

2022 Regular Session

SENATE BILL NO. 277

BY SENATOR CORTEZ

FUNDS/FUNDING. Creates the Megaprojects Leverage Fund. (gov sig)

1 AN ACT

2 To amend and reenact the introductory paragraph of R.S. 48:77(A), to enact R.S. 48:77.1  
3 and 77.2, and to repeal R.S. 48:77(B) and (E), relative to the creation of the  
4 Megaprojects Leverage Fund and certain accounts therein; to provide for the deposit  
5 of monies into the fund; to provide for the use of monies so deposited; to provide  
6 relative to the issuance of bonds; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The introductory paragraph of R.S. 48:77(A) and 77(B) are hereby  
9 amended and reenacted and R.S. 48:77:1 and 77.2 are hereby enacted to read as follows:

10 §77. Transportation Trust Fund; dedication and uses of certain monies to the

11 Construction Subfund **and the Megaprojects Leverage Fund**

12 A. The avails of the taxes imposed by Chapters 2, 2-A, and 2-B of Subtitle  
13 II of Title 47 of the Louisiana Revised Statutes of 1950 from the sale, use, or lease  
14 of motor vehicles that are taxable pursuant to Chapters 2, 2-A, and 2-B of Subtitle  
15 II of Title 47 of the Louisiana Revised Statutes of 1950, after satisfying the  
16 requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative  
17 to the Bond Security and Redemption Fund, shall be deposited into the

1 Megaprojects Leverage Fund, as provided in R.S. 48:77.1, and the Construction  
2 Subfund of the Transportation Trust Fund provided for in Article VII, Section  
3 27(B)(2) of the Constitution of Louisiana, referred to in this Section as the  
4 "subfund", as follows:

5 \* \* \*

#### 6 §77.1. Megaprojects Leverage Fund

7 A. There is hereby created in the state treasury a special fund to be  
8 designated and hereafter referred to as the Megaprojects Leverage Fund,  
9 hereinafter referred to as the "fund". The state treasurer shall deposit into the  
10 Megaprojects Leverage Fund seventy-five percent of that portion of the avails  
11 of the taxes imposed by Chapters 2, 2-A, and 2-B of Subtitle II of Title 47 of the  
12 Louisiana Revised Statutes of 1950, from the sale, use, or lease of motor vehicles  
13 that are taxable pursuant to Chapters 2, 2-A, and 2-B of Subtitle II of Title 47  
14 of the Louisiana Revised Statutes of 1950, provided for in R.S. 48:77(A). Once  
15 all projects described in R.S. 48:77(C)(1) have been completed and issued final  
16 acceptance, and any outstanding debt issued under R.S. 48:77.2 has been either  
17 repaid or defeased, there shall be no further deposits into the Megaprojects  
18 Leverage Fund.

19 (1) There is hereby created as a special account in the fund to be  
20 designated and referred to in this Section as the I-10 Calcasieu River Bridge and  
21 I-10 Improvements Account. The source of monies in this account shall be  
22 twenty-five percent of the monies deposited in the fund each fiscal year, any  
23 monies appropriated to the account by the legislature, including federal funds,  
24 donations, gifts, or grants, and any other monies as may be provided by law.  
25 Once the project described in R.S. 48:77(C)(1)(a) has been completed and issued  
26 final acceptance, and any outstanding debt related to that project issued under  
27 R.S. 48:77.2 has been either repaid or defeased, the I-10 Calcasieu River Bridge  
28 and I-10 Improvements Account shall receive no further deposits, and monies  
29 that would have been deposited into that account shall be divided equally

1 between accounts within the fund that are still eligible to receive deposits.

2 (2) There is hereby created as a special account in the fund to be  
3 designated and referred to in this Section as the I-49 South Leverage Fund  
4 Account. The source of monies in this account shall be twenty-five percent of the  
5 monies deposited in the fund each fiscal year, any monies appropriated to the  
6 account by the legislature, including federal funds, donations, gifts, or grants,  
7 and any other monies as may be provided by law. Once the project described  
8 in R.S. 48:77(C)(1)(b) has been completed and issued final acceptance, and any  
9 outstanding debt related to that project issued under R.S. 48:77.2 has been  
10 either repaid or defeased, the I-49 South Leverage Fund Account shall receive  
11 no further deposits, and monies that would have been deposited into that  
12 account shall be divided equally between accounts within the fund that are still  
13 eligible to receive deposits.

