SLS 17RS-119 ENGROSSED

2017 Regular Session

SENATE BILL NO. 199

BY SENATOR ERDEY

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 by the requesting public entity.
16	(c) Include a hold harmless provision releasing the lending public entity
17	from expenses, damages or losses arising from the use of the equipment.

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B. For the purposes of this Section, "public entities" means: (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 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 heretofore or hereafter created by or pursuant to the constitution or statutes of the state, any laws incorporated into or ratified or confirmed by the constitution, or general or special charters of any parish or municipality; and (c) all other units of local government created by or governed by the governing authorities of parishes or municipalities.

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ashley Mitchell Carter.

DIGEST 2017 Regular Session

Erdey

<u>Proposed law</u> 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.

<u>Proposed law</u> requires that the cooperative endeavor agreement contain reasonable details of the obligations between parties, identify the equipment that will be used, explain the use of the equipment, and include a hold harmless provision.

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 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

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Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

boards.

(c) All other units of local government created or governed by the governing authorities of parishes or municipalities.

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 <u>from</u> borrowing <u>to</u> 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.