

2018 Regular Session

SENATE BILL NO. 128

BY SENATOR PERRY

PARISHES. Authorizes the governing authority of Acadia Parish to employ its own attorneys to represent it generally. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 16:2(B) and R.S. 42:261(F), relative to legal representation of
3 parishes; to authorize the governing authority of Acadia Parish to employ its own
4 attorneys to represent it generally; and to 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. 16:2(B) is hereby amended and reenacted to read as follows:

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

9 * * *

10 B. Notwithstanding any other provision of this Section or any law to the
11 contrary, nothing shall prevent the governing authorities of the parishes of St.
12 Charles, St. John the Baptist, Ouachita, Morehouse, Calcasieu, ~~and Vermilion,~~ and
13 Acadia or any city or parish school board in the state from each employing or
14 retaining its own attorney to represent it generally. The employment of attorneys by
15 ~~said~~ the governing authorities shall relieve the district attorneys of the judicial
16 districts serving the parishes of St. Charles, St. John the Baptist, Ouachita,
17 Morehouse, Calcasieu, ~~and Vermilion,~~ and Acadia from any further duty of

1 representing ~~said~~ **the** governing authorities, and the employment of an attorney by
2 any city or parish school board shall relieve the district attorney of the judicial
3 district serving such city or parish school board from any further duty of representing
4 such school board.

5 * * *

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

7 §261. District attorneys; counsel for boards and commissions

8 * * *

9 F. Notwithstanding any other provision of this Section or any other law to the
10 contrary, nothing shall prohibit the governing authorities of the parishes of St.
11 Charles, Ouachita, Morehouse, Calcasieu, ~~and Vermilion,~~ **and Acadia** from each
12 employing or retaining its own attorney to represent it generally; however, except in
13 those specific instances where expressly allowed by law, no payment to such
14 attorney so employed or retained shall be made on a contingent fee or other
15 percentage basis. The employment of attorneys by ~~said~~ **the** political subdivisions of
16 the aforementioned parishes shall relieve the district attorneys of the judicial districts
17 serving the ~~aforsaid~~ parishes from any other duty of representing ~~said~~ **the** political
18 subdivisions of ~~said~~ **the** parishes.

19 * * *

20 Section 3. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 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 Michael Bell.

SB 128 Original DIGEST 2018 Regular Session Perry

Present law provides that district attorneys serve as the regular attorneys and counsel for the police juries within their respective districts. However, present law does not prevent or prohibit the governing authorities of the parishes of St. Charles, St. John the Baptist,

Ouachita, Morehouse, Calcasieu, and Vermilion from each employing or retaining its own attorney to represent it generally. Present law provides that the employment of attorneys by the governing authorities relieve the district attorneys of the judicial districts serving the parishes of St. Charles, St. John the Baptist, Ouachita, Morehouse, Calcasieu, and Vermilion from any further duty of representing the governing authorities.

Proposed law retains present law.

Proposed law further provides that present law does not prevent or prohibit the governing authority of Acadia Parish from employing or retaining its own attorney to represent it generally. In such event, the district attorney of the judicial district serving the parish of Acadia is relieved from any further duty of representing the governing authority.

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

(Amends R.S. 16:2(B) and R.S. 42:261(F))