

By: Senator(s) DeBar

To: Judiciary, Division A

SENATE BILL NO. 2558

1 AN ACT TO AMEND SECTION 75-71-609, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE HEARING FOR SUPERSEDEAS BOND BY CHANCELLOR UPON APPEAL
3 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. (a) **Petition for judicial review of order;**
8 **venue * * *.** Any person aggrieved by a final order of the
9 administrator may * * * petition the Chancery Court of the First
10 Judicial District of Hinds County, Mississippi, for an appeal with
11 supersedeas, by filing in court, within * * * thirty (30) days
12 after the entry of the order, a written petition praying that the
13 order be modified or set aside, in whole or in part. A copy of
14 the petition shall be forthwith served upon the administrator and
15 thereupon the administrator shall certify and file in court a copy
16 of the filing and evidence upon which the order was entered. * * *
17 The chancellor shall grant a bond hearing to determine the bond
18 amount. The appellant shall be required to post a bond with



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



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

