

By: Representative Moak

To: Judiciary A

HOUSE BILL NO. 89

1 AN ACT TO AMEND SECTION 11-46-13, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT CASES SENT BACK FROM APPELLATE COURTS MAY BE HEARD  
3 IN CHANCERY COURT; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 11-46-13, Mississippi Code of 1972, is  
6 amended as follows:

7 11-46-13. (1) Jurisdiction for any suit filed under the  
8 provisions of this chapter shall be in the court having original  
9 or concurrent jurisdiction over a cause of action upon which the  
10 claim is based. The judge of the appropriate court shall hear and  
11 determine, without a jury, any suit filed under the provisions of  
12 this chapter. Appeals may be taken in the manner provided by law.  
13 Cases that are remanded or otherwise returned from the Supreme  
14 Court or the Court of Appeals may be heard in chancery court.

15 (2) The venue for any suit filed under the provisions of  
16 this chapter against the state or its employees shall be in the  
17 county in which the act, omission or event on which the liability  
18 phase of the action is based, occurred or took place. The venue  
19 for all other suits filed under the provisions of this chapter  
20 shall be in the county or judicial district thereof in which the  
21 principal offices of the governing body of the political  
22 subdivision are located. The venue specified in this subsection  
23 shall control in all actions filed against governmental entities,  
24 notwithstanding that other defendants which are not governmental  
25 entities may be joined in the suit, and notwithstanding the  
26 provisions of any other venue statute that otherwise would apply.

27           **SECTION 2.** This act shall take effect and be in force from  
28 and after July 1, 2005.