

**IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

**REPRESENTATIVE PHILIP GUNN
REPRESENTATIVE JASON WHITE**

PLAINTIFFS

vs.

CIVIL ACTION NO. G20-943

GOVERNOR TATE REEVES

DEFENDANT

SECOND AMENDED COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiffs State Representatives Philip Gunn and Jason White (the “State Representatives”) file this Second Amended Complaint for Declaratory Judgment against Governor Tate Reeves as a consequence of his unconstitutional attempt to partially veto an appropriation bill for the Mississippi Department of Health, for the Mississippi Department of Mental Health, and for other agencies.

As their Complaint, the State Representatives show:

1.

Plaintiff Representative Philip Gunn (“Speaker Gunn”) is a duly elected member of the Mississippi House of Representatives and the duly elected Speaker of the House of Representatives. Speaker Gunn is an adult resident citizen of Hinds County, Mississippi.

2.

Plaintiff Representative Jason White (“Speaker *Pro Tem* White”) is a duly elected member of the Mississippi House of Representatives, the duly elected Speaker *Pro Tempore* of the House of Representatives and Chairman of the Management Committee of the House of Representatives. Speaker *Pro Tem* White is an adult resident citizen of Holmes County, Mississippi.

3.

Defendant Governor Tate Reeves (“Governor Reeves”) is the duly elected Governor of the State of Mississippi. Governor Reeves is an adult resident citizen of Rankin County, Mississippi, upon whom service of process may be had by service of the Summons and Complaint in this matter on the Attorney General of the State of Mississippi at 550 High Street, Jackson, Mississippi 39201.

4.

This Court has *in personam* jurisdiction over the parties in this matter as all parties are adult resident citizens of the State of Mississippi and all are elected officials of the State of Mississippi.

5.

This Court has subject matter jurisdiction in this matter pursuant to §159, Miss. Const (1890), and Miss. Code Ann. §9-5-81, inasmuch as the declaratory relief sought in this action, intended to prevent an ongoing dispute capable of repetition yet otherwise subject to evading review, and to prevent a multiplicity of actions, sounds in equity as well as in law.

6.

Venue is proper in this county and district inasmuch as the facts and circumstances giving rise to the cause of action all occurred in this county and district, and the seat of state government of the State of Mississippi is located in this county and district.

7.

Declaratory judgment is appropriate in this matter inasmuch as the relief sought in this matter would result in a judgment that will terminate a controversy that is capable of repetition yet subject to evading review unless the relief sought here is granted. Declaratory judgment is further appropriate in this matter as it is necessary to remove uncertainty as to the proper constitutional

and legal powers, rights, status and relations of the parties and of the respective branches of government in which they serve.

8.

This matter is appropriate for and requires expedited handling on the docket of this Court and speedy resolution of the controversy between the parties for the following reasons:

- a. A significant portion of the funds that are the subject of the appropriation bill that forms the subject of this action are federal funds transferred to the State of Mississippi under the Coronavirus Aid, Relief and Economic Security Act of 2020 (the “CARES Act”), and must be expended by the end of the calendar year or be returned to the federal government; and
- b. The State’s Fiscal Year 2021 is well underway, having commenced July 1, 2020, and the proper operation of state government requires that the several state agencies and many state offices and divisions affected by the bill that is the subject of this action have certainty as to the amount of appropriated funds authorized for use in those agencies’ service to the people of the State of Mississippi.

9.

On July 2, 2020, after approval of the bill by near-unanimous votes in both legislative chambers during the 2020 Regular Session of the Mississippi Legislature, the Legislature tendered to Governor Reeves for his consideration House Bill No. 1782 (“H.B. 1782”), providing appropriations, including CARES Act funds, for several agencies to address the public health emergency caused by the COVID-19 pandemic. A true and accurate copy of the bill is attached as Exhibit “A” and incorporated by reference.

10.

Pursuant to §72, Miss. Const. (1890), the bill was required to be approved by the Governor or returned to the Legislature disapproved, within five (5) days, excluding Sundays, or by July 8, 2020.

11.

Late on the night of July 8, 2020, Governor Reeves signed a message to the Mississippi House of Representatives, purporting partially to approve and partially to disapprove H.B. 1782, an urgent public health appropriations bill. Governor Reeves asserted that his action was authorized by the provision of §73 of the Mississippi Constitution of 1890. A true and accurate copy of Governor Reeves's message is attached as Exhibit "B" and incorporated by reference. An edited copy of H.B. 1782, reflecting red strike-through marks for the convenience of the Court to indicate language disapproved by Governor Reeves, is attached as Exhibit "C" and incorporated by reference.

12.

In a series of cases dating from immediately after the adoption of the current Mississippi Constitution and continuing into the twenty-first century, the Mississippi Supreme Court has made clear that efforts at line item vetoes such as Governor Reeves's with respect to H.B. 1782 are nullities – of no legal effect. Because H.B. 1782 was not returned to the House of Representatives either approved or disapproved by Governor Reeves within the five-day time period required by the Constitution, the bill became law without his approval, pursuant to §72, Miss. Const. (1890).

13.

In *State ex rel. Teachers & Officers v. Holder*, 76 Miss. 158, 23 So. 643 (Miss. 1898), our Supreme Court stated plainly, only eight years after adoption of the State's current constitution,

that the governor of our state does not have the authority exercised by Governor Reeves with respect to H.B. 1782. *Holder* made clear that the constitution does not authorize the Governor to partially veto any part of any appropriation bill he chooses. Rather, the Supreme Court held that the partial veto power described in §73 can be properly understood only when read as a complement to §69, which generally prohibits omnibus appropriation bills. The purpose of §73 was to give effect to §69. In other words, if the legislature contravenes §69 by passing an omnibus appropriation bill that contains several unrelated appropriations, a governor may carve out and veto any constituent appropriation within that omnibus bill just as he might have done had that appropriation been passed singly in a stand-alone bill in compliance with §69. But, he may not constitutionally pick apart any appropriation that is one indivisible whole:

...[I]f a single bill, making one whole of its constituent parts, "fitly joined together," and all necessary in legislative contemplation, may be dis severed by the governor, and certain parts torn from their connection may be approved, and thereby become law, while the other parts, unable to secure a two-thirds vote in both houses, will not be law, we shall have a condition of things never contemplated, and appalling in its possible consequences.

The true meaning of section 73 is that an appropriation bill made up of several parts (that is, distinct appropriations), different, separable, each complete without the other, which may be taken from the bill without affecting the others, which may be separated into different parts complete in themselves, may be approved, and become law in accordance with the legislative will, while others of like character may be disapproved, and put before the legislature again, dissociated from the other appropriations. To allow a single bill, entire, inseparable, relating to one thing, containing several provisions, all complementary of each other, and constituting one whole, to be picked to pieces, and some of the pieces approved, and others vetoed, is to divide the indivisible; to make of one, several; to distort and pervert legislative action, and by veto make a two-thirds vote necessary to preserve what a majority passed, allowable as to the entire bill, but inapplicable to a unit composed of divers complementary parts, the whole passed because of each. ... Section 69 of the constitution does not forbid all legislation in appropriation bills. It prohibits general, foreign, and incongruous legislation, but distinctly authorizes legislation prescribing conditions on which money appropriated may be paid out. Restricting the prohibition of section 69 and the provisions of section 73 to general

appropriation bills, or bills containing distinct and separable items of appropriation, all difficulty is removed, harmony is established, and the several provisions made intelligible and useful.

