

By: Senator(s) Burton

To: Judiciary, Division A

SENATE BILL NO. 2080

1 AN ACT TO AMEND SECTION 7-5-39, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE AGENCY HEAD APPROVAL AS A CONDITION PRECEDENT TO LEGAL
3 ACTION ON BEHALF OF THE AGENCY BY THE OFFICE OF THE ATTORNEY
4 GENERAL; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 7-5-39, Mississippi Code of 1972, is
7 amended as follows:

8 7-5-39. (1) The Attorney General shall also represent the
9 state, in person or by his assistant, as counsel in all suits
10 against the state in other courts than the Supreme Court at the
11 seat of government, and he shall, in like manner, act as counsel
12 for any of the state officers in suits brought by or against them
13 in their official capacity, touching any official duty or trust
14 and triable at the seat of government. He may pursue the
15 collection of any claim or judgment in favor of the state outside
16 of the state.

17 (2) Except as otherwise expressly provided by law, no legal
18 action on behalf of any state agency, including a suit to recoup
19 funds expended by an agency, may be taken without the written
20 consent of the executive director of the agency.

21 SECTION 2. This act shall take effect and be in force from
22 and after July 1, 2007.