

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§4712.17. Sharing of equipment between public entities

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

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

(a) Identify the equipment that will be shared.

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

(c) Address the responsibility for repairing or replacing the equipment when the equipment becomes inoperable for its intended use due to a mechanical or other breakdown while in the possession of the requesting public entity.

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

(3) When an emergency situation is declared and public entities need to share equipment, the provisions of Paragraph (A)(1) of this Section are not

1 required, provided the public entities share the equipment in good faith relative
2 to the emergency situation.

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

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____