

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

REPRESENTATIVE PHILIP GUNN,  
REPRESENTATIVE JASON WHITE,

PLAINTIFFS

vs.

CIVIL ACTION NO. G20-943 G/2

GOVERNOR TATE REEVES

DEFENDANT

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SUMMONS

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THE STATE OF MISSISSIPPI

TO: The Honorable Tate Reeves, Governor

*By Service Upon:*  
The Honorable Lynn Fitch  
Office of the Attorney General  
550 High Street, Suite 1200  
Jackson, MS 39201

NOTICE TO DEFENDANT

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU  
MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to R. Andrew Taggart, Jr., the attorney for State Representatives Philip Gunn and Jason White whose mailing address is 1022 Highland Colony Parkway, Suite 101, Ridgeland, Mississippi 39157. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 5<sup>th</sup> day of August, 2020.

(seal)



J. Vann  
Eddie Jean Carr, Chancery Clerk  
Hinds County, Mississippi

**PREPARED BY:**

R. Andrew Taggart, Jr. (MSB #7422)

Taggart, Rimes & Graham, PLLC

1022 Highland Colony Parkway, Suite 101

Ridgeland, MS 39157

Telephone: 601.898.8400

Facsimile: 601.898.8420

Email: andy@trglawyers.com

*Attorney for Plaintiffs*

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

**FILED**  
AUG 05 2020

EDDIE JEAN CARR, CHANCERY CLERK

BY S. Van M AC  
PLAINTIFFS

REPRESENTATIVE PHILIP GUNN  
REPRESENTATIVE JASON WHITE

CIVIL ACTION NO. G20-943

vs.

GOVERNOR TATE REEVES

DEFENDANT

**COMPLAINT FOR DECLARATORY JUDGMENT**

Plaintiffs State Representatives Philip Gunn and Jason White (the "State Representatives") bring this Complaint for Declaratory Judgment against Governor Tate Reeves as a consequence of his unconstitutional attempt to partially veto appropriations bills for public education, for the Mississippi Department of Health, for the Mississippi Department of Mental Health, and 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. The appropriation for the primary funding mechanism for public education in our state, the Mississippi Adequate Education Program ("MAEP"), the appropriation for the Mississippi School for the Blind, and the appropriation for the Mississippi School for the Deaf, are all included in H.B. 1700, and the new school year is already underway;
- b. A significant portion of the funds that are the subject of at least one of the appropriations bills that form 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
- c. 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 bills that are 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 bills 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. 1700 ("H.B. 1700"), providing the year's

appropriations for public education, and 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. True and accurate copies of those bills are attached as Exhibits "A" and "B," respectively, and incorporated by reference.

10.

Pursuant to §72, Miss. Const. (1890), both bills were 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. 1700, the State's primary public education 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 that message is attached as Exhibit "C" and incorporated by reference.

12.

Among the major items of appropriation included in H.B. 1700 that Governor Reeves said he disapproved – or vetoed – were the following:

- a. The entirety of the funding appropriated for the Mississippi Adequate Education Program ("MAEP"), which is the State's funding support for K – 12 public education, and is relied upon by every school district in the state;
- b. The entirety of the funding appropriated for the Mississippi School for the Blind and the Mississippi School for the Deaf;

- c. The entirety of the funding appropriated for the Chickasaw Cession school districts, which, because they lack Sixteenth Section land revenues enjoyed by other districts, must rely upon this supplemental funding from the State in order properly to serve the students for whom they are responsible.

An edited copy of H.B. 1700, reflecting red strike-through marks to indicate language disapproved by Governor Reeves, is attached as Exhibit “D” and incorporated by reference.

13.

Also 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, the 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 that message is attached as Exhibit “E” and incorporated by reference. An edited copy of H.B. 1782, reflecting red strike-through marks to indicate language disapproved by Governor Reeves, is attached as Exhibit “F” and incorporated by reference.

