

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

**OPINIONS
DIVISION**

December 21, 2018

Gary L. Carnathan, Esq.
Attorney for Chickasaw County
Board of Supervisors
Post Office Drawer 70
Tupelo, Mississippi 38802-0070

Re: Local and Private Bill – House Bill #1630

Dear Mr. Carnathan:

Attorney General Jim Hood has received your request for a formal opinion of this office and assigned it to me for research and reply.

Facts and Issue Presented

Your request states:

Enclosed you will find a Local and Private Bill passed at the regular session 2018, of the Mississippi Legislature. The Chickasaw County Board of Supervisors desires an opinion as to whether or not roads that cross Chuquatonchee Creek can be the beneficiary of the funds received under this Bill. The language at the end of the Bill is somewhat vague and ambiguous and we would appreciate it very much if you would render your opinion relative to this issue.

Response

House Bill No. 1630 of the 2018 Regular Session ("H.B. 1630") authorizes the distribution of funds that are to be split between Chickasaw and Clay Counties. With regard to use of the funds, H.B. 1630 states:

The funds received by each county, as authorized under this section, shall be solely utilized for repairing and cleaning out the channel of Chuquatonchee Creek and for the repair of the bridges and road across such creek.

The statute clearly authorizes use of funds for repair of the "road" across Chuquatonchee Creek. The statute, unfortunately, uses the singular of "road" and the

Gary L. Carnathan, Esq.
December 21, 2018
Page 2

plural of "bridges." However, the use of the plural form of bridges would imply that if there are multiple bridges there would be multiple roads. Likewise, if the funds were intended to apply only to one road across the Chuquatonchee Creek, we believe the Legislature would have named that road. Accordingly, it is the opinion of this office that if a road, otherwise within the jurisdiction of the Chickasaw County Board of Supervisors, crosses the Chuquatonchee Creek, the funds allocated to Chickasaw County in H.B. 1630 may be used to repair that road or roads.

If this office can be of further assistance, do not hesitate to contact us.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:



Ricky G. Luke
Assistant Attorney General

OFFICIAL OPINION