4
5 **§4. Prohibited Use of Public Funds**

6
7 Section 4. No public funds shall be used to urge any elector to vote for or against any
8 candidate or proposition, or be appropriated to a candidate or political organization. This provision
9 shall not prohibit the use of public funds for dissemination of factual information relative to a
10 proposition appearing on an election ballot.

11
12 * * *

1 **ARTICLE XII. GENERAL PROVISIONS**

2
3 * * *

4
5 **§6. Lotteries; Gaming, Gambling, or Wagering**

6
7 Section 6.(A) Lotteries. (1) The legislature may provide for the creation and operation of
8 a state lottery and may create a special corporation for that purpose whose employees shall not be
9 subject to state civil service. The net proceeds from the operation of the lottery shall be deposited
10 in a special fund created in the state treasury entitled the Lottery Proceeds Fund. Amounts
11 deposited in the fund shall not be appropriated for expenditure in the same calendar year in which
12 they are received. The legislature shall annually appropriate from the fund only for the purposes
13 of the minimum foundation program and no more than five hundred thousand dollars for services
14 related to compulsive and problem gaming as may be provided by law.

15
16 * * *

17
18 (C) Gaming, Gambling, or Wagering Referendum Elections. (1)(a) No law authorizing a
19 new form of gaming, gambling, or wagering not specifically authorized by law prior to ~~the~~
20 ~~effective date of this Paragraph~~ October 15, 1996, shall be effective nor shall such gaming,
21 gambling, or wagering be licensed or permitted to be conducted in a parish unless a referendum
22 election on a proposition to allow such gaming, gambling, or wagering is held in the parish and
23 the proposition is approved by a majority of those voting thereon.

24
25 (b) No form of gaming, gambling, or wagering authorized by law on ~~the effective date~~
26 ~~hereof~~ October 15, 1996, shall be licensed or permitted to be conducted in a parish in which it
27 was not heretofore being conducted, except licensed charitable gaming which may be conducted
28 in any parish provided it is conducted in compliance with the law, pursuant to a state license or
29 permit unless a referendum election on a proposition to allow such gaming, gambling, or wagering
30 is held in the parish and the proposition is approved by a majority of those voting thereon.

31
32 * * *

33
34 (4) Notwithstanding Article III, Section 12, or any other provision of this ~~constitution~~
35 Constitution, the legislature by local or special law may provide for elections on propositions
36 relating to allowing or prohibiting one or more forms of gaming, gambling, or wagering authorized
37 by legislative act.

38
39 * * *

40
41 **§8.1. Workers' Compensation**

42
43 Section 8.1.(A) Authorization. (1) Notwithstanding any other provision of this
44 ~~constitution~~ Constitution to the contrary, and subject to the conditions contained in this Section,
45 the legislature by law may create a private, nonprofit corporation to provide workers' compensation
46 insurance and to deliver related services as provided by law.

1
2 (2) Once the full faith and credit of the state for the payment of the corporation's legal
3 obligations is extinguished, and the corporation provides security, as required by law, to hold the
4 state harmless from all claims arising from any legal obligation of the corporation to which the full
5 faith and credit of the state is applicable, including all costs associated therewith:

6
7 * * *

8
9 (d) The corporation shall not be subject to any legislation directed exclusively at the
10 corporation ~~which~~ that impairs the corporation's ability to provide a competitive market for
11 workers' compensation insurance to Louisiana employers.

12
13 (e) Upon the failure of the corporation to maintain security as required ~~herein~~ in this
14 Section and as certified by the commissioner of insurance, the provisions of Subsubparagraphs (a),
15 (b), (c), and (d) of this Subparagraph shall be null.

16
17 (B)(1) Loan, Pledge, or Donation by State. Notwithstanding any other provision of this
18 ~~constitution~~ Constitution to the contrary, the funds, credit, property, or things of value of the state
19 may be loaned, pledged, or donated to or for the corporation under terms, conditions, or procedures
20 to be provided by law with specific applicability to the corporation. However, any cash or
21 negotiable instrument advanced to the corporation by the state shall be a loan and may not be
22 donated by the state.

23
24 * * *

25
26 (C) Board of Directors.

