

2020 Regular Session

HOUSE BILL NO. 590

BY REPRESENTATIVES MIKE JOHNSON AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 33:4712.18, relative to the donation of equipment and personnel  
3 between political subdivisions; to require a written agreement between political  
4 subdivisions; to identify the requirements of the written agreement; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:4712.18 is hereby amended and reenacted to read as follows:

8 §4712.18. ~~Sharing~~ Donation of the use of equipment and utilization of personnel  
9 between public entities political subdivisions

10 A.(1) ~~Notwithstanding any other provisions of law to the contrary, As set~~  
11 forth in Article 7, Section 14(B)(14) of the Constitution of Louisiana, public entities  
12 political subdivisions may share donate the use of public equipment and the  
13 utilization of personnel with to another public entity political subdivision for an  
14 activity or function the requesting political subdivision is authorized to exercise,  
15 ~~without having to expend funds for such use,~~ provided that both entities have  
16 executed a ~~cooperative endeavor~~ written agreement for the use of the equipment or  
17 utilization of personnel.

18 (2) The ~~cooperative endeavor~~ written agreement shall set forth ~~in reasonable~~  
19 ~~detail the obligations of the parties and shall:~~ the following:

20 (a) Identify the equipment that will be shared.

21 (b) Explain the use of the equipment and the approximate length of time for  
22 use of the equipment by the requesting ~~public entity~~ political subdivision.

1 (c) ~~Address~~ Provide for the responsibility for repairing or replacing the  
2 equipment when the equipment becomes inoperable for its intended use due to a  
3 mechanical or other breakdown while in the possession of the requesting ~~public~~  
4 ~~entity~~ political subdivision.

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

8 (e) Provide for responsibility to maintain in force and effect any and all  
9 compulsory policies of insurance mandated by state law.

10 (3) With respect to personnel, the written agreement shall provide:

11 (a) Identity and employment position of employee.

12 (b) Delineation of responsibility for worker's compensation and employment  
13 liability insurance coverage.

14 (c) Responsible entity for issuance of pay and reporting of earnings to  
15 appropriate federal and state authorities.

16 (d) Whether the employee is a direct or borrowed employee of the respective  
17 political subdivisions.

18 (e) Include hold harmless and indemnification provision relating to damages  
19 arising out of or connected with the activities of the employee.

20 (4) The donor shall provide an estimate of the value of the donation.

21 ~~(3)(a) When an emergency situation is declared and public entities need to~~  
22 ~~share equipment, the provisions of Paragraph (1) of this Subsection are not required,~~  
23 ~~provided the public entities share the equipment in good faith relative to the~~  
24 ~~emergency situation.~~

25 ~~(b) The Governor's Office of Homeland Security and Emergency~~  
26 ~~Preparedness may coordinate the sharing of equipment between the public and~~  
27 ~~private entities in order to meet the needs of an emergency or disaster pursuant to~~  
28 ~~R.S. 29:724.~~

29 B. ~~For the purposes of this Section, "public entities" means: (a) state boards,~~  
30 ~~agencies or commissions, parishes, municipalities, city parish, and other local school~~

1           ~~boards and districts, levee boards and districts, port boards and commissions, port,~~  
2           ~~harbor, and terminal and industrial districts, drainage and land reclamation districts,~~  
3           ~~all special service districts including but not limited to road, water, sewage, fire~~  
4           ~~protection, recreation, hospital service, and gas utility districts; (b) all other political~~  
5           ~~subdivisions, special authorities, commissions, public trusts, and boards heretofore~~  
6           ~~or hereafter created by or pursuant to the constitution or statutes of the state, any~~  
7           ~~laws incorporated into or ratified or confirmed by the constitution, or general or~~  
8           ~~special charters of any parish or municipality; and (c) all other units of local~~  
9           ~~government created by or governed by the governing authorities of parishes or~~  
10          ~~municipalities.~~

11                    €: B. The provisions of R.S. 33:2337 and 2338 shall ~~supersede~~ supersede  
12                    and control in the event of conflict with the provisions of this Section.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_