Id., 23 So. at 645.

Moreover, in carving out and vetoing a separable appropriation that is a constituent part of a larger omnibus bill, a governor may only veto the entire separable appropriation. He may not veto a purpose or condition of that appropriation, because that would allow a governor to thwart the will of the legislature and would have the effect of making him the sole, supreme legislator:

[M]ay the governor approve and make law of the appropriation, and veto and defeat the purpose or the conditions or both, whereby the legislative will would be frustrated, unless the vetoed purposes or conditions were passed by a two-thirds vote of each house? This would be monstrous.

Id.

14.

Almost exactly 100 years later, the Supreme Court reaffirmed its interpretation of the constitutional roles of the legislature and the governor, holding that:

The legislature's and the governor's power are not unlimited. The Governor is a check upon the spending power of the legislature within our established system of checks and balances. Therefore, the legislature may spend as it sees best just as the Governor may veto bills under § 73 and § 72 as he sees best, *but both must still operate within the constitutional parameters established by the drafters of our constitution.*

Fordice v. Bryan, 651 So. 2d 998, 1002 (Miss. 1995) (emphasis added). Here again, the Supreme Court ruled that a governor is not authorized to pick and choose various portions of bills to veto as Governor Reeves has here done.

15.

Then as recently as 2004, our high court made clear that it meant what it had said in the course of the previous century – the governor of our state still does not have legal authority to pick

and choose line items of appropriations bills he likes and line items he doesn't like. As the Supreme Court noted in *Barbour v. Delta Correctional Facility Authority*, 871 So. 2d 703 (Miss. 2004):

This Court applied well-reasoned principles to the interpretation of constitutional provisions and subsequent legislation for almost 100 years [following *Holder*]. This Court finds that these principles and reasoning still stand today.

Further, this Court finds that *the executive branch of government through a governor's use of a partial veto may not thwart or sabotage the legislative intent*. Indeed, an "executive" or governor in this instance, "in every republican form of government, has only a qualified and destructive legislative function, and never creative legislative power." [quoting *Holder*]. *Thus, we find that the Governor's veto here cannot inhibit the legislative intent of the bill, nor can his veto create new legislation*. Indeed, both *Holder* and *Fordice* warned against allowing a single bill to be picked to pieces resulting in dividing "the indivisible" and frustrating legislative intent.

Id., 871 So. 2d at 710-11 (emphasis added).

16.

In his purported partial veto of the public health emergency appropriations authorized by H.B. 1782, Governor Reeves attempted to veto spending conditions of those appropriations. Well-meaning though his action no doubt was, it is not allowed by our state's constitution. This Court should enter judgment to that effect.

THEREFORE, the State Representatives pray for judgment of this Court, declaring the purported partial veto of July 8, 2020 as to House Bill No. 1782 of the 2020 Regular Session of the Mississippi Legislature a nullity and of no legal effect.

FURTHER, the State Representatives pray for judgment of this Court, declaring House Bill No. 1782 to be law, having neither been approved nor disapproved by the governor within five days, Sundays excluded, of the bill having been tendered to him by the Mississippi Legislature.

FINALLY, the State Representatives request that this Court order a speedy hearing of this matter and advance it on the calendar of this Court, pursuant to Miss. R. Civ. Pro. 57(a).

Respectfully submitted, this the 14th day of August, 2020.

**REPRESENTATIVE PHILIP GUNN
REPRESENTATIVE JASON WHITE
PLAINTIFFS**

BY: /s/ R. Andrew Taggart, Jr.
R. Andrew Taggart, Jr. (MSB# 7422)
Their Attorney

OF COUNSEL:

R. ANDREW TAGGART, JR. (MSB# 7422)
ELLEN V. ROYAL (MSB#105682)
TAGGART, RIMES & GRAHAM, PLLC
1022 Highland Colony Parkway
Suite 101
Ridgeland, MS 39157
Ph. 601-898-8400
Fx. 601-898-8420
andy@trglawyers.com
ellen@trglawyers.com

CERTIFICATE OF SERVICE

I, R. Andrew Taggart, Jr., attorney for Plaintiffs, certify that on this date I have served a copy of this Second Amended Complaint by email to:

The Honorable David Maron
Chief Counsel to Governor Tate Reeves
Office of the Governor
david.maron@govreeves.ms.gov

and have directed personal service on Governor Tate Reeves by means of service on the Attorney General of the State of Mississippi.

This, the 14th day of August, 2020.

/s/ R. Andrew Taggart, Jr.
R. ANDREW TAGGART, JR.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2020

By: Representatives Mims, Mickens, Paden,
Dortch, Foster, Hines, Johnson, Bell (65th),
McCray, Thompson

To: Rules

HOUSE BILL NO. 1782
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FROM THE BUDGET CONTINGENCY
2 FUND TO THE MISSISSIPPI DEVELOPMENT AUTHORITY, THE STATE
3 DEPARTMENT OF HEALTH, THE STATE DEPARTMENT OF MENTAL HEALTH AND
4 THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING FOR
5 THE PURPOSES OF ADDRESSING OR RELATED TO THE PUBLIC HEALTH
6 EMERGENCY DUE TO THE COVID-19 PANDEMIC; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following sum, or so much of it as may be
9 necessary, is appropriated out of any money in the Budget
10 Contingency Fund not otherwise appropriated, to the Mississippi
11 Development Authority for the purposes described in Section 2 of
12 this act, for the period beginning upon July 1, 2020, and ending
13 December 30, 2020.....\$ 30,207,000.00.

14 **SECTION 2.** The funds appropriated under Section 1 of this
15 act shall be expended by the Mississippi Development Authority for
16 the following purposes:

17 (a) Providing funds to the ambulatory surgical centers
18 licensed by the State Department of Health for purchasing personal
19 protective equipment (PPE) and providing for COVID-19 testing for
20 their staff for protection against COVID-19 from current patients



21 and to have sufficient PPE and testing in preparation for the
22 expected new cases during the continuation of the current COVID-19
23 public health emergency later this year, in amounts not exceeding
24 Four Thousand Dollars (\$4,000.00) per surgery center.\$ 300,000.00.

25 (b) Providing funds to the assisted living facilities
26 licensed by the State Department of Health for purchasing personal
27 protective equipment (PPE) and providing for COVID-19 testing for
28 their staff for protection against COVID-19 from current patients
29 and to have sufficient PPE and testing in preparation for the
30 expected new cases during the continuation of the current COVID-19
31 public health emergency later this year, in amounts not exceeding
32 Four Thousand Dollars (\$4,000.00) per facility.....\$ 452,000.00.

