

Regular Session, 2011

HOUSE BILL NO. 188

BY REPRESENTATIVE HARDY

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

HOUSING/AUTHORITIES: Removes the public records exemption that is applicable to affiliates of housing authorities

1 AN ACT

2 To amend and reenact R.S. 40:487 and R.S. 44:1(A)(1), relative to affiliates of housing
3 authorities; to remove the public records exception applicable to such affiliates; to
4 provide for the applicability of the Public Records Law to such affiliates; to provide
5 relative to applicability to persons holding an ownership interest in or authority over
6 an affiliate of a housing authority; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:487 is hereby amended and reenacted to read as follows:

9 §487. Affiliates, applicability of certain laws

10 A. Affiliates of housing authorities shall not, by virtue of their affiliation
11 with such local housing authorities, become subject to the laws of this state
12 applicable to public agencies and their governing bodies, including but not limited
13 to laws pertaining to ~~public disclosure of records~~, open meetings, minimum wage
14 rates applicable to government contracts and employees, if any, procurement of
15 goods and services, and laws relating to public employees.

16 B. Notwithstanding any provision of Subsection A of this Section to the
17 contrary, affiliates of housing authorities shall be subject to the Public Records Law.
18 For the purposes of the Public Records Law, affiliates of housing authorities shall be
19 considered public bodies.

20 * * *

1 Section 2. R.S. 44:1(A)(1) is hereby amended and reenacted to read as follows:

2 §1. General definitions

3 A.(1) As used in this Chapter, the phrase "public body" means any branch,
4 department, office, agency, board, commission, district, governing authority,
5 political subdivision, or any committee, subcommittee, advisory board, or task force
6 thereof, ~~or~~ any other instrumentality of state, parish, or municipal government,
7 including a public or quasi-public nonprofit corporation designated as an entity to
8 perform a governmental or proprietary function, or an affiliate of a housing
9 authority.

10 * * *

11 Section 2. Nothing in this Act shall be construed to require the disclosure of any
12 document or record of a person who holds an ownership interest in or authority over an
13 affiliate of a housing authority and who is not otherwise subject to the Public Records Law;
14 however, nothing in this Section shall be construed to prevent the disclosure of the identity
15 of a person who holds an ownership interest in an affiliate of a housing authority.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hardy

HB No. 188

Abstract: Makes housing authority affiliates subject to the Public Records Law.

Present law (R.S. 40:384) defines an "affiliate" of a housing authority as any corporation, entity, partnership, venture, syndicate, or arrangement in which a local housing authority has an ownership or governance interest of less than a majority.

Present law (R.S. 40:487) provides that affiliates of housing authorities are not subject to the laws of the state applicable to public agencies and their governing bodies by virtue of their affiliation with a local housing authority. Proposed law retains present law except that proposed law provides for the applicability of the Public Records Law to such housing authority affiliates.

Present law (R.S. 44:1) provides a definition of the term "public body" as it is used in the Public Records Law. Proposed law retains present law and adds affiliates of housing authorities to such definition.

Proposed law further provides that proposed law shall not require the disclosure of documents or records of persons who hold an ownership interest in, or authority over, an

affiliate of a housing authority. Further provides that such protection shall not prevent the disclosure of the identity of persons holding an ownership interest in an affiliate.

(Amends R.S. 40:487 and R.S. 44:1(A)(1))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Deletes language relative to employees of affiliates being considered public employees for the purposes of the Public Records Law.
2. Adds provision regarding individuals and entities having an ownership interest in, or authority over, an affiliate.