14.

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. 1700 and H.B. 1782 are nullities – of no legal effect. Because neither H.B. 1700 nor H.B. 1782 was returned to the House of Representatives either approved or disapproved by Governor Reeves within the five-day time period required by the Constitution, both bills became law without his approval, pursuant to §72, Miss. Const. (1890).

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. 1700 and 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, where the Legislature contravenes §69 by passing an omnibus appropriation bill that contains several unrelated appropriations, the Governor may carve out and veto any constituent appropriation within that omnibus bill just as he might have done had such 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 dissevered 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.

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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.*

16.

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 the governor is not authorized to pick and choose various portions of bills to veto as Governor Reeves has here done.

17.

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.

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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).

18.

The purported partial vetoes by Governor Reeves of the State's education budget and public health emergency appropriations, well-meaning though they no doubt were, are not allowed by our state's constitution, and this Court should enter judgment to that effect.

THEREFORE, the State Representatives pray for judgment of this Court, declaring the purported partial vetoes of July 8, 2020 as to House Bill No. 1700 and House Bill No. 1782 of the 2020 Regular Session of the Mississippi Legislature nullities and of no legal effect.

FURTHER, the State Representatives pray for judgment of this Court, declaring House Bill No. 1700 and House Bill No. 1782 to be law, having neither been approved nor disapproved

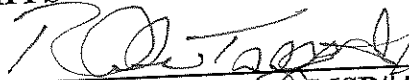
by the governor within five days, Sundays excluded, of the bills having been tendered to him by the Mississippi Legislature.

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 5<sup>th</sup> day of August, 2020.

**REPRESENTATIVE PHILIP GUNN  
REPRESENTATIVE JASON WHITE  
PLAINTIFFS**

**BY:**

  
**R. Andrew Taggart, Jr. (MSB# 7422)  
Their Attorney**

**OF COUNSEL:**

**R. ANDREW TAGGART, JR. (MSB# 7422)  
TAGGART, RIMES & GRAHAM, PLLC  
1022 Highland Colony Parkway  
Suite 101  
Ridgeland, MS 39157  
Ph. 601-898-8400  
Fx. 601-898-8420  
[andy@trglawyers.com](mailto:andy@trglawyers.com)**

By: Representatives Read, Bennett, Banks,  
Barton, Boyd, Busby, Clark, Clarke, Criswell,  
Currie, Eure, Haney, Jackson, Sanford,  
Watson, Young, Foster

To: Appropriations

HOUSE BILL NO. 1700  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF FUNDING  
2 K-12 AND OTHER RELATED EDUCATIONAL ACTIVITIES, INCLUDING CERTAIN  
3 AGENCIES AND PROGRAMS, IN THE STATE OF MISSISSIPPI, FOR THE FISCAL  
4 YEAR 2021.

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

6 **SECTION 1.** The following sums, or so much of those sums as  
7 may be necessary, are appropriated out of any money in the State  
8 General Fund not otherwise appropriated, for the purpose of  
9 funding K-12 and other related educational activities, including  
10 certain agencies and programs, in the State of Mississippi, for  
11 the fiscal year beginning July 1, 2020, and ending June 30, 2021,  
12 as follows:

13 (a) To the State Board of Education for the purpose of  
14 defraying the expenses of the State Department of Education, and  
15 excluding the expenses of the Vocational and Technical Education  
16 Division.....\$ 91,973,176.00.

17 (b) To the State Board of Education for the purpose of  
18 defraying the expenses of the Vocational and Technical Education  
19 Division of the State Department of Education.....



20 .....\$ 73,546,001.00.

21 (c) To the State Board of Education for the purpose of  
22 paying annual compensation to the Chickasaw Cession counties for  
23 sixteenth section lands which they lost through sale by the state,  
24 as provided in Sections 29-3-137 through 29-3-141, Mississippi  
25 Code of 1972.....\$ 15,961,151.00.