33 (c) Providing funds to the Alzheimer's/dementia care
34 units licensed by the State Department of Health for purchasing
35 personal protective equipment (PPE) and providing for COVID-19
36 testing for their staff for protection against COVID-19 from
37 current patients and to have sufficient PPE and testing in
38 preparation for the expected new cases during the continuation of
39 the current COVID-19 public health emergency later this year, in
40 amounts not exceeding Four Thousand Dollars (\$4,000.00)
41 per unit.....\$ 88,000.00.

42 (d) Providing funds to the fourteen (14) providers of
43 intermediate care facilities for individuals with intellectual
44 disabilities licensed by the State Department of Health for
45 purchasing personal protective equipment (PPE) and providing for



46 COVID-19 testing for their staff for protection against COVID-19
47 from current patients and to have sufficient PPE and testing in
48 preparation for the expected new cases during the continuation of
49 the current COVID-19 public health emergency later this year, in
50 amounts not exceeding Ten Thousand Dollars (\$10,000.00) per
51 facility.....\$ 140,000.00.

52 (e) Providing funds to the permitted ground ambulances
53 licensed or permitted by the State Department of Health for
54 purchasing personal protective equipment (PPE) and providing for
55 COVID-19 testing for their staff for protection against COVID-19
56 from current patients and to have sufficient PPE and testing in
57 preparation for the expected new cases during the continuation of
58 the current COVID-19 public health emergency later this year, in
59 amounts not exceeding Five Thousand Dollars (\$5,000.00) per
60 ambulance.....\$ 3,110,000.00.

61 (f) Providing funds to the nursing home facilities
62 licensed by the State Department of Health for purchasing personal
63 protective equipment (PPE) and providing for COVID-19 testing for
64 their staff for protection against COVID-19 from current patients
65 and to have sufficient PPE and testing in preparation for the
66 expected new cases during the continuation of the current COVID-19
67 public health emergency later this year, in amounts not exceeding
68 Ten Thousand Dollars (\$10,000.00) per facility.....\$ 2,110,000.00.

69 (g) Providing funds to the Mississippi Organ Recovery
70 Agency (MORA) for purchasing personal protective equipment (PPE)



71 and providing for COVID-19 testing for their staff for protection
72 against COVID-19 from current patients and to have sufficient PPE
73 and testing in preparation for the expected new cases during the
74 continuation of the current COVID-19 public health emergency later
75 this year.....\$ 100,000.00.

76 (h) Providing funds to independent dentists licensed by
77 the Board of Dental Examiners who are not employed by a hospital
78 for purchasing personal protective equipment (PPE) and providing
79 for COVID-19 testing for themselves and their office staff, for
80 protection against COVID-19 from current patients, and to have
81 sufficient PPE and testing in preparation for the expected new
82 cases during the continuation of the current COVID-19 public
83 health emergency later this year, in amounts not exceeding Four
84 Thousand Dollars (\$4,000.00) per dentist.....\$ 5,632,000.00.

85 For the purposes of this paragraph (h), "independent dentist"
86 means a licensed dentist who actively provides care to patients,
87 owns a share of his or her practice, has key decision-making
88 rights for his or her practice, and is not employed by a hospital
89 or an organization associated with a hospital.

90 For the purposes of this paragraph (h), no practice group of
91 dentists shall receive more than Forty Thousand Dollars
92 (\$40,000.00) in total reimbursement.

93 (i) Providing funds to independent physicians licensed
94 by the State Board of Medical Licensure who are not employed by a
95 hospital, nurse practitioners licensed by the Mississippi Board of



96 Nursing who are not employed by a hospital and who have an
97 independent practice, and independent optometrists licensed by the
98 State Board of Optometry for purchasing personal protective
99 equipment (PPE) and providing for COVID-19 testing for themselves
100 and their office staff, for protection against COVID-19 from
101 current patients, and to have sufficient PPE and testing in
102 preparation for the expected new cases during the continuation of
103 the current COVID-19 public health emergency later this year, in
104 amounts not exceeding Two Thousand Five Hundred Dollars
105 (\$2,500.00) per physician, nurse practitioner or
106 optometrist.....\$ 7,125,000.00.

107 Not more than two thousand eight hundred fifty (2,850)
108 persons may receive funds under this paragraph (i).

109 For the purposes of this paragraph (i), "independent
110 physician" means a licensed physician, including allopaths,
111 osteopaths and podiatrists, who actively provides care to
112 patients, owns a share of his or her practice, has key
113 decision-making rights for his or her practice, and is not
114 employed by a hospital or an organization associated with a
115 hospital; and "independent optometrist" means a licensed
116 optometrist who actively provides care to patients, owns a share
117 of his or her practice, has key decision-making rights for his or
118 her practice, and is not employed by a hospital or an organization
119 associated with a hospital.



120 For the purposes of this paragraph (i), no practice group of
121 physicians shall receive more than Twenty-five Thousand Dollars
122 (\$25,000.00) in total reimbursement.

123 (j) Providing funds to community foundations for the
124 purposes of making grants to nonprofit entities to reimburse those
125 entities for eligible expenditures incurred by the entities, in
126 amounts not exceeding Four Thousand Dollars (\$4,000.00) per entity
127\$ 4,000,000.00.

128 The authority shall distribute to the community foundations a
129 pro rata share of the funds authorized under this paragraph (j)
130 based on the population served by the foundation. The community
131 foundations may retain not more than one percent (1%) of the
132 amount received from the authority under this paragraph (j) for
133 administrative expenses.

134 For the purposes of this paragraph (j):

135 (i) "Community foundations" means the CREATE
136 Foundation, the Community Foundation of Northwest Mississippi, the
137 Community Foundation of Washington County, the Community
138 Foundation for Mississippi, the Community Foundation of East
139 Mississippi, the Greater Pinebelt Community Foundation and the
140 Gulf Coast Community Foundation;

141 (ii) "Nonprofit entity" means an entity that
142 provides services to the public and in which no part of the
143 assets, income or profit is distributed to or enures to the
144 benefit of its members, directors or officers; and



145 (iii) "Eligible expenditure" means a cost incurred
146 that is reimbursable from funds received by the State of
147 Mississippi from the Coronavirus Relief Fund established by the
148 federal Coronavirus Aid, Relief and Economic Security (CARES) Act
149 under the guidance and guidelines of the United States Department
150 of the Treasury regarding the use of those funds.

151 (k) Providing funds to community foundations for the
152 purpose of reimbursing food pantries for eligible expenditures
153 incurred by the pantries, in amounts not exceeding Four Thousand
154 Dollars (\$4,000.00) per pantry.....\$ 4,000,000.00.

155 The community foundations, in their discretion, may reimburse
156 a food pantry directly from the funds provided under this
157 paragraph (k) or may reimburse entities acting on behalf of a food
158 pantry or providing a service to a food pantry. The community
159 foundations may retain not more than one percent (1%) of the
160 amount received from the authority under this paragraph (k) for
161 administrative expenses.

162 For the purposes of this paragraph (k), the terms "community
163 foundations" and "eligible expenditures" shall have the meanings
164 as defined in paragraph (j) of this section.

