

Second Extraordinary Session, 2008

HOUSE BILL NO. 33

BY REPRESENTATIVE ROBIDEAUX

FUNDS/FUNDING: Dedicates certain sales tax collections on motor vehicles to parish transportation (Item #6)

1 AN ACT

2 To enact Part VIII of Chapter 2 of Title 48 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 48:765, relative to state funds; to establish the Parish
4 Transportation Fund No. 2 as a special treasury fund; to provide for the dedication,
5 deposit, use, distribution, and investment of monies in the fund; to provide for an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part VIII of Chapter 2 of Title 48 of the Louisiana Revised Statutes of
9 1950, comprised of R.S. 48:765, is hereby enacted to read as follows:

10 PART VIII. PARISH TRANSPORTATION FUND NO. 2

11 §765. Parish Transportation Fund No. 2; creation; disbursement of proceeds;
12 limitations

13 A. There is hereby established in the state treasury, as a special fund, the
14 Parish Transportation Fund No. 2, hereinafter referred to as the "fund".

15 B. The avails of the tax imposed by Chapter 2 of Subtitle II of Title 47 of the
16 Louisiana Revised Statutes of 1950 from the sale at retail, the use, the lease or rental,
17 the distribution, the consumption, and the storage for use or consumption of motor
18 vehicles, as presently defined in and as provided by Chapter 2 of Subtitle II of Title
19 47 of the Louisiana Revised Statutes of 1950, subject to the tax exemptions provided
20 in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, shall

1 be credited to the Bond Security and Redemption Fund, and after a sufficient amount
2 is allocated from that fund to pay all the obligations secured by the full faith and
3 credit of the state which become due and payable within any fiscal year, the treasurer
4 shall pay the remainder of such monies into the fund.

5 C. The monies in the fund shall be appropriated, administered, and used
6 solely as provided in Subsection D of this Section and only in the amounts
7 appropriated annually by the legislature. All unexpended and unencumbered monies
8 in this fund at the end of the fiscal year shall remain in the fund. The monies in this
9 fund shall be invested by the state treasurer in the same manner as monies in the state
10 general fund, and interest earned on the investment of these monies shall be credited
11 to this fund.

12 D.(1) The monies in the fund shall be used solely for qualified construction
13 and maintenance projects along state highways which are eligible for federal aid in
14 each parish of this state. For purposes of this Section, "qualified construction and
15 maintenance projects" shall include projects designed to increase capacity along an
16 existing federal-aid highway, projects proposing the extension or new alignment of
17 an existing federal-aid highway, or a project along a new route provided the new
18 route would be eligible for federal aid.

19 (2)(a) The metropolitan planning organization of each urbanized area of this
20 state shall compile a list identifying and prioritizing qualified construction and
21 maintenance projects in each of their jurisdictions. A copy of the finalized list shall
22 be submitted to the secretary of the Department of Transportation and Development.

23 (b) In parishes where there is no metropolitan planning organization, the
24 parish governing authority, in cooperation with municipal governing authorities in
25 the parish and the district engineer of the Department of Transportation and
26 Development's highway district, shall compile a list identifying and prioritizing the
27 qualified construction and maintenance projects in that parish. A copy of the
28 finalized list shall be submitted to the secretary of the Department of Transportation
29 and Development.

1 (c) In cases where the metropolitan planning organization or the parish
2 governing authority fails to reach an agreement on the inclusion or prioritization of
3 any qualified construction or maintenance project, the metropolitan planning
4 organization or the parish governing authority may petition each member of the
5 House of Representatives representing a House district within the parish and each
6 state senator representing a Senate district within the parish for assistance in
7 finalizing the list. Each state representative and each state senator shall have one
8 vote, and a majority vote is required for each project.

9 (d) The prioritization and ranking of qualified construction and maintenance
10 projects as provided in this Section shall be supplemental to, and shall not replace,
11 the ranking of highway projects included in the existing Highway Priority Program
12 as provided for in R.S. 48:229. Projects eligible for funding in the existing Highway
13 Priority Program may also be considered for funding from the Parish Transportation
14 Fund No. 2.

