

Stricken language would be deleted from present law. Underlined language would be added to present law.

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

A Bill

HOUSE BILL 1647

4
5 By: Representatives Dianne Hudson, Jeffress, Hale, Wood, Miller, Molinaro, Wren, Bond, Broadway, Allison, Curran, McGehee,
6 Trammell, Whorton, Shoffner, Jones, Teague, Rodgers, French and Dietz

For An Act To Be Entitled

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10 "AN ACT TO AMEND ARKANSAS CODE § 25-16-706 TO AUTHORIZE
11 COUNTY CIVIL ATTORNEYS TO REQUEST OFFICIAL OPINIONS OF THE
12 ARKANSAS ATTORNEY GENERAL'S OFFICE; AND FOR OTHER
13 PURPOSES."

Subtitle

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16 "TO AUTHORIZE COUNTY CIVIL ATTORNEYS TO
17 REQUEST OFFICIAL OPINIONS OF THE
18 ARKANSAS ATTORNEY GENERAL'S OFFICE."

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

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22 SECTION 1. Arkansas Code § 25-16-706 is amended to read as follows:

23 "25-16-706. Opinions.

24 (a)(1) Upon request, the Attorney General shall, without fee or reward,
25 give his opinion to the Governor and to the heads of the executive departments
26 of this state upon any constitutional or other legal question that may concern
27 the official action of those officers.

28 (2) He shall, when requested, give his opinion to the prosecuting
29 attorney of any district upon any legal question that concerns the financial
30 interests of the state or any county and upon any question connected with the
31 administration of the criminal laws of the state. Further, in counties where a
32 county civil attorney or county attorney has been authorized by the county
33 quorum court, he shall, when requested, give his opinion to the county civil
34 attorney upon any legal question that concerns the financial interests of the
35 state or any county and upon any question connected with the administration of
36 the civil laws of the state affecting the county.

1 (3) He shall also give his opinion, when requested, to either
 2 house of the General Assembly, and any member thereof, upon the
 3 constitutionality of any proposed bill and to all state boards and commissions
 4 upon any question connected with the discharge of the duties of those boards
 5 and commissions.

6 (b) The Attorney General is required to furnish to county boards of
 7 election commissioners an official opinion upon any inquiry submitted to him
 8 concerning the provisions of the election laws of this state.

9 (c) All opinions shall be written when the inquiry is in writing and
 10 request is made for a written opinion.

11 (d) Whenever any real estate is bought for the State of Arkansas by any
 12 board or commission authorized to buy real estate, it shall be the duty of the
 13 seller of the property, at his own expense, to have prepared by some abstract
 14 company or abstractor acceptable to the Attorney General, an abstract of the
 15 title to the property. It shall be the duty of the Attorney General to examine
 16 the abstract and furnish to the board or commission buying the property his
 17 opinion in writing as to the validity of the title of the person proposing to
 18 sell the property.

19 (e) Nothing in subsection (a), (b), (c), or (d) of this section shall
 20 relieve the Attorney General of discharging any and all duties required of him
 21 under the common law or by any of the statutes of this state or relieve the
 22 prosecuting attorneys of any duties required of them by the statutes of this
 23 state."

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25 SECTION 2. All provisions of this act of general and permanent nature
 26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
 27 Revision Commission shall incorporate the same in the Code.

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29 SECTION 3. If any provisions of this act or the application thereof to
 30 any person or circumstance is held invalid, the invalidity shall not affect
 31 other provisions or applications of the act which can be given effect without
 32 the invalid provisions or application, and to this end the provisions of this
 33 act are declared to be severable.

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