



Jeff Landry
Attorney General

State of Louisiana

DEPARTMENT OF JUSTICE
CIVIL DIVISION
P.O. BOX 94005
BATON ROUGE
70804-9005

February 25, 2016
OPINION 15-0165

John J. Rouchon
Parish Manager
Parish of East Feliciana
12064 Marston Street
P.O. Box 427
Clinton, LA 70722

22 – DISTRICT ATTORNEYS
90-A-2 – PUBLIC FUNDS

La. R.S. 16:14
La. R.S. 16:431
La. R.S. 16:434

Under the plain language of La. R.S. 16:14, there is no limitation, restriction, or ceiling placed on the additional salaries paid to district attorneys or assistant district attorneys for the Twentieth Judicial District.

Dear Mr. Rouchon:

On behalf of the East Feliciana Parish Police Jury, you have requested an opinion from this office regarding the payment of additional salaries to assistant district attorneys in the Twentieth Judicial District. Specifically, you have asked this office about the interpretation of La. R.S. 16:14, as it relates to La. R.S. 16:431 and La. R.S. 16:434.

La. R.S. 16:14(A) states:

Notwithstanding any provision of the law to the contrary, there shall be no restriction, limitation or ceiling placed on the amount of additional salary that may be paid to a district attorney or an assistant district attorney by the governing authorities of the several parishes of the state as provided for in R.S. 16:10 and R.S. 16:11.

Under this provision, which was added by Act 118 of 1973, the additional salaries paid by the local governing authorities to district attorneys and assistant district attorneys cannot be limited. Despite this provision, La. R.S. 16:431 states that the district attorney for the Twentieth Judicial District shall receive an annual additional salary of three thousand five hundred dollars (\$3,500.00). Also, La. R.S. 16:434 provides that additional compensation for assistant district attorneys of the Twentieth Judicial District shall not be in excess of two thousand dollars (\$2,000.00) per year from both East Feliciana Parish and West Feliciana Parish.

The confusion appears to arise from the fact that La. R.S. 16:14 appears to remove any ceiling or limitations on the additional salaries that can be paid to district attorneys and

assistant district attorneys, while La. R.S. 16:431 and La. R.S. 16:434 appear to place ceilings or limitations on such additional compensation. Fortunately, the legislature made its intentions clear in La. R.S. 16:14(C), which, in relevant part, states as follows:

... provisions of this section are to be construed in removing the restrictions, limitation, or ceiling which may previously have existed on the amount of additional salary that the governing authorities of the several parishes of this state could pay to district attorneys and assistant district attorneys...

Thus, it was the clear intent of the legislature to remove any ceilings, limitations, or restrictions on the additional salaries paid to district attorneys and assistant district attorneys. Thus, neither La. R.S. 16:431 or La. R.S. 16:434 can be used to limit the amount of additional compensation paid to district attorneys or assistant district attorneys of the Twentieth Judicial District. Further, La. R.S. 16:14 was added by the legislature in Act 118 of 1973, while La. R.S. 16:431 and La. R.S. 16:434 were added by Act 113 of 1959 and Act 56 of 1964, respectively. Accordingly, La. R.S. 16:14 is the latest expression of the legislative will, and thus, its provisions are controlling over those of La. R.S. 16:431 and La. R.S. 16:434. *Pumphrey v. City of New Orleans*, 05-979, p. 11 (La. 4/4/06) 925 So.2d 1202, 1210; see also *International Paper Co., Inc. v. Hilton*, 07-0290 (La. 10/16/07); 966 So.2d 545.

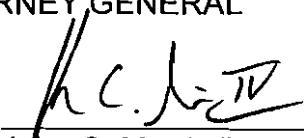
It is the opinion of this office that, under the clear language of La. R.S. 16:14, there is no limitation or ceiling placed on additional salaries paid to district attorneys and assistant district attorneys for the Twentieth Judicial District.

We trust this adequately responds to your request. However, if our office can be of further assistance, please do not hesitate to contact us.

Yours very truly,

JEFF LANDRY
ATTORNEY GENERAL

By:



John C. Morris IV
Assistant Attorney General

JL/JCMIV