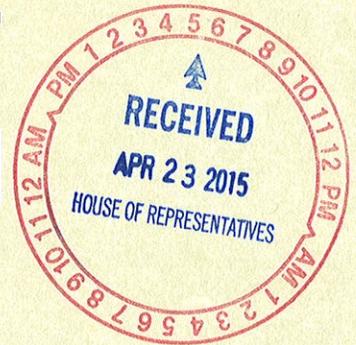


# STATE OF MISSISSIPPI

## Office of the Governor



April 23, 2015



TO THE MISSISSIPPI HOUSE OF REPRESENTATIVES

### GOVERNOR'S VETO MESSAGE FOR HOUSE BILL 1047

I am returning House Bill 1047, "AN ACT TO AMEND SECTION 11-46-1, MISSISSIPPI CODE OF 1972, TO INCLUDE EMPLOYEES OF AND MEMBERS OF THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD WITHIN THE SCOPE OF PROTECTION FROM CLAIMS UNDER THE TORT CLAIMS ACT AND MEMBERS OF THE PERSONAL SERVICE CONTRACT REVIEW BOARD; AND FOR RELATED PURPOSES", without my approval, and assign the following reasons for my veto.

House Bill 1047 would amend § 11-46-1(f)(iii) of the Mississippi Tort Claims Act to include "any employee or member of the Mississippi Charter School Authorizer Board" and "any member of the Personal Service Contract Review Board" under the definition of "employee" for purposes of Tort Claims Act protection.

This new language is unnecessary – employees and members of the Mississippi Charter School Authorizer Board, Personal Service Contract Review Board, and other boards already are covered under the statute's general definition of "employee", which is defined as "any officer, employee or servant of the State of Mississippi or a political subdivision of the state, including elected or appointed officials and persons acting on behalf of the state or a political subdivision in any official capacity, temporarily or permanently, in the service of the state or a political subdivision whether with or without compensation." Miss. Code Ann. § 11-46-1.

Specifically naming these two boards in the definition would support an argument that a member of a board not listed under the definition of "employee" would not receive the legal protections afforded by the Tort Claims Act.

Accordingly, I am vetoing House Bill 1047.

Respectfully submitted,

PHIL BRYANT  
GOVERNOR

4/23/15 4:13pm