27
28 (1) The board of directors for a corporation established pursuant to the authorization
29 contained in Paragraph A (A) of this Section shall consist of twelve members as follows:

30
31 * * *

32
33 (4) All gubernatorial appointees shall be confirmed by the Senate in conformity with the
34 procedures of Article IV, Section 5(H) of this ~~constitution~~ Constitution.

35
36 * * *

37
38 (F) Guaranty Fund. The corporation shall be exempt from participation in and shall not
39 join or contribute financially to or be entitled to the protection of any plan, pool, association, or
40 guaranty fund or insolvency fund authorized or required pursuant to the Insurance
41 Code. However, upon the extinguishment of the full faith and credit guarantee of the state, the
42 corporation shall no longer be exempt from participation in, contribution to, and protection under
43 the insurance guaranty association fund created and operating under R.S. 22:1375 et seq., of the
44 Insurance Code. The corporation's participation in, contribution to, and protection under the
45 insurance guaranty association fund shall be on a prospective basis only. This prospective

1 participation, contribution, and protection shall only apply to claims arising from injuries occurring
2 after the extinguishment of the full faith and credit guarantee.

3
4 * * *

5
6 **§10. Suits Against the State**

7
8 Section 10.(A) No Immunity in Contract and Tort. Neither the state, a state agency, nor a
9 political subdivision shall be immune from suit and liability in contract or for injury to person or
10 property.

11
12 * * *

13
14 (C) Limitations; Procedure; Judgments. Notwithstanding Paragraph (A) or (B) or any
15 other provision of this ~~constitution~~ Constitution, the legislature by law may limit or provide for the
16 extent of liability of the state, a state agency, or a political subdivision in all cases, including the
17 circumstances giving rise to liability and the kinds and amounts of recoverable damages. It shall
18 provide a procedure for suits against the state, a state agency, or a political subdivision and provide
19 for the effect of a judgment, but no public property or public funds shall be subject to seizure. The
20 legislature may provide that such limitations, procedures, and effects of judgments shall be
21 applicable to existing as well as future claims. No judgment against the state, a state agency, or a
22 political subdivision shall be exigible, payable, or paid except from funds appropriated therefor by
23 the legislature or by the political subdivision against which the judgment is rendered.

24
25 **§11. Continuity of Government**

26
27 Section 11. The legislature shall provide for orderly and temporary continuity of state
28 government, in periods of emergency, until normal processes of government can be reestablished
29 in accordance with the constitution and laws of the state; and, except as otherwise provided by this
30 ~~constitution~~ Constitution, for the prompt and temporary succession to the powers and duties of
31 public offices when incumbents become unavailable to perform their functions.

32
33 * * *

34
35 **§13. Prescription Against State**

36
37 Section 13. Prescription shall not run against the state in any civil matter, unless otherwise
38 provided in this ~~constitution~~ Constitution or expressly by law.

39
40 * * *

41
42 **§15. Defense of Marriage**

43
44 Section 15. Marriage in the state of Louisiana shall consist only of the union of one man
45 and one woman. No official or court of the state of Louisiana shall construe this ~~constitution~~
46 Constitution or any state law to require that marriage or the legal incidents thereof be conferred

1 upon any member of a union other than the union of one man and one woman. A legal status
2 identical or substantially similar to that of marriage for unmarried individuals shall not be valid or
3 recognized. No official or court of the state of Louisiana shall recognize any marriage contracted
4 in any other jurisdiction ~~which~~ that is not the union of one man and one woman.

5
6 **§16. Patient's Compensation Fund**

7
8 Section 16.(A) Authorization. Notwithstanding any other provision of this ~~constitution~~
9 Constitution to the contrary, the legislature may establish a private custodial fund to be designated
10 the "Patient's Compensation Fund". Any deposits into a fund established pursuant to this Section
11 are not public monies, but are self-generated, private monies to be held in trust by a board created
12 by the legislature for the use, benefit, and protection of medical malpractice claimants and the
13 private health care provider members. Pursuant to Article VII, Section 10(J) of this ~~constitution~~
14 Constitution, such funds shall not be defined as state general funds or dedicated funds required for
15 deposit in the state treasury.

