

2019 Regular Session

HOUSE BILL NO. 286

BY REPRESENTATIVE HENRY

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

FUNDS/FUNDING: Provides for the transfer, deposit, and use of monies among state funds

1 AN ACT  
2 To amend and reenact R.S. 47:481 and R.S. 48:196(A)(introductory paragraph) and 197 and  
3 to enact R.S. 48:25.2, relative to special treasury funds; to establish certain special  
4 treasury funds; to require the Department of Transportation and Development to  
5 provide for continued operation of certain ferries; to provide for the transfer,  
6 deposit, investment, and use, as specified, of certain treasury funds; to provide for  
7 the appropriation of registration and license fees and taxes collected in certain  
8 parishes; to provide for effectiveness; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1.(A) Notwithstanding any provision of law to the contrary, the state  
11 treasurer is hereby authorized and directed to transfer \$77,013,301, to be comprised wholly  
12 of nonrecurring revenues out of the state general fund from the Fiscal Year 2017-2018  
13 surplus, as recognized by the Revenue Estimating Conference, to the Budget Stabilization  
14 Fund.

15 (B) Notwithstanding any provision of law to the contrary, the state treasurer is  
16 hereby authorized and directed to transfer \$55,000,000, to be comprised wholly of  
17 nonrecurring revenues out of the state general fund from the Fiscal Year 2017-2018 surplus,

1 as recognized by the Revenue Estimating Conference, to the Coastal Protection and  
2 Restoration Fund.

3 Section 2.(A) Notwithstanding any provision of law to the contrary, the state  
4 treasurer is hereby authorized and directed to transfer \$500,000 into the Fiscal Administrator  
5 Revolving Loan Fund from state general fund (direct).

6 (B) Notwithstanding any provision of law to the contrary, the state treasurer is  
7 hereby authorized and directed to transfer \$2,000,000 into the Utility and Carrier Inspection  
8 and Supervision Fund from state general fund (direct).

9 (C) Notwithstanding any provision of law to the contrary, the state treasurer is  
10 hereby authorized and directed to transfer \$1,500,000 into the Motor Fuels Underground  
11 Storage Tank Trust Fund from state general fund (direct).

12 (D) Notwithstanding any provision of law to the contrary, the state treasurer is  
13 hereby authorized and directed to transfer \$4,000,000 into the Higher Education Initiatives  
14 Fund from state general fund (direct).

15 (E) Notwithstanding any provision of law to the contrary, the state treasurer is  
16 hereby authorized and directed to transfer \$1,000,000 into the Louisiana Jobs Now Fund  
17 from state general fund (direct).

18 Section 3. R.S. 47:481 is hereby amended and reenacted to read as follows:

19 §481. Disposition of collections

20 Except as provided in R.S. 47:480, all fees and taxes provided for in this  
21 Chapter, including the permit fees, shall be paid to the state treasurer on or before the  
22 tenth day of each month following their collection and shall be credited to the  
23 account of the Transportation Trust Fund, the State Highway Improvement Fund,  
24 state highway fund No. 2, ~~and~~ the New Orleans Ferry Fund, and the Regional  
25 Maintenance and Improvement Fund, as provided by law.

26 Section 4. R.S. 48:196(A)(introductory paragraph) and 197 are hereby amended and  
27 reenacted and R.S. 48:25.2 is hereby enacted to read as follows:



1 48:196.1. Beginning July 1, 2007, and each fiscal year thereafter, after satisfaction  
2 of the requirements of the provisions of R.S. 48:196.1 and compliance with the  
3 requirements of Article VII, Section 9(B) of the Constitution of Louisiana, and after  
4 making the allocation for state highway fund No. 2, ~~and the New Orleans Ferry~~  
5 ~~Fund, and the Regional Maintenance and Improvement Fund,~~ the treasurer shall  
6 deposit into the fund the following amounts:

7 \* \* \*

8 §197. Motor vehicle license tax; ~~Transportation Trust Fund~~ Regional Maintenance  
9 and Improvement Fund

10 A.(1) Beginning January 1, 2013, and each fiscal year thereafter, through  
11 June 30, 2019, after compliance with the requirements of Article VII, Section 9(B)  
12 of the Constitution of Louisiana, and after making the allocation for state highway  
13 fund No. 2, the treasurer shall deposit into the Transportation Trust Fund fifty  
14 percent of all funds derived from the collection of registration and license fees and  
15 taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481,  
16 in the parishes of Orleans, Jefferson, St. John the Baptist, St. Charles, Tangipahoa,  
17 and St. Tammany.

