

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

July 26, 2019

Joshua A. Mars, Esquire
Attorney, Pearl River Community College
110 Sheffield Loop
Hattiesburg, Mississippi 39402

Re: Application of House Bill Number 1247

Dear Mr. Mars:

OFFICIAL OPINION

Attorney General Jim Hood is in receipt of your opinion request and has assigned it to me for research and reply. In your letter, you ask if the analysis of our opinion to the Honorable John Lamar dated June 11, 2019, would also apply to the Hinds Community College Board of Trustees. It is the opinion of this office that it does. In the Lamar opinion, we stated that we are unable to provide an opinion as to the definitive meaning of H.B. 1247. "As a general matter, H.B.1247 is confusing, internally inconsistent and defies consistent application as a whole. In our opinion, the self-contradictory and confused language of H.B. 1247 is ineffective to cause any change in current law. Consequently, in the absence of any clear guidance from the Legislature (which is not provided in H.B. 1247), it is the opinion of this office that the amendatory provisions of H.B. 1247 are ineffective to change either the current version of Section 37-29-65 or Section 37-29-457. Accordingly, it is our opinion that the provisions of these sections as now written and codified remain in effect." In the alternative, the Board of Trustees could seek guidance from a court of law in the form of a Declaratory Judgment as to the meaning and effect of H.B.1247.

If this office may be of any further assistance to you, please let us know.

Sincerely,

JIM HOOD, ATTORNEY GENERAL

By:

Avery Mounger Lee
Special Assistant Attorney General