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State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

JUN 28 2013
OPINION 13-0077

78 DUAL OFFICEHOLDING

Christian Creed
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La. R.S. 42:61, *et seq.* La. R.S. 46:1051, *et seq.*
The Dual Officeholding and Dual Employment Laws, La. R.S. 42:61, *et seq.*, do not prohibit an elected member of the Monroe City Council from holding a part time appointive position on the G. B. Cooley Hospital Service District Board.

Dear Mr. Creed:

You have requested an opinion of the Attorney General as to whether the Dual Officeholding Laws prevent a person from serving on the G.B. Cooley Hospital Service District Board ("Board") and serving as an elected member of the Monroe City Council. Your request has been assigned to me for research and reply.

The provisions of the Dual Officeholding and Dual Employment Law, found at La. R.S. 42:61, *et seq.*, govern questions concerning the ability to hold two or more public offices and/or positions simultaneously. Classifying the correct nature of the positions is essential for the purposes of applying the dual officeholding provisions.

G.B. Cooley Hospital Service District was created by the Ouachita Parish Police Jury in accordance with La. R.S. 46:1051. It is a political subdivision of the state and is governed by a board of commissioners appointed by the police jury pursuant to La. R.S. 46:1056. The position on the Board is characterized as a part time,¹ appointed position.² As your letter states the position in question is appointed by the Ouachita Parish Police Jury. Further, the position on the Monroe City Council is considered a local elected position.

¹ The dual officeholding law defines "part time" as the period of time which a person normally works or is expected to work in an appointive office or employment which is less than the number of hours of work defined in this Section as full time. La. R.S. 42:62(5).

² The dual officeholding law defines "appointive office" as any office in any branch of government or other position on an agency, board, or commission or any executive office of any agency, board, commission, or department which is specifically established or specifically authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof and which is filled by appointment or election by an elected or appointed public official or by a governmental body composed of such officials of this state or of a political subdivision thereof. La. R.S. 42:62(2).

The most applicable provision of the Dual Officeholding and Dual Employment Law is La. R.S. 42:63 (D), which states, in pertinent part: "no person holding an elective office in a political subdivision of this state shall at the same time hold ... full-time appointive office ... in the government of a political subdivision thereof." Accordingly, an elected official is not prohibited from simultaneously holding a part time appointive office. Our office has opined on a similar situation of an elected official and a member of a hospital service district board in La. Atty. Gen. Op. No. 12-0050.

Therefore, it is the opinion of this office that the state law governing dual officeholding would not prohibit a person from serving on the Monroe City Council while continuing to serve on the G.B. Cooley Hospital Service District.

This opinion is limited to an examination of the dual officeholding law. Please note that it does not address the potential applicability of the provisions of the Louisiana Code of Governmental Ethics, La. R.S. 42:1111, *et seq.* Advisory rulings addressing questions under the Ethics Code are within the jurisdiction of the Louisiana State Board of Ethics. The Board may be contacted at the following address: P.O. Box 4368, Baton Rouge, LA 70821, phone: 225-219-5600.

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

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ATTORNEY GENERAL

BY: 
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JDC: JMPT