

By: Senator(s) Cuevas

To: Judiciary

SENATE BILL NO. 2464

1 AN ACT TO AMEND SECTION 11-46-1, MISSISSIPPI CODE OF 1972, TO
2 REINSTATE SOVEREIGN IMMUNITY FOR SCHOOL DISTRICTS; AND FOR RELATED
3 PURPOSES.

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

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

7 11-46-1. As used in this chapter the following terms shall
8 have the meanings herein ascribed unless the context otherwise
9 requires:

10 (a) "Claim" means any demand to recover damages from a
11 governmental entity as compensation for injuries.

12 (b) "Claimant" means any person seeking compensation
13 under the provisions of this chapter, whether by administrative
14 remedy or through the courts.

15 (c) "Board" means the Mississippi Tort Claims Board.

16 (d) "Department" means the Department of Finance and
17 Administration.

18 (e) "Director" means the executive director of the
19 department who is also the executive director of the board.

20 (f) "Employee" means any officer, employee or servant
21 of the State of Mississippi or a political subdivision of the
22 state, including elected or appointed officials and persons acting
23 on behalf of the state or a political subdivision in any official
24 capacity, temporarily or permanently, in the service of the state
25 or a political subdivision whether with or without compensation.

26 The term "employee" shall not mean a person or other legal entity
27 while acting in the capacity of an independent contractor under



28 contract to the state or a political subdivision; provided,
29 however, that for purposes of the limits of liability provided for
30 in Section 11-46-15, the term "employee" shall include physicians
31 under contract to provide health services with the State Board of
32 Health, the State Board of Mental Health or any county or
33 municipal jail facility while rendering services under such
34 contract. The term "employee" shall also include Mississippi
35 Department of Human Services licensed foster parents for the
36 limited purposes of coverage under the Tort Claims Act as provided
37 in Section 11-46-8.

38 (g) "Governmental entity" means and includes the state
39 and political subdivisions as herein defined.

40 (h) "Injury" means death, injury to a person, damage to
41 or loss of property or any other injury that a person may suffer
42 that is actionable at law or in equity.

43 (i) "Political subdivision" means any body politic or
44 body corporate other than the state responsible for governmental
45 activities only in geographic areas smaller than that of the
46 state, including but not limited to any county,
47 municipality, * * * community hospital as defined in Section
48 41-13-10, Mississippi Code of 1972, airport authority or other
49 instrumentality thereof, whether or not such body or
50 instrumentality thereof has the authority to levy taxes or to sue
51 or be sued in its own name; "political subdivision" does not mean
52 a school district.

53 (j) "State" means the State of Mississippi and any
54 office, department, agency, division, bureau, commission, board,
55 institution, hospital, college, university, airport authority or
56 other instrumentality thereof, whether or not such body or
57 instrumentality thereof has the authority to levy taxes or to sue
58 or be sued in its own name.

59 (k) "Law" means all species of law including but not
60 limited to any and all constitutions, statutes, case law, common



61 law, customary law, court order, court rule, court decision, court
62 opinion, court judgment or mandate, administrative rule or
63 regulation, executive order, or principle or rule of equity.

64 **SECTION 2.** This act shall take effect and be in force from
65 and after July 1, 2002.

