



*Lynn Fitch*

ATTORNEY GENERAL  
OPINIONS AND POLICY

The purpose of the Opinion Outline is to inform State, county, and municipal officials and other interested persons of official opinions issues by the Attorney General's Office. This outline contains synopses of opinions issues from 10/01/2024 through 12/31/2024.

The synopses that follow are based upon opinions that were issues by this office in response to specific facts and circumstances and therefore may not be applicable in all cases. **Complete opinions are available on our website, [here](#).**

Sincerely,

Lynn Fitch  
Attorney General  
State of Mississippi

---

## 16<sup>th</sup> SECTION LAND

[Mord – December 5, 2024 \(OP-2024-00202\)](#)

A county board of education is not the “owner” of sixteenth section land within the meaning and purview of Mississippi Code Annotated Section 19-5-22, but the board does have control and jurisdiction of the land and all funds arising from the disposition thereof under Section 29-3-1(1). The State of Mississippi is the owner of all sixteenth section land and holds the land in public trust for the benefit of public schools. The lien in Section 19-5-22(2)(b) attaches to the leasehold interest of the state-owned sixteenth section land, and the county may collect delinquent fees from the lessee.

## AGRICULTURE

*Gipson – October 3, 2024 (OP-2024-00179)*

Subject to the approval of the Mississippi Department of Finance and Administration, the Mississippi Department of Agriculture and Commerce (“Department”) may acquire property by donation in the name of the State of Mississippi, in accordance with Mississippi Code Annotated Section 69-7-115. The Department also may acquire property under Section 69-7-115 by purchase, lease, or condemnation. What suffices for consideration in the instance of a purchase or lease is a determination to be made by the parties to the conveyance, subject to judicial review.

## **CHANCELLORS**

*Mask, et al. – November 1, 2024 (OP-2024-00169)*

Jurisdiction over civil commitment proceedings for respondents with unresolved felony charges is vested in the circuit court and remains with the circuit court even when the court enters an order of incompetency to stand trial. Jurisdiction over civil commitment proceedings for persons without unresolved felony charges shall be vested in and remain with the chancery court. For the purposes of the interpretation of Mississippi Code Annotated Section 41-21-63(2)(b), “unresolved felony charges” means a felony criminal indictment that is still pending.

## **CORE POWERS**

*Sanford – November 1, 2024 (OP-2024-00144)*

Whether a state agency employee exercises “core powers” of the executive branch with regard to separation powers is ultimately a determination of fact to be made by the head of that state agency.

## **COUNTIES**

*Griffin – October 10, 2024 (OP-2024-119)*

Pursuant to Mississippi Code Annotated Section 41-21-73(4), counties are responsible for costs related to the treatment of persons ordered committed for mental and/or intellectual disability. In addition, under Section 41-21-77(1), the Legislature intended “county-owned hospitals work with regional community mental health/intellectual disability centers in providing care to local patients.”

Finally, counties are permitted but not required to contract with community hospitals or other third parties to provide local mental health services for persons ordered committed but awaiting a placement at the state hospital for treatment.

*Hopkins, Jr. – October 21, 2024 (OP-2024-00160)*

A county may enter into a contract with a public hospital and that hospital’s ambulance service provider for ambulance services under Mississippi Code Annotated Sections 41-55-1 through 41-55-11. Further, a county may financially contribute to those parties under the contract, and may enter into the contract without advertising for competitive bids. Miss. Code Ann. § 41-55-7; MS AG Op., *Norquist* at \*1 (May 24, 2007).

*Baker – October 23, 2024 (OP-2024-00166)*

Mississippi Code Annotated Section 19-7-31 allows a board of supervisors to purchase equipment for public law libraries, so long as such equipment will be available to members of the bar as well as the general public.

[Ross, Jr. – December 10, 2024 \(OP-2024-00190\)](#)

Under Mississippi Code Annotated Sections 41-61-61(4) and 41-61-75(1)(a), a county board of supervisors has the authority to pay a mileage reimbursement invoice from a county coroner for actual expenses incurred in the transportation of a body for autopsy.