16
17 (B) Patient's Compensation Fund assets. The assets of a fund, when established pursuant
18 to this Section, shall not be state property, shall not be subject to appropriation by the legislature,
19 and shall not be required for deposit in the state treasury pursuant to Article VII, Section 9(A) of
20 this ~~constitution~~ Constitution. Assets of such a fund shall consist of all surcharges collected from
21 health care provider members and filing fees collected from claimants, all reserves to pay future
22 claims, all interest earned upon any monies invested by the board, any securities acquired through
23 the investment of fund monies, all earnings on such securities, and all other monies and assets
24 deposited into the fund.

25
26 * * *

1 **ARTICLE XIII. CONSTITUTIONAL REVISION**
2

3 **§1. Amendments**
4

5 Section 1.(A)(1) Procedure. An amendment to this ~~constitution~~ Constitution may be
6 proposed by joint resolution at any regular session of the legislature, but the resolution shall be
7 prefiled, at least ten days before the beginning of the session or as provided in Subparagraph (2)
8 of this Paragraph, in accordance with the rules of the house in which introduced. An amendment
9 to this ~~constitution~~ Constitution may be proposed at any extraordinary session of the legislature if
10 it is within the objects of the call of the session and is introduced in the first five calendar days
11 thereof. If two-thirds of the elected members of each house concur in the resolution, pursuant to
12 all of the procedures and formalities required for passage of a bill except submission to the
13 governor, the secretary of state shall have the proposed amendment published once in the official
14 journal of each parish within not less than thirty nor more than sixty days preceding the election
15 at which the proposed amendment is to be submitted to the electors. Each joint resolution shall
16 specify the statewide election at which the proposed amendment shall be submitted. Special
17 elections for submitting proposed amendments may be authorized by law.
18

19 (2) Any joint resolution proposed at a regular session of the legislature ~~which that~~ effects
20 any change in constitutional provisions relating to any retirement system for public employees
21 shall be prefiled no later than five o'clock in the evening of the forty-fifth calendar day prior to the
22 first day of session.
23

24 (B) Form of Proposal. A proposed amendment shall have a title containing a brief summary
25 of the changes proposed; shall be confined to one object; and shall set forth the entire article, or
26 the sections or other subdivisions thereof, as proposed to be revised or only the article, sections,
27 or other subdivisions proposed to be added. However, the legislature may propose, as one
28 amendment, a revision of an entire article of this ~~constitution~~ Constitution that may contain
29 multiple objects or changes. A section or other subdivision may be repealed by reference. When
30 more than one amendment is submitted at the same election, each shall be submitted so as to enable
31 the electors to vote on them separately.
32

33 (C) Ratification. If a majority of the electors voting on the proposed amendment approve
34 it, the governor shall proclaim its adoption, and it shall become part of this ~~constitution~~
35 Constitution, effective twenty days after the proclamation, unless the amendment provides
36 otherwise. A proposed amendment directly affecting not more than five parishes or areas within
37 not more than five parishes shall become part of this ~~constitution~~ Constitution only when approved
38 by a majority of the electors voting thereon in the state and also a majority of the electors voting
39 thereon in each affected parish. However, a proposed amendment directly affecting not more than
40 five municipalities, and only such municipalities, shall become part of this ~~constitution~~
41 Constitution only when approved by a majority of the electors voting thereon in the state and also
42 a majority of the electors voting thereon in each such municipality.

1 **§2. Constitutional Convention**

2
3 Section 2. Whenever the legislature considers it desirable to revise this ~~constitution~~
4 Constitution or propose a new constitution, it may provide for the calling of a constitutional
5 convention by law enacted by two-thirds of the elected members of each house. The revision or
6 the proposed constitution and any alternative propositions agreed upon by the convention shall be
7 submitted to the people for their ratification or rejection. If the proposal is approved by a majority
8 of the electors voting thereon, the governor shall proclaim it to be the Constitution of Louisiana.

9
10 **§3. Laws Effectuating Amendments**

11
12 Section 3. Whenever the legislature shall submit amendments to this ~~constitution~~
13 Constitution, it may at the same session enact laws to carry them into effect, to become operative
14 when the proposed amendments have been ratified.