26 (d) To the State Board of Education for defraying the  
27 expenses of the Mississippi Adequate Education Program.....  
28 .....\$ 2,047,736,695.00.

29 (e) To the State Board of Education for the purpose of  
30 defraying the expenses of the Mississippi School for the Blind and  
31 the Mississippi School for the Deaf.....\$ 9,590,454.00.

32 TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED  
33 BY THIS SECTION BEING.....\$ 2,238,807,477.00.

34 **SECTION 2.** The following sums, or so much of those sums as  
35 may be necessary, are appropriated out of any money in any special  
36 fund in the State Treasury to the credit of the proper fund or  
37 funds of the agencies or programs specified in the following  
38 paragraphs for the fiscal year beginning July 1, 2020, and ending  
39 June 30, 2021, as follows:

40 (a) To the State Board of Education for the purpose of  
41 defraying the expenses of the State Department of Education,  
42 excluding the expenses of the Vocational and Technical Education  
43 Division.....\$ 902,791,576.00.



44           (b) To the State Board of Education for the purpose of  
45 defraying the expenses of the Vocational and Technical Education  
46 Division of the State Department of Education.....  
47 .....\$       20,981,914.00.

48           (c) To the State Board of Education for the purpose of  
49 defraying the expenses of the Mississippi Adequate Education  
50 Program.....\$       238,269,249.00.

51           (d) To the State Board of Education for the purpose of  
52 defraying the expenses of the Mississippi School for the Blind and  
53 the Mississippi School for the Deaf.....\$       2,158,848.00.

54       TOTAL AMOUNT OF SPECIAL FUNDS APPROPRIATED

55       BY THIS SECTION BEING.....\$   1,164,201,587.00.

56       **SECTION 3.** Of the funds appropriated in Section 2, One  
57 Hundred Twenty-six Thousand Four Hundred Seventy-two Dollars  
58 (\$126,472.00), or so much of that sum as may be necessary, is  
59 appropriated out of any money in the State Treasury to the credit  
60 of the Health Care Expendable Fund to the State Department of  
61 Education for the purpose of defraying the expenses of the  
62 department for the Mississippi Eye Screening Program for providing  
63 vision safety services.

64       **SECTION 4.** Of the funds appropriated in Section 2, the  
65 following sums, or so much of those sums as may be necessary, are  
66 derived out of any money in the State Treasury to the credit of  
67 the Education Enhancement Fund pursuant to Sections 27-65-75 and  
68 27-67-31, Mississippi Code of 1972, as follows:



69           (a) To the State Department of Education, excluding the  
70 expenses of the Vocational and Technical Education Division, for  
71 the following purposes:

72	Literacy Initiative and Assessment.....\$	6,333,806.00.
73	Educable Child.....\$	7,000,000.00.
74	Grants to school districts for capital	
75	facilities and buses.....\$	16,000,000.00.
76	Instructional materials.....\$	12,000,000.00.
77	Students with Special Needs.....\$	1,800,000.00.
78	Implementing Performance Based Data	
79	Collection and Accreditation	
80	Model.....\$	274,937.00.
81	Testing.....\$	6,125,670.00.
82	Mississippi School for Math	
83	and Science.....\$	125,000.00.
84	Mississippi School for Fine Arts.....\$	125,000.00.
85	TOTAL.....\$	49,784,413.00.

86           (b) To the State Department of Education to defray the  
87 expenses of the Vocational and Technical Education Division.....  
88 .....\$           4,937,258.00.

89           (c) To the State Department of Education to provide  
90 funding for the Mississippi Adequate Education Program.....  
91 .....\$           218,269,249.00.



(d) To the State Board of Education for the purpose of defraying the expenses of the Mississippi School for the Blind and the Mississippi School for the Deaf.....\$ 1,207,037.00.

