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STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
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OPINION 25-0058

Mr. Jody White
Chairman, St. Landry Parish Council
PO Box 100
Opelousas, LA 70571

78 – DUAL OFFICEHOLDING

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

La. R.S. 33:4564

The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Board of Commissioners of the St. Landry Parish Housing Authority from simultaneously serving as a member of the Board of Commissioners of Hospital District #2, Opelousas General.

Dear Mr. White:

Our office received your request for an opinion regarding whether a member of St. Landry Parish Housing Authority can serve as a board member on Hospital District #2, Opelousas General Health System.

Question: Whether a member of the Board of Commissioners of the St. Landry Parish Housing Authority may serve as a member of the Board of Commissioners of Hospital District #2, Opelousas General Health System?

Conclusion: The provisions of the Dual Officeholding and Dual Employment Law do not prohibit a member of the Board of Commissioners of the St. Landry Parish Housing Authority from simultaneously serving as a member of the Board of Commissioners of Hospital District #2, Opelousas General Health System.

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.

Article VI, § 5 of the Louisiana Constitution grants any local governmental subdivision, including parishes, the authority to draft, adopt, or amend a home rule charter. St. Landry Parish operates under a home rule charter,¹ which declares the St. Landry Parish government to be vested in a council consisting of thirteen elected members who appoint board members and commissioners, among many other responsibilities.² Two such boards are the St. Landry Parish Housing Authority (the Housing Authority) and the Hospital District No. 2, Opelousas General Health System (the Hospital District).

¹ St. Landry Parish Home Rule Charter, § 1-01.

² St. Landry Parish Home Rule Charter, §§ 2-01 and 8-06.

The Housing Authority was established by the St. Landry Parish Council (the Council) as a political subdivision of the State.³ The Housing Authority is governed by a five-member Board of Commissioners who are appointed by the Council.⁴ According to the information you provided us, commissioners receive \$50 per monthly meeting and work less than 35 hours per week. Thus, a member of the Board of Commissioners of the Housing Authority holds a "part time"⁵ "appointive office"⁶ for purposes of the Dual Office and Employment Law.

You have asked this office whether a member of the Board of Commissioners of the Housing Authority can serve as a member of the board of the Hospital District. The Hospital District was established by the Council as a political subdivision of the state.⁷ The Hospital District is governed by a Board of Commissioners, which is appointed by the Council.⁸ According to the information you have provided, members of the Board of Commissioners of the Hospital District are paid a per diem of \$1,000 per month and \$40 Service District per yearly meeting, and they normally work less than 35 hours per week. Thus, a member of the Board of Commissioners of the Hospital District holds a "part time" "appointive office" for purposes of the Dual Office and Employment Law.

The St. Landry Parish Housing Authority and the Hospital District No. 2, Opelousas General Health System, are considered separate political subdivisions⁹ for the purposes of the Dual Officeholding and Dual Employment Law.

The most applicable provision of the Dual Officeholding and Dual Employment Law is La. R.S. 42:63(E), which provides in pertinent part:

No person holding a full-time appointive office or full-time employment in the government of this state or of a political subdivision thereof shall at the same

³ La. R.S. 40:384(16); La. R.S. 40:391 and La. R.S. 40:392.

⁴ La. R.S. 40:531(A)(1); St. Landry Parish Code; §10-1.

⁵ "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). "Full time" means the period of time which a person normally works or is expected to work in an appointive office or employment and which is at least seven hours per day of work and at least thirty-five hours per week of work. La. R.S. 42:62(4).

⁶ "Appointive office" means 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).

⁷ La. R.S. 46:1051, et seq.; St. Landry Parish Code, §§ 20-30 and 20-31.

⁸ La. R.S. 46:1053(A); St. Landry Parish Home Rule Charter, § 8-06.

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 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. La. R.S. 42:62(9).

time hold another full-time appointive office or full-time employment in the government of the state of Louisiana, in the government of a political subdivision thereof, or in a combination of these.

While holding two full-time appointive offices in the government of Louisiana or of a political subdivision thereof would be prohibited, La. R.S. 42:63(E) does not prohibit the simultaneous holding of two part-time appointive offices.¹⁰ Accordingly, as both St. Landry Parish Housing Authority board members and Hospital District No. 2, Opelousas General Health System board members are "part time" "appointive" offices, La. R.S. 42:63 does not prohibit a person from serving both concurrently.

Based on the applicable provisions of law 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 St. Landry Parish Housing Authority board member from simultaneously serving as a board member on Hospital District #2, Opelousas General Health System.

Please note that our expressed opinion relative to state law is limited to an examination of the Dual Officeholding and Dual Employment provisions. It does not address the potential applicability of the State of Louisiana civil service laws, rules, and regulations. 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,

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ATTORNEY GENERAL

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Harley Fredieu
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LM: HF

¹⁰ See La. Atty. Gen. Op. Nos. 19-0096 and 06-0332.