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

November 6, 2023
OPINION 23-0114

The Honorable Heather Cloud
Senator, District 28
P.O. Box 259
Turkey Creek, LA 70585

78 Dual Officeholding

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

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a Louisiana State Senate Aide from serving as a contract consultant for the Louisiana Airport Managers and Associates.

Dear Senator Cloud:

Our office received your request for an opinion regarding whether a Louisiana State Senate Aide may serve as a contract consultant for the Louisiana Airport Managers and Associates.

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 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 held is essential for the purposes of applying the Dual Officeholding and Dual Employment Law.

The legislative branch of state government includes members of the Senate and their employees.¹ According to the information provided to this office, the position of Louisiana State Senate Aide is part time which is classified as “part time” “employment” for the purposes of the Dual Officeholding and Dual Employment Law.²

According to the information obtained from the Louisiana Secretary of State, the Louisiana Airport Managers and Associates is a private non-profit corporation. The position of concern is the contract consultant for the Louisiana Airport Managers and

¹ The legislative branch of state government includes the members of the Senate and the House of Representatives, the officers, agents, and employees of the legislature of either house or of a committee of either house thereof, the legislative auditor, legislative fiscal officer, or any other agency created by law which is primarily legislative in nature, and any other legislative officer, office, or instrumentality of the state. La. R.S. 42:62(7).

² “Part time” means 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). “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.” La. R.S. 42:62(3).

Associates. Our office has consistently opined that the provisions of the Dual Officeholding and Dual Employment Law are not applicable to private corporations.³ Additionally, our office has consistently opined that the provisions of the Dual Officeholding and Dual Employment Law are not applicable to contract employees.⁴ The provisions of the Dual Officeholding and Dual Employment Law are not applicable to the position of contract consultant for the Louisiana Airport Managers and Associates.

Based on the applicable provisions of law, our prior opinions and the information you have provided, it is the opinion of this office that the provisions of the Dual Officeholding and Dual Employment Law do not prohibit a Louisiana State Senate Aide from serving as a contract consultant for the Louisiana Airport Managers and Associates.

Please note that our expressed opinion is limited to an examination of the state law relating to Dual Officeholding and Dual Employment. Further, 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 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

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JL: MSC

³ La. Atty. Gen. Op. Nos. 17-0106, 15-0118, 13-0208, 13-0022, 11-0174, 03-0415 and 02-0415.

⁴ La. Atty. Gen. Op. Nos. 23-0045, 22-007, 20-0040, 19-0024, 19-0021, 18-0177, 18-0076, 18-0032 17-0111, 17-0046, 17-0002, 16-0190, 16-0189 13-0028, 12-0241, 08-0296, 07-0218, 06-0213, 02-0342, 96-359, 95-391, 92-43, 90-578 and 80-413.