

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 348** HLS 19RS 613

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

REVISED

Date: May 5, 2019	8:31 AM	Author: BOURRIAQUE
Dept./Agy.: DOTD		Analyst: Alan M. Boxberger
Subject: Provides relative to public-private partnerships		

TRANSPORTATION DEPT EG SEE FISC NOTE GF EX See Note
Provides relative to public-private partnerships

Present law requires that the comprehensive public-private partnership agreement incorporate the duties of the private entity and authorizes the agreement to contain other terms and conditions that the authority and responsible public entity determine serve the public interest. **Present law** specifies that the comprehensive agreement may contain specific provisions.

Proposed law retains **present law** and adds that the comprehensive agreement may also contain provisions under which the authority may retain liability for damages arising out of injuries or property damage to third parties, in the event that the qualifying transportation facility, or portions thereof, are determined to be uninsurable for such damages. **Proposed law** provides for an effective date.

EXPENDITURES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2019-20	2020-21	2021-22	2022-23	2023-24	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law may incur SGF expenditures to the extent the state incurs liability for damages arising out of injuries or property damage to third parties connected with certain transportation facilities. These damages would be processed and/or litigated as a road hazard claim and expenditures will be subject to legislative appropriation for judgments.

Proposed law provides that in the event DOTD and/or the Louisiana Transportation Authority (LTA) enter into a public-private partnership to develop or operate a qualifying transportation facility, the comprehensive agreement may contain provisions under which DOTD/LTA may retain liability for damages arising out of injuries or property damage to third parties, in the event that the qualifying transportation facility, or portions thereof, are determined to be uninsurable for such damages. **Proposed law** is speculative and may require DOTD/LTA to retain liability risks on future projects constructed through public-private partnerships. Any such agreements are assumed to be completed with legislative review and consent. DOTD/LTA maintain these liability risks under **present law**, so there is no direct material change in expenditures.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux
Evan Brasseaux
Staff Director