

Regular Session, 2010
HOUSE BILL NO. 723
BY REPRESENTATIVES CONNICK AND HINES

ACT No. 829

1 AN ACT

2 To amend and reenact R.S. 42:65(A) and (C), relative to dual officeholding and dual
3 employment; to provide relative to remedies and penalties related thereto; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:65(A) and (C) are hereby amended and reenacted to read as
7 follows:

8 §65. Civil remedy; penalty

9 A.(1)(a) The attorney general, a district attorney, or any citizen of the state
10 of Louisiana may by summary process petition for a declaratory judgment against
11 a person alleged to be holding or to have held incompatible offices or employments
12 or holding or have held a combination of offices or employments prohibited in this
13 Part. Venue for the suit for a declaratory judgment shall be at the domicile of the
14 defendant who is or was employed or at the official domicile of any office held by
15 the defendant.

16 (b) Prior to filing a petition pursuant to Subparagraph (a) of this Paragraph,
17 the attorney general or district attorney shall send written notice by certified mail to
18 the person detailing the alleged violation of this Part.

19 (2) Whether a person has vacated an incompatible or prohibited office or
20 employment prior to the filing of the suit for declaratory judgment or prior to

1 issuance of a final judgment in the suit shall not prohibit the court from declaring
2 that the person has held incompatible offices or employments or a combination of
3 offices or employments prohibited in this Part and ordering reimbursement pursuant
4 to Subsection C of this Section.

5 * * *

6 C. The court may order the reimbursement to the appropriate governmental
7 body of all pay or other compensation and all allowances, including all allowances
8 and payments for travel and other expenses which have been received by the official
9 or employee in the position vacated ~~as provided in Subsection B hereof~~, during a
10 period of time not to exceed six months preceding the filing of suit for declaratory
11 judgment. ~~If, however,~~ If the person vacates the position or office to remedy a
12 violation of this Part within fourteen days after written notice of the violation is sent
13 by the attorney general or a district attorney pursuant to Subparagraph (A)(1)(b) of
14 this Section, such person shall not be subject to the reimbursement provided for in
15 this Subsection. If the person against whom a declaratory judgment is rendered has
16 obtained an opinion of the attorney general issued prior to the filing of the suit for
17 a declaratory judgment stating that the combination of offices or employments are
18 not incompatible, and are not in violation of this Part, the court shall comply with
19 Subsection B of this Section; however, the person against whom the declaratory
20 judgment was rendered shall not be required to return any portion of the
21 compensation or allowances received by him prior to the date on which the
22 declaratory judgment becomes final. Whenever any person requests an opinion of
23 the attorney general concerning the offices or employments covered hereby, he shall
24 at the same time provide to the attorney general information describing each of the
25 employments or offices concerning which he requests the opinion, the number of
26 hours worked or normally expected to be worked by him per each day of work for
27 each of such employments or offices, the number of hours worked by him per week

1 for such employments or offices, and shall thereafter furnish any other information
2 the attorney general deems necessary for the issuance of the opinion.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____