ARTICLE XIV. TRANSITIONAL PROVISIONS
PART I

§1. Board of Regents

Section 1. ~~On the effective date of this constitution, each member of the Louisiana Coordinating Council for Higher Education appointed by the governor whose term has not expired shall become a member of the Board of Regents until his respective term expires. The governor shall appoint additional members required to complete the membership of the board in accordance with and to effectuate Article VIII, Section 5.~~

§2. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 2. ~~On the effective date of this constitution, each member of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College whose term has not expired shall become a member of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College until his term expires. The governor shall appoint additional members required in accordance with and to effectuate Article VIII, Section 7.~~

§3. Board of Supervisors of Southern University

Section 3. ~~At the next session of the legislature following the effective date of this constitution, the governor shall submit to the Senate for its consent the names of his appointees to the Board of Supervisors of Southern University and Agricultural and Mechanical College in accordance with and to effectuate Article VIII, Section 7.~~

§4. State Board of Elementary and Secondary Education; Board of Trustees for State Colleges and Universities

Section 4. ~~On the effective date of this constitution, each member of the State Board of Education whose term has not expired may elect to become a member of either the State Board of Elementary and Secondary Education or the Board of Trustees for State Colleges and Universities. He shall serve until the expiration of the term for which he was elected. The legislature shall provide by law the procedures by which this right shall be exercised, the secretary of state notified of those elections which must be held, and the governor notified of the appointments which must be made to complete the membership of the boards. The elections and appointments shall be made in accordance with and to effectuate Article VIII, Sections 3 and 6.~~

§5. Boards; New Appointments

Section 5. ~~In making new appointments to a board created by Sections Article VIII, Section 5, 6, or 7 of Article VIII this Constitution, the governor shall consider appropriate representation on the board by alumni of the institutions under the control of the board.~~

1 **§6. Mandatory Reorganization of State Government**
2

3 Section 6. The legislature shall allocate, within not more than twenty departments, the
4 functions, powers, duties, and responsibilities of all departments, offices, agencies, and other
5 instrumentalities within the executive branch, except those allocated by this ~~constitution~~
6 Constitution. The allocation, ~~which shall not be subject to veto by the governor, shall become~~
7 ~~operative not later than December 31, 1977.~~
8

9 **§7. Legislative Sessions**
10

11 Section 7. ~~The legislature shall provide, by rule or otherwise, for a recess, during the 1975~~
12 ~~and 1976 regular annual sessions, which shall be for at least eight calendar days immediately after~~
13 ~~the first fifteen calendar days of the session.~~
14

15 **§8. Civil Service Commission; State; Cities**
16

17 Section 8.(A) ~~State Commission.~~ Each person who, on the effective date of this
18 constitution, is a member of the State Civil Service Commission shall continue in such position
19 for the remainder of the term to which he was appointed. ~~Within thirty days after the effective~~
20 ~~date of this constitution, the president of Xavier University of Louisiana shall submit three names~~
21 ~~to the governor for appointment to the commission as provided in Article X, Section 3. Within~~
22 ~~ninety days after the effective date of this constitution, one member of the commission shall be~~
23 ~~elected by the classified employees of the state from their number as provided by law. The term~~
24 ~~of these appointees shall be six years. Within thirty days after the expiration of the term of the~~
25 ~~present member nominated by the president of Louisiana State University and Agricultural and~~
26 ~~Mechanical College, the president of Dillard University shall submit three names to the governor~~
27 ~~for appointment to the commission as provided in Article X, Section 3. The term of this appointee~~
28 ~~shall be six years.~~
29

30 (B) ~~City Commission.~~ Each person who, on the effective date of this constitution, is a
31 member of the New Orleans City Civil Service Commission shall continue in such position for the
32 remainder of the term to which he was appointed. ~~Within thirty days after the effective date of~~
33 ~~this constitution, the presidents of St. Mary's Dominican College and Xavier University of~~
34 ~~Louisiana each shall submit three names to the governing body of the city for appointment to the~~
35 ~~commission as provided in Article X, Section 4. Within thirty days after the expiration of the term~~
36 ~~of the present member nominated by the governing body of the city, the president of Dillard~~
37 ~~University shall submit three names to the governing body of the city for appointment to the New~~
38 ~~Orleans City Civil Service Commission as provided in Article X, Section 4. The term of these~~
39 ~~appointees shall be six years.~~
40

41 **§9. Civil Service Officers; Employees; State; Cities**
42

43 Section 9. Upon the effective date of this ~~constitution~~ Constitution, all officers and
44 employees of the state and of the cities covered hereunder who have status in the classified service
45 shall retain said status in the position, class, and rank that they have on such date and shall

1 thereafter be subject to and governed by the provisions of this ~~constitution~~ Constitution and the
2 rules and regulations adopted under the authority hereof.

