



## 1           §27. Transportation Trust Fund

2                   Section 27.(A) Creation of fund. Effective January 1, 1990, there shall be  
3           established in the state treasury as a special permanent trust fund the Transportation  
4           Trust Fund ("the trust fund") in which shall be deposited the "excess revenues" as  
5           defined herein which are a portion of the avails received in each year from all taxes  
6           levied by the state on gasoline and motor fuels and on special fuels (said avails being  
7           referred to as the "revenues") as provided herein. After satisfying pledges respecting  
8           that portion of the revenues attributable to the tax rates in effect at the time of such  
9           pledges for the payment of obligations for bonds or other evidences of indebtedness  
10          on the effective date of this Section, the treasurer shall allocate such portion of the  
11          revenues received in each year as necessary to pay all principal, interest, premium,  
12          if any, and other obligations incident to the issuance, security, and payment in  
13          respect of bonds as authorized in Paragraph (C) hereof. Thereafter, the portion of the  
14          revenues remaining shall be deposited in the Bond Security and Redemption Fund  
15          in the state treasury. After (1) the payment of any obligations for bonds or other  
16          evidences of indebtedness in existence on the effective date of this Section which are  
17          secured by revenues; (2) payments in respect of bonds authorized in Paragraph (C)  
18          hereof; and (3) credit to the Bond Security and Redemption Fund, the treasurer shall  
19          deposit in and credit to the trust fund all of the revenues remaining (the "excess  
20          revenues") from the avails of all taxes levied by the state on gasoline and motor fuels  
21          and on special fuels, as follows: for the fiscal year beginning July 1, 1989, the avails  
22          of twelve cents per gallon of said taxes received on and after January 1, 1990; for the  
23          fiscal year beginning on July 1, 1990, the avails of fourteen cents per gallon of said  
24          taxes; for the fiscal year beginning on July 1, 1991, and thereafter, the avails of all  
25          taxes levied by the state on gasoline and motor fuels and on special fuels. Purchases  
26          of gasoline, diesel fuel, or special fuels which are subject to excise tax under Chapter  
27          7 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 shall be exempt  
28          from the state sales tax and any sales tax levied by a political subdivision as defined  
29          by Article VI, Section 44(2). All monies appropriated by the Federal Highway

1 Administration and the Federal Aviation Administration, or their successors, either  
2 reimbursed or paid directly, shall be paid directly or deposited in and credited to the  
3 trust fund.

4 (B)

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

17 \* \* \*

18 Section 2. Be it further resolved that this proposed amendment shall be submitted  
19 to the electors of the state of Louisiana at the statewide election to be held on November 6,  
20 2018.

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

25 Do you support an amendment to allow the legislature to authorize local  
26 governments to levy a tax on motor fuel in the parishes of Ascension, East  
27 Baton Rouge, Iberville, Livingston, and West Baton Rouge? (Amends Article  
28 VII, Sections 4(C) and 27(A) and (B)(2))

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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 179 Original

2018 Regular Session

Steve Carter

**Abstract:** Authorizes the legislature to authorize local governments in the following parishes to levy a tax on motor fuel: Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge.

Present constitution prohibits a local government from levying a tax on motor fuel.

Proposed constitutional amendment provides an exception to the prohibition; authorizes the legislature, by local law, to allow local governments in Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge to levy a tax on motor fuel.

Present constitution, retained by proposed constitutional amendment, also prohibits local governments from levying a severance tax, income tax, or inheritance tax.

Present constitution creates a Transportation Trust Fund and a Construction Subfund of the trust fund and provides for deposit of specified revenues from motor fuel taxes into such funds. Dedicates money in these funds to specified purposes relating to transportation infrastructure projects, state police, and flood control. Proposed constitutional amendment provides that only state taxes on motor fuel are dedicated to these funds.

Provides for submission of the proposed amendment to the voters at the statewide election to be held November 6, 2018.

(Amends Const. Art. VII, §§ 4(C) and 27(A) and (B)(2))