

SENATE BILL NO. 86

VETOED
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Veto Message

BY SENATOR PERRY

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

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AN ACT

To amend and reenact R.S. 16:2(B) and R.S. 42:261(F), relative to legal representation of parishes; to authorize certain parishes to employ their own attorneys; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 16:2(B) is hereby amended and reenacted to read as follows:

§2. Duty of district attorney to act as counsel for parish boards and commissions

* * *

B. Notwithstanding any other provision of this Section or any law to the contrary, nothing shall prevent the governing authorities of the parishes of St. Charles, St. John the Baptist, Ouachita, Morehouse, Calcasieu, and Vermilion, **or the governing authority of any parish having a population of not less than sixty thousand nor more than seventy thousand persons or not less than six thousand nor more than seven thousand persons, based upon the most recent federal**

1 ~~decennial census,~~ or any city or parish school board in the state from each
 2 employing or retaining its own attorney to represent it generally. The employment
 3 of attorneys by ~~said the~~ governing authorities shall relieve the district attorneys of
 4 the judicial districts serving the parishes of St. Charles, St. John the Baptist,
 5 Ouachita, Morehouse, Calcasieu, and Vermilion, **or any parish having a**
 6 **population of not less than sixty thousand nor more than seventy thousand**
 7 **persons or not less than six thousand nor more than seven thousand persons,**
 8 **based upon the most recent federal decennial census,** from any further duty of
 9 representing ~~said the~~ governing authorities, and the employment of an attorney by
 10 any city or parish school board shall relieve the district attorney of the judicial
 11 district serving such city or parish school board from any further duty of representing
 12 such school board.

* * *

Section 2. R.S. 42:261(F) is hereby amended and reenacted to read as follows:

§261. District attorneys; counsel for boards and commissions

* * *

17 F. Notwithstanding any other provision of this Section or any other law to the
 18 contrary, nothing shall prohibit the governing authorities of the parishes of St.
 19 Charles, Ouachita, Morehouse, Calcasieu, and Vermilion, **or the governing**
 20 **authority of any parish having a population of not less than sixty thousand nor**
 21 **more than seventy thousand persons or not less than six thousand nor more**
 22 **than seven thousand persons, based upon the most recent federal decennial**
 23 **census,** from each employing or retaining its own attorney to represent it generally;
 24 however, except in those specific instances where expressly allowed by law, no
 25 payment to such attorney so employed or retained shall be made on a contingent fee
 26 or other percentage basis. The employment of attorneys by ~~said the~~ political
 27 subdivisions of the aforementioned parishes shall relieve the district attorneys of the
 28 judicial districts serving the ~~aforsaid~~ parishes from any other duty of representing
 29 ~~said the~~ political subdivisions of ~~said the~~ parishes.

* * *

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

VETO MESSAGE

"Please be advised that I have vetoed Senate Bill 86 of the 2017 Regular Session. Generally, district attorneys provide legal counsel for certain legal entities within their respective districts. The parishes of St. Charles, St. John the Baptist, Ouachita, Morehouse, Calcasieu, and Vermilion have relieved the district attorneys in the judicial districts of their respective parishes from this duty and have employed or retained their own attorneys. SB 86 sought to include Acadia Parish as an exception to this general arrangement with the district attorney, and was amended to include Cameron Parish. I have exercised my veto authority due to the fact that, as a result of the amendment, there was less opportunity for public comment from those impacted on an issue of particularly local concern."