14 (3) There is hereby created as a special account in the fund to be  
15 designated and referred to in this Section as the Mississippi River Bridge at  
16 Baton Rouge and Connections Account. The source of monies in this account  
17 shall be twenty-five percent of the monies deposited in the fund each fiscal year,  
18 any monies appropriated to the account by the legislature, including federal  
19 funds, donations, gifts, or grants, and any other monies as may be provided by  
20 law. Once the project described in R.S. 48:77(C)(1)(c) has been completed and  
21 issued final acceptance, and any outstanding debt related to that project issued  
22 under R.S. 48:77.2 has been either repaid or defeased, the Mississippi River  
23 Bridge at Baton Rouge and Connections Account shall receive no further  
24 deposits, and monies that would have been deposited into that account shall be  
25 divided equally between accounts within the fund that are still eligible to receive  
26 deposits.

27 (4) There is hereby created as a special account in the fund to be  
28 designated and referred to in this Section as the I-49 North Leverage Fund  
29 Account. The source of monies in this account shall be twenty-five percent of the

1 monies deposited in the fund each fiscal year, any monies appropriated to the  
2 account by the legislature, including federal funds, donations, gifts, or grants,  
3 and any other monies as may be provided by law. Once the project described  
4 in R.S. 48:77(C)(1)(d) has been completed and issued final acceptance, and any  
5 outstanding debt related to that project issued under R.S. 48:77.2 has been  
6 either repaid or defeased, the I-49 North Leverage Fund Account shall receive  
7 no further deposits, and monies that would have been deposited into that  
8 account shall be divided equally between accounts within the fund that are still  
9 eligible to receive deposits.

10 B. Monies in the fund shall be invested by the treasurer in the same  
11 manner as the state general fund, and interest earnings shall be deposited into  
12 the fund. All unexpended and unencumbered monies remaining in the fund at  
13 the end of each fiscal year shall remain in the fund.

14 C. Monies in the fund shall be appropriated and expended only in  
15 accordance with this Subsection:

16 (1) For transfer to the State Bond Commission, hereinafter referred to  
17 as the "commission", to pay the costs of the principal, premium, and interest of  
18 motor vehicle sales and use tax bonds issued by the commission pursuant to R.S.  
19 48:77.2 as the bonds become due and payable; to fund such reserves for  
20 contingencies, costs, and expenses related to bonds issued pursuant to R.S.  
21 48:77.2, as may be required by the resolution authorizing the issuance of such  
22 bonds; and to pay amounts of ongoing expenses associated with the  
23 administration, maintenance, or evaluation of bonds issued pursuant to R.S.  
24 48:77.2, as follows:

25 (a) Funds from the I-10 Calcasieu River Bridge and I-10 Improvements  
26 Account shall be used exclusively for costs of debt, the proceeds of which are to  
27 be used for the planning, preconstruction, construction, and procurement  
28 activities related to the project described in R.S. 48:77(C)(1)(a).

29 (b) Funds from the I-49 South Leverage Fund Account shall be used

1 exclusively for costs of debt, the proceeds of which are to be used for the  
2 planning, preconstruction, construction, and procurement activities related to  
3 the project described in R.S. 48:77(C)(1)(b).

4 (c) Funds from the Mississippi River Bridge at Baton Rouge and  
5 Connections Account shall be used exclusively for costs of debt, the proceeds of  
6 which are to be used for the planning, preconstruction, construction, and  
7 procurement activities related to the project described in R.S. 48:77(C)(1)(c).

8 (d) Funds from the I-49 North Leverage Fund Account shall be used  
9 exclusively for costs of debt, the proceeds of which are to be used for the  
10 planning, preconstruction, construction, and procurement activities related to  
11 the project described in R.S. 48:77(C)(1)(d).