18 (2) Beginning July 1, 2019, and each fiscal year thereafter, after compliance  
19 with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana,  
20 after making the allocation for state highway fund No. 2 for the Greater New Orleans  
21 Expressway Commission, and after making the allocation for the New Orleans Ferry  
22 Fund pursuant to R.S. 48:25.2, the treasurer shall deposit into the Transportation  
23 Trust Fund fifty percent of the remaining monies derived from the collection of  
24 registration and license fees and taxes collected by the state pursuant to R.S. 47:462,  
25 and as provided in R.S. 47:481, in the parishes of Jefferson, St. Charles, St. John the  
26 Baptist, Tangipahoa, and St. Tammany.

27 B.(1) There is hereby created, as a special fund in the state treasury, the  
28 Regional Maintenance and Improvement Fund, hereinafter referred to as the "fund".  
29 Beginning July 1, 2019, and each fiscal year thereafter, after compliance with the

1        requirements of Article VII, Section 9(B) of the Constitution of Louisiana, after  
2        making the allocation for state highway fund No. 2 for the Greater New Orleans  
3        Expressway Commission, and after making the allocation for the New Orleans Ferry  
4        Fund pursuant to R.S. 48:25.2, the treasurer shall deposit into the fund fifty percent  
5        of the remaining monies derived from the collection of registration and license fees  
6        and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S.  
7        47:481, in the parishes of Jefferson, St. Charles, St. John the Baptist, Tangipahoa,  
8        and St. Tammany.

9                (2) The monies in the fund shall be subject to an annual appropriation by the  
10        legislature and shall be used only as provided in Paragraph (3) of this Subsection.  
11        The monies in the fund shall be invested by the treasurer in the same manner as the  
12        monies in the state general fund, and all interest earned shall be deposited and  
13        credited to the fund. All unexpended or unencumbered monies remaining in the fund  
14        at the end of the fiscal year shall remain to the credit of the fund.

15                (3) Monies appropriated from the fund shall be used exclusively for  
16        maintenance and improvements of state highways in the respective parishes. Monies  
17        collected in the parish of Jefferson shall be appropriated to the Regional Planning  
18        Commission and used for purposes pursuant to R.S. 48:1161.2(D). Monies collected  
19        in the parishes of Tangipahoa and St. Tammany shall be appropriated to the Regional  
20        Planning Commission. Monies collected in the parishes of St. Charles and St. John  
21        the Baptist shall be appropriated to the South Central Planning and Development  
22        Commission.

23        Section 5. This Act shall become effective upon signature by the governor or, if not  
24        signed by the governor, upon expiration of the time for bills to become law without signature  
25        by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
26        vetoed by the governor and subsequently approved by the legislature, this Act shall become  
27        effective on the day following such approval.

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DIGEST

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

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HB 286 Reengrossed

2019 Regular Session

Henry

**Abstract:** Re-establishes the New Orleans Ferry Fund for Orleans Parish and establishes the Regional Maintenance and Improvement Fund for the parishes of Jefferson, St. Charles, St. John the Baptist, Tangipahoa, and St. Tammany; provides for the transfer, deposits, and use, as specified, of certain special treasury funds.

Proposed law transfers 25% of the FY 2018 surplus (\$77,013,301) to the Budget Stabilization Fund.

Proposed law transfers \$55,000,000 of state general fund from the FY 2018 surplus into the Coastal Protection and Restoration Fund.

Proposed law transfers \$500,000 of state general fund (direct) into the Fiscal Administrator Revolving Loan Fund.

Proposed law transfers \$2,000,000 of state general fund (direct) into the Utility and Carrier Inspection and Supervision Fund.

Proposed law transfers \$1,500,000 of state general fund (direct) into the Motor Fuels Underground Storage Tank Trust Fund.

