

2024 Regular Session

SENATE BILL NO. 128

BY SENATOR MILLER

HOUSING. Provides for the civil service status of a housing authority. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:539, relative to housing authorities; to provide relative to civil
3 service status of a housing authority; to provide with respect to the authorization to
4 elect to not be in the state civil service; to provide relative to process and procedure;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:539 is hereby amended and reenacted to read as follows:

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

10 * * *

11 C. * * *

12 (8) * * *

13 **(b) Notwithstanding any provision of Subparagraph (a) of this**
14 **Paragraph or any other law to the contrary, a housing authority may, upon**
15 **determining that it should not be considered to be an instrumentality of the**
16 **state for purposes of Article X, Section 1(A) of the Constitution of Louisiana**
17 **and therefore that the employees of such authority shall not be included in the**

1 state civil service, adopt a resolution to that effect and transmit a certified copy
2 of said resolution by certified mail to the director of the Department of State
3 Civil Service. The resolution shall be given effect upon the director's receipt.

4 ~~(b)~~(c) Notwithstanding any provision of Subparagraph (a) of this Paragraph
5 or of any other law to the contrary, the Housing Authority of New Orleans shall not
6 be considered to be an instrumentality of the state for purposes of Article X, Section
7 1(A) of the Constitution of Louisiana, and employees of the authority shall not be
8 included in the state civil service.

9 ~~(e)~~(d) Notwithstanding any provision of Subparagraph (a) of this Paragraph
10 or of any other law to the contrary, the Cottonport Housing Authority shall not be
11 considered to be an instrumentality of the state for purposes of Article X, Section
12 1(A) of the Constitution of Louisiana, and employees of the authority shall not be
13 included in the state civil service.

14 ~~(d)~~(e) Notwithstanding any provision of Subparagraph (a) of this Paragraph
15 or of any other law to the contrary, the housing authority of Denham Springs shall
16 not be considered to be an instrumentality of the state for purposes of Article X,
17 Section 1(A) of the Constitution of Louisiana, and employees of the authority shall
18 not be included in the state civil service.

19 ~~(e)~~(f) Notwithstanding any provision of Subparagraph (a) of this Paragraph
20 or of any other law to the contrary, the Housing Authority of the Town of Oil City
21 shall not be considered to be an instrumentality of the state for purposes of Article
22 X, Section 1(A) of the Constitution of Louisiana, and employees of the authority
23 shall not be included in the state civil service.

24 ~~(f)~~(g) Notwithstanding any provision of Subparagraph (a) of this Paragraph
25 or of any other law to the contrary, the Housing Authority of the City of Lafayette
26 shall not be considered to be an instrumentality of the state for purposes of Article
27 X, Section 1(A) of the Constitution of Louisiana, and employees of the authority
28 shall not be included in the state civil service.

29 ~~(g)~~(h) Notwithstanding any provision of Subparagraph (a) of this Paragraph

1 or of any other law to the contrary, the East Baton Rouge Parish Housing Authority
2 shall not be considered an instrumentality of the state for purposes of Article X,
3 Section 1(A) of the Constitution of Louisiana, and employees of the authority shall
4 not be included in the state civil service.

5 ~~(h)~~**(i)** Notwithstanding any provision of Subparagraph (a) of this Paragraph
6 or of any other law to the contrary, the Monroe Housing Authority shall not be
7 considered an instrumentality of the state for purposes of Article X, Section 1(A) of
8 the Constitution of Louisiana and employees of the authority shall not be included
9 in the state civil service.

10 ~~(i)~~**(j)** Notwithstanding any provision of Subparagraph (a) of this Paragraph
11 or of any other law to the contrary, the Housing Authority of the City of Shreveport
12 shall not be considered an instrumentality of the state for purposes of Article X,
13 Section 1(A) of the Constitution of Louisiana, and employees of the authority shall
14 not be included in the state civil service.

15 ~~(j)~~**(k)** Notwithstanding any provision of Subparagraph (a) of this Paragraph
16 or of any other law to the contrary, the Kenner Housing Authority shall not be
17 considered an instrumentality of the state for purposes of Article X, Section 1(A) of
18 the Constitution of Louisiana, and employees of the authority shall not be included
19 in the state civil service.

20 ~~(k)~~**(l)** Notwithstanding any provision of Subparagraph (a) of this Paragraph
21 or of any other law to the contrary, the Simmesport Housing Authority shall not be
22 considered an instrumentality of the state for purposes of Article X, Section 1(A) of
23 the Constitution of Louisiana, and employees of the authority shall not be included
24 in the state civil service.

25 ~~(l)~~**(m)** Notwithstanding any provision of Subparagraph (a) of this Paragraph
26 or of any other law to the contrary, the Bunkie Housing Authority shall not be
27 considered an instrumentality of the state for purposes of Article X, Section 1(A) of
28 the Constitution of Louisiana, and employees of the authority shall not be included
29 in the state civil service.

1 ~~(m)~~**(n)** Notwithstanding any provision of Subparagraph (a) of this Paragraph
2 or of any other law to the contrary, the Colfax Housing Authority shall not be
3 considered an instrumentality of the state for purposes of Article X, Section 1(A) of
4 the Constitution of Louisiana, and employees of the authority shall not be included
5 in the state civil service.

6 ~~(n)~~**(o)** Notwithstanding any provision of Subparagraph (a) of this Paragraph
7 or of any other law to the contrary, the Kinder Public Housing Authority shall not be
8 considered an instrumentality of the state for purposes of Article X, Section 1(A) of
9 the Constitution of Louisiana, and employees of the authority shall not be included
10 in the state civil service.

11 ~~(o)~~**(p)** Notwithstanding any provision of Subparagraph (a) of this Paragraph
12 or of any other law to the contrary, the Berwick Housing Authority shall not be
13 considered an instrumentality of the state for purposes of Article X, Section 1(A) of
14 the Constitution of Louisiana, and employees of the authority shall not be included
15 in the state civil service.

16 ~~(p)~~**(q)** Notwithstanding any provision of Subparagraph (a) of this Paragraph
17 or of any other law to the contrary, the Morgan City Housing Authority shall not be
18 considered an instrumentality of the state for purposes of Article X, Section 1(A) of
19 the Constitution of Louisiana, and employees of the authority shall not be included
20 in the state civil service.

21 Section 2. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 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 128 Engrossed 2024 Regular Session Miller

Present law provides for the creation of housing authorities.

Present law provides that, except as provided in the Constitution, and as may otherwise be authorized by the State Civil Service Commission, all employees of the housing authority, except authority members, the executive director, and one other employee whom the authority shall designate and employ, and except professional employees employed on a contract basis, shall be in the classified state civil service.

Proposed law retains present law but provides that a housing authority may, upon determining that it should not be considered to be an instrumentality of the state for purposes of the Constitution, and employees of such authority shall not be included in the state civil service, adopt a resolution to that effect and transmit a certified copy of that resolution by certified mail to the director of the Department of State Civil Service.

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

(Amends R.S. 40:539)

Summary of Amendments Adopted by Senate

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

1. Provides procedures for a municipality wishing to opt out of the state civil service.
2. Provides that the resolution is effective upon the director's receipt.