

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; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §487. Affiliates, applicability of certain laws

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

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

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 * * *

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.

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