

2023 Regular Session

SENATE BILL NO. 37

BY SENATOR ALLAIN

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

HOUSING. Provides relative to the civil service status of employees of the Berwick Housing Authority. (gov sig)

1 AN ACT

2 To enact R.S. 40:539(C)(8)(n), relative to employees of the Berwick Housing Authority; to  
3 provide that employees of the authority shall not be in the state civil service; and to  
4 provide for related matters.

5 Notice of intention to introduce this Act has been published.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:539(C)(8)(n) is hereby enacted to read as follows:

8 §539. Selection of chairman and vice chairman; executive director; hiring of  
9 employees

10 \* \* \*

11 C.

12 \* \* \*

13 (8)

14 \* \* \*

15 **(n) Notwithstanding any provision of Subparagraph (a) of this**  
16 **Paragraph or of any other law to the contrary, the Berwick Housing Authority**  
17 **shall not be considered an instrumentality of the state for purposes of Article**

1            **X, Section 1(A) of the Constitution of Louisiana, and employees of the authority**  
 2            **shall not be included in the state civil service.**

3            Section 2. This Act shall become effective upon signature by the governor or, if not  
 4 signed by the governor, upon expiration of the time for bills to become law without signature  
 5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 7 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 James Benton.

---

## DIGEST

SB 37 Engrossed

2023 Regular Session

Allain

Present constitution (Art. X, §1(A)) provides that state civil service includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, or any joint state-federal, state-parochial, or state-municipal agency. Excludes members of the state police service and persons holding offices and positions of any municipal board of health or local governmental subdivision.

Present law provides that all employees of housing authorities shall be in the classified state civil service, except as provided in the Constitution or as may be authorized by the State Civil Service Commission. Present law also excepts from this requirement: authority members, the executive director, one other employee whom the authority designates, and professional employees employed on a contract basis.

Present law provides that the housing authorities in New Orleans, Cottonport, Denham Springs, Oil City, Lafayette, Monroe, Shreveport, Simmesport, and Kenner, and the East Baton Rouge Parish Housing Authority shall not be considered instrumentalities of the state for purposes of Const. Art. X, §1(A) and that employees of the authorities shall not be included in the state civil service.

Proposed law retains present law and additionally provides that the Berwick Housing Authority shall not be considered an instrumentality of the state for purposes of Const. Art. X, §1(A) and that employees of the authority shall not be included in state civil service.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 40:539(C)(8)(n))