



September 26, 2022

The Honorable Michael Watson
Secretary of State
Post Office Box 136
Jackson, Mississippi 39205

Re: Mississippi Civil Rights Education Commission

Dear Secretary Watson:

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

Questions Presented

1. What constitutes “administrative purposes only” as contemplated in Section 37-13-195?
2. What is the specific role of the Office of the Secretary of State under Section 37-13-195(1)?
3. In the absence of a specific appropriation, what monetary obligations, if any, are imposed upon the Office of the Secretary of State pursuant to Section 37-13-195(1)?
4. What authority, if any, is the Office of the Secretary of State granted under Section 37-13-195(1)?
5. What are the responsibilities of the Office of the Secretary of State under Section 37-13-195(1)?

Brief Response

1. With the exception of the duties specifically assigned to the State Department of Education in Mississippi Code Annotated Section 37-13-193, the Office of the Secretary of State is statutorily obligated to provide the administrative assistance necessary for the Mississippi Civil Rights Education Commission to carry out its statutory duties. Given that the statutes do not further define the specific role of the Office of the Secretary of State beyond “administrative purposes,” it is the opinion of this office that the Office of the Secretary of State is charged with assisting the Mississippi Civil Rights Education Commission with

management of its activities and organizational tasks as determined by the needs of the Mississippi Civil Rights Education Commission.

2. See the Response to your first question.
3. Section 37-13-195(1) does not specify the amount of money that the Office of the Secretary of State is obligated to spend in carrying out its administrative function for the Mississippi Civil Rights Education Commission. Thus, absent a specific appropriation, there is not a specific monetary obligation imposed on the Office of the Secretary of State in order to carry out its administrative function.
4. The Office of the Secretary of State is not granted any authority over the responsibilities, duties, and obligations of the Mississippi Civil Rights Education Commission. The Office of the Secretary of State simply must provide the administrative assistance necessary for the members of the Mississippi Civil Rights Education Commission to carry out their statutory duties.
5. See the Response to your first question.

Applicable Law and Discussion

Section 37-13-195(1) provides:

There is created the Mississippi Civil Rights Education Commission. **The commission shall be assigned to the Office of the Secretary of State for administrative purposes only.** The commission shall provide or assist education officials and other organizations with information, coordination and modification of courses or programs that include the Civil Rights Movement, and will carry out the specific responsibilities set forth in Section 37-13-193. In completing this task, the commission may act as a liaison with various bodies, including the United States Congress, the State Legislature, Teaching for Change, the William Winter Institute for Racial Reconciliation, as well as other national and international agencies. The commission shall consist of no more than fifteen (15) members, eleven (11) positions of which will be voluntary, to serve with a term of three (3) years on a rotating basis. These positions will be filled by application submitted to a joint committee formed by the William Winter Institute at the University of Mississippi, Tougaloo College, the Oral History Project at the University of Southern Mississippi and Jackson State University. Each of these four (4) entities shall remain permanent members of this commission, with representatives to be appointed by the President or Chancellor of the appropriate institution.

(Emphasis added.) Additionally, Section 37-13-193 requires the State Department of Education to work with the Mississippi Civil Rights Education Commission (“Commission”) to implement five specific guidelines, which all relate to incorporating civil rights and human rights education into the public school curriculum.

“A board or commission has only that authority which has been specifically granted to it by statute or necessarily implied therein.” MS AG Op., *Delahousey* at *1 (Sept. 24, 2004). Some boards and commissions in Mississippi are statutorily authorized to employ their own staff. *See* Miss. Code Ann. § 37-28-7 (requiring the Mississippi Charter School Authorizer Board to appoint an executive director who “may employ such administrative staff as may be necessary to assist the director and board in carrying out the duties and directives of the” board). However, other boards and commissions, including the Commission, are not authorized to hire staff but instead are assigned to existing state agencies for administrative purposes. Miss. Code Ann. § 37-13-195; *see also* Miss. Code Ann. § 25-43-4.103 (Small Business Regulatory Review Committee assigned to the Mississippi Development Authority); Miss. Code Ann. § 41-112-1 (Maternal Mortality Review Committee assigned to the State Department of Health); Miss. Code Ann. § 39-29-1 (Mississippi Commission on the Holocaust assigned to the Office of the Secretary of State); Miss. Code Ann. § 41-111-1 (Child Death Review Panel assigned to the State Department of Health).

The term “administrative purposes” is not further defined by statute. Black’s Law Dictionary defines the term “administrative” as “relating to, or involving the work of managing a company or organization; executive.” *Administrative*, Black’s Law Dictionary (11th ed., 2019). Accordingly, it is the opinion of this office that the Office of the Secretary of State is charged with assisting the Commission with management of Commission activities and organizational tasks as determined by the needs of the Commission. We find further guidance regarding the Secretary of State’s role with respect to the Commission from what the statute does not authorize. The Secretary of State is not a member, an employee, or the executive director of the Commission. Miss. Code Ann. §§ 37-13-193 and 37-13-195. The Commission does not have the authority to hire staff. *Id.* Neither Section 37-13-193 nor Section 37-13-195 addresses the funding of the Commission. It is our understanding that the Commission does not receive its own appropriation nor has the Office of the Secretary of State received any specific line-item appropriations for this purpose.

It is the opinion of this office that with the exception of the duties specifically assigned to the State Department of Education, the Office of the Secretary of State must assist the Commission with the management of the Commission’s activities in fulfilling its statutory responsibilities as outlined in Sections 37-13-193 and 37-13-195. Given that the statutes do not further define the specific role of the Office of the Secretary of State beyond “administrative purposes,” we recommend working with the Commission and the State Department of Education to determine the specific administrative assistance needed by the Commission and how to best provide it and potentially fund it. The experiences of other agencies with similar statutory responsibilities may also be instructive.

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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

OFFICIAL OPINION