165 (l) Providing funds to the North Mississippi Education
166 Consortium to be distributed to child care facilities throughout
167 the state on an equitable basis for reimbursing the facilities for
168 eligible expenditures incurred by the facilities or for providing
169 personal protective equipment (PPE).....\$ 3,000,000.00.



170 For the purposes of this paragraph (1), "child care facility"
171 means any facility as defined by Section 43-20-5(a), Mississippi
172 Code of 1972.

173 (m) For expenses of the authority in administering the
174 funds expended under paragraphs (a) through (l) of this
175 section.....\$ 150,000.00.

176 **SECTION 3.** The following sum, or so much of it as may be
177 necessary, is appropriated out of any money in the Budget
178 Contingency Fund not otherwise appropriated, to the State
179 Department of Health for the purposes described in Section 4 of
180 this act, for the period beginning upon July 1, 2020, and ending
181 December 30, 2020.....\$ 91,900,000.00.

182 **SECTION 4.** The funds appropriated under Section 3 of this
183 act shall be expended by the State Department of Health for the
184 following purposes:

185 (a) Providing funds to the Federally Qualified Health
186 Centers in the state for their expenses in addressing the
187 continuation of the current COVID-19 public health emergency and
188 treating patients with COVID-19.....\$ 1,500,000.00.

189 (b) Providing funds to rural hospitals as defined in
190 House Bill No. 94, 2020 Regular Session, for their expenses in
191 addressing the continuation of the current COVID-19 public health
192 emergency and treating patients with COVID-19.....
193\$ 1,000,000.00.



194 (c) Providing funds to Tate County, Mississippi, to be
195 disbursed to the North Oak Regional Medical Center or its
196 successor entity, which funding the Legislature finds is a
197 necessary expenditure incurred due to the COVID-19 public health
198 emergency, since such funding is necessary to allow the medical
199 center to continue in operations during the current COVID-19
200 public health emergency.....\$ 2,000,000.00.

201 If by October 1, 2020, a hospital is not in operation in Tate
202 County, or there is not an executed contract or Memorandum of
203 Understanding for the operation of a hospital in Tate County, as
204 determined by the department, then the funds authorized under this
205 paragraph (c) for Tate County shall be reallocated on October 1,
206 2020, for the purpose authorized in paragraph (e) of this section.

207 (d) Providing funds to the MAGnet Community Health
208 Disparity Program, whose mission is to strengthen collaboration
209 and coordination for improved health access, performance, outcomes
210 and cost efficiencies and whose vision is to improve the health
211 status for all Mississippians through integrated health, which
212 funding shall be used to address the disproportionate impact on
213 the minority community of coronavirus infections and deaths from
214 COVID-19, by developing and implementing plans to reduce and
215 mitigate those occurrences and negative outcomes in the minority
216 community during the continuation of the current COVID-19 public
217 health emergency later this year.....\$ 6,000,000.00.



218 All Federally Qualified Health Centers in the state are
219 eligible to receive funding through the MAGnet Community Health
220 Disparity Program from the funds authorized under this paragraph
221 (d) upon application submitted to the MAGnet Community Health
222 Corporation for approval.

223 (e) Reimbursing hospitals for their necessary
224 expenditures incurred due to the COVID-19 public health
225 emergency.....\$ 80,000,000.00.

226 If the funds allocated to Tate County under paragraph (c) of
227 this section are reallocated for the purpose authorized in this
228 paragraph (e), then the amount authorized under this paragraph (e)
229 shall be increased to Eighty-two Million Dollars (\$82,000,000.00).

230 The department shall determine the maximum possible amount
231 available to each hospital using a formula based on the total
232 number of hospitalized COVID-19 patients that the hospital treated
233 as of June 21, 2020, and the number of Mississippi licensed
234 hospital beds in the hospital. A hospital shall be eligible to
235 receive the amount determined under that formula or the actual
236 amount of the necessary expenditures incurred by the hospital due
237 to the COVID-19 public health emergency, whichever is the lesser
238 amount.

239 As a condition of receiving the funds under this paragraph
240 (e), each hospital shall provide monthly reports to the department
241 with detailed information about the allowable expenses of the
242 hospital related to treating COVID-19 patients.



243 (f) Reimbursing hospitals that have more than
244 twenty-five (25) hospitalized COVID-19 patients as of June 21,
245 2020, but were unable to receive a rural provider payment from the
246 United States Department of Health and Human Services because of
247 being located in a county that is part of a metropolitan
248 statistical area and not being designated as a critical access
249 hospital.....\$ 1,000,000.00.

250 As a condition of receiving the funds under this paragraph
251 (f), each hospital shall provide monthly reports to the department
252 with detailed information about the allowable expenses of the
253 hospital related to treating COVID-19 patients.

254 (g) Providing funds to Access Family Health Services
255 for the expenses of providing services for substance use disorders
256 and providing school-based health services, the demand for which
257 has increased due to the continuation of the current COVID-19
258 public health emergency.....\$ 250,000.00.

259 (h) For expenses of the department in administering the
260 funds expended under paragraphs (a) through (g) of this
261 section.....\$ 150,000.00.

262 **SECTION 5.** (1) The following sum, or so much of it as may
263 be necessary, is appropriated out of any money in the Budget
264 Contingency Fund not otherwise appropriated, to the State
265 Department of Mental Health for the purposes described in
266 subsection (2) of this section, for the period beginning upon July
267 1, 2020, and ending December 30, 2020.....\$ 1,400,000.00.



268 (2) The State Department of Mental Health shall provide the
269 funds authorized under this section in equal amounts to each of
270 the fourteen (14) community mental health regions to pay for all
271 eligible expenditures for mental health services, which are those
272 costs incurred by the regions that are reimbursable from funds
273 received from the Budget Contingency Fund to address the current
274 COVID-19 public health emergency. For the purposes of this
275 section, eligible expenditures include, but are not limited to:

276 (a) Providing mental health services to persons who are
277 or have been unemployed and/or persons who have been displaced
278 from their homes due to the COVID-19 pandemic;

279 (b) Expenses for reimbursement, acquisition and
280 distribution of medical and protective supplies, including, but
281 not limited to, sanitizing products and personal protective
282 equipment (PPE) for the COVID-19 public health emergency;

283 (c) Expenses for establishing and operating
284 telemedicine capabilities for the treatment of COVID-19 patients;
285 and

286 (d) Payroll expenses for employees to provide mental
287 health services substantially dedicated to mitigating or
288 responding to the COVID-19 public health emergency.

289 **SECTION 6.** The following sum, or so much of it as may be
290 necessary, is appropriated out of any money in the Budget
291 Contingency Fund not otherwise appropriated, to the Board of



292 Trustees of State Institutions of Higher Learning for the purposes
293 described in Section 7 of this act, for the period beginning upon
294 July 1, 2020, and ending December 30, 2020.....\$ 6,218,000.00.

