

Regular Session, 2011

SENATE BILL NO. 174

BY SENATOR ADLEY

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

DISTRICT ATTORNEYS. Prohibits certain compensated employment as legal counsel by compensated employee of the office of a district attorney. (8/15/11)

1 AN ACT

2 To enact R.S. 42:64(A)(7), relative to dual officeholding and dual employment; to provide  
3 that certain compensated employment by a compensated employee of the office of  
4 a district attorney is incompatible with such employment; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:64(A)(7) is hereby enacted to read as follows:

8 §64. Incompatible offices

9 A. In addition to the prohibitions otherwise provided in this Part, no other  
10 offices or employments shall be held by the same person in combination if any of the  
11 following conditions are found to pertain and these prohibitions shall exist whether  
12 or not the person affected by the prohibition exercises power in conjunction with  
13 other officers:

14 \* \* \*

15 **(7) An incumbent employed, for compensation, in the office of a district**  
16 **attorney, on a full-time or part-time basis, or on retainer, to serve as the regular**  
17 **attorney and counsel for, and be compensated for such services by a governing**

1            **authority of a parish within the jurisdiction of the employing district attorney,**  
2            **if the district attorney is responsible, by law, for such representation. This**  
3            **provision shall not apply if the employment of a regular attorney and counsel**  
4            **by the parish governing authority is specifically authorized by law or by home**  
5            **rule charter.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

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DIGEST

Present law, relative to dual officeholding and dual employment, provides that in addition to the prohibitions in present law, and except as specifically exempted by law, certain combinations of office and employment are incompatible and may not be held by the same person.

Proposed law retains present law and further prohibits an incumbent employed, for compensation, in the office of a district attorney, on a full time or part time basis, or on retainer, to serve as the regular attorney and counsel for, and be compensated for such services by, a governing authority of a parish within the jurisdiction of the employing district attorney, if the district attorney is responsible, by law, for such representation. This provision shall not apply if such employment of a regular attorney and counsel by the parish governing authority is specifically authorized by law or by home rule charter.

Effective August 15, 2011.

(Adds R.S. 42:64(A)(7))