STATE OF MISSISSIPPI

Office of the Governor

April 15, 2014

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND THE MISSISSIPPI SENATE:

GOVERNOR'S SIGNING STATEMENT FOR HOUSE BILL 1476

I am signing House Bill 1476, "AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF FUNDING K-12 AND OTHER RELATED EDUCATIONAL ACTIVITIES, INCLUDING CERTAIN AGENCIES AND PROGRAMS, IN THE STATE OF MISSISSIPPI, FOR THE FISCAL YEAR 2015," despite unnecessary language in one section of the bill with which I disagree.

The first sentence of Section 44 of House Bill 1476 references a separate appropriation made to the Department of Mental Health (DMH) "to expand community services" for individuals with mental illnesses and intellectual or developmental disabilities. I fully support that appropriation and approved it as law by signing the DMH appropriations bill. Unfortunately, the remainder of this sentence and similar language in the DMH bill could be read to imply that the State of Mississippi is not in compliance with the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*, as interpreted in *Olmstead v. L.C.*, 527 U.S. 581 (1999). In fact, the State is in compliance with the ADA and *Olmstead.* I understand that the United States Department of Justice (DOJ) has suggested otherwise; however, DOJ's expansive interpretation of *Olmstead* not only lacks legal support but also raises serious constitutional questions, and DOJ's factual allegations are unsubstantiated. A lawsuit that DOJ filed against one of our neighboring states based on similar theories and allegations was dismissed by a federal judge as without merit. *United States v. Arkansas*, 794 F. Supp. 2d 935 (E.D. Ark. 2011). In dismissing the lawsuit, the judge noted that DOJ was "in the odd position of asserting that certain persons' rights have been and are being violated while those persons—through their parents and guardians—disagree." *Id.* at 937. The situation in Mississippi appears to be much the same.

Nonetheless, I am signing House Bill 1476 because I support the underlying appropriation and have no other objection to the bill, and because the superfluous language in Section 44 has no legal significance.

Respectfully submitted,

Phil Bryant
GOVERNOR