

2017 Regular Session

HOUSE BILL NO. 447

BY REPRESENTATIVES JIM MORRIS AND ABRAMSON

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

TAX/GASOLINE TAX: (Constitutional Amendment) Provides relative to use of proceeds
of certain taxes levied on motor fuels

1 A JOINT RESOLUTION

2 Proposing to amend Article VII, Section 27(B) of the Constitution of Louisiana, relative to
3 the Transportation Trust Fund; to provide for the use of the monies deposited into the
4 fund; to provide for effectiveness; to provide for submission of the proposed
5 amendment to the electors; and to provide for related matters.

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

10 §27. Transportation Trust Fund

11 Section 27.(A)

12 * * *

13 (B)(1) Except as provided for in Subparagraph (2) of this Paragraph, the ~~The~~

14 monies in the trust fund shall be appropriated or dedicated solely and exclusively for
15 the costs for and associated with construction and maintenance of the roads and
16 bridges of the state and federal highway systems, the Statewide Flood-Control
17 Program or its successor, ports, airports, transit, ~~state police for traffic control~~
18 ~~purposes~~, and the Parish Transportation Fund or its successor and for the payment
19 of all principal, interest, premium, if any, and other obligations incident to the
20 issuance, security, and payment in respect of bonds or other obligations payable from

1 the trust fund as authorized in Paragraph (D) hereof. Unless pledged to the
2 repayment of bonds authorized in Paragraphs (C) or (D) of this Section, the monies
3 in the trust fund allocated to ports, airports, flood control, parish transportation, and
4 state highway construction shall be appropriated annually by the legislature only
5 pursuant to programs established by law which establish a system of priorities for the
6 expenditure of such monies, except that the Transportation Infrastructure Model for
7 Economic Development, which shall include only those projects enumerated in
8 House Bill 17 of the 1989 First Extraordinary Session of the Legislature* and US
9 Highway 61 from Thompson Creek to the Mississippi Line, in lieu of "US 61-Bains
10 to Mississippi Line", and US Highway 165 from I-10 to Alexandria to Monroe to
11 Bastrop and thence on US Highway 425 from Bastrop to the Arkansas Line, in lieu
12 of "US 165-I-10 Alexandria-Monroe-Bastrop-Arkansas Line" and LA 15-Natchez,
13 Mississippi to Chase in lieu of "LA 15-Natchez, Mississippi to Monroe", shall be
14 funded as provided by law. The state generated tax monies appropriated for ports,
15 Parish Transportation Fund, or its successor, and the Statewide Flood-Control
16 Program, or its successor, ~~and state police for traffic control purposes~~ shall not
17 exceed twenty percent annually of the state generated tax revenues in the trust fund;
18 provided, however, that no less than the avails of one cent of the tax on gasoline and
19 special fuels shall be appropriated each year to the Parish Transportation Fund, or its
20 successor. The annual appropriation for airports shall be a sum equal to, but not
21 greater than, the annual estimated revenue to be derived from the state taxes to be
22 collected and received on aviation fuel. Unencumbered and unexpended balances
23 at the end of each fiscal year shall remain in the trust fund. The earnings realized in
24 each fiscal year on the investment of monies in the trust fund shall be deposited in
25 and credited to the trust fund.

26 (2) The monies in the trust fund attributable to the avails of any new taxes
27 enacted and levied on gasoline, motor fuels, or special fuels on or after July 1, 2017,
28 that are appropriated by the legislature to the Department of Transportation and
29 Development, shall not be utilized by the department as funding for any costs of

1 operation of the department including, but not limited to the payment of employee
2 wages, retirement, or any other employee related benefits.

3 * * *

4 Section 2. Be it further resolved that the provisions of the amendment contained in
5 this Joint Resolution shall become effective on November 1, 2017.

6 Section 3. Be it further resolved that this proposed amendment shall be submitted
7 to the electors of the state of Louisiana at the statewide election to be held on October 14,
8 2017.

9 Section 4. Be it further resolved that on the official ballot to be used at the election,
10 there shall be printed a proposition, upon which the electors of the state shall be permitted
11 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
12 follows:

13 Do you support an amendment to prohibit avails of the tax levied on
14 gasoline, diesel, and special fuels from being used by the Department of
15 Transportation and Development to pay state police for traffic control
16 purposes and any new taxes from being used for operation of the department?
17 (Effective November 1, 2017) (Amends Article VII, Section 27(B))

DIGEST

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

HB 447 Original

2017 Regular Session

Jim Morris

Abstract: Prohibits certain avails of the taxes deposited into the Transportation Trust Fund (TTF) from being used by the Dept. of Transportation and Development (DOTD) for administrative costs to operate the department and state police for traffic control.

Present constitution establishes the Transportation Trust Fund (TTF) as a special treasury fund and requires that all state taxes levied on gasoline and motor fuels be deposited annually into the fund. The current state excise taxes on gasoline and motor fuels total 20¢ per gallon. Monies in the fund are used to provide for construction and maintenance of roads and bridges of the state and federal highway systems, the Statewide Flood-Control Program, ports, airports, transit, state police for traffic control purposes, and the Parish 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 with respect to the use of the monies in (TTF) by prohibiting monies in the fund from being used by state police for traffic control purposes.

Proposed constitutional amendment provides that any monies in the trust fund attributable to the avails of any new taxes enacted and levied on gasoline, motor fuels, or special fuels on or after July 1, 2017, shall not be utilized by the department as funding for any costs of operation of the department including, but not limited to the payment of employee wages, retirement, or any other employee related benefits.

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

(Amends Const. Art. 7, §27(B))