3
4 **§10. Offshore Mineral Revenues; Use of Funds**

5
6 Section 10. Funds derived from offshore mineral leases and held in escrow under
7 agreement between the state and the United States pending settlement of the dispute between the
8 parties shall be deposited in the state treasury when received. Upon such settlement, these funds
9 and the interest from their investment, except the portion otherwise allocated or dedicated by this
10 ~~constitution~~ Constitution, shall be used by the state treasurer to purchase, retire, or pay in advance
11 of maturity the existing bonded indebtedness of the state or shall be invested for that purpose. If
12 any of these funds cannot be so expended within one year, the legislature may appropriate
13 annually, for capital improvements or for the purchase of land, ten percent of the remaining funds,
14 not to exceed ten million dollars in one year.

15
16 **~~§11. Prescription; Tidelands Taxes~~**

17
18 ~~Section 11. No state, district, parish, or other tax, license, fee, or assessment of any kind,
19 and interest charges and penalties attaching thereto, which are imposed, due, or collectible on any
20 property, minerals or the severance thereof, or due or payable by any person, firm, or corporation
21 on any business operation or activity within the tidelands area in dispute between the state and the
22 United States and within the state's historic gulfward boundary three leagues from coast, as
23 established and defined by the Act of Congress of April 8, 1812, which admitted this state into the
24 Union, and as redefined in Louisiana Act No. 33 of 1954,¹ shall prescribe until three years after
25 the thirty first day of December in the year in which the controversy existing between the United
26 States and this state over the state gulfward boundary is finally resolved and settled in accordance
27 with law. However, no interest charge or penalty shall be assessed or collected on any such tax,
28 license, fee, or assessment if it is paid within one year after the thirty first day of December in the
29 year in which the controversy is finally resolved and settled.~~

30
31 * * *

32
33 **§13. Effective Date of Property Tax Provisions**

34
35 Section 13. ~~Section 18 and Section 20 of Article VII, Sections 18 and 20 of this~~
36 Constitution shall become effective January 1 of the year following the end of three years after the
37 effective date of this ~~constitution~~ Constitution. ~~Until that date, the provisions of the Constitution~~
38 ~~of 1921 governing matters covered by those Sections shall continue to apply, notwithstanding any~~
39 ~~contrary expiration date stated in any provision thereof concerning the veterans' homestead~~
40 ~~exemption.~~

1
2
3 **PART II**

4 **§14. Limitation on Transitional Provisions**

5 Section 14. Nothing in this Part shall be construed or applied in such a manner as to
6 supersede or invalidate, or limit or change the meaning of any provision of the foregoing ~~Articles~~
7 articles of this ~~constitution~~ Constitution, but only to provide for an orderly transition from the
8 Constitution of 1921.

9
10 **§15. Existing Officials**

11
12 Section 15. A person holding an office by election shall continue to exercise his powers
13 and duties until his office is abolished, his successor takes office, or the office is vacated, as
14 provided by law. A person holding an office by appointment shall continue to exercise his powers
15 and duties until his office is abolished, his term ends, or he is removed or replaced under the
16 provisions of this ~~constitution~~ Constitution or by law. Each public body shall continue to exercise
17 its powers and duties until changed as provided by this ~~constitution~~ Constitution or by law.

18
19 **§16. Provisions of 1921 Constitution Made Statutory**

20
21 Section 16.(A) Provisions Continued as Statutes. Subject to change by law or as otherwise
22 provided in this ~~constitution~~ Constitution, and except as any of them conflicts with this ~~constitution~~
23 Constitution, the following provisions of the Constitution of 1921 are continued as statutes, but
24 restricted to the same effect as on the effective date of this ~~constitution~~ Constitution:

25
26 * * *

27
28 **§17. Provisions of Constitution of 1921 Repealed**

29
30 Section 17. Except to the extent provided in this Article and except as retained in Articles
31 I through XIII of this ~~constitution~~ Constitution, the provisions of the Constitution of 1921 are
32 repealed.

