

2017 Regular Session

HOUSE BILL NO. 575

BY REPRESENTATIVE NANCY LANDRY

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

SCHOOLS/BOARDS: Provides with respect to the hiring of special counsel by school boards

1 AN ACT

2 To amend and reenact R.S. 42:261(A), (B), and (D)(1) and 263(A), relative to general  
3 counsel for local school boards; to provide for representation by the district attorney;  
4 to provide for an exception; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:261(A), (B), and (D)(1) and 263(A) are hereby amended and  
7 reenacted to read as follows:

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

9 A. Except as provided by Subsection C of this Section or as otherwise  
10 provided by law, the district attorneys of the several judicial districts other than the  
11 parish of Orleans shall, ex officio and without extra compensation, general or  
12 special, be the regular attorneys and counsel for the parish governing authorities, or  
13 city, parish, or other local school boards ~~, and city school boards~~ within their  
14 respective districts and of every state board or commission domiciled therein, the  
15 members of which, in whole or in part, are elected by the people or appointed by the  
16 governor or other prescribed authority, except the state boards and commissions  
17 domiciled at the city of Baton Rouge, and all boards in charge or in control of state  
18 institutions.

19 B. Except as provided by Subsection C of this Section or as otherwise  
20 provided by law, all legal services for parish governing authorities, city, parish, or

1 other local school boards, ~~city school boards~~ and all state boards and commissions,  
2 including levee boards, hospital and asylum boards, educational boards, and dock  
3 boards, the members of which, in whole or in part, are elected by the people or are  
4 appointed by the governor or other prescribed authority, in reference to the issuance  
5 of bonds, notes or other evidences of indebtedness, whether in the original instance  
6 or for refunding purposes, shall be under the supervision, control and authority of the  
7 attorney general.

8 \* \* \*

9 D.(1) Except as otherwise permitted by this Section, it shall be unlawful for  
10 any parish governing authority ~~or~~, state board or commission, or city, parish or other  
11 local school board to retain or employ for any compensation whatever any attorney  
12 or counsel to represent it generally, or except as provided in R.S. 42:263, to retain  
13 or employ any special attorney or counsel for any compensation whatever to  
14 represent it in any special matter, or pay any compensation for any legal services  
15 whatever, ~~provided that~~. However the board of commissioners of the port of New  
16 Orleans shall select its own attorney.

17 \* \* \*

18 §263. Resolution requesting special counsel

19 A.(1) No parish governing authority, levee board except as provided in  
20 Subsection B hereof, city, parish, or other local school board, ~~city school board~~, or  
21 other local or state board shall retain or employ any special attorney or counsel to  
22 represent it in any special matter or pay any compensation for any legal services  
23 whatever unless a real necessity exists, made to appear by a resolution thereof stating  
24 fully the reasons for the action and the compensation to be paid. The resolution then  
25 shall be subject to the approval of the attorney general and, if approved by him, shall  
26 be spread upon the minutes of the body and published in the official journal of the  
27 parish.

28 (2) A resolution required by this Paragraph of a city, parish, or other local  
29 school board is also subject to the approval of the Joint Legislative Committee on the  
30 Budget.

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**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)]

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HB 575 Original

2017 Regular Session

Nancy Landry

**Abstract:** Requires local school boards to receive approval of the Joint Legislative Committee on the Budget in order to retain general counsel.

Present law requires the district attorney to serve as the regular attorney and counsel and provide legal services for a parish governing authority, state board or commission, parish school board, and city school board. Present law generally makes it unlawful for a parish governing authority or state board or commission, but not a city, parish or other local school board, to retain or employ a special attorney to represent it in a special matter or provide legal services. Proposed law makes it unlawful for a city, parish, or other local school board to retain or employ any attorney or counsel to represent it generally or in a special matter.

Present law provides that, as an exception to the general law, a parish governing authority, local or state board, or parish, or city school board may retain or employ a special attorney to represent it in a special matter or provide legal services if a real necessity exists, made to appear by a resolution thereof approved by the attorney general stating fully the reasons for the action and the compensation to be paid. Proposed law additionally requires a city, parish, or other local school board to receive approval of the Joint Legislative Committee on the Budget.

(Amends R.S. 42:261(A), (B), and (D)(1) and 263(A))