295 **SECTION 7.** The funds appropriated under Section 6 of this
296 act shall be expended by the Board of Trustees of State
297 Institutions of Higher Learning for the following purposes:

298 (a) Providing funds for the Mississippi Rural
299 Physicians Scholarship Program to pay for medical school students
300 to serve the rural area of our state because the rural communities
301 continue to lack primary coverage to deal with the COVID-19 public
302 health emergency and those communities are in dire need of more
303 primary care physicians to prepare for the expected additional
304 patients during the continuation of the current COVID-19 public
305 health emergency later this year.....\$ 1,800,000.00.

306 (b) Providing funds to the Office of Physician
307 Workforce for five (5) hospitals to start or expand their
308 physician residency programs to address the dire shortage of
309 physicians in the state, especially primary care physicians, which
310 limits the ability of the state to properly address patient needs
311 and the disproportionate effects on the minority communities
312 during the continuation of the current COVID-19 public health
313 emergency, in order for the state to be better prepared to take
314 care of existing COVID-19 patients and the expected additional
315 patients during the continuation of the current COVID-19 public
316 health emergency later this year.....\$ 4,418,000.00.



317 **SECTION 8.** (1) As used in this section and Section 9 of
318 this act, the term "agency" means the Mississippi Development
319 Authority, the State Department of Health, the State Department of
320 Mental Health or the Board of Trustees of State Institutions of
321 Higher Learning, as the case may be.

322 (2) The agency shall not disburse any funds appropriated
323 under this act to any recipient without first: (a) making an
324 individualized determination that the reimbursement sought is, in
325 the agency's independent judgment, for necessary expenditures
326 incurred due to the public health emergency with respect to
327 COVID-19 as provided under Section 601(d) of the federal Social
328 Security Act as added by Section 5001 of the federal Coronavirus
329 Aid, Relief, and Economic Security (CARES) Act and its
330 implementing guidelines, guidance, rules, regulations and/or other
331 criteria, as may be amended or supplemented from time to time, by
332 the United States Department of the Treasury; and (b) determining
333 that the recipient has not received and will not receive
334 reimbursement for the expense in question from any source of
335 funds, including insurance proceeds, other than those funds
336 provided under Section 601 of the federal Social Security Act as
337 added by Section 5001 of the CARES Act. In addition, the agency
338 shall ensure that all funds appropriated under this act are
339 disbursed in compliance with the Single Audit Act (31 USC Sections
340 7501-7507) and the related provisions of the Uniform Guidance, 2
341 CFR Section 200.303 regarding internal controls, Sections 200.330



342 through 200.332 regarding subrecipient monitoring and management,
343 and subpart F regarding audit requirements.

344 **SECTION 9.** (1) As a condition of receiving and expending
345 the funds appropriated to the agency under this act, the agency
346 shall certify to the Department of Finance and Administration that
347 each expenditure of the funds appropriated to the agency under
348 this act is in compliance with the guidelines, guidance, rules,
349 regulations and/or other criteria, as may be amended from time to
350 time, of the United States Department of the Treasury regarding
351 the use of monies from the Coronavirus Relief Fund established by
352 the CARES Act.

353 (2) If the Office of Inspector General of the United States
354 Department of the Treasury, or the Office of Inspector General of
355 any other federal agency having oversight over the use of monies
356 from the Coronavirus Relief Fund established by the CARES Act (a)
357 determines that the agency or recipient has expended or otherwise
358 used any of the funds appropriated to the agency under this act
359 for any purpose that is not in compliance with the guidelines,
360 guidance, rules, regulations and/or other criteria, as may be
361 amended from time to time, of the United States Department of the
362 Treasury regarding the use of monies from the Coronavirus Relief
363 Fund established by the CARES Act, and (b) the State of
364 Mississippi is required to repay the federal government for any of
365 those funds that the Office of the Inspector General determined
366 were expended or otherwise used improperly by the agency or



367 recipient, then the agency or recipient that expended or otherwise
368 used those funds improperly shall be required to pay the amount of
369 those funds to the State of Mississippi for repayment to the
370 federal government.

371 **SECTION 10.** The money appropriated by this act shall be paid
372 by the State Treasurer out of any money in the Budget Contingency
373 Fund not otherwise appropriated, upon warrants issued by the State
374 Fiscal Officer; and the State Fiscal Officer shall issue his or
375 her warrants upon requisitions signed by the proper person,
376 officer or officers in the manner provided by law.

377 **SECTION 11.** This act shall take effect and be in force from
378 and after July 1, 2020.



STATE OF MISSISSIPPI

Office of the Governor



July 8, 2020

TO THE MISSISSIPPI HOUSE OF REPRESENTATIVES

GOVERNOR'S PARTIAL VETO MESSAGE FOR HOUSE BILL 1782

I am returning House Bill 1782: "AN ACT MAKING AN APPROPRIATION FROM THE BUDGET CONTINGENCY FUND TO THE MISSISSIPPI DEVELOPMENT AUTHORITY, THE STATE DEPARTMENT OF HEALTH, THE STATE DEPARTMENT OF MENTAL HEALTH AND THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING FOR THE PURPOSES OF ADDRESSING OR RELATED TO THE PUBLIC HEALTH EMERGENCY DUE TO THE COVID-19 PANDEMIC; AND FOR RELATED PURPOSES," partly approved and partly not approved pursuant to the authority of Article VI, Section 73 of the Mississippi Constitution and assigning the following reasons for partial veto of this bill.

I am vetoing Lines 194-206 providing a \$2,000,000 appropriation of Federal CARES Act funds to the North Oak Regional Medical Center or its successor entities. The North Oak Regional Medical Center closed its doors long before the COVID-19 outbreak and, to date, has not provided any treatment to patients with COVID-19. Further, even if this facility was purchased and did resume operations prior to December 30, 2020, it is a virtual certainty that it would not have incurred \$2,000,000 in qualified reimbursable COVID-19 expenses. Thus, this appropriation of Federal CARES Act funds fundamentally does not comply with the mandatory guidelines issued by the United States Department of Treasury for the use of CARES Act funds.

I am also vetoing Lines 207-222 providing a \$6,000,000 appropriation of Federal CARES Act funds to the MAGnet Community Health Disparity Program. While I fully support improving health access, performance, outcomes and cost efficiencies for all Mississippians, including in minority communities, I am unaware of this Program. Due to my unfamiliarity, I am uncomfortable allocating \$6,000,000 in Federal CARES Act funds to it, funds that the State of Mississippi would be responsible to pay back to the United States Treasury if they are not spent in accordance with mandatory guidelines issued by the United States Department of Treasury. If it was the intent of the Legislature to allocate funds to Federally Qualified Health Centers, the State Department of Health would have been a more appropriate conduit.

For these reasons, I am vetoing the \$2,000,000 appropriation of Federal CARES Act funds to the North Oak Regional Medical Center and the \$6,000,000 appropriation of Federal CARES Act funds to the MAGnet Community Health Disparity Program contained in House Bill 1782 pursuant to the authority of Article VI, Section 73 of the Mississippi Constitution, which provides:

EXHIBIT B

“The governor may veto parts of any appropriation bill, and approve parts of the same, and the portions shall be law.”