12 (2) For transfer to the Construction Subfund of the Transportation Trust  
13 Fund:

14 (a) Funds from the I-10 Calcasieu River Bridge and I-10 Improvements  
15 Account shall be used exclusively for costs of planning, preconstruction,  
16 construction, and procurement activities related to the project described in R.S.  
17 48:77(C)(1)(a).

18 (b) Funds from the I-49 South Leverage Fund Account shall be used  
19 exclusively for costs of planning, preconstruction, construction, and  
20 procurement activities related to the project described in R.S. 48:77(C)(1)(b).

21 (c) Funds from the Mississippi River Bridge at Baton Rouge and  
22 Connections Account shall be used exclusively for costs of planning,  
23 preconstruction, construction, and procurement activities related to the project  
24 described in R.S. 48:77(C)(1)(c).

25 (d) Funds from the I-49 North Leverage Fund Account shall be used  
26 exclusively for costs of planning, preconstruction, construction, and  
27 procurement activities related to the project described in R.S. 48:77(C)(1)(d).

28 D. Prior to the Department of Transportation and Development entering  
29 into a public-private partnership with respect to a megaproject as provided in

1 this Section, the department shall obtain approval from the Joint Legislative  
2 Committee on the Budget.

3 §77.2. Bonds

4 A.(1) Without reference to any provision of the Constitution of Louisiana  
5 and the laws of this state, and as a grant of power in addition to any other  
6 general or special law, the State Bond Commission, referred to in this Section  
7 as "the commission", is hereby authorized to issue motor vehicle sales and use  
8 tax bonds, referred to in this Section as "motor vehicle sales and use tax bonds"  
9 or "bonds", and pledge for the payment of the principal and interest such  
10 portion of the motor vehicle sales and use tax as is to be deposited into the  
11 Megaprojects Leverage Fund pursuant to R.S. 48:77.1. Such bonds shall only  
12 be issued for individual projects and secured by funds held or to be received in  
13 a corresponding specific account provided for in R.S. 48:77.1. Proceeds of any  
14 such bonds, except monies needed to fund reserves and pay costs of issuance,  
15 and to the extent not needed to pay debt service or other amounts due under the  
16 resolution authorizing the bonds, shall be deposited in the Construction  
17 Subfund of the Transportation Trust Fund and expended only in accordance  
18 with R.S. 48:77.1. The commission is further authorized, in its discretion, to  
19 pledge all or any part of any gift, grant, donation, or other sum of money, aid,  
20 or assistance from the United States, the state, or any political subdivision,  
21 thereof, unless otherwise restricted by the terms thereof, all or any part of the  
22 proceeds of bonds, credit agreements, instruments, or other money of the  
23 commission, from whatever source derived, for the further securing of the  
24 payment of the principal and interest of the bonds, including any monies  
25 provided to the commission from the Department of Transportation and  
26 Development. Any bonds shall be payable solely from revenues and bond  
27 proceeds, pending their disbursement, and investment income thereon. Such  
28 bonds are deemed to be "revenue bonds" as permitted under Article VII,  
29 Section 6(C) of the Louisiana Constitution of 1974, as amended.

1           **(2) In accordance with the provisions of Article VII, Section 9(A)(6) of**  
2           **the Louisiana Constitution of 1974, as amended, there is hereby established a**  
3           **special fund to be designated and hereafter referred to as the Motor Vehicle**  
4           **Sales and Use Tax Bond Fund, with appropriate subaccounts to be established,**  
5           **for the purpose of providing for the securitization of any bonds which may be**  
6           **issued pursuant to the provisions of this Section which shall include**  
7           **requirements for reserves and credit enhancement devices, all as may be**  
8           **provided in any resolution, trust agreement, indenture, or other instrument**  
9           **pursuant to which such bonds were issued. The Motor Vehicle Sales and Use**  
10           **Tax Bond Fund shall be administered by a trustee as designated by the State**  
11           **Bond Commission. The source of monies for the Motor Vehicle Sales and Use**  
12           **Tax Bond Fund shall be such portion of the avails of the taxes imposed by**  
13           **Chapters 2, 2-A, and 2-B of Subtitle II of Title 47 of the Louisiana Revised**  
14           **Statutes of 1950 from the sale, use, or lease of motor vehicles that are taxable**  
15           **referred to in this Section as "motor vehicle sales and use tax receipts"**  
16           **pursuant to Chapters 2, 2-A, and 2-B of Subtitle II of Title 47 of the Louisiana**  
17           **Revised Statutes of 1950 as may be transferred to the State Bond Commission**  
18           **pursuant to R.S. 48:77.1. All such transferred funds shall be classified and set**  
19           **aside in the separately identifiable fund or account outside of the state treasury**  
20           **and named above, but maintained by the state treasury, and such revenues shall**  
21           **be assigned and pledged to the trustee under the documents pursuant to which**  
22           **the bonds were issued for the benefit of the holders of the bonds.**

