

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 relative to the Twenty-Sixth Judicial District; to provide that certain compensated
4 employment by a compensated employee of the office of the district attorney is
5 incompatible with such employment; and to provide for related 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 with the Twenty-Sixth Judicial District, for**
16 **compensation, in the office of the district attorney, on a full-time or part-time**
17 **basis, or on retainer, to serve as the regular attorney and counsel for, and be**

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

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 Michael Bell.

DIGEST

Adley (SB 174)

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 with the 26th judicial district, for compensation, in the office of the 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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill.

1. Provides relative only to an employee of the 26th judicial district attorney's office.