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DEPARTMENT OF JUSTICE
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OPINION 24-0040

Mr. William E. Weatherford
Secretary Treasurer
Sabine Parish Police Jury
400 Capitol St
Room 101
Many, LA 71449

90 – Police Juries – Powers & Functions

La. R.S. 33:1236 La. R.S. 33:3681
La. R.S. 38:2212 La. R.S. 38:2212.1

Sabine Parish Police Jury may legally purchase and operate a pug mill.

Dear Mr. Weatherford:

Our office received your request for an opinion regarding whether the Sabine Parish Police Jury can legally own and operate a pug mill to produce oil sand that would be used to overlay parish roads. You note in your request that La. R.S. 38:2212(R) prohibits public entities from owning or operating manufacturing facilities or plants that produce or manufacture construction materials.

It is the opinion of this office that the Sabine Parish Police Jury may legally purchase and operate a pug mill. While a pug mill may produce road construction materials, it is a single piece of equipment as opposed to a manufacturing facility or plant.

Determining whether La. R.S. 38:2212(R) prevents a public entity from owning and operating a pug mill requires statutory interpretation.¹ The subject statute provides in Subpart R, “[p]ublic entities are herein prohibited from owning or operating manufacturing facilities or plants that produce or manufacture construction materials.” Rather than a prohibition on the making of material for use, it is a prohibition against a public entity owning or operating manufacturing facilities or plants.

Thus, while a police jury cannot own a manufacturing facility that produces construction material, it is authorized to purchase equipment, such as cement mixers or pug mills, that used to repair or improve roads as it is granted authority to do in La. R.S. 33:1236.

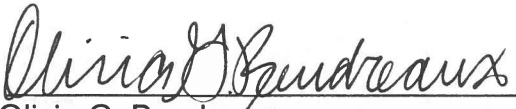
Accordingly, we conclude that Sabine Parish Police Jury may legally purchase and operate a pug mill to produce oil sand for use to overlay parish roads.

¹ The rules of statutory interpretation are well known. See, e.g., *Red Stick Studio Dev., L.L.C. v. State ex rel. Dep't of Econ. Dev.*, 2010-0193 (La. 1/19/11), 56 So.3d 181, 187–88 (quoting *M.J. Farms, Ltd. v. Exxon Mobil Corp.* 2007–2371 (La. 7/1/08), 998 So.2d 16, 27 (internal citations omitted)).

We trust that this opinion of the Attorney General adequately responds to your inquiry. However, if our office can be of further assistance, please do not hesitate to contact us.

With best regards,

LIZ MURRILL
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BY: 

Olivia G. Boudreaux
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