23           **(3) The motor vehicle sales and use tax receipts which have been**  
24           **transferred to the State Bond Commission pursuant to R.S. 48:77.1 and this**  
25           **Section shall be applied to pay or provide for the payment of debt service and**  
26           **all related costs and expenses associated therewith on motor vehicle sales and**  
27           **use tax bonds issued by the commission for specific projects as set forth in R.S.**  
28           **48:77.1.**

29           **(4) The resolution or resolutions under which motor vehicle sales and use**

1 tax bonds are authorized to be issued may contain any or all of the following:

2 (a) Provisions respecting custody of the proceeds from the sale of the  
3 bonds, including any requirements that such proceeds be held separate from or  
4 not be commingled with other funds of the state.

5 (b) Provisions for the investment and reinvestment of motor vehicle sales  
6 and use tax bond proceeds until used to pay the costs of the projects for which  
7 the bonds were issued or the costs of financing the bonds, and for the disposition  
8 of any excess bond proceeds or investment earnings thereon.

9 (c) Provisions for the execution of reimbursement agreements or similar  
10 agreements in connection with credit facilities, including but not limited to  
11 letters of credit or policies of bond insurance, remarketing agreements, and  
12 credit enhancement devices, for the purpose of moderating interest rate  
13 fluctuations.

14 (d) Provisions for the collection, custody, investment, reinvestment, and  
15 use of the pledged revenues or other receipts, funds, or monies pledged therefor  
16 and transferred or to be transferred pursuant to this Section.

17 (e) Provisions regarding the establishment and maintenance of reserves,  
18 sinking funds, and any other funds, and accounts as shall be approved by the  
19 commission in such amounts as may be established by the commission, and the  
20 regulation and disposition thereof, including requirements that any such funds  
21 and accounts be held, separate from or not be commingled with other funds.

22 (f) Covenants for the establishment of pledged revenue coverage  
23 requirements for the motor vehicle sales and use tax bonds.

24 (g) Provisions for the issuance of additional motor vehicle sales and use  
25 tax bonds on a parity or subordinate basis with motor vehicle sales and use tax  
26 bonds theretofore issued, including establishment of coverage requirements  
27 with respect thereto for the projects permitted in R.S. 48:77(C).

28 (h) Provisions or covenants of like or different character from the  
29 foregoing that are determined in such proceedings as necessary, convenient, or



1 desirable in order to better secure the motor vehicle sales and use tax bonds, or  
2 will tend to make the motor vehicle sales and use tax bonds more marketable,  
3 and that are in the best interests of the state, including, without limitation,  
4 cooperative endeavor agreements with the division of administration on behalf  
5 of the state with respect to replenishment of any reserve funds for the bonds,  
6 which cooperative endeavor agreements are authorized to be executed by the  
7 commission and the division of administration if deemed necessary and  
8 desirable by these parties to enhance the creditworthiness of the bonds.

9 B. Bonds issued under the provisions of this Section shall not be deemed  
10 to constitute a pledge of the full faith and credit of the state or of any  
11 governmental unit thereof. All such bonds shall contain a statement on their  
12 face substantially to the effect that neither the full faith and credit of the state  
13 nor the full faith and credit of any public entity of the state are pledged to the  
14 payment of the principal of or the interest on such bonds. The issuance of bonds  
15 under the provisions of this Section shall not directly, indirectly, or contingently  
16 obligate the state or any governmental unit of the state to levy any taxes  
17 whatever therefor or to make any appropriation for their payment, other than  
18 obligations to make payments by the state or any public entity to the  
19 commission arising out of contracts, including, but not limited to, the bonds, the  
20 bond resolution, and trust indentures authorized under this Section.