Respectfully submitted,


TATE REEVES
GOVERNOR

July 8, 2020

9:15 P.M.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2020

By: Representatives Mims, Mickens, Paden,
Dortch, Foster, Hines, Johnson, Bell (65th),
McCray, Thompson

To: Rules

HOUSE BILL NO. 1782
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FROM THE BUDGET CONTINGENCY
2 FUND TO THE MISSISSIPPI DEVELOPMENT AUTHORITY, THE STATE
3 DEPARTMENT OF HEALTH, THE STATE DEPARTMENT OF MENTAL HEALTH AND
4 THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING FOR
5 THE PURPOSES OF ADDRESSING OR RELATED TO THE PUBLIC HEALTH
6 EMERGENCY DUE TO THE COVID-19 PANDEMIC; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following sum, or so much of it as may be
9 necessary, is appropriated out of any money in the Budget
10 Contingency Fund not otherwise appropriated, to the Mississippi
11 Development Authority for the purposes described in Section 2 of
12 this act, for the period beginning upon July 1, 2020, and ending
13 December 30, 2020.....\$ 30,207,000.00.

14 **SECTION 2.** The funds appropriated under Section 1 of this
15 act shall be expended by the Mississippi Development Authority for
16 the following purposes:

17 (a) Providing funds to the ambulatory surgical centers
18 licensed by the State Department of Health for purchasing personal
19 protective equipment (PPE) and providing for COVID-19 testing for
20 their staff for protection against COVID-19 from current patients



21 and to have sufficient PPE and testing in preparation for the
22 expected new cases during the continuation of the current COVID-19
23 public health emergency later this year, in amounts not exceeding
24 Four Thousand Dollars (\$4,000.00) per surgery center.\$ 300,000.00.

25 (b) Providing funds to the assisted living facilities
26 licensed by the State Department of Health for purchasing personal
27 protective equipment (PPE) and providing for COVID-19 testing for
28 their staff for protection against COVID-19 from current patients
29 and to have sufficient PPE and testing in preparation for the
30 expected new cases during the continuation of the current COVID-19
31 public health emergency later this year, in amounts not exceeding
32 Four Thousand Dollars (\$4,000.00) per facility.....\$ 452,000.00.

33 (c) Providing funds to the Alzheimer's/dementia care
34 units licensed by the State Department of Health for purchasing
35 personal protective equipment (PPE) and providing for COVID-19
36 testing for their staff for protection against COVID-19 from
37 current patients and to have sufficient PPE and testing in
38 preparation for the expected new cases during the continuation of
39 the current COVID-19 public health emergency later this year, in
40 amounts not exceeding Four Thousand Dollars (\$4,000.00)
41 per unit.....\$ 88,000.00.

42 (d) Providing funds to the fourteen (14) providers of
43 intermediate care facilities for individuals with intellectual
44 disabilities licensed by the State Department of Health for
45 purchasing personal protective equipment (PPE) and providing for



46 COVID-19 testing for their staff for protection against COVID-19
47 from current patients and to have sufficient PPE and testing in
48 preparation for the expected new cases during the continuation of
49 the current COVID-19 public health emergency later this year, in
50 amounts not exceeding Ten Thousand Dollars (\$10,000.00) per
51 facility.....\$ 140,000.00.

52 (e) Providing funds to the permitted ground ambulances
53 licensed or permitted by the State Department of Health for
54 purchasing personal protective equipment (PPE) and providing for
55 COVID-19 testing for their staff for protection against COVID-19
56 from current patients and to have sufficient PPE and testing in
57 preparation for the expected new cases during the continuation of
58 the current COVID-19 public health emergency later this year, in
59 amounts not exceeding Five Thousand Dollars (\$5,000.00) per
60 ambulance.....\$ 3,110,000.00.

61 (f) Providing funds to the nursing home facilities
62 licensed by the State Department of Health for purchasing personal
63 protective equipment (PPE) and providing for COVID-19 testing for
64 their staff for protection against COVID-19 from current patients
65 and to have sufficient PPE and testing in preparation for the
66 expected new cases during the continuation of the current COVID-19
67 public health emergency later this year, in amounts not exceeding
68 Ten Thousand Dollars (\$10,000.00) per facility.....\$ 2,110,000.00.

69 (g) Providing funds to the Mississippi Organ Recovery
70 Agency (MORA) for purchasing personal protective equipment (PPE)



71 and providing for COVID-19 testing for their staff for protection
72 against COVID-19 from current patients and to have sufficient PPE
73 and testing in preparation for the expected new cases during the
74 continuation of the current COVID-19 public health emergency later
75 this year.....\$ 100,000.00.

76 (h) Providing funds to independent dentists licensed by
77 the Board of Dental Examiners who are not employed by a hospital
78 for purchasing personal protective equipment (PPE) and providing
79 for COVID-19 testing for themselves and their office staff, for
80 protection against COVID-19 from current patients, and to have
81 sufficient PPE and testing in preparation for the expected new
82 cases during the continuation of the current COVID-19 public
83 health emergency later this year, in amounts not exceeding Four
84 Thousand Dollars (\$4,000.00) per dentist.....\$ 5,632,000.00.

85 For the purposes of this paragraph (h), "independent dentist"
86 means a licensed dentist who actively provides care to patients,
87 owns a share of his or her practice, has key decision-making
88 rights for his or her practice, and is not employed by a hospital
89 or an organization associated with a hospital.

90 For the purposes of this paragraph (h), no practice group of
91 dentists shall receive more than Forty Thousand Dollars
92 (\$40,000.00) in total reimbursement.

93 (i) Providing funds to independent physicians licensed
94 by the State Board of Medical Licensure who are not employed by a
95 hospital, nurse practitioners licensed by the Mississippi Board of



96 Nursing who are not employed by a hospital and who have an
97 independent practice, and independent optometrists licensed by the
98 State Board of Optometry for purchasing personal protective
99 equipment (PPE) and providing for COVID-19 testing for themselves
100 and their office staff, for protection against COVID-19 from
101 current patients, and to have sufficient PPE and testing in
102 preparation for the expected new cases during the continuation of
103 the current COVID-19 public health emergency later this year, in
104 amounts not exceeding Two Thousand Five Hundred Dollars
105 (\$2,500.00) per physician, nurse practitioner or
106 optometrist.....\$ 7,125,000.00.

107 Not more than two thousand eight hundred fifty (2,850)
108 persons may receive funds under this paragraph (i).

109 For the purposes of this paragraph (i), "independent
110 physician" means a licensed physician, including allopaths,
111 osteopaths and podiatrists, who actively provides care to
112 patients, owns a share of his or her practice, has key
113 decision-making rights for his or her practice, and is not
114 employed by a hospital or an organization associated with a
115 hospital; and "independent optometrist" means a licensed
116 optometrist who actively provides care to patients, owns a share
117 of his or her practice, has key decision-making rights for his or
118 her practice, and is not employed by a hospital or an organization
119 associated with a hospital.



