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

(501) 371-2007

OPINION NO. 86-340

May 20, 1986

The Honorable John W. Parkerson
State Representative
520 Ouachita Avenue
Hot Springs, AR 71901

Dear Representative Parkerson:

As you probably know, we have previously written an informal opinion to Mr. Mike Muldoon, Alderman, regarding the question you pose in your opinion request which concerns the method of election of city directors under Hot Springs newly adopted city manager form of government.

You are correct in that conflict appears to exist between Ark. Stat. Ann. §19-704 (d)(Repl. 1980) and Ark. Stat. Ann. §19-902.5 and 19-902.6. The latter statutes codify Act 808 of 1977 which provides that four (4) members of the seven to be elected shall be elected by ward and three (3) at large. However, the Act does not apply to cities which--according to the literal language of the Act-- "now" are divided into wards or districts. If "now" is interpreted to mean at the date of passage and adoption of the Act in 1977, it, by its own terms, does not apply to Hot Springs. The factual information--that Hot Springs elected directors by ward at that time--was supplied by Mr. Carl Crow the City Attorney for Hot Springs.

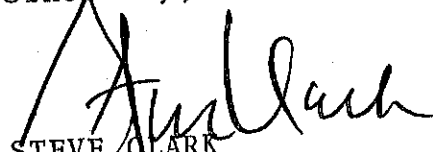
If on the other hand, the term "now" is open-ended and could refer to any subsequent point in time, it could be applicable to Hot Springs.

It is my opinion that I am obligated by general rules of statutory construction to literally read the unambiguous language of a statute. Therefore, our previous informal opinion is adopted herein and I conclude that Ark. Stat. Ann. §19-704(d)(Repl. 1980) is applicable to Hot Springs providing that directors be elected at large.

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A copy of the informal opinion to Mr. Muldoon is attached.
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
encls.