**SECTION 5.** Of the funds appropriated in this act, the following positions are authorized for the State Department of Education, excluding the expenses of the Vocational and Technical Education Division:

**AUTHORIZED POSITIONS:**

Permanent:	Full Time.....	330
	Part Time.....	3
Time-Limited:	Full Time.....	162
	Part Time.....	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2022 do not exceed Fiscal Year 2021 funds appropriated for that purpose unless programs or positions are added to the agency's Fiscal Year 2021 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. Absent a special situation or circumstance approved by the State Personnel Board, or unless otherwise authorized by this act, no state agency shall take any action to promote or otherwise award salary increases through reallocation, reclassification, or





117 realignment. If the State Personnel Board determines a special  
118 situation or circumstance exists and approves an action, then the  
119 agency and the State Personnel Board shall provide a monthly  
120 report of each action approved by the State Personnel Board to the  
121 chairmen of the Accountability, Efficiency and Transparency  
122 Committees of the Senate and House of Representatives and the  
123 chairmen of the Appropriations Committees of the Senate and House  
124 of Representatives. It shall be the responsibility of the agency  
125 head to ensure that no single personnel action increases this  
126 projected annual cost and/or the Fiscal Year 2021 appropriations  
127 for "Personal Services" when annualized, with the exception of  
128 escalated funds and the award of benchmarks. If, at the time the  
129 agency takes any action to change "Personal Services," the State  
130 Personnel Board determines that the agency has taken an action  
131 which would cause the agency to exceed this projected annual cost  
132 or the Fiscal Year 2021 "Personal Services" appropriated level,  
133 when annualized, then only those actions which reduce the  
134 projected annual cost and/or the appropriation requirement will be  
135 processed by the State Personnel Board until such time as the  
136 requirements of this provision are met.

137       Any transfers or escalations shall be made in accordance with  
138 the terms, conditions and procedures established by law or  
139 allowable under the terms set forth within this act. The State  
140 Personnel Board shall not escalate positions without written  
141 approval from the Department of Finance and Administration. The



142 Department of Finance and Administration shall not provide written  
143 approval to escalate any funds for salaries and/or positions  
144 without proof of availability of new or additional funds above the  
145 appropriated level.

146 No general funds authorized to be expended herein shall be  
147 used to replace federal funds and/or other special funds which are  
148 being used for salaries authorized under the provisions of this  
149 act and which are withdrawn and no longer available.

150 None of the funds herein appropriated shall be used in  
151 violation of Internal Revenue Service's Publication 15-A relating  
152 to the reporting of income paid to contract employees, as  
153 interpreted by the Office of the State Auditor.

154 **SECTION 6.** In compliance with the "Mississippi Performance  
155 Budget and Strategic Planning Act of 1994," it is the intent of  
156 the Legislature that the funds provided in this act shall be  
157 utilized in the most efficient and effective manner possible to  
158 achieve the intended mission of the State Department of Education,  
159 excluding the expenses of the Vocational and Technical Education  
160 Division. Based on the funding authorized, this agency shall make  
161 every effort to attain the targeted performance measures provided  
162 below:

163		FY2021
164	<u>Performance Measures</u>	<u>Target</u>
165	Special Education	
166	Special Education teachers (FTE) (Number of)	6,248



167	Gifted Education teachers (FTE) (Number of)	805
168	Increase percentage of children with	
169	disabilities in general education early	
170	childhood programs while decreasing the	
171	percentage in self-contained special	
172	education early childhood classrooms (%)	76.00
173	General Administration	
174	Total Dollars Spent on General	
175	Administration (\$)	26,532,257.00
176	Total Budget Spent on General	
177	Administration (%)	18.58
178	Create a public-facing data system for	
179	all stakeholders (%)	100.00
180	Create a user-friendly website for the	
181	public and school districts to access	
182	data to make decisions (%)	100.00
183	Create a roadmap to improve the	
184	Mississippi Student Information System	
185	(%)	100.00
186	Publish research results to support	
187	improved student outcomes and teacher	
188	effectiveness (Number of)	9
189	Graduation & Career Readiness	
190	Increase the percentage of students	
191	graduating from high school ready for	



