

GREEN SHEET REDIGEST

HB 590

2020 Regular Session

Mike Johnson

PUBLIC PROPERTY: Provides relative to the donation of equipment and personnel between two political subdivisions

DIGEST

Present constitution prohibits the state and political subdivisions from loaning, pledging, or donating funds, credit, property, or things of value to other persons or entities. Provides exceptions, one of which is the donation of the use of public equipment and personnel by a political subdivision upon request to another political subdivision for an activity or function the requesting political subdivision is authorized to exercise.

Present law provides for the sharing of public equipment between public entities provided that both entities have entered into a cooperative endeavor agreement.

Proposed law provides instead for the donation of the use of public equipment and the utilization of personnel between political subdivisions provided that both parties execute a written agreement.

Present law requires that the cooperative endeavor agreement include the following regarding equipment:

- (1) Identify the equipment that will be shared.
- (2) Explain the use of the equipment and the approximate length of time for use.
- (3) Responsibility for repairing or replacing the equipment.
- (4) A hold harmless provision.

Proposed law retains present law with respect to the written agreement and also requires that it include provision for compulsory insurance.

Proposed law requires that the written agreement include the following regarding personnel:

- (1) Identity and employment position of employee.
- (2) Delineation of responsibility for worker's compensation and employment liability insurance coverage.
- (3) Responsibility for pay and reporting of earnings.
- (4) Whether the employee is a direct or borrowed employee.
- (5) Hold harmless and indemnification provision.

Present law provides for the donation of equipment in emergency situations and which agencies are authorized to coordinate these donations. Proposed law repeals present law.

Proposed law requires the donor to provide an estimate of the value of the donation.

Present law defines "public entities" as 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; 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 all other units of local government created by or governed by the governing authorities of parishes or municipalities.

Proposed law repeals present law and makes present law and proposed law applicable to political subdivisions, which is defined by present constitution as a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions.

(Amends R.S. 33:4712.18)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill.

1. Specify that agreements will provide for utilization of personnel rather than use of personnel.

Summary of Amendments Adopted by Senate

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

1. Makes technical changes.
2. Adds the requirement that there be an estimation of donation.