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DEPARTMENT OF JUSTICE
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July 24, 2025
OPINION 24-0117

The Honorable Rémy V. Starns
State Public Defender
Office of the State Public Defender
301 Main Street, Suite 700
Baton Rouge, LA 70825

90-A-1 – PUBLIC FUNDS & CONTRACTS

La. R.S. 15:141 *et seq.* La. R.S. 36:4
La. R.S. 36:801.1

The Office of the State Public Defender lacks the specific statutory authority to reimburse Louisiana Public Defender Oversight Board members for their travel and/or meeting expenses.

Dear Mr. Starns:

You have requested an opinion from this office concerning the ability of the Office of the State Public Defender ("OSPD") to reimburse Louisiana Public Defender Oversight Board members for travel and meeting expenses.

Question: May the Office of the State Public Defender reimburse members of the Louisiana Public Defender Oversight Board for travel and meeting expenses?

Conclusion: No. The Office of the State Public Defender lacks the specific statutory authority to reimburse Louisiana Public Defender Oversight Board members for their travel and/or meeting expenses.

During the 2024 Second Extraordinary Session, the Louisiana Public Defender Act of 2007 was restructured by transferring authority from the Louisiana Public Defender Board ("LPDB") to the Office of the State Public Defender, a state agency under the Office of the Governor, to ensure uniformity, accountability, and quality in public defender services across the State of Louisiana. Indigent Defender Representation, 2024 La. Sess. Law Serv. 2nd Ex. Sess. Act 22 (S.B. 8) (WEST).

Additionally, Act 22 created and established the Louisiana Public Defender Oversight Board ("LPDOB") to provide supervision and oversight to the OSPD and to approve contracts in an amount of two hundred fifty thousand dollars or more. La. R.S. 15:146.

Historically, LPDB members received travel reimbursements and per diems under La. R.S. 15:151(B), which also covered meeting expenses. However, La. R.S. 15:151 was repealed through Act 22.

Act 22 established that the LPDOB would also operate as an independent agency within the Office of the Governor and have all powers, duties, functions, and responsibilities in accordance with La. R.S. 36:801.1. La. R.S. 36:4(B)(21). Through La. R.S. 36:801.1(B), which effectively covers the transition and retention of powers of the board, LPDOB shall "continue to exercise all powers, duties, functions, and responsibilities provided or authorized for each *by the constitution or laws* which are in the nature of policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and also shall continue to exercise all advisory powers, duties, and functions *provided by law*, and each agency shall continue to administer and implement all programs provided or authorized for each *by law*. (Emphasis added.)

Because the legislature repealed the previous statutory authority covering per diems for board members, our office has examined the guiding legislation for the OSPD and the LPDOB contained within La. R.S. 15:141 *et seq.* and have found that neither the OSPD nor the LPDOB currently possesses the authority to award or receive such reimbursements for meetings and/or travel. We note that, based on our research of similar state agencies or boards, virtually all instances of per diems or travel reimbursements are done through specific statutory authority. We must therefore conclude that it appears that the OSPD does not have the requisite authority to award per diems to LPDOB members for attending meetings nor do LPDOB members have the requisite authority to receive said per diems. Accordingly, it is the opinion of this office that the Office of the State Public Defender lacks the specific statutory authority to reimburse LPDOB members for their travel and/or meeting expenses.

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

With best regards,
LIZ MURRILL
ATTORNEY GENERAL

BY: 
Chelsea Zachary
Assistant Attorney General

LM/CZ