

Legal Opinions

One of the duties of the Attorney General is to give written opinions on legal questions. State law restricts who may request an Attorney General's Opinion.

The Attorney General is authorized to issue opinions only to state agencies and officials, the state legislature, county state's attorneys, certain city officials, water resource districts, soil conservation districts, health district boards, the Judicial Conduct Commission, and the Garrison Diversion Conservancy District.

Some situations are unsuited for an Opinion. These include when the question presented:

- is one of fact, rather than law;
- involves the constitutionality of a statute;
- is moot or hypothetical;
- concerns the internal operation or management of the judicial branch of government;
- calls for interpreting a local ordinance or charter;
- should be, or already has been, addressed by the political subdivision's legal advisor;
- involves matters regarding whether a criminal offense has occurred;
- is likely to be or presently is pending before a court or a court already has ruled on the issue; or
- amounts to private legal advice.

An Attorney General's Opinion governs the actions of public officials until such time as the question presented is decided by the Courts.