



Jeff Landry
Attorney General

State of Louisiana

DEPARTMENT OF JUSTICE
CIVIL DIVISION
P.O. BOX 94005
BATON ROUGE
70804-9005

December 13, 2023
OPINION 23-0104

Honorable Jessie Bellard
Parish President
St. Landry Parish Government
118 South Court St.
Suite 133
Opelousas, LA 70570

78 Dual Officeholding

La. R.S. 42:61, *et seq.*

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a full time employee of the St. Landry Parish Solid Waste Disposal District from serving as a member of the St. Landry Parish Council.

Dear President Bellard:

Our office received your request for an opinion regarding whether a full time employee of the St. Landry Parish Solid Waste Disposal District may serve as a member of the St. Landry Parish Council.

Pursuant to La. Const. art. X, § 22, the legislature has enacted laws regulating dual employment and defining, regulating, and prohibiting dual office holding in state and local government. The provisions of the Dual Officeholding and 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 held is essential for the purposes of applying the Dual Officeholding and Dual Employment Law.

St. Landry Parish operates under a home rule charter that provides for a president-council form of government.¹ The president and the council are the governing authority for the Parish.² A member of the St. Landry Parish Council holds an “elective office” for the purposes of the Dual Officeholding and Dual Employment Law.³

The St. Landry Parish Solid Waste Disposal District was created as a political subdivision by Legislative Acts 1980, No. 289, as amended by Acts 1984, No. 642 and Acts 1999, No. 1249.⁴ The St. Landry Parish Solid Waste Disposal District is governed by a nine-member Board of Commissioners who are appointed as follows: four commissioners are appointed by the governing authority of St. Landry Parish; four

¹ Section 1-01, St. Landry Home Rule Charter.

² Section 1-03, St. Landry Home Rule Charter.

³ “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 for this state or of a political subdivision thereof. La. R.S. 42:62(1).

⁴ Acts 1980, No. 289, Section 3.

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 adequately addresses 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,

JEFF LANDRY
ATTORNEY GENERAL

BY: Madeline S. Carbonette
Madeline S. Carbonette
Assistant Attorney General

JL: MSC