

April 20, 2006
OPINION 06-0030

Honorable Curtis McCune
Mayor
P. O. Box 92
Stonewall, LA 71078

78 Officers – Dual Officeholding
R.S. 42:63(D), R.S. 42:61, et seq.
Councilman may serve as a volunteer police officer.

Dear Mayor McCune:

You have asked this office to advise whether an elected town councilman may serve as a volunteer town police officer.

The statute which is pertinent to your opinion request is R.S. 42:63(D), a provision of the Dual Officeholding and Dual Employment Law, and in pertinent part provides:

D. No person holding an elective office in a political subdivision of this state shall at the same time hold another elective office or full-time appointive office in the government of this state or in the government of a political subdivision thereof. . . . (Emphasis added).

The prohibition of R.S. 42:63(D) makes it impermissible for a town councilman as a local elected official to concurrently hold any employment with the police department. However, a councilman could not be considered "employed" for purposes of R.S. 42:63(D) because of his service as a volunteer policeman. See R.S. 42:62(3).¹ For this reason, a councilman may serve as a volunteer town police officer.

Should you have other questions or concerns, please contact this office.

Very truly yours,

CHARLES C. FOTI, JR.
ATTORNEY GENERAL

BY:

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL

KLK:ams

¹ (3) "Employment" means any job compensated on a salary or per diem basis, other than an elective or appointive office, in which a person is an employee of the state government or of a political subdivision thereof.

OPINION 06-0030

78 Officers – Dual Officeholding

R.S. 42:63(D), R.S. 42:61, et seq.

Councilman may serve as a volunteer town police officer.

Honorable Curtis McCune
Mayor
P. O. Box 92
Stonewall, LA 71078

Date Received:
Date Released: April 20, 2006

KERRY L. KILPATRICK
ASSISTANT ATTORNEY GENERAL