

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1147

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

6 SECTION 1. Section 11-46-1, Mississippi Code of 1972, is
7 amended as follows:

8 11-46-1. As used in this chapter the following terms shall
9 have the meanings herein ascribed unless the context otherwise
10 requires:

11 (a) "Claim" means any demand to recover damages from a
12 governmental entity as compensation for injuries.

13 (b) "Claimant" means any person seeking compensation
14 under the provisions of this chapter, whether by administrative
15 remedy or through the courts.

16 (c) "Board" means the Mississippi Tort Claims Board.

17 (d) "Department" means the Department of Finance and
18 Administration.

19 (e) "Director" means the executive director of the
20 department who is also the executive director of the board.

21 (f) "Employee" means any officer, employee or servant
22 of the State of Mississippi or a political subdivision of the
23 state, including elected or appointed officials and persons acting
24 on behalf of the state or a political subdivision in any official
25 capacity, temporarily or permanently, in the service of the state
26 or a political subdivision whether with or without compensation.

27 The term "employee" shall not mean a person or other legal entity
28 while acting in the capacity of an independent contractor under
29 contract to the state or a political subdivision; provided,
30 however, that for purposes of the limits of liability provided for
31 in Section 11-46-15, the term "employee" shall include physicians
32 under contract to provide health services with the State Board of
33 Health, the State Board of Mental Health or any county or
34 municipal jail facility while rendering services under such
35 contract. The term "employee" shall also include Mississippi
36 Department of Human Services licensed foster parents for the
37 limited purposes of coverage under the Tort Claims Act as provided
38 in Section 11-46-8.

39 (g) "Governmental entity" means and includes the state
40 and political subdivisions as herein defined.

41 (h) "Injury" means death, injury to a person, damage to
42 or loss of property or any other injury that a person may suffer
43 that is actionable at law or in equity.

44 (i) "Political subdivision" means any body politic or
45 body corporate other than the state responsible for governmental
46 activities only in geographic areas smaller than that of the
47 state, including but not limited to any county, municipality,
48 school district, community hospital as defined in Section
49 41-13-10, Mississippi Code of 1972, airport authority or other
50 instrumentality thereof, whether or not such body or
51 instrumentality thereof has the authority to levy taxes or to sue
52 or be sued in its own name.

53 (j) "State" means the State of Mississippi and any
54 office, department, agency, division, bureau, commission, board,
55 institution, hospital, college, university, airport authority or
56 other instrumentality thereof, whether or not such body or
57 instrumentality thereof has the authority to levy taxes or to sue
58 or be sued in its own name.

59 (k) "Law" means all species of law including but not

60 limited to any and all constitutions, statutes, case law, common
61 law, customary law, court order, court rule, court decision, court
62 opinion, court judgment or mandate, administrative rule or
63 regulation, executive order, or principle or rule of equity.

64 SECTION 2. Mississippi Department of Human Services licensed
65 foster parents shall be covered under this chapter for actions
66 taken in their capacity as required by the Department of Human
67 Services licensing standards only for claims made by parties other
68 than the foster child and only as to the adequate care and
69 supervision of foster children in their care. Nothing in this
70 section shall be construed to extend immunity to foster parents
71 who violate Department of Human Services licensing standards.

72 SECTION 3. Section 2 of this act shall be codified as
73 Section 11-46-8, Mississippi Code of 1972.

74 SECTION 4. This act shall take effect and be in force from
75 and after July 1, 1999.