15 (3)(a) Once the prioritized project list is finalized and submitted to the
16 secretary of the Department of Transportation and Development, a metropolitan
17 planning organization or a parish governing authority, with the capability, may
18 proceed with the design of a qualified construction or maintenance project; however,
19 the plans for such project shall be subject to review and approval by the chief
20 engineer of the department. The chief engineer shall, within thirty days after
21 submission of the project design, review and approve or propose changes to plans
22 submitted by the metropolitan planning organization or parish governing authority.
23 Upon receipt of approval by the chief engineer, the metropolitan planning
24 organization or parish governing authority may proceed with the construction phase
25 of the project; however, the construction phase shall be coordinated with the
26 department so as to minimize disruption of the flow of traffic on and near the site of
27 the project, taking into consideration all rules and regulations of the department and
28 any other projects the department may be executing at the same time.

1 (b) All work undertaken by the metropolitan planning organization or the
2 parish governing authority during the design and construction phase of the project
3 shall be done in accordance with the applicable standards of the Department of
4 Transportation and Development and any applicable American Association of State
5 Highway and Transportation Officials standards.

6 (4) The monies in the fund shall be distributed to the several parish
7 governing authorities. Each parish governing authority shall receive an amount
8 equal to its proportionate share of the avails of the tax imposed by Chapter 2 of
9 Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 from the sale at
10 retail, the use, the lease or rental, the distribution, the consumption, and the storage
11 for use or consumption of motor vehicles. A parish's proportionate share shall be
12 equal to the amount of state sales and use tax collected per vehicle in the parish in
13 which the principal residence of the purchaser is located. If a vehicle is purchased
14 for commercial use, an amount equal to the state sales and use tax collected per
15 vehicle shall be allocated to the parish in which the principal location of the business
16 is located. The funds provided hereunder shall be distributed to the parishes by the
17 state treasurer in the amount of one-twelfth of their total entitlement in each calendar
18 month of the fiscal year.

19 Section 2. This Act shall become effective on July 1, 2008; if vetoed by the governor
20 and subsequently approved by the legislature, this Act shall become effective on July 1,
21 2008, or on the day following such approval by the legislature, whichever is later.

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)]

Robideaux

HB No. 33

Abstract: Creates and establishes the Parish Transportation Fund No. 2 in the state treasury to supplement funding for construction and maintenance of federal-aid highways.

Proposed law establishes the Parish Transportation Fund No. 2 in the state treasury and provides that the avails of the sales and use tax on motor vehicles shall be deposited into the fund.

Proposed law provides for the investment of monies in the fund and provides that monies in the fund shall be appropriated and used solely for qualified construction and maintenance projects along state highways which are eligible for federal aid in each parish of this state.

Proposed law requires the metropolitan planning organization (MPO) of each urbanized area to compile a list identifying and prioritizing qualified construction and maintenance projects in each of their jurisdictions. In parishes where there is no MPO, the parish governing authority, in cooperation with municipal governing authorities in the parish and the district engineer of the DOTD's highway district, shall compile a list identifying and prioritizing the qualified construction and maintenance projects in that parish.

Proposed law provides that in cases where the MPO or the parish governing authority fails to reach an agreement on the inclusion or prioritization of any qualified construction or maintenance project, the MPO or the parish governing authority may petition each member of the House of Representatives representing a House district within the parish and each state senator representing a Senate district within the parish for assistance in finalizing the list.

Proposed law provides that the prioritization and ranking of qualified construction and maintenance projects in proposed law shall be supplemental to, and shall not replace, the ranking of highway projects included in the existing Highway Priority Program. Projects eligible for funding in the Highway Priority Program may also be considered for funding from the Parish Transportation Fund No. 2.

Proposed law provides that once the prioritized project list is finalized and submitted to the department, an MPO or a parish governing authority may proceed with the design of a project; however, the plans for such project shall be subject to review and approval by the chief engineer of the department. Requires all work undertaken by the MPO or the parish governing authority to be done in accordance with the applicable department and American Association of State Highway and Transportation Officials standards.

Proposed law requires each parish governing authority to receive its proportionate share of the state sales and use taxes collected per vehicle.

Effective July 1, 2008.

(Adds R.S. 48:765)