STATE OF MISSISSIPPI

Office of the Governor

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STATE SENATE

April 22, 2013

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

GOVERNOR'S SIGNING STATEMENT FOR SENATE BILL 2874

I am signing Senate Bill 2874, "APPROPRIATION; MENTAL HEALTH, DEPARTMENT OF," despite unnecessary language in one section of the bill with which I disagree.

Section 15 of Senate Bill 2874 appropriates $10,000,000 "to expand … community based services" for individuals with mental illnesses and intellectual or developmental disabilities. I fully support this appropriation and approve it as law by signing the bill. Unfortunately, the remainder of this sentence 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 Senate Bill 2874 because I support the underlying appropriation and have no other objection to the bill, and because the superfluous language in Section 15 has no legal significance.

Respectfully submitted,

Phil Bryant

Phil Bryant
Governor