

1 preference shall be given to private attorneys licensed to practice law in this state and
2 law firms domiciled and licensed in this state.

3 B. Any recovery or award of attorney fees, including settlement, in litigation
4 involving the attorney general or any state agency, board, or commission, not
5 including any public postsecondary education institution, belongs to the state and
6 shall be deposited into the state treasury into the Department of Justice Legal
7 Support Fund in accordance with R.S. 49:259. No payment of attorney fees shall be
8 made out of state funds in the absence of express statutory authority, including R.S.
9 17:100.10, R.S. 23:1669, R.S. 37:2153, R.S. 41:724 and 922, R.S. 42:1157.3, R.S.
10 46:15, R.S. 47:1512, 1515.3, 1516, 1516.1, and 1676, except such payment of
11 attorney fees as may be approved by the Joint Legislative Committee on the Budget
12 during the interim between legislative sessions.

13 C. Any special attorney or counsel retained or employed by the attorney
14 general, or any state agency, board, or commission, not including any public
15 postsecondary education institution, shall not accept nor demand as payment for the
16 services rendered by the special attorney or counsel anything of economic value from
17 any third party.

18 D. All contracts with any special attorney or counsel shall require the
19 keeping of accurate records of the hours worked and the expenses incurred in the
20 representation of the public entity. In no case shall the attorney general, or any state
21 agency, board, or commission, not including any public postsecondary education
22 institution, incur fees in excess of five hundred dollars per hour for legal services.
23 In the event of a settlement or final judgment which would result in an award of
24 attorney fees in excess of five hundred dollars per hour, the fee amount shall be
25 reduced to an amount equivalent to five hundred dollars per hour, or the maximum
26 rate approved by the Attorney Fee Review Board, whichever is greater.

27 E. The provisions of this Section shall not apply to attorneys or counsel
28 retained pursuant to R.S. 39:1533(B) and R.S. 49:258 for purposes of defending the
29 state, its agencies and its employees in tort litigation or other matters involving the
30 Self-Insurance Fund as established in R.S. 39:1533.

1 F. To the extent not otherwise prohibited by Subsections A, B, C, and D of
 2 this Section, the following provisions additionally apply to the retainer of any special
 3 attorney or counsel:

4 (1) In the event it should be necessary to protect the public interest, for any
 5 state board or commission to retain or employ any special attorney or counsel to
 6 represent it in any special matter for which services any compensation is to be paid
 7 by it, the board or commission may retain or employ such special attorney or counsel
 8 solely on written approval of the governor and the ~~Attorney General~~ attorney general
 9 and pay only such compensation as the governor and the ~~Attorney General~~ attorney
 10 ~~general~~ general may designate or approve in the written approval. The approval shall be
 11 given in their discretion upon the application of the board or commission ~~by a~~
 12 ~~resolution thereof setting forth fully the reasons for the proposed retention or~~
 13 ~~employment of the special attorney or counsel and the amount of the proposed~~
 14 ~~compensation.~~

15 (2) The applicant shall include in its application all of the following:

16 (a) A resolution that includes all of the following:

17 (i) A statement showing that a real necessity exists.

18 (ii) A statement fully providing the reasons for the action.

19 (iii) A statement of the total compensation to be paid.

20 (iv) The statutory authority for the contingency fee if the contract contains
 21 such a fee.

22 (b) A copy of the proposed contract described in the resolution.

23 (3) The governor and ~~Attorney General~~ attorney general shall not ratify or
 24 approve any action of a board, or commission, not including any public
 25 postsecondary education institution, in employing any special attorney or counsel or
 26 paying any compensation for special service rendered, unless all the formalities as
 27 provided by this ~~Part as to resolutions and the like,~~ have been complied with.
 28 Section have been complied with or if any of the following apply:

1 become law without signature by the governor, as provided by Article III, Section 18 of the
2 Constitution of Louisiana. If vetoed by the governor and subsequently approved by the
3 legislature, R.S. 42:262(A), (D), and (E) as provided in Section 1 of this Act, and Sections
4 2, 3, 4, and 5 of this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____