

2017 Regular Session

HOUSE BILL NO. 348

BY REPRESENTATIVE JONES

TAX/GASOLINE TAX: (Constitutional Amendment) Provides relative to the deposit and use of the avails of the taxes levied on gasoline, motor fuels, and special fuels

1 A JOINT RESOLUTION

2 Proposing to amend Article VII, Section 27(A) of the Constitution of Louisiana, to provide
3 with respect to taxes on motor fuels; to provide relative to the Transportation Trust
4 Fund; to provide for the deposit and use of certain gasoline, motor fuel, and special
5 fuel tax proceeds; to provide for certain requirements and limitations; to provide for
6 effectiveness; to provide for submission of the proposed amendment to the electors;
7 and to provide for related matters.

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

12 §27. Transportation Trust Fund

13 Section 27.(A)(1) Creation of fund. ~~Effective~~ Except as provided for in
14 Subparagraph (2) of this Paragraph, effective January 1, 1990, there shall be
15 established in the state treasury as a special permanent trust fund the Transportation
16 Trust Fund ("the trust fund") in which shall be deposited the "excess revenues" as
17 defined herein which are a portion of the avails received in each year from all taxes
18 levied on gasoline and motor fuels and on special fuels (said avails being referred to
19 as the "revenues") as provided herein. After satisfying pledges respecting that
20 portion of the revenues attributable to the tax rates in effect at the time of such

1 pledges for the payment of obligations for bonds or other evidences of indebtedness
2 on the effective date of this Section, the treasurer shall allocate such portion of the
3 revenues received in each year as necessary to pay all principal, interest, premium,
4 if any, and other obligations incident to the issuance, security, and payment in
5 respect of bonds as authorized in Paragraph (C) hereof. Thereafter, the portion of the
6 revenues remaining shall be deposited in the Bond Security and Redemption Fund
7 in the state treasury. After (1) the payment of any obligations for bonds or other
8 evidences of indebtedness in existence on the effective date of this Section which are
9 secured by revenues; (2) payments in respect of bonds authorized in Paragraph (C)
10 hereof; and (3) credit to the Bond Security and Redemption Fund, the treasurer shall
11 deposit in and credit to the trust fund all of the revenues remaining (the "excess
12 revenues") from the avails of all taxes levied on gasoline and motor fuels and on
13 special fuels, as follows: for the fiscal year beginning July 1, 1989, the avails of
14 twelve cents per gallon of said taxes received on and after January 1, 1990; for the
15 fiscal year beginning on July 1, 1990, the avails of fourteen cents per gallon of said
16 taxes; for the fiscal year beginning on July 1, 1991, and thereafter, the avails of all
17 taxes levied on gasoline and motor fuels and on special fuels. Purchases of gasoline,
18 diesel fuel, or special fuels which are subject to excise tax under Chapter 7 of
19 Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 shall be exempt from
20 the state sales tax and any sales tax levied by a political subdivision as defined by
21 Article VI, Section 44(2). All monies appropriated by the Federal Highway
22 Administration and the Federal Aviation Administration, or their successors, either
23 reimbursed or paid directly, shall be paid directly or deposited in and credited to the
24 trust fund.

25 (2) The avails of any additional tax enacted on gasoline, motor fuels, and
26 special fuels on or after July 1, 2017, shall be deposited into the 21st Century
27 Transportation and Infrastructure Fund which shall be established in law as a special
28 treasury fund for the dedication of revenues derived from the tax. The use of the
29 monies in the fund shall be limited to state and local government transportation and

Transportation Fund. Further, present constitution prohibits the levy of any state or local sales tax on gasoline and motor fuels.

Proposed constitutional amendment changes present constitution to require that the revenues of any additional taxes enacted on gasoline, motor fuels, and special fuels, on or after July 1, 2017, be deposited into the 21st Century Transportation and Infrastructure Fund to be used to support state and local transportation and capital infrastructure projects.

Proposed constitutional amendment further requires the legislature to establish a list of funding priorities and a formula and method of distribution of certain monies in the fund for support of state and local government projects once enacted. Any change in the funding priorities or the formula and distribution of the monies shall require the enactment of a law by 3/4 vote of the elected members of each house of the legislature.

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

(Amends Const. Art. VII, Sec. 27(A))