## **DEPARTMENT OF AUDIT**

[Polk – December 10, 2024 \(OP-2024-00232\)](#)

The authority conferred on the Department of Audit in Mississippi Code Annotated Section 7-7-211(d) is limited to financial audits only, and there is no other provision of law that authorizes the Department of Audit to conduct managerial studies without a request from the Governor, the Legislature, or a committee or other body empowered by the Legislature.

## **LAW ENFORCEMENT**

[Howell – November 8, 2024 \(OP-2024-00162\)](#)

Conservation officers generally have the power “[t]o arrest, without warrant, any person committing or attempting to commit a misdemeanor, felony or a breach of the peace within his presence or view and to pursue and so arrest any person committing an offense in any place in the state where the person may go or be.” Miss. Code Ann. § 49-1-43(4)(d). Section 63-9-21(3)(a) lists those law enforcement officers required to issue uniform traffic tickets, and although conservation officers are not specifically listed, all traffic tickets, citations, or affidavits issued –by conservation officers or otherwise– must contain the information required by Subsections 63-9-21(3)(b)-(d) of the Uniform Traffic Ticket Law.

[Roberson – November 22, 2024 \(OP-2024-00180\)](#)

If the factual determination is made that an unclaimed sum of money found by a law enforcement agency is “abandoned property,” the proper procedures for handling such money are set forth in Mississippi Code Annotated Section 21-39-21. Section 21-39-21 does not contemplate depositing the money with a law enforcement agency, nor does it require an order from a county court judge.

## **MUNICIPALITIES**

[Bullard – November 1, 2024 \(OP-2024-00156\)](#)

A city may only contribute public funds to maintain proper drainage of rivers and streams outside the city’s corporate limits if it makes the factual determination that this work will promote the health, comfort and convenience of the inhabitants of such municipality, prevent erosion within the municipal limits, or there is erosion outside the municipal limits that is caused by drainage ditches, creeks, or channels within the municipal limits. Miss. Code Ann. § 21-19-13.

[DuBose – November 8, 2024 \(OP-2024-00183\)](#)

A property owner cannot permanently obstruct a public right-of-way without the approval of the governing authorities of the municipality, but what action

the municipality can take to remedy the obstruction is ultimately within the discretion of the governing authority, based on the advice and counsel of their attorney.

[Spruill – November 8, 2024 \(OP-2024-00184\)](#)

Mississippi law does not require additional payment or a separate franchise agreement between a municipality and an electric cooperative or its broadband affiliate for broadband services to municipal residents. The two percent franchise fee in Mississippi Code Annotated Section 77-3-17 for utilities does not apply to broadband services provided by electric cooperatives or their broadband affiliates.

[Bruni – November 19, 2024 \(OP-2024-00172\)](#)

Settlement funds paid to a municipality are public funds and must be spent in accordance with state law. Regardless of restrictions placed on the funds in any settlement agreement, municipalities are prohibited from granting any donation unless specifically authorized by statute. Any donation made pursuant to Mississippi Code Annotated Sections 21-19-65 and 21-17-1(8) must comply with the requirement for matching funds.

[Watkins – December 2, 2024 \(OP-2024-00198\)](#)

Upon the proper factual determination, a municipality may contribute funds to a chamber of commerce pursuant to Mississippi Code Annotated Sections 17-3-1, 21-19-44, or another applicable statute. A municipality may only pay membership fees to such chamber if the expenditure conforms with Sections 17-3-1, 21-19-44, or another applicable statute, and whether the payment does indeed conform with the statutes is a factual determination for the municipality to make.

[Flaggs – December 30, 2024 \(OP-2024-00205\)](#)

A city may adopt an ordinance granting an exemption of a portion of the fees or charges for certain generators of garbage and/or rubbish pursuant to Mississippi Code Annotated Section 21-19-2(d). In doing so, however, the city must comply with Sections 21-19-1, 21-19-2, and 19-5-109, which specify the monies that can be used for waste disposal services.

