

By: Representative Touchstone

To: Judiciary A

HOUSE BILL NO. 1048

1 AN ACT TO AMEND SECTION 75-71-609, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE A HEARING FOR A SUPERSEDEAS BOND BY CHANCELLOR UPON  
3 APPEAL OF ADMINISTRATIVE DECISIONS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 75-71-609, Mississippi Code of 1972, is  
6 amended as follows:

7 75-71-609. **Judicial review.** (a) **Petition for judicial**  
8 **review of order; venue; scope of review.** Any person aggrieved by  
9 a final order of the administrator may \* \* \* petition the Chancery  
10 Court of the First Judicial District of Hinds County,  
11 Mississippi, \* \* \* for an appeal with supersedeas, by filing in  
12 court, within thirty (30) days after the entry of the order a  
13 written petition praying that the order be modified or set aside,  
14 in whole or in part. A copy of the petition shall be forthwith  
15 served upon the administrator and thereupon the administrator  
16 shall certify and file in court a copy of the filing and evidence  
17 upon which the order was entered. \* \* \* The chancellor shall  
18 grant a preliminary hearing to determine the bond amount. The



19 appellant shall be required to post a bond with sufficient  
20 sureties according to law in the amount set by the chancellor.  
21 Appeals may be taken from the chancery court to the Supreme Court  
22 in the manner as now required by law, but if a supersedeas is  
23 desired by the party appealing to the chancery court, that party  
24 may apply for the supersedeas to the chancellor, who shall award a  
25 writ of supersedeas, without additional bond, if in the  
26 chancellor's judgment, material damage is not likely to result.  
27 If material damage is likely to result, the chancellor shall  
28 require a supersedeas bond as deemed proper, which shall be liable  
29 to the state for any damage.

30 (b) **Scope of Review.** The findings of the administrator as  
31 to the facts, if supported by competent material and substantial  
32 evidence, are conclusive.

33 ( \* \* \*c) **Adduction of additional evidence.** If either party  
34 applies to the court for leave to adduce additional material  
35 evidence, and shows to the satisfaction of the court that there  
36 were reasonable grounds for failure to adduce the evidence in the  
37 hearing before the administrator, the court may order the  
38 additional evidence to be taken before the administrator and to be  
39 adduced upon the hearing in such manner and upon such conditions  
40 as the court considers proper. The administrator may modify his  
41 findings and order by reason of the additional evidence and shall  
42 file in court the additional evidence together with any modified  
43 or new findings or order.



44 \* \* \*

45           **SECTION 2.** This act shall take effect and be in force from  
46 and after July 1, 2018.

