

2017 Regular Session

SENATE BILL NO. 86

BY SENATOR PERRY

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

PARISHES. Permits the governing authorities of certain parishes to employ their own attorneys to represent them 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 certain parishes to employ their own attorneys; and to provide

4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

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

8 * * *

9 B. Notwithstanding any other provision of this Section or any law to the

10 contrary, nothing shall prevent the governing authorities of the parishes of St.

11 Charles, St. John the Baptist, Ouachita, Morehouse, Calcasieu, and Vermilion, ~~or the~~

12 **governing authority of any parish having a population of not less than sixty**

13 **thousand nor more than seventy thousand persons, based upon the most recent**

14 **federal decennial census,** or any city or parish school board in the state from each

15 employing or retaining its own attorney to represent it generally. The employment

16 of attorneys by ~~said~~ **the** governing authorities shall relieve the district attorneys of

17 the judicial districts serving the parishes of St. Charles, St. John the Baptist,

1 Ouachita, Morehouse, Calcasieu, and Vermilion, or any parish having a
 2 population of not less than sixty thousand nor more than seventy thousand
 3 persons, based upon the most recent federal decennial census, from any further
 4 duty of representing ~~said~~ the governing authorities, and the employment of an
 5 attorney by any city or parish school board shall relieve the district attorney of the
 6 judicial district serving such city or parish school board from any further duty of
 7 representing such school board.

8 * * *

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

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

11 * * *

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

24 * * *

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

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

DIGEST

SB 86 Reengrossed

2017 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 any parish having a population of not less than 60,000 nor more than 70,000 persons, based upon the most recent federal decennial census, from each employing or retaining its own attorneys to represent them generally. In such event, the district attorney of the judicial district serving the parish 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))

Summary of Amendments Adopted by SenateSenate Floor Amendments to engrossed bill

1. Makes Legislative Bureau technical changes.