

2017 Regular Session

SENATE BILL NO. 199

BY SENATORS ERDEY, THOMPSON AND WALSWORTH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PUBLIC PROPERTY. Allows the sharing of equipment between public entities. (gov sig)

1 AN ACT

2 To enact R.S. 33:4712.17, relative to property and buildings; to provide for the sharing of
3 public equipment; to provide for use of public equipment among public entities; to
4 provide for a definition; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:4712.17 is hereby enacted to read as follows:

7 **§4712.17. Sharing of equipment between public entities**

8 **A.(1) Notwithstanding any other provisions of law to the contrary, public**
9 **entities may share equipment with another public entity without having to**
10 **expend funds for such use, provided that both entities have executed a**
11 **cooperative endeavor agreement for the use of the equipment.**

12 **(2) The cooperative endeavor agreement shall set forth in reasonable**
13 **detail the obligations of the parties and shall:**

14 **(a) Identify the equipment that will be shared.**

15 **(b) Explain the use of the equipment and the approximate length of time**
16 **for use of the equipment by the requesting public entity.**

17 **(c) Address the responsibility for repairing or replacing the equipment**

1 when the equipment becomes inoperable for its intended use due to a
2 mechanical or other breakdown while in the possession of the requesting public
3 entity.

4 (d) Include a hold harmless provision releasing the lending public entity
5 from expenses, damages, or losses arising from the use of the equipment.

6 (3) When an emergency situation is declared and public entities need to
7 share equipment, the provisions of Paragraph (A)(1) of this Section are not
8 required, provided the public entities share the equipment in good faith relative
9 to the emergency situation.

10 B. For the purposes of this Section, "public entities" means: (a) state
11 boards, agencies or commissions, parishes, municipalities, city parish, and other
12 local school boards and districts, levee boards and districts, port boards and
13 commissions, port, harbor, and terminal and industrial districts, drainage and
14 land reclamation districts, all special service districts including but not limited
15 to road, water, sewage, fire protection, recreation, hospital service, and gas
16 utility districts; (b) all other political subdivisions, special authorities,
17 commissions, public trusts, and boards heretofore or hereafter created by or
18 pursuant to the constitution or statutes of the state, any laws incorporated into
19 or ratified or confirmed by the constitution, or general or special charters of
20 any parish or municipality; and (c) all other units of local government created
21 by or governed by the governing authorities of parishes or municipalities.

22 C. The provisions of R.S. 33:2337 and 2338 shall supercede and control
23 in the event of conflict with the provisions of this Section.

24 Section 2. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

The original instrument was prepared by Ashley Menou Carter. The following digest, which does not constitute a part of the legislative instrument, was prepared by J. W. Wiley.

DIGEST

SB 199 Reengrossed

2017 Regular Session

Erdey

Proposed law provides that a public entity may share equipment with another public entity without rendering payment to the entity that owns the equipment as long as the entities have executed a cooperative endeavor agreement for the use of the equipment.

Proposed law requires that the cooperative endeavor agreement contain reasonable details of the obligations between parties, identify the equipment that will be used, explain the use and the approximate length of time for use of the equipment, address the responsibility for repairing or replacing the equipment, and include a hold harmless provision.

Proposed law provides when an emergency situation is declared and public entities need to share equipment, the provisions of proposed law dealing with the execution of a cooperative endeavor agreement are not required, provided the public entities share the equipment in good faith relative to the emergency situation.

Proposed law defines "public entities" as the following:

- (a) State boards, agencies or commissions, parishes, municipalities, city parish, and other local school boards and districts, levee boards and districts, port boards and commissions, port, harbor, and terminal and industrial districts, drainage and land reclamation districts, all special service districts including but not limited to road, water, sewage, fire protection, recreation, hospital service, and gas utility districts.
- (b) All other political subdivisions, special authorities, commissions, public trusts, and boards.
- (c) All other units of local government created or governed by the governing authorities of parishes or municipalities.

Proposed law provides that the provisions of present law (R.S. 33:2337 and 2338) dealing with mutual aid between local police departments, sheriffs' offices, and the LA Assoc. of Chiefs of Police Emergency Response Task Force will supercede and control in the event of conflict with the provisions of proposed law.

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

(Adds R.S. 33:4712.17)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill

1. Changes the nature of the lending from borrowing to sharing.
2. Adds requirement of a cooperative endeavor agreement between the public entities setting forth in reasonable detail the obligations of the parties.
3. Adds mandates that the cooperative endeavor agreement identify the equipment that will be shared, explains the use of the equipment, and includes a hold harmless provision.

Senate Floor Amendments to engrossed bill

1. Adds requirements to the cooperative endeavor agreement.
2. Provides for use of equipment when an emergency situation is declared.
3. Requires that the provisions of R.S. 33:2337 and 2338 will control in the event of a conflict.
4. Makes technical changes.