

By: Representative Baker

To: Judiciary A

HOUSE BILL NO. 710

1 AN ACT TO AMEND SECTION 9-3-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE A PROCEDURE FOR COMPLAINTS FILED AGAINST THE STATE
3 REGARDING THE CONSTITUTIONALITY OF LEGISLATIVE ENACTMENTS; TO
4 PROVIDE FOR APPEALS; TO AMEND SECTION 11-46-13, MISSISSIPPI CODE
5 OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 9-3-9, Mississippi Code of 1972, is
8 amended as follows:

9 9-3-9. (1) (a) The Supreme Court shall have such
10 jurisdiction as properly belongs to a court of appeals, and shall
11 hear and determine all manner of pleas, complaints, motions,
12 causes, and controversies, civil and criminal, which are now
13 pending therein, or which may be brought before it, and which
14 shall be cognizable in said court; but a cause shall not be
15 removed into said court until after final judgment in the court
16 below, except as provided by Section 9-4-3, or in cases
17 particularly provided for by law; and the Supreme Court may grant
18 new trials and correct errors of the circuit court in granting or
19 refusing the same.



20 (b) Provided, however, the Supreme Court shall have
21 such original and appellate jurisdiction as may be otherwise
22 provided by law in cases and proceedings for modification of any
23 rates charged or sought to be charged to the public by any public
24 utility.

25 (2) The circuit courts of this state shall have exclusive
26 jurisdiction over all complaints filed against the State of
27 Mississippi and/or any office, department, agency, division,
28 bureau, commission, board, institution or other instrumentality
29 thereof and including any employee or servant of the State of
30 Mississippi, including elected or appointed officials and persons
31 acting on behalf of the state in any official capacity,
32 temporarily or permanently, in the service of the state whether
33 with or without compensation, challenging the lawfulness or
34 constitutionality of any state law, order, rule or regulation.
35 Any such complaint may be filed with any circuit clerk of any
36 county. When the circuit clerk receives such a complaint, the
37 clerk shall immediately notify, by registered letter, telephone,
38 or personally, the Chief Justice of the Supreme Court or in his
39 absence, or disability, some other Justice of the Supreme Court,
40 who shall within a reasonable time upon notice of the complaint,
41 designate and notify a judge to hear and determine the matters at
42 issue. The circuit clerk shall also provide a copy of the
43 complaint to the Office of the Governor, the Office of the



44 Attorney General, the Clerk of the Mississippi House of
45 Representatives and the Secretary of the Mississippi Senate.

46 The Chief Justice of the Supreme Court shall compile a list
47 of judges throughout the state to hear such complaints. The judge
48 that is designated by the Chief Justice of the Supreme Court as
49 provided by this subsection (2), shall fix the location and date
50 of all hearings and trials related thereto, shall provide
51 reasonable notice to all parties and shall cause all parties to
52 the matter to be served in a reasonable manner. In fixing the
53 location of all hearings and trials, the judge may designate any
54 circuit court in the state. When served, each party shall
55 promptly file his answer, and such other pleadings, as applicable.

56 **SECTION 2.** Section 11-46-13, Mississippi Code of 1972, is
57 amended as follows:

58 11-46-13. (1) Jurisdiction for any suit filed under the
59 provisions of this chapter, except as otherwise provided in
60 Section 9-3-9(2) for claims filed against the state, shall be in
61 the court having original or concurrent jurisdiction over a cause
62 of action upon which the claim is based. The judge of the
63 appropriate court shall hear and determine, without a jury, any
64 suit filed under the provisions of this chapter. Appeals may be
65 taken in the manner provided by law.

66 (2) The venue for any suit filed under the provisions of
67 this chapter against the state or its employees shall be in the
68 county in which the act, omission or event on which the liability



69 phase of the action is based, occurred or took place. The venue
70 for all other suits filed under the provisions of this chapter
71 shall be in the county or judicial district thereof in which the
72 principal offices of the governing body of the political
73 subdivision are located. The venue specified in this subsection
74 shall control in all actions filed against governmental entities,
75 notwithstanding that other defendants which are not governmental
76 entities may be joined in the suit, and notwithstanding the
77 provisions of any other venue statute that otherwise would apply.

78 **SECTION 3.** This act shall take effect and be in force from
79 and after July 1, 2015.