21 C. Bonds shall be authorized by a resolution of the commission and shall  
22 be of such series, bear such date or dates, mature at such time or times, bear  
23 interest at such rate or rates, including but not limited to fixed, variable, or zero  
24 rates, be payable at such time or times, be in such denominations, be in such  
25 form, carry such registration and exchangeability privilege, be payable in such  
26 medium of payment and at such place or places, be subject to such terms of  
27 redemption prior to maturity at such price or prices as determined by the  
28 commission, and be entitled to such priority on the revenues as such resolution  
29 or resolutions may provide.

1           D. Bonds shall be sold by the commission at public sale by competitive  
2           bid or negotiated private sale and at such price as the commission may  
3           determine to be in the best interest of the state.

4           E. The issuance of motor vehicle sales and use tax bonds shall not be  
5           subject to any limitations, requirements, or conditions contained in any other  
6           law, and bonds may be issued without obtaining the consent of the state or any  
7           political subdivision, or of any agency, commission, or instrumentality thereof,  
8           except that bonds issued pursuant to this Section shall be included in the  
9           calculation of "net state tax supported debt" as defined in R.S. 39:1367. The  
10          bonds shall be issued in compliance with the provisions of this Section.

11          F. For a period of thirty days after the date of publication of a notice of  
12          intent to issue bonds in the official journal of the state authorizing the issuance  
13          of bonds pursuant to this Section, any person in interest shall have the right to  
14          contest the legality of the resolution and the legality of the bond issue for any  
15          cause, but after that time no one shall have any cause or right of action to  
16          contest the legality of the resolution or of the bonds or the security therefor for  
17          any cause whatsoever. If no suit, action, or proceeding is begun contesting the  
18          validity of the resolution, the bonds or the security therefor within this  
19          prescribed thirty-day period, the commission is authorized to issue the bonds  
20          and to provide for the payment thereof, the legality thereof, and of all of the  
21          provisions of the resolution authorizing the issuance of the bonds shall be  
22          conclusively presumed to be legal and shall be incontestable. Any notice of  
23          intent so published shall set forth in reasonable detail the purpose of the bonds,  
24          the security therefor, and the parameters of amount, duration, and interest  
25          rates. The commission may designate any paper of general circulation in its  
26          geographical jurisdiction to publish the notice of intent or may utilize electronic  
27          media available to the general public. Any suit to determine the validity of  
28          bonds issued by the commission shall be brought only in accordance with the  
29          provisions of R.S. 13:5121 et seq.

1           G. All bonds issued pursuant to this Section shall have all the qualities  
2           of negotiable instruments under the commercial laws of the state.

3           H. Any pledge of revenues or other monies made by the commission shall  
4           be valid and binding from the time when the pledge is made. The revenues or  
5           monies so pledged and thereafter received by the commission shall immediately  
6           be subject to the lien of such pledge without any physical delivery thereof or  
7           further act, and the lien of any such pledge shall be valid and binding as against  
8           all parties having claims of any kind in tort, contract, or otherwise against the  
9           commission irrespective of whether such parties have notice thereof. Any trust  
10           agreement or other instrument by which a pledge is created need not be filed or  
11           recorded except in the official records of the commission.

12           I. Neither the members of the commission nor any person executing the  
13           bonds shall be liable personally for the bonds or be subject to any personal  
14           liability or accountability by reason of the issuance thereof.