120 For the purposes of this paragraph (i), no practice group of
121 physicians shall receive more than Twenty-five Thousand Dollars
122 (\$25,000.00) in total reimbursement.

123 (j) Providing funds to community foundations for the
124 purposes of making grants to nonprofit entities to reimburse those
125 entities for eligible expenditures incurred by the entities, in
126 amounts not exceeding Four Thousand Dollars (\$4,000.00) per entity
127\$ 4,000,000.00.

128 The authority shall distribute to the community foundations a
129 pro rata share of the funds authorized under this paragraph (j)
130 based on the population served by the foundation. The community
131 foundations may retain not more than one percent (1%) of the
132 amount received from the authority under this paragraph (j) for
133 administrative expenses.

134 For the purposes of this paragraph (j):

135 (i) "Community foundations" means the CREATE
136 Foundation, the Community Foundation of Northwest Mississippi, the
137 Community Foundation of Washington County, the Community
138 Foundation for Mississippi, the Community Foundation of East
139 Mississippi, the Greater Pinebelt Community Foundation and the
140 Gulf Coast Community Foundation;

141 (ii) "Nonprofit entity" means an entity that
142 provides services to the public and in which no part of the
143 assets, income or profit is distributed to or enures to the
144 benefit of its members, directors or officers; and



145 (iii) "Eligible expenditure" means a cost incurred
146 that is reimbursable from funds received by the State of
147 Mississippi from the Coronavirus Relief Fund established by the
148 federal Coronavirus Aid, Relief and Economic Security (CARES) Act
149 under the guidance and guidelines of the United States Department
150 of the Treasury regarding the use of those funds.

151 (k) Providing funds to community foundations for the
152 purpose of reimbursing food pantries for eligible expenditures
153 incurred by the pantries, in amounts not exceeding Four Thousand
154 Dollars (\$4,000.00) per pantry.....\$ 4,000,000.00.

155 The community foundations, in their discretion, may reimburse
156 a food pantry directly from the funds provided under this
157 paragraph (k) or may reimburse entities acting on behalf of a food
158 pantry or providing a service to a food pantry. The community
159 foundations may retain not more than one percent (1%) of the
160 amount received from the authority under this paragraph (k) for
161 administrative expenses.

162 For the purposes of this paragraph (k), the terms "community
163 foundations" and "eligible expenditures" shall have the meanings
164 as defined in paragraph (j) of this section.

165 (l) Providing funds to the North Mississippi Education
166 Consortium to be distributed to child care facilities throughout
167 the state on an equitable basis for reimbursing the facilities for
168 eligible expenditures incurred by the facilities or for providing
169 personal protective equipment (PPE).....\$ 3,000,000.00.



170 For the purposes of this paragraph (1), "child care facility"
171 means any facility as defined by Section 43-20-5(a), Mississippi
172 Code of 1972.

173 (m) For expenses of the authority in administering the
174 funds expended under paragraphs (a) through (l) of this
175 section.....\$ 150,000.00.

176 **SECTION 3.** The following sum, or so much of it as may be
177 necessary, is appropriated out of any money in the Budget
178 Contingency Fund not otherwise appropriated, to the State
179 Department of Health for the purposes described in Section 4 of
180 this act, for the period beginning upon July 1, 2020, and ending
181 December 30, 2020.....\$ 91,900,000.00.

182 **SECTION 4.** The funds appropriated under Section 3 of this
183 act shall be expended by the State Department of Health for the
184 following purposes:

185 (a) Providing funds to the Federally Qualified Health
186 Centers in the state for their expenses in addressing the
187 continuation of the current COVID-19 public health emergency and
188 treating patients with COVID-19.....\$ 1,500,000.00.

189 (b) Providing funds to rural hospitals as defined in
190 House Bill No. 94, 2020 Regular Session, for their expenses in
191 addressing the continuation of the current COVID-19 public health
192 emergency and treating patients with COVID-19.....
193\$ 1,000,000.00.



194 ~~(c) Providing funds to Tate County, Mississippi, to be~~
195 ~~disbursed to the North Oak Regional Medical Center or its~~
196 ~~successor entity, which funding the Legislature finds is a~~
197 ~~necessary expenditure incurred due to the COVID-19 public health~~
198 ~~emergency, since such funding is necessary to allow the medical~~
199 ~~center to continue in operations during the current COVID-19~~
200 ~~public health emergency.....\$ 2,000,000.00.~~

201 ~~If by October 1, 2020, a hospital is not in operation in Tate~~
202 ~~County, or there is not an executed contract or Memorandum of~~
203 ~~Understanding for the operation of a hospital in Tate County, as~~
204 ~~determined by the department, then the funds authorized under this~~
205 ~~paragraph (c) for Tate County shall be reallocated on October 1,~~
206 ~~2020, for the purpose authorized in paragraph (e) of this section.~~

207 ~~(d) Providing funds to the MAGnet Community Health~~
208 ~~Disparity Program, whose mission is to strengthen collaboration~~
209 ~~and coordination for improved health access, performance, outcomes~~
210 ~~and cost efficiencies and whose vision is to improve the health~~
211 ~~status for all Mississippians through integrated health, which~~
212 ~~funding shall be used to address the disproportionate impact on~~
213 ~~the minority community of coronavirus infections and deaths from~~
214 ~~COVID-19, by developing and implementing plans to reduce and~~
215 ~~mitigate those occurrences and negative outcomes in the minority~~
216 ~~community during the continuation of the current COVID-19 public~~
217 ~~health emergency later this year.....\$ 6,000,000.00.~~



218 ~~All Federally Qualified Health Centers in the state are~~
219 ~~eligible to receive funding through the MAGnet Community Health~~
220 ~~Disparity Program from the funds authorized under this paragraph~~
221 ~~(d) upon application submitted to the MAGnet Community Health~~
222 ~~Corporation for approval.~~

223 (e) Reimbursing hospitals for their necessary
224 expenditures incurred due to the COVID-19 public health
225 emergency.....\$ 80,000,000.00.

226 If the funds allocated to Tate County under paragraph (c) of
227 this section are reallocated for the purpose authorized in this
228 paragraph (e), then the amount authorized under this paragraph (e)
229 shall be increased to Eighty-two Million Dollars (\$82,000,000.00).

230 The department shall determine the maximum possible amount
231 available to each hospital using a formula based on the total
232 number of hospitalized COVID-19 patients that the hospital treated
233 as of June 21, 2020, and the number of Mississippi licensed
234 hospital beds in the hospital. A hospital shall be eligible to
235 receive the amount determined under that formula or the actual
236 amount of the necessary expenditures incurred by the hospital due
237 to the COVID-19 public health emergency, whichever is the lesser
238 amount.

239 As a condition of receiving the funds under this paragraph
240 (e), each hospital shall provide monthly reports to the department
241 with detailed information about the allowable expenses of the
242 hospital related to treating COVID-19 patients.



