



RICHARD P. IEYOUNG
ATTORNEY GENERAL

State of Louisiana

DEPARTMENT OF JUSTICE

Baton Rouge

70804-9005

JUN 10 2002

OPINION 02-0206

P.O. Box 94005
TEL: (504) 342-7013
FAX: (504) 342-7335

Mr. Gerald Minor
Chief of Police
P. O. Box 767
Baldwin, LA 70514

78 Dual Officeholding
R.S. 42:61, et seq., R.S. 42:63(D), R.S. 42:66(D)
In the absence of a specific provision in a municipal home rule charter, which prohibits a municipal councilman from holding additional municipal employment, no state provision prohibits the arrangement.

Dear Chief Minor:

You advise this office that a police officer for the Town of Baldwin desires to hold the local elective office of councilman in a "neighboring municipality". You request our opinion concerning the legality of this arrangement.

The state Dual Officeholding and Dual Employment Laws, R.S. 42:61, et seq., do not prohibit one from holding local elective office and employment in a separate political subdivision of the state. Rather, R.S. 42:63(D) prohibits a person from holding elective office in a political subdivision of the state and holding "at the same time employment....in the same political subdivision in which he holds elective office". Since these positions fall within two different municipalities, the prohibition of law becomes inapplicable.

However, you advise that the elective office of councilman falls within a municipality governed by a home rule charter. We suggest that the provisions of the municipal home rule charter be reviewed to determine whether there are provisions which prohibit an elected official from simultaneously holding another municipal office. Such a provision would be controlling, as R.S. 42:66(D) states:

D. Nothing in this Part shall be construed to prohibit a municipal and/or parochial officer or employee from holding another municipal and/or parochial office or employment as specifically authorized by a legislative or home rule charter, nor shall it be construed to authorize a municipal and/or parochial officer or employee to hold another municipal and/or parochial office or employment when prohibited by a home rule charter.

We hope the foregoing is helpful to you. Should you have other questions, please contact this office.

Very truly yours,

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY:


KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

KLK:ams