## **SCHOOLS**

[Harkins – October 3, 2024 \(OP-2024-00182\)](#)

For the purposes of Mississippi Code Annotated Section 37-15-29(5)(a), members of the National Guard Active Guard Reserve are “active members of the United States Armed Forces,” and qualifying parents or legal guardians may select any school in any district “regardless of the residence of the child.” Miss. Code Ann. § 37-15-29(5)(a).

## **SHERIFFS**

[Shepard – October 23, 2024 \(OP-2024-00155\)](#)

A county jail may use inmate canteen funds to purchase a washing machine and clothes dryer so long as the purchase is made “for the benefit and welfare of the inmates incarcerated in the county jail,” pursuant to Mississippi Code Annotated Section 19-3-81(1)(b).

[Mixon – November 1, 2024 \(OP-2024-00163\)](#)

A sheriff may use money from an inmate canteen fund for the purchase of a boiler mixing valve as an education-related expense for the inmate-led HVAC

program as well as for maintaining equipment “for the benefit and welfare of the inmates incarcerated in the county jail,” pursuant to Mississippi Code Annotated Section 19-3-81(1)(b). Further, a sheriff may use money from an inmate canteen fund for the purchase of an additional washing machine and clothes dryer for inmate uniforms, so long as the purchase is made for the benefit and welfare of the inmate incarcerated in the county jail, pursuant to Section 19-3-81(1)(b).

[Johnson – November 25, 2024 \(OP-2024-00204\)](#)

Nothing within Mississippi Code Annotated Section 17-25-11 prohibits a third-party vendor from facilitating and managing law enforcement officers from the Sheriff’s office who are serving as off-duty security and then charging the client using such services an additional fee for profit.

[Tuggle – December 11, 2024 \(OP-2024-00189\)](#)

Mississippi Code Annotated Section 13-1-22.1(1)(a) requires a “certified peer support member” to have critical incident stress management training and to be certified by the Mississippi State Board of Health or the Mississippi Department of Public Safety.

## **PROPERTY TAXES**

[Martin – December 10, 2024 \(OP-2024-00175\)](#)

Pursuant to Mississippi Code Annotated Section 29-1-31, a tax assessor must assess property for the years it escaped taxation, including special and maintenance assessments, and collect such taxes in the manner provided by law.

## **UTILITIES**

[McKenzie – December 2, 2024 \(OP-2024-00211\)](#)

A utility debt may not be adjusted or forgiven when a customer has received the benefits of the utility service, regardless of a municipality’s error in billing.

## **VOTER ID/ELECTIONS**

[Seymour – October 10, 2024 \(OP-2024-00143\)](#)

Generally, in accordance with Mississippi Code Annotated Section 23-15-563(1), photo identification must be current and valid in order for a qualified elector to be allowed to vote at a polling place or the registrar’s office. However, the items listed in Subsection (2)(a), (b), (c), (d), (f), and (g) are exceptions to the general rule in Subsection (1) and are only required to be valid, but not current. A valid but not current Mississippi driver’s license is an acceptable form of photo identification pursuant to Section 23-15-563(2)(a).

A current and valid photo identification issued from another state meets the general photo identification requirements in Section 23-15-563(1) and, therefore, could be presented as an acceptable form of photo identification. A license to carry a pistol or revolver must be both current and valid to qualify as an acceptable form of voter identification. A non-United States passport or non-Mississippi driver’s license that is current and valid and meets the general photo identification requirements in Section 23-15-563 may be an acceptable

form of photo identification. However, a non-United States citizen or non-Mississippi resident cannot cast a legal ballot in Mississippi simply because he or she possesses a photo identification pursuant to Section 23-15-563.