15           J. Bonds of the commission, their transfer, and the income therefrom  
16           shall at all times be exempt from all taxation by the state or any political  
17           subdivision thereof, and may or may not be exempt for federal income tax  
18           purposes. The bonds issued pursuant to this Section shall be and are hereby  
19           declared to be legal and authorized investments for banks, savings banks, trust  
20           companies, building and loan associations, insurance companies, fiduciaries,  
21           trustees, and guardians. Such bonds shall be eligible to secure the deposit of any  
22           and all public funds of the state and any and all public funds of municipalities,  
23           parishes, school districts, or other political corporations or subdivisions of the  
24           state. Such bonds shall be lawful and sufficient security for the deposits to the  
25           extent of their value. When any bonds shall have been issued hereunder, neither  
26           the legislature, the commission, nor any other entity may discontinue or  
27           decrease the revenues pledged to the payment of the bonds authorized pursuant  
28           to this Section or permit to be discontinued or decreased the revenues in  
29           anticipation of the collection of which such bonds have been issued, or in any

1 way make any change in the allocation and dedication of the revenues which  
2 would diminish the amount of the revenues to be received by the commission,  
3 until all of such bonds shall have been retired as to principal and interest, and  
4 there is hereby vested in the holders from time to time of such bonds a contract  
5 right in the provisions of this Section.

6 K. The commission may provide by resolution for the issuance of  
7 refunding bonds pursuant to R.S. 39:1444 et seq.

8 L. The holders of any bonds issued pursuant to this Section shall have  
9 such rights and remedies as may be provided in the resolution or trust  
10 agreement authorizing the issuance of the bonds, including but not limited to  
11 the appointment of a trustee for the bondholders and any other available civil  
12 action to compel compliance with the terms and provisions of the bonds and the  
13 resolution or trust agreement.

14 M. Subject to the agreements with the holders of bonds, all proceeds of  
15 bonds and all revenues pledged under a resolution or trust agreement  
16 authorizing or securing such bonds shall be deposited and held in trust in a fund  
17 or funds separate and apart from all other funds of the state. Subject to the  
18 resolution or trust agreement, the trustee shall hold the same for the benefit of  
19 the holders of the bonds for the application and disposition thereof solely to the  
20 respective uses and purposes provided in such resolution or trust agreement.

21 N. The commission is authorized to employ all professionals it deems  
22 necessary in the issuance of its bonds.

23 O. The commission is authorized to enter into any and all agreements or  
24 contracts, execute any and all instruments, and do and perform any and all acts  
25 necessary, convenient, or desirable for the issuance of the bonds or to carry out  
26 any power expressly given in this Section.

27 P. The commission shall be deemed to be a public entity for purposes of  
28 Chapters 13, 13-A, 14, 14-A, 14-B, and 15-A of Title 39 of the Louisiana Revised  
29 Statutes of 1950, as amended, which statutes shall apply to bonds of the

1 commission, provided that in the event of a conflict with the provisions of this  
 2 Section, the provisions of this Section shall control.

3 Q. The provisions of this Section shall become null, void, and of no effect  
 4 on the date that all bonds issued by the commission pursuant to this Section are  
 5 paid or deemed paid in full and are no longer considered outstanding or the  
 6 projects permitted in R.S. 48:77(C) are deemed completed by the Department  
 7 of Transportation and Development, whichever is later.

8 R. Notwithstanding any other provision of law to the contrary, any  
 9 revenues deposited in the bond fund that are pledged to the repayment of any  
 10 bonds issued in accordance with this Section may be collected and disbursed in  
 11 accordance with the documents pursuant to which such bonds were issued.

12 Section 2. R.S. 48:77(B) and (E) are hereby repealed.

13 Section 3. This Act shall become effective upon signature by the governor or, if not  
 14 signed by the governor, upon expiration of the time for bills to become law without signature  
 15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 16 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 17 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Leonore Heavey.

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DIGEST

SB Reengrossed

2022 Regular Session

Cortez

Present law provides that the taxes collected from the taxable sale, use, or lease of motor vehicles, after satisfying the requirements of the Bond Security and Redemption Fund, shall be deposited into the Construction Subfund (subfund) of the Transportation Trust Fund.

Proposed law retains present law but provides that the taxes collected from the taxable sale, use, or lease of motor vehicles shall also be deposited into the Megaprojects Leverage Fund.

Present law provides that in any fiscal year beginning with Fiscal Year 24-25, if the Revenue Estimating Conference revises the Official Forecast resulting in a decrease of \$100 million or more from the Official Forecast at the beginning of the current fiscal year, the amount of avails deposited into the subfund may not exceed \$150 million for that fiscal year. Proposed law repeals present law.