33
34 **§18. Existing Laws**

35
36 Section 18.(A) Retention. Laws in force on the effective date of this ~~constitution~~
37 Constitution, which were constitutional when enacted and are not in conflict with this ~~constitution~~
38 Constitution, shall remain in effect until altered or repealed or until they expire by their own
39 limitation.

40
41 (B) Expiration of Conflicting Law. Laws ~~which that~~ are in conflict with this ~~constitution~~
42 Constitution shall cease upon its effective date.

1 **§19. Ports; Transition to Statutes**

2
3 Section 19. All provisions of Article VI, Sections 16, 16.1, 16.2, 16.3, 16.4, 16.5, 16.6, 17,
4 29, 29.1, 29.2, 29.3, 29.4, 33.1, 34 and Article XIV, Section 30.2 of the Constitution of 1921 shall
5 become statutes subject to amendment or repeal only as provided in Article VI, Section 43 of this
6 ~~constitution~~ Constitution.

7
8 **§20. ~~Public Service Commission~~**

9
10 ~~Section 20. At its next extraordinary or regular session, the legislature shall divide the state~~
11 ~~into five single member districts as required by Article IV, Section 21(A) and shall provide for a~~
12 ~~special election at which the two additional members of the commission shall be elected, the initial~~
13 ~~term to be served by each, and other matters necessary to effectuate said Section 21(A).~~

14
15 **PART III**

16
17 **§21. References to 1921 Constitution**

18
19 Section 21. Whenever reference is made in this ~~constitution~~ Constitution to the
20 Constitution of 1921, it shall mean the Louisiana Constitution of 1921, as amended.

21
22 **§22. Effect of Titles**

23
24 Section 22. No title or ~~sub title~~ subtitle, heading or ~~sub heading~~ subheading, marginal
25 note, index, or table printed in or with this ~~constitution~~ Constitution shall be considered or
26 construed to be a part of this ~~constitution~~ Constitution, but to be inserted only for convenience in
27 reference.

28
29 **§23. Continuation of Actions and Rights**

30
31 Section 23. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions,
32 judgments, sentences, orders, decrees, appeals, rights or causes of action, contracts, obligations,
33 claims, demands, titles, and rights existing on the effective date of this ~~constitution~~ Constitution
34 shall continue unaffected. All sentences as punishment for crime shall be executed according to
35 their terms.

36
37 * * *

38
39 **§25. Impairment of Debt Obligations Prohibited**

40
41 Section 25. Nothing in this ~~constitution~~ Constitution shall be construed or applied in such
42 a manner as to impair the obligation, validity, or security of any bonds or other debt obligations
43 authorized under the Constitution of 1921.

1 **§26. Constitution Not Retroactive**

2
3 Section 26. Except as otherwise specifically provided in this ~~constitution~~ Constitution, this
4 ~~constitution~~ Constitution shall not be retroactive and shall not create any right or liability ~~which~~
5 ~~that~~ did not exist under the Constitution of 1921 based upon actions or matters occurring prior to
6 the effective date of this ~~constitution~~ Constitution.

7
8 **§27. Legislative Provisions**

9
10 Section 27.(A) ~~President of Senate. The lieutenant governor in office on the effective date~~
11 ~~of this constitution shall continue to serve as president of the Senate until his term expires in 1976.~~

12
13 (B) First Session. The provisions of Article III of this ~~constitution~~ Constitution shall
14 become effective for the first session of the legislature to be held in 1975 and each session
15 thereafter. ~~However, in 1976, the legislature shall convene in regular session at twelve o'clock~~
16 ~~noon on the second Monday in May, at which time the members elected at the statewide election~~
17 ~~in 1976 shall take office; otherwise, the legislature shall conduct that session as provided in Article~~
18 ~~III of this constitution.~~

19
20 (C) Legislative Auditor. The legislative auditor shall continue to exercise the powers and
21 perform the functions set forth in **Article VI, Section 26(2)* of the Constitution of 1921** until
22 otherwise provided by law.

23
24 (D) Legislative Reapportionment. The requirement for legislative reapportionment in
25 ~~Section 6 of Article III, Section 6~~ of this ~~constitution~~ Constitution shall apply to the
26 reapportionment of the legislature following the decennial census of 1980, and thereafter.

