

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 1055

4  
5 By: Representative Flanagin

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 25-16-702 TO  
10 PROVIDE ATTORNEY GENERAL REPRESENTATION FOR MUNICIPAL  
11 JUDGES; AND FOR OTHER PURPOSES."

## Subtitle

14 "TO PROVIDE ATTORNEY GENERAL  
15 REPRESENTATION FOR MUNICIPAL JUDGES"

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code Annotated § 25-16-702 is amended to read as  
20 follows:

21 "25-16-702. Representation of state agencies and officers generally -  
22 Employment of outside counsel.

23 (a) The Attorney General shall be the attorney for all state officials,  
24 municipal judges, departments, institutions, and agencies. Whenever any  
25 officer, municipal judge, or department, institution, or agency of the state  
26 needs the services of an attorney, the matter shall be certified to the  
27 Attorney General for attention.

28 (b)(1) All office work and advice for state officials, departments,  
29 institutions, and agencies shall be given by the Attorney General and his  
30 assistants, and no special counsel shall be employed or additional expense  
31 paid for those services.

32 (2) If, in the opinion of the Attorney General, it shall at any  
33 time be necessary to employ special counsel to prosecute any suit brought on  
34 behalf of the state or to defend a suit brought against any official, board,  
35 commission, or agency of the state, the Attorney General, with the approval of  
36 the Governor, may employ special counsel. The compensation for the special

1 counsel shall be fixed by the court where the litigation is pending, with the  
 2 written approval of the Governor and the Attorney General. The Attorney  
 3 General shall not enter into any contract for the employment of outside legal  
 4 counsel without first seeking prior review by the Legislative Council.

5 (c) If any official, department, institution, or agency of the state  
 6 needs the service of an attorney and the Attorney General fails to render the  
 7 service when requested in writing, then, upon the establishment of that fact,  
 8 the Governor may appoint counsel to look after the matter or may authorize the  
 9 employment of counsel by the officer, department, agency, or institution  
 10 needing the services of an attorney.

11 (d) Any person violating the provisions of this section shall be  
 12 subject to indictment and upon conviction fined in any sum not less than two  
 13 hundred dollars (\$200) nor more than two thousand dollars (\$2,000) and, upon  
 14 proper proceedings, removed from office.

15 (e) The Attorney General shall have authority to initiate civil  
 16 lawsuits under all state and federal environmental protection statutes."

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18 SECTION 2. All provisions of this act of a general and permanent nature  
 19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 3. If any provision of this act or the application thereof to  
 23 any person or circumstance is held invalid, such invalidity shall not affect  
 24 other provisions or applications of the act which can be given effect without  
 25 the invalid provision or application, and to this end the provisions of this  
 26 act are declared to be severable.

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28 SECTION 4. All laws and parts of laws in conflict with this act are  
 29 hereby repealed.

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