2017 Regular Session

HOUSE BILL NO. 346

### BY REPRESENTATIVE HENRY

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

TAX/GASOLINE TAX: (Constitutional Amendment) Prohibits Transportation Trust Fund monies from being used by state police for traffic control purposes and limits annual appropriations to other transportation programs

1	A JOINT RESOLUTION			
2	Proposing to amend Article VII, Section 27(B) of the Constitution of Louisiana, relative to			
3	taxes on gasoline and certain fuels; to provide with respect to monies deposited into			
4	the Transportation Trust Fund; to provide for the use of the monies deposited into the			
5	fund; to provide for certain limitations on annual appropriations; to provide for			
6	effectiveness; to provide for submission of the proposed amendment to the elector			
7	and to provide for related matters.			
8	Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the member			
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(B) of the Constitution of Louisiana, to read as follows:			
12	§27. Transportation Trust Fund			
13	Section 27.			
14	* * *			
15	(B) The monies in the trust fund shall be appropriated or dedicated solely			
16	and exclusively for the costs for and associated with construction and maintenance			
17	of the roads and bridges of the state and federal highway systems, the Statewide			
18	Flood-Control Program or its successor, ports, airports, transit, state police for traffic			
19	control purposes, and the Parish Transportation Fund or its successor and for the			

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1 payment of all principal, interest, premium, if any, and other obligations incident to 2 the issuance, security, and payment in respect of bonds or other obligations payable 3 from the trust fund as authorized in Paragraph (D) hereof. Unless pledged to the 4 repayment of bonds authorized in Paragraphs (C) or (D) of this Section, the monies 5 in the trust fund allocated to ports, airports, flood control, parish transportation, and 6 state highway construction shall be appropriated annually by the legislature only 7 pursuant to programs established by law which establish a system of priorities for the 8 expenditure of such monies, except that the Transportation Infrastructure Model for 9 Economic Development, which shall include only those projects enumerated in 10 House Bill 17 of the 1989 First Extraordinary Session of the Legislature\* and US 11 Highway 61 from Thompson Creek to the Mississippi Line, in lieu of "US 61-Bains 12 to Mississippi Line", and US Highway 165 from I-10 to Alexandria to Monroe to Bastrop and thence on US Highway 425 from Bastrop to the Arkansas Line, in lieu 13 14 of "US 165-I-10 Alexandria-Monroe-Bastrop-Arkansas Line" and LA 15-Natchez, 15 Mississippi to Chase in lieu of "LA 15-Natchez, Mississippi to Monroe", shall be 16 funded as provided by law. The state generated tax monies appropriated for ports, 17 Parish Transportation Fund, or its successor, and the Statewide Flood-Control Program, or its successor, and state police for traffic control purposes shall not 18 19 exceed twenty percent annually of the state generated tax revenues in the trust fund. 20 The annual appropriation for airports shall be a sum equal to, but not greater than, 21 the annual estimated revenue to be derived from the state taxes to be collected and 22 received on aviation fuel. The annual appropriation for the Parish Transportation 23 Fund, the Statewide Flood-Control Program, ports, and transit shall be no more than 24 the annual estimated revenue derived from the state taxes collected and received 25 from fuel sales directly attributable to each of those programs. Unencumbered and 26 unexpended balances at the end of each fiscal year shall remain in the trust fund. 27 The earnings realized in each fiscal year on the investment of monies in the trust 28 fund shall be deposited in and credited to the trust fund.

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1	Section 2. Be it further resolved that this proposed amendment shall be submitted
2	to the electors of the state of Louisiana at the statewide election to be held on October 14
3	2017.
4	Section 3. Be it further resolved that on the official ballot to be used at the election
5	there shall be printed a proposition, upon which the electors of the state shall be permitted
6	to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
7	follows:
8	Do you support an amendment to prohibit a portion of the avails of the tax
9	levied on gasoline and motor fuels from being used by state police for traffic
10	control purposes and to limit annual appropriations from the fund to other
1	transportation programs to no more than the amount of taxes collected from
12	fuel sales directly attributable to such programs? (Amends Article VII
13	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)]

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# 2017 Regular Session

Henry

Abstract: Prohibits Transportation Trust Fund monies from being used by state police for traffic control purposes and limits the annual appropriations to the Parish Transportation Fund, the Statewide Flood-Control Program, ports, and transit to no more than the estimated revenue derived from the state taxes collected from fuel sales directly attributable to each of those programs.

<u>Present constitution</u> 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.

<u>Proposed constitutional amendment</u> changes <u>present constitution</u> 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.

<u>Proposed constitutional amendment</u> limits the annual appropriation of monies from TTF to the Parish Transportation Fund, the Statewide Flood-Control Program, ports, and transit to no more than the annual estimated revenue derived from state taxes collected and received from fuel sales directly attributable to each of those programs.

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

(Amends Const. Art. VII, §27(B))