



STEVE CLARK
ATTORNEY GENERAL

STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

October 17, 1985

(501) 371-2007

OPINION NO. 85-202

The Honorable Mahlon Martin
Director
Department of Finance and Administration
P.O. Box 2940
Little Rock, AR 72203

State Messenger

Dear Mr. Martin:

You have requested an official opinion regarding whether you, as the State's Chief Fiscal Officer, may enter into a two year contract with American Express to secure credit cards for official state travel expenses.

As you point out in your request, Ark. Stat. Ann. §12-2378.5 (Repl. 1979) provides:

"The use of all other credit cards including airline credit cards, automobile rental credit cards, bank credit cards and telephone company credit cards are hereby prohibited from being used by any state agency, board or commission. Provided, when it is determined by the Chief Fiscal Officer to be essential to enable an agency, board or commission to effectively carry out its responsibilities, the Chief Fiscal Officer may authorize an agency, board or commission or certain employees thereof to use one or more such credit cards, under such rules and regulations as may be prescribed by the Chief Fiscal Officer."

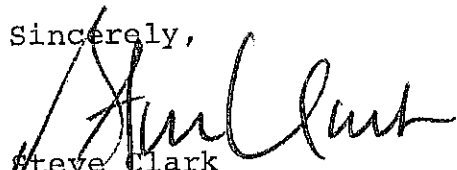
This statute uses clear and unambiguous language and has not been modified or repealed by subsequent legislation.

Therefore, it is my opinion that the proposed contract between the State and American Express is legally permissible if you, as the State's Chief Fiscal Officer, determine such credit cards "essential" for state agencies, boards or commissions to be able to effectively carry out their responsibilities. Rules and regulations governing use of such cards are to be set out by you.

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The foregoing opinion, which I hereby approve, was prepared
by Special Counsel to the Attorney General R.B. Friedlander.

Sincerely,



Steve Clark
Attorney General

SC/RBF/mo