Proposed law transfers \$4,000,000 of state general fund (direct) into the Higher Education Initiatives Fund.

Proposed law transfers \$1,000,000 of state general fund (direct) into the Louisiana Jobs Now Fund.

Present law provides for the credit of collected monies for fees and taxes provided for in the vehicle registration license taxes to the Transportation Trust Fund, the State Highway Improvement Fund, state highway fund No. 2, and the New Orleans Ferry Fund.

Proposed law retains present law and adds the Regional Maintenance and Improvement Fund for disposition of the collections.

Proposed law re-establishes the New Orleans Ferry Fund which expired on July 1, 2018, and requires the state treasurer, after making the allocation from state highway fund No. 2 for the Greater New Orleans Expressway Commission, to deposit into the fund an amount equal to the total of all funds derived from registration and license fees and taxes on trucks and trailers which are collected in Orleans Parish, to DOTD for ferry services.

Present law provides for the allocation of monies from the State Highway Improvement Fund, after the compliance with the requirements of Article VII, Section 9(B) for bonds, to the state highway fund No. 2 and the New Orleans Ferry Fund.

Proposed law retains present law and adds the Regional Maintenance and Improvement Fund for the allocation of monies.

Present law provides that after the compliance with the requirements of Article VII, Section 9(B) for bonds, and after the allocation of monies to the state highway fund No. 2, the treasurer shall deposit 50% of all funds derived from the collection of registration and

licenses fees and taxes collected in the parishes of Orleans, Jefferson, St. John the Baptist, St. Charles, Tangipahoa, and St. Tammany into the Transportation Trust Fund.

Proposed law sunsets present law on June 30, 2019. Proposed law begins July 1, 2019, and provides that after the compliance with the requirements of Article VII, Section 9(B) for bonds, after the allocation of monies to the state highway fund No. 2, and after the allocation to the New Orleans Ferry Fund, the treasurer shall allocate 50% of the remaining monies collected from the registration and license fees and taxes for the parishes of Jefferson, St. Charles, St. John the Baptist, Tangipahoa, and St. Tammany to the Transportation Trust Fund.

Proposed law further requires the creation of the Regional Maintenance and Improvement Fund and places 50% of the remaining monies derived from the collection of the registration and license fees and taxes for the parishes of Jefferson, St. Charles, St. John the Baptist, Tangipahoa, and St. Tammany. Proposed law provides that the monies in the fund shall be annually appropriated by the legislature and invested by the treasurer. The proposed law distributes the monies in the fund as follows:

- (1) Monies collected for Jefferson Parish appropriated to the Regional Planning Commission for purposes pursuant to R.S. 48:1161.2(D);
- (2) Monies collected in the parishes of Tangipahoa and St. Tammany appropriated to the Regional Planning Commission;
- (3) Monies collected in the parishes of St. Charles and St. John the Baptist appropriated to the South Central Planning and Development Commission.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 47:481 and R.S. 48:196(A)(introductory paragraph) and 197; Adds R.S. 48:25.2)

#### Summary of Amendments Adopted by House

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

1. Provide for the transfer of \$55,000,000 of state general fund (direct) from the FY 2018 surplus into the Coastal Restoration and Protection Authority Fund.
2. Provide for the transfer of \$500,000 of state general fund (direct) into the Fiscal Administrator Revolving Loan Fund.
3. Provide for the transfer of \$2,000,000 of state general fund (direct) into the Utility and Carrier Inspection and Supervision Fund.
4. Provide for the transfer of \$1,500,000 of state general fund (direct) into the Motor Fuels Underground Storage Tank Trust Fund.
5. Provide for the transfer of \$5,000,000 of state general fund (direct) into the Higher Education Initiatives Fund.
6. Re-establish the New Orleans Ferry Fund.
7. Create the Regional Maintenance and Improvement Fund to collect vehicle registration fees and taxes and an allocation from the State Highway Improvement Fund.

The House Floor Amendments to the engrossed bill:

1. Reduce the transfer to the Higher Education Initiatives Fund from \$5,000,000 to \$4,000,000.
2. Provide for the transfer of \$1,000,000 of state general fund (direct) into the Louisiana Jobs Now Fund.