243 (f) Reimbursing hospitals that have more than
244 twenty-five (25) hospitalized COVID-19 patients as of June 21,
245 2020, but were unable to receive a rural provider payment from the
246 United States Department of Health and Human Services because of
247 being located in a county that is part of a metropolitan
248 statistical area and not being designated as a critical access
249 hospital.....\$ 1,000,000.00.

250 As a condition of receiving the funds under this paragraph
251 (f), each hospital shall provide monthly reports to the department
252 with detailed information about the allowable expenses of the
253 hospital related to treating COVID-19 patients.

254 (g) Providing funds to Access Family Health Services
255 for the expenses of providing services for substance use disorders
256 and providing school-based health services, the demand for which
257 has increased due to the continuation of the current COVID-19
258 public health emergency.....\$ 250,000.00.

259 (h) For expenses of the department in administering the
260 funds expended under paragraphs (a) through (g) of this
261 section.....\$ 150,000.00.

262 **SECTION 5.** (1) The following sum, or so much of it as may
263 be necessary, is appropriated out of any money in the Budget
264 Contingency Fund not otherwise appropriated, to the State
265 Department of Mental Health for the purposes described in
266 subsection (2) of this section, for the period beginning upon July
267 1, 2020, and ending December 30, 2020.....\$ 1,400,000.00.



268 (2) The State Department of Mental Health shall provide the
269 funds authorized under this section in equal amounts to each of
270 the fourteen (14) community mental health regions to pay for all
271 eligible expenditures for mental health services, which are those
272 costs incurred by the regions that are reimbursable from funds
273 received from the Budget Contingency Fund to address the current
274 COVID-19 public health emergency. For the purposes of this
275 section, eligible expenditures include, but are not limited to:

276 (a) Providing mental health services to persons who are
277 or have been unemployed and/or persons who have been displaced
278 from their homes due to the COVID-19 pandemic;

279 (b) Expenses for reimbursement, acquisition and
280 distribution of medical and protective supplies, including, but
281 not limited to, sanitizing products and personal protective
282 equipment (PPE) for the COVID-19 public health emergency;

283 (c) Expenses for establishing and operating
284 telemedicine capabilities for the treatment of COVID-19 patients;
285 and

286 (d) Payroll expenses for employees to provide mental
287 health services substantially dedicated to mitigating or
288 responding to the COVID-19 public health emergency.

289 **SECTION 6.** The following sum, or so much of it as may be
290 necessary, is appropriated out of any money in the Budget
291 Contingency Fund not otherwise appropriated, to the Board of



292 Trustees of State Institutions of Higher Learning for the purposes
293 described in Section 7 of this act, for the period beginning upon
294 July 1, 2020, and ending December 30, 2020.....\$ 6,218,000.00.

295 **SECTION 7.** The funds appropriated under Section 6 of this
296 act shall be expended by the Board of Trustees of State
297 Institutions of Higher Learning for the following purposes:

298 (a) Providing funds for the Mississippi Rural
299 Physicians Scholarship Program to pay for medical school students
300 to serve the rural area of our state because the rural communities
301 continue to lack primary coverage to deal with the COVID-19 public
302 health emergency and those communities are in dire need of more
303 primary care physicians to prepare for the expected additional
304 patients during the continuation of the current COVID-19 public
305 health emergency later this year.....\$ 1,800,000.00.

306 (b) Providing funds to the Office of Physician
307 Workforce for five (5) hospitals to start or expand their
308 physician residency programs to address the dire shortage of
309 physicians in the state, especially primary care physicians, which
310 limits the ability of the state to properly address patient needs
311 and the disproportionate effects on the minority communities
312 during the continuation of the current COVID-19 public health
313 emergency, in order for the state to be better prepared to take
314 care of existing COVID-19 patients and the expected additional
315 patients during the continuation of the current COVID-19 public
316 health emergency later this year.....\$ 4,418,000.00.



317 **SECTION 8.** (1) As used in this section and Section 9 of
318 this act, the term "agency" means the Mississippi Development
319 Authority, the State Department of Health, the State Department of
320 Mental Health or the Board of Trustees of State Institutions of
321 Higher Learning, as the case may be.

322 (2) The agency shall not disburse any funds appropriated
323 under this act to any recipient without first: (a) making an
324 individualized determination that the reimbursement sought is, in
325 the agency's independent judgment, for necessary expenditures
326 incurred due to the public health emergency with respect to
327 COVID-19 as provided under Section 601(d) of the federal Social
328 Security Act as added by Section 5001 of the federal Coronavirus
329 Aid, Relief, and Economic Security (CARES) Act and its
330 implementing guidelines, guidance, rules, regulations and/or other
331 criteria, as may be amended or supplemented from time to time, by
332 the United States Department of the Treasury; and (b) determining
333 that the recipient has not received and will not receive
334 reimbursement for the expense in question from any source of
335 funds, including insurance proceeds, other than those funds
336 provided under Section 601 of the federal Social Security Act as
337 added by Section 5001 of the CARES Act. In addition, the agency
338 shall ensure that all funds appropriated under this act are
339 disbursed in compliance with the Single Audit Act (31 USC Sections
340 7501-7507) and the related provisions of the Uniform Guidance, 2
341 CFR Section 200.303 regarding internal controls, Sections 200.330



342 through 200.332 regarding subrecipient monitoring and management,
343 and subpart F regarding audit requirements.

344 **SECTION 9.** (1) As a condition of receiving and expending
345 the funds appropriated to the agency under this act, the agency
346 shall certify to the Department of Finance and Administration that
347 each expenditure of the funds appropriated to the agency under
348 this act is in compliance with the guidelines, guidance, rules,
349 regulations and/or other criteria, as may be amended from time to
350 time, of the United States Department of the Treasury regarding
351 the use of monies from the Coronavirus Relief Fund established by
352 the CARES Act.

353 (2) If the Office of Inspector General of the United States
354 Department of the Treasury, or the Office of Inspector General of
355 any other federal agency having oversight over the use of monies
356 from the Coronavirus Relief Fund established by the CARES Act (a)
357 determines that the agency or recipient has expended or otherwise
358 used any of the funds appropriated to the agency under this act
359 for any purpose that is not in compliance with the guidelines,
360 guidance, rules, regulations and/or other criteria, as may be
361 amended from time to time, of the United States Department of the
362 Treasury regarding the use of monies from the Coronavirus Relief
363 Fund established by the CARES Act, and (b) the State of
364 Mississippi is required to repay the federal government for any of
365 those funds that the Office of the Inspector General determined
366 were expended or otherwise used improperly by the agency or



367 recipient, then the agency or recipient that expended or otherwise
368 used those funds improperly shall be required to pay the amount of
369 those funds to the State of Mississippi for repayment to the
370 federal government.

371 **SECTION 10.** The money appropriated by this act shall be paid
372 by the State Treasurer out of any money in the Budget Contingency
373 Fund not otherwise appropriated, upon warrants issued by the State
374 Fiscal Officer; and the State Fiscal Officer shall issue his or
375 her warrants upon requisitions signed by the proper person,
376 officer or officers in the manner provided by law.

377 **SECTION 11.** This act shall take effect and be in force from
378 and after July 1, 2020.