## **INTERLOCAL AGREEMENTS APPROVED**

### *Brown – November 18, 2024 (OP-2024-00206)*

The Interlocal Cooperation Agreement between Lafayette County, the City of Oxford, and the University of Mississippi regarding law enforcement services is approved.

### *Comer – November 18, 2024 (OP-2024-00196)*

The Interlocal Cooperation Agreement between Itawamba County and the Town of Mantachie regarding the purchase of a new fire engine is approved.

### *Compton – November 18, 2024 (OP-2024-00199)*

The Interlocal Cooperation Agreement between Clarke County and the Quitman School District regarding the furnishing of school resource officers is approved.

### *Huskison – November 18, 2024 (OP-2024-00207)*

The Interlocal Cooperation Agreement between the City of Starkville and Mississippi State University regarding a transportation safety action plan is approved.

### *Smith – November 18, 2024 (OP-2024-00201)*

The Interlocal Cooperation Agreement between the municipalities of Tupelo, Saltillo, Baldwyn, Booneville, Fulton, Amory, Okolona and Houston and the Counties of Lee, Prentiss, Itawamba, Monroe, and Chickasaw regarding the 2024-2025 North Mississippi Narcotics Unit is approved.

### *Teller – November 18, 2024 (OP-2024-00192)*

The Interlocal Cooperation Agreement between the City of Vicksburg and Warren County regarding the assessment and collection of taxes is approved.

### *Teller – November 18, 2024 (OP-2024-00193)*

The Interlocal Cooperation Agreement between the City of Vicksburg and Warren County regarding the sale and redemption of property for nonpayment of taxes is approved.

### *Teller – November 18, 2024 (OP-2024-00194)*

The Interlocal Cooperation Agreement between the City of Vicksburg and Warren County regarding the development of a riverfront park is approved.

### *Riley – December 17, 2024 (OP-2024-00233)*

The Interlocal Cooperation Agreement between Holmes County and the City of Tchula regarding street repair, dilapidated property, and storm debris is approved.

### *Davis – December 17, 2024 (OP-2024-00212)*

The Interlocal Cooperation Agreement between Clarke County and the City of Meridian regarding the incarceration and housing of prisoners is approved.

### *Meek – December 17, 2024 (-2024-00241)*

The Interlocal Cooperation Agreement between Webster County and the City of Europa regarding the clearing and cleaning of the Brantley Park property is approved.

*Clark – December 17, 2024 (OP-2024-00220)*

The Regional Economic Development Act Agreement between Forrest County and Lamar County regarding the Eagle One Mega Site project is approved.

*Clark – December 17, 2024 (OP-2024-00221)*

The Regional Economic Development Act Agreement between Lee County and the City of Tupelo regarding Project Target is approved.

*Karcher – December 17, 2024 (OP-2024-00244)*

The Interlocal Cooperation Agreement between Jackson County and the City of Moss Point regarding a solid waste services contract is approved.

*Karanja – December 17, 2024 (OP-2024-00225)*

The Regional Economic Development Act Agreement between Jones County and the City of Laurel regarding the Cannery Row Project is approved.

*Karanja – December 17, 2024 (OP-2024-00226)*

The Interlocal Cooperation Agreement between Jones County and the City of Laurel regarding the Hobbs Autoplex TIF project is approved.

*Karanja – December 17, 2024 (OP-2024-00237)*

The Interlocal Cooperation Agreement between Leflore County and the City of Greenwood regarding “The Landing” Retail TIF project is approved.

---

**Our website offers a **FREE** searchable database of  
Official Opinions issued since 1979.**

**Go to our website's [Opinions and Policy](#) page.**

**Select the **Opinions** tab.**

**In the search box, enter the opinion number  
(ex. 2013-00367) and click search.**

---

**FOLLOW US**



MS Attorney General's Office | 550 High Street Suite 1200 | Jackson, MS 39201 US

[Unsubscribe](#) | [Update Profile](#) | [Constant Contact Data Notice](#)



Try email marketing for free today!