

By: Senator(s) Cuevas

To: Judiciary

SENATE BILL NO. 2610

1 AN ACT TO AMEND SECTION 11-46-1, MISSISSIPPI CODE OF 1972, TO  
2 REINSTATE SOVEREIGN IMMUNITY FOR SCHOOL DISTRICTS; AND FOR RELATED  
3 PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

7 11-46-1. As used in this chapter, the following terms shall  
8 have the meanings herein ascribed unless the context otherwise  
9 requires:

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

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

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

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

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

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

26 The term "employee" shall not mean a person or other legal entity  
27 while acting in the capacity of an independent contractor under



28 contract to the state or a political subdivision; provided,  
29 however, that for purposes of the limits of liability provided for  
30 in Section 11-46-15, the term "employee" shall include physicians  
31 under contract to provide health services with the State Board of  
32 Health, the State Board of Mental Health or any county or  
33 municipal jail facility while rendering services under such  
34 contract. The term "employee" shall also include any physician,  
35 dentist or other health care practitioner employed by the  
36 University of Mississippi Medical Center (UMMC) and its  
37 departmental practice plans who is a faculty member and provides  
38 health care services only for patients at UMMC or its affiliated  
39 practice sites. The term "employee" shall also include any  
40 physician, dentist or other health care practitioner employed by  
41 any university under the control of the Board of Trustees of State  
42 Institutions of Higher Learning who practices only on the campus  
43 of any university under the control of the Board of Trustees of  
44 State Institutions of Higher Learning. The term "employee" shall  
45 also include any physician, dentist or other health care  
46 practitioner employed by the State Veterans Affairs Board and who  
47 provides health care services for patients for the State Veterans  
48 Affairs Board. The term "employee" shall also include Mississippi  
49 Department of Human Services licensed foster parents for the  
50 limited purposes of coverage under the Tort Claims Act as provided  
51 in Section 11-46-8.

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

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

57 (i) "Political subdivision" means any body politic or  
58 body corporate other than the state responsible for governmental  
59 activities only in geographic areas smaller than that of the  
60 state, including, but not limited to, any county, municipality,



61 \* \* \* community hospital as defined in Section 41-13-10,  
62 Mississippi Code of 1972, airport authority or other  
63 instrumentality thereof, whether or not such body or  
64 instrumentality thereof has the authority to levy taxes or to sue  
65 or be sued in its own name; "political subdivision" does not mean  
66 a school district.

67 (j) "State" means the State of Mississippi and any  
68 office, department, agency, division, bureau, commission, board,  
69 institution, hospital, college, university, airport authority or  
70 other instrumentality thereof, whether or not such body or  
71 instrumentality thereof has the authority to levy taxes or to sue  
72 or be sued in its own name.

73 (k) "Law" means all species of law including, but not  
74 limited to, any and all constitutions, statutes, case law, common  
75 law, customary law, court order, court rule, court decision, court  
76 opinion, court judgment or mandate, administrative rule or  
77 regulation, executive order, or principle or rule of equity.

78 **SECTION 2.** This act shall take effect and be in force from  
79 and after July 1, 2003.

