

2020 Regular Session

HOUSE BILL NO. 440

BY REPRESENTATIVE STEFANSKI

FUNDS/TRANSPORT TRUST: (Constitutional Amendment) Prohibits Dept. of Transportation and Development from using Transportation Trust Fund monies for certain expenses

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A JOINT RESOLUTION

Proposing to amend Article VII, Section 27(B) of the Constitution of Louisiana, to provide for incremental reductions and an eventual prohibition on the Department of Transportation and Development's use of Transportation Trust Fund monies for payment of current employee salaries; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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 of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 27(B) of the Constitution of Louisiana, to read as follows:

§27. Transportation Trust Fund

* * *

(B)(1) Except as provided for in Subparagraph ~~(2)~~ (7) of this Paragraph, the monies in the trust fund shall be appropriated or dedicated solely and exclusively for the costs for and associated with construction and maintenance of the roads and bridges of the state and federal highway systems, the Statewide Flood-Control Program or its successor, ports, airports, transit, and the Parish Transportation Fund or its successor and for the payment of all principal, interest, premium, if any, and other obligations incident to the issuance, security, and payment in respect of bonds

1 or other obligations payable from the trust fund as authorized in Paragraph (D) of
2 this Section.

3 (2) In Fiscal Year 2021-2022, monies in the fund that are appropriated by the
4 legislature to the Department of Transportation and Development, or its successor,
5 shall not be utilized for the payment of more than seventy-five percent of annual
6 salary costs for current employees.

7 (3) In Fiscal Year 2022-2023, monies in the fund that are appropriated by the
8 legislature to the Department of Transportation and Development, or its successor,
9 shall not be utilized for the payment of more than fifty percent of annual salary costs
10 for current employees.

11 (4) In Fiscal Year 2023-2024, monies in the fund that are appropriated by the
12 legislature to the Department of Transportation and Development, or its successor,
13 shall not be utilized for the payment of more than twenty-five percent of annual
14 salary costs for current employees.

15 (5) Beginning in Fiscal Year 2024-2025, and each fiscal year thereafter,
16 monies in the fund that are appropriated by the legislature to the Department of
17 Transportation and Development, or its successor, shall not be utilized for the
18 payment of any annual salary costs for current employees.

19 (6) Unless pledged to the repayment of bonds authorized in Paragraphs (C)
20 or (D) of this Section, the monies in the trust fund allocated to ports, airports, flood
21 control, parish transportation, and state highway construction shall be appropriated
22 annually by the legislature only pursuant to programs established by law which
23 establish a system of priorities for the expenditure of such monies, except that the
24 Transportation Infrastructure Model for Economic Development, which shall include
25 only those projects enumerated in House Bill 17 of the 1989 First Extraordinary
26 Session of the Legislature and US Highway 61 from Thompson Creek to the
27 Mississippi Line, in lieu of "US 61-Bains to Mississippi Line", and US Highway 165
28 from I-10 to Alexandria to Monroe to Bastrop and thence on US Highway 425 from
29 Bastrop to the Arkansas Line, in lieu of "US 165-I-10 Alexandria-Monroe-Bastrop-

1 Arkansas Line" and LA 15-Natchez, Mississippi to Chase in lieu of "LA 15-Natchez,
 2 Mississippi to Monroe", shall be funded as provided by law. The state-generated tax
 3 monies appropriated for ports, Parish Transportation Fund, or its successor, and the
 4 Statewide Flood-Control Program, or its successor shall not exceed twenty percent
 5 annually of the state-generated tax revenues in the trust fund; provided, however, that
 6 no less than the avails of one cent of the tax on gasoline and special fuels shall be
 7 appropriated each year to the Parish Transportation Fund, or its successor. The
 8 annual appropriation for airports shall be a sum equal to, but not greater than, the
 9 annual estimated revenue to be derived from the state taxes to be collected and
 10 received on aviation fuel. Unencumbered and unexpended balances at the end of
 11 each fiscal year shall remain in the trust fund. The earnings realized in each fiscal
 12 year on the investment of monies in the trust fund shall be deposited in and credited
 13 to the trust fund.

14 ~~(2)~~(7) There is hereby established in the Transportation Trust Fund a special
 15 subfund to be known as the "Construction Subfund", hereinafter referred to as "the
 16 subfund", in which shall be deposited the avails of any new taxes that become
 17 effective and are levied on gasoline, motor fuels, or special fuels on or after July 1,
 18 2017. The monies in the subfund shall be appropriated and dedicated solely for the
 19 direct costs associated with actual project delivery, construction, and maintenance
 20 of transportation and capital transit infrastructure projects of the state and local
 21 government. The monies in the subfund that are appropriated by the legislature to
 22 the Department of Transportation and Development, or its successor, shall not be
 23 utilized by the department for the payment of employee wages and related benefits
 24 or employee retirement benefits.

25 * * *

26 Section 2. Be it further resolved that this proposed amendment shall be submitted
 27 to the electors of the state of Louisiana at the statewide election to be held on November 3,
 28 2020.

1 Section 3. Be it further resolved that on the official ballot to be used at the election,
2 there shall be printed a proposition, upon which the electors of the state shall be permitted
3 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
4 follows:

5 Do you support an amendment to provide for incremental reductions and an
6 eventual prohibition on the Department of Transportation and Development's
7 use of Transportation Trust Fund monies for payment of current employee
8 salaries? (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 440 Original

2020 Regular Session

Stefanski

Abstract: Beginning in Fiscal Year 2021-2022, provides for incremental reductions and an eventual prohibition on the Department of Transportation and Development's use of Transportation Trust Fund monies for payment of current employee salaries.

Present constitution requires monies deposited in the Transportation Trust Fund (TTF) to be appropriated or dedicated solely and exclusively for costs associated with construction and maintenance of roads and bridges of the state and federal highway systems, the Statewide Flood-Control Program, ports, airports, transit, and the Parish Transportation Fund.

Proposed constitutional amendment adds the following prohibitions to utilization of the fund by the Dept. of Transportation and Development (DOTD):

- (1) In FY 2021-2022, DOTD shall not use TTF monies to pay for more than 75% of annual salary costs for current employees.
- (2) In FY 2022-2023, DOTD shall not use TTF monies to pay for more than 50% of annual salary costs for current employees.
- (3) In FY 2023-2024, DOTD shall not use TTF monies to pay for more than 25% of annual salary costs for current employees.
- (4) Beginning in FY 2024-2025, and each fiscal year thereafter, DOTD shall not use TTF monies to pay for any annual salary costs for current employees.

Provides for submission of the proposed amendment to the voters at the statewide election to be held November 3, 2020.

(Amends Const. Art. VII, §27(B))