27
28 **Note to the Legislature**

29
30 *The highlighted reference in Paragraph (C) no longer exists and perhaps could be changed*
31 *to reference the provisions of the Revised Statutes concerning the legislative auditor, R.S. 24:511*
32 *et seq.*

33
34 **§28. Judiciary Commission**

35
36 Section 28. ~~The members of the judiciary commission in office on the effective date of~~
37 ~~this constitution shall serve until the expiration of their terms. Within thirty days after the effective~~
38 ~~date of this constitution, the additional two citizen members shall be selected as required by Article~~
39 ~~V, Section 25. A lawyer member, as thereby required, shall be selected to succeed the judge of a~~
40 ~~court of record other than a court of appeal whose term as a member of the commission first~~
41 ~~expires. Thereafter, when a vacancy occurs, the successor to the position shall be selected in~~
42 ~~accordance with Article V, Section 25.~~

43
44 **§29. Repealed by Acts 1986, No. 1082, §2, approved Sept. 27, 1986, eff. Oct. 30, 1986.**

1 **§30. Commissioner of Elections**

2
3 Section 30. ~~The commissioner of elections, as provided by Article IV, first elected under~~
4 ~~this constitution shall be elected to take office in 1976. The custodian of voting machines in office~~
5 ~~on the effective date of this constitution shall continue to exercise the functions of that office,~~
6 ~~without change, until the expiration of his term.~~
7

8 **NOTE: Acts 2001, No. 451, provided, effective January 12, 2004, for the appointment in**
9 **lieu of election of the commissioner of elections and for the merger and consolidation of the**
10 **Department of Elections and Registration with the Department of State pursuant to Art.**
11 **IV, §20 of the constitution.**
12

13 **§31. Pardon Board**

14
15 Section 31. ~~Until a pardon board is appointed under the terms of this constitution, the~~
16 ~~lieutenant governor, attorney general, and presiding judge of the sentencing court shall continue~~
17 ~~to serve as a board of pardons.~~
18

19 **§32. Levee Districts; Compensation for Property**

20
21 Section 32. ~~The provisions of Article XVI, Section 6 of the Constitution of 1921 shall be~~
22 ~~continued as a statute, subject to change by the legislature, and the amount of compensation therein~~
23 ~~required to be paid for property used or destroyed for levee or levee drainage purposes shall be~~
24 ~~paid as provided in Section 6 of Article XVI of the Constitution of 1921 until the legislature enacts~~
25 ~~a law to effectuate Article VI, Section 42 of this constitution.~~
26

27 **§33. Suits Against the State; Effective Date**

28
29 Section 33. The provisions of Article XII, Section 10 of this Constitution waiving the
30 immunity of the state, its agencies, or political subdivisions from suit and liability in contract or
31 for injury to person or property only shall apply to a cause of action arising after the effective date
32 of this ~~constitution~~ Constitution.
33

34 **§34. Exemption from Seizure and Sale**

35
36 Section 34. ~~The provisions of Article XI of the Constitution of 1921 shall be continued as~~
37 ~~a statute until the legislature enacts the law required by Article XII, Section 9 of this constitution,~~
38 ~~but the amount of the exemption shall be fifteen thousand dollars in value until otherwise fixed by~~
39 ~~law.~~
40

41 **§35. Effective Date**

42
43 Section 35. This ~~constitution~~ Constitution shall become effective at twelve o'clock
44 midnight on December 31, 1974. ~~The secretary of state shall promulgate the results of the election~~
45 ~~by publication in the official state journal on the thirtieth day prior thereto; however, he shall~~

1 ~~announce the results of the election within thirty days after the date of the election at which the~~
2 ~~constitution is submitted to the people.~~

3
4 **§36. Effect of Adoption**

5
6 Section 36. Notwithstanding any contrary provision of any law or the prior constitution,
7 this ~~constitution~~ Constitution when approved by the electors of this state shall be the Constitution
8 of the State of Louisiana upon the effective date as provided in Section 35 of this Article.
9

10 **§37. Severability Clause**

11
12 Section 37. If any provision of this ~~constitution~~ Constitution is declared invalid for any
13 reason, that provision shall not affect the validity of the entire constitution or any other provision
14 thereof.