

Regular Session, 2003

SENATE BILL NO. 213

BY SENATOR DARDENNE AND REPRESENTATIVES BALDONE,
DARTEZ, DOWNER AND PITRE

A JOINT RESOLUTION

Proposing to add Article VII, Section 10.11 of the Constitution of Louisiana, relative to state funds; to create the Louisiana Coastal Restoration Fund in the state treasury; to provide for deposit of monies into the fund; to provide for investment and uses of monies in the fund; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to add Article VII, Section 10.11 of the Constitution of Louisiana, to read as follows:

§10.11. Louisiana Coastal Restoration Fund

Article VII, Section 10.11 is all new law.

Section 10.11.(A) There shall be established in the state treasury, as a special fund, the Louisiana Coastal Restoration Fund, hereinafter referred to as the "fund". Notwithstanding the provisions of Article VII, Section 10, Article VII, Section 10.3, or Article VII, Section 10.8 or any other provision of this constitution to the contrary, if, after July 1, 2003, the state securitizes any remaining portion of the revenues

received from the Master Settlement Agreement executed November 23, 1998, and approved by Consent Decree and Final Judgment entered in the case "Richard P. Ieyoub, Attorney General, ex rel. State of Louisiana v. Philip Morris, Incorporated, et al.", bearing Number 98-6473 on the docket of the Fourteenth Judicial District for the parish of Calcasieu, state of Louisiana, the treasurer shall transfer to the Louisiana Coastal Restoration Fund from the Millennium Trust Fund up to twenty percent in the aggregate of the revenues received as a result of the securitization occurring after July 1, 2003 of the Master Settlement Agreement based on the following criteria:

(1) The treasurer shall have written certification from the United States Executive Office of the President, Office of Management and Budget or its successor that a valid federal appropriation for coastal restoration exists from which Louisiana is entitled to receive funds.

(2) The treasurer shall transfer only the amount necessary to match the maximum amount of federal funds available to Louisiana in the state fiscal year in which the federal funds are received, but in no case shall transfers exceed twenty percent in the aggregate of the revenues received as a result of the securitization of the Master Settlement Agreement described in this Section.

(3) Transfers made pursuant to this Section shall be taken in the following proportions out of revenues generated by the securitization described in this Section and distributed to the three special funds in the Millennium Trust Fund: one-third from the Health Excellence Fund, one-third from the Education Excellence Fund, and one-third from the TOPS Fund.

(B) Monies credited to the fund pursuant to Paragraph (A) of

this Section shall be invested by the treasurer with the same authority and subject to the same restrictions as the Millennium Trust.

(C) The monies in the fund shall be appropriated by the legislature to the Department of Natural Resources, or its successor, and shall be used solely for programs to reduce coastal erosion and to restore the areas of the state directly affected by coastal erosion.

(D) Money from other sources, such as donations, appropriations, or dedications, may be deposited in and credited to the fund.

(E) Each appropriation from the fund shall include performance expectations to ensure accountability in the expenditure of such monies.

Section 2. Be it further resolved that this proposed amendment shall be effective January 1, 2004.

Section 3. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the gubernatorial primary election to be held in 2003.

Section 4. Be it further resolved that on the official ballot to be used at said election there shall be printed a proposition, upon which the electors of the state shall be permitted to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall read as follows:

To establish the Louisiana Coastal Restoration Fund in the state treasury; to provide that the source of monies deposited into the fund shall be out of certain monies derived from the securitization of any remaining portion of the revenues received from the Master Settlement Agreement in the tobacco litigation after July 1, 2003; to provide for investment of monies in the fund and for their uses to reduce coastal erosion and to restore

the areas of the state directly affected by coastal erosion.

(Effective January 1, 2004) (Adds Article VII, Section 10.11)

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES