



JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

State of Louisiana

DEPARTMENT OF JUSTICE

P.O. BOX 94005

BATON ROUGE

70804-9005

August 9, 2013

OPINION 13-0105

Honorable Lynn Treadway
Jackson Parish Police Juror
505 Fifth Street
Jonesboro, Louisiana 71251

78 DUAL OFFICEHOLDING

La. R.S. 42:62; La. R.S. 42:63; La. R.S. 38:2900; La. R.S. 38:2904

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit an elected Jackson Parish School Board member from simultaneously holding a part-time appointive position on the Jackson Parish Watershed District the Board of Commissioners.

Dear Mr. Treadway:

You have requested an opinion of the Attorney General as to whether an elected member of the Jackson Parish School Board may simultaneously serve as a commissioner on the Board of Commissioners of the Jackson Parish Watershed District. 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 holding of two or more public offices and/or employments. Identifying the correct nature of the positions held is essential for purposes of applying the dual officeholding provisions.

A school board member holds "elective office in a political subdivision of this state" as defined by La. R.S. 42:62(1) and (9) as follows:

(1) "Elective office" means any position which is established or authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof, which is not a political party office, and which is filled by vote of the citizens of this state or of a political subdivision thereof.

(9) "Political subdivision" means a parish, municipality, and any other unit of local government, including a school board and a special district, authorized by law to perform governmental functions. In addition for the purposes of this Part, mayor's courts, justice of the peace courts, district attorneys, sheriffs, clerks of court, coroners, tax assessors, registrars of voters, and all other elected parochial officials shall be separate political subdivisions.

With respect to the second position, note that the Jackson Parish Watershed District is a separate political subdivision created by La. R.S. 38:2900. It is governed by a board of commissioners appointed by the police jury pursuant to La. R.S. 38:2904. The

position of commissioner on the Board of Commissioners of the Jackson Parish Watershed District is characterized as a part-time¹ appointed office.²

The most applicable provision of the Dual Officeholding and Dual Employment Law is La. R.S. 42:63(D), which prohibits one who holds "an elective office in a political subdivision of this state" from simultaneously holding a "full-time appointive office in the government of this state or in the government of a political subdivision." However, the statute does not prohibit a local elected official from simultaneously holding a part-time appointed office. Thus, it is the opinion of this office that an elected member of the Jackson Parish School Board may simultaneously serve on the Jackson Parish Watershed District Board of Commissioners.

Finally, note that our expressed opinion relative to state law is limited to an examination of the dual officeholding provisions. Any potential ethical questions concerning this matter arising under the Code of Governmental Ethics, La. R.S. 42:1111, *et seq.*, must be addressed by advisory ruling of the Louisiana State Board of Ethics. The Board may be contacted at P.O. Box 4368, Baton Rouge, Louisiana 70821 or by phone at 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,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY: Erin C. Day
Erin C. Day
Assistant Attorney General

JDC: ECD

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).