



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

August 2, 2022

Tim C. Holleman, Esq.
Attorney, Harrison County Board of Supervisors
1720 23rd Avenue
Gulfport, Mississippi 39501

Re: House Bill No. 1716 (2013 Reg. Session)

Dear Mr. Holleman:

The Office of the Attorney General has received your request for an official opinion.

Background

The Mississippi Gulf Coast Regional Convention and Visitors Bureau is governed by a 15-member board, with the Harrison County Board of Supervisors appointing nine of the members. Chapter 926, H. B. No. 1716 (Local and Private Laws of 2013). The enabling local and private legislation provides that “(n)o supervisor may nominate any person from another supervisor’s district to be a member of the bureau.” *Id.*

Question Presented

Does the prohibition contained in Chapter 926, H. B. No. 1716 (Local and Private Laws of 2013) against a supervisor nominating a person from another supervisor’s district to be a member of the Mississippi Gulf Coast Regional Convention and Visitors Bureau apply to the nominations of all nine members appointed to the bureau or only the five members that are required to be appointed from each of the five supervisors’ districts?

Brief Response

The legislation establishing the Mississippi Gulf Coast Regional Convention and Visitors Bureau provides that no supervisor may nominate any person from another supervisor’s district to be a member of the bureau. This restriction applies to the nominations of all nine bureau members appointed by the Harrison County Board of Supervisors.

Applicable Law and Discussion

As an initial matter, we note that opinions of this office are issued on prospective questions of law pursuant to Mississippi Code Annotated Section 7-5-25. Official opinions do not validate or invalidate past actions. In our phone conversation, you stated that you are seeking this opinion for clarification on future appointments. We offer no opinion on the validity of any past appointments and provide the following for future guidance only.

Section 3(2)(a) of House Bill No. 1716 provides, in part: “The board of supervisors of Harrison County shall appoint nine (9) members of the bureau with at least one (1) member from each district of a supervisor upon the recommendation of such supervisor. *No supervisor may nominate any person from another supervisor’s district to be a member of the bureau....*” Chapter 926, H. B. No. 1716 (Local and Private Laws of 2013) (emphasis added).

“Where the language used by the legislature in a statute is plain and unambiguous and conveys a clear and definite meaning, there is no occasion to resort to rules of statutory interpretation.” *Chandler v. City of Jackson Civil Service Comm.*, 687 So. 142, 144 (Miss. 1997). Further, the meaning of an unambiguous statute cannot be restricted or enlarged. MS AG Op., *Collins* at *1 (Feb. 2, 2007) (citing *Marx v. Broom*, 632 So.2d 1315, 1318 (Miss. 1994)).

H.B. 1716 unambiguously states that no supervisor may nominate any person from another supervisor’s district. The statute does not limit this to a subset of the bureau members. Thus, the prohibition against a supervisor nominating a person from another supervisor’s district applies to the nominations of all nine bureau members appointed by the Harrison County Board of Supervisors.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Beebe Garrard

Beebe Garrard
Special Assistant Attorney General