Present law provides that no debt shall be issued which in the aggregate exceeds \$150 million that is secured by monies deposited into the subfund. Proposed law repeals present law.

Proposed law creates the Megaprojects Leverage Fund in the state treasury and directs the state treasurer, during any FY beginning with FY 24-25, to deposit 75% of the avails of the tax on the sale, use, or lease of motor vehicles to be deposited into the Megaprojects Leverage Fund.

Proposed law creates four special accounts in the Megaprojects Leverage Fund, into each of which shall be deposited 25% of the amount deposited into the Megaprojects Leverage Fund each year as well as any other monies appropriated to each special account each year. The four special accounts are the I-10 Calcasieu River Bridge and I-10 Improvements Account, the I-49 Leverage Fund Account, the Mississippi River at Baton Rouge and Connections Account, and the I-49 North Leverage Fund Account. Proposed law further provides that once each of the four projects has been completed and issued final acceptance and any outstanding debt secured by each special account has been paid or defeased, no more deposits shall be made into that account and any monies in that account shall be divided equally between the remaining accounts that are eligible to receive deposits.

Proposed law requires DOTD to obtain approval from the Joint Legislative Committee on the Budget before entering into a public-private partnership with respect to one of the four megaprojects.

Proposed law provides for the investment of monies in the fund.

Proposed law provides that monies in the fund shall be appropriated only to (1) the State Bond Commission (commission) to pay debt service on motor vehicle sales and use tax bonds issued by the commission for the following four projects: I-10 Calcasieu River Bridge and I-10 Improvements Account, the I-49 Leverage Fund Account, the Mississippi River at Baton Rouge and Connections Account, and the I-49 North Leverage Fund Account; and (2) the Construction Subfund for the following four projects: I-10 Calcasieu River Bridge and I-10 Improvements Account, the I-49 Leverage Fund Account, the Mississippi River at Baton Rouge and Connections Account, and the I-49 North Leverage Fund Account.

Proposed law provides for the issuance of bonds secured by the motor vehicle sales and use tax deposited into the Megaprojects Leverage Fund, provided that the total amount of funds pledged shall not exceed \$25 million per year from any of the four accounts created in proposed law. Proceeds of the bonds shall be deposited into the subfund.

Proposed law provides for the creation of the Motor Vehicle Sales and Use Tax Bond Fund, to be administered by a trustee selected by the commission, into which shall be deposited such portion of the motor vehicle sales and use taxes that are taxable and transferred to the commission.

Proposed law provides that the bond resolution may contain provisions respecting: custody of the bond proceeds; investment of the motor vehicle sales taxes; credit enhancement devices for the bonds; the collection, custody, and use of the pledged revenues or other monies pledged therefor; reserves, sinking funds and other funds; covenants for the establishment of pledged revenue coverage requirements of the bonds; the issuance of additional parity or subordinate bonds; and covenants deemed necessary in order to better secure the bonds.

Proposed law provides that the bonds issued pursuant to proposed law shall not be full faith and credit obligations of the state.

Proposed law provides that the bond resolution shall set forth the series, date, maturities, interest rates, redemption terms and priority on revenues. Bonds may be sold by competitive bid or negotiated sale. Proposed law provides for a 30 day preemption period.

Proposed law provides that the bonds shall be included as "net state tax supported debt", negotiable instruments, a valid and binding pledge, and exempt from state taxation.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 48:77(A)(intro para); adds R.S. 48:77.1 and 77.2; repeals R.S. 48:77 (B) and (E))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Repeals the limitation in present law that provides that in any fiscal year beginning with FY 24-25, if the REC revises the Official Forecast resulting in a decrease of \$100 million or more from the Official Forecast at the beginning of the current fiscal year, the amount of avails deposited into the subfund may not exceed \$150 million for that fiscal year.
2. Removes the limitation that if the Official Forecast of the REC of state general fund revenues for the current FY are decreased by \$100 million or more from the original Official Forecast, the state treasurer shall only deposit \$112,500,000 into the Megaprojects Leverage Fund.
3. Adds a requirement that before DOTD enters into a public-private partnership with respect to one of the four megaprojects, they obtain approval from the Joint Legislative Committee on the Budget.
4. Makes technical changes.