192	college or career in each subgroup (%)	86.43
193	Early Childhood Education	
194	Increase percentage of kindergarten	
195	students achieving end-of-year target	
196	score on Kindergarten Readiness	
197	post-test (%)	68.88
198	Increase the percentage of Early	
199	Learning Collaborative sites meeting	
200	required rate of readiness (%)	95.00
201	Increase number of students enrolled in	
202	Title I or locally funded pre-K classes	
203	(Number of)	8,022
204	Teacher Tng & Professional Dev	
205	Increase the percentage of districts	
206	reporting Professional Growth System	
207	(PGS) ratings for teachers and leaders	
208	(%)	79.00
209	Increase the number of licensed, diverse	
210	teachers and leaders (Number of)	46
211	Increase the percentage of teacher	
212	candidates passing licensure exams on	
213	the first attempt (%)	12.00
214	Reduce the proportion of inexperienced	
215	and non-certified teachers in schools	
216	that are High Poverty (%)	22.00



217	Reduce the proportion of inexperienced	
218	and non-certified teachers in schools	
219	that are High Minority (%)	2.00
220	Elementary Education	
221	Increase the percentage of students who	
222	pass the 3rd grade reading assessment at	
223	the first administration in each	
224	subgroup (%)	80.00
225	Secondary Education	
226	Increase the percentage of students	
227	participating in and passing Advanced	
228	Placement (AP), International	
229	Baccalaureate (IB) and Cambridge exams	
230	in each subgroup (%)	37.00
231	Increase the percentage of students	
232	ready for college as measured by meeting	
233	ACT benchmarks in each content area	
234	(public school class data, grade 11) (%)	11.00
235	Assessment & Development	
236	Increase the percentage of students	
237	proficient (levels 4 and 5) on statewide	
238	assessments (grades 3-8) and high	
239	school composite) in each subgroup (%)	50.07
240	Decrease the percentage of students	
241	scoring levels 1-3 on statewide	



242	assessments in each subgroup (%)	49.93
243	Increase percentage of pre-kindergarten	
244	students in public schools attaining	
245	kindergarten readiness on the pre-K	
246	end-of-year assessment (%)	72.00
247	School Performance	
248	Increase the percentage of schools rated	
249	"C" or higher (%)	77.00
250	Increase the percentage of districts	
251	rated "C" or higher (%)	72.90
252	Increase the percentage of students	
253	demonstrating growth on statewide ELA	
254	assessments in each subgroup (%)	65.63
255	Increase the percentage of students	
256	demonstrating growth on statewide Math	
257	assessments in each subgroup (%)	64.43
258	Increase the percentage of students	
259	participating in dual credit in each	
260	subgroup (%)	50.00
261	Increase the percentage of students	
262	passing dual credit in each subgroup (%)	98.00
263	Increase the growth of D and F districts	
264	demonstrating growth, by improving the	
265	letter grade and/or increasing the	
266	number of points within a letter grade	



267 (%) 76.00  
 268 Increase the growth of D and F schools  
 269 demonstrating growth, by improving the  
 270 letter grade and/or increasing the  
 271 number of points within a letter grade  
 272 (%) 70.00  
 273 Increase the growth of Districts of  
 274 Transformation by improving the letter  
 275 grade and/or increasing the number of  
 276 points within a letter grade (%) 100.00  
 277 Increase the growth of schools under  
 278 Districts of Transformation by improving  
 279 the letter grade and/or increasing the  
 280 number of points within a letter grade  
 281 (%) 100.00  
 282 Decrease the number of high schools  
 283 rated D or F (Number of) 55  
 284 A reporting of the degree to which the performance targets  
 285 set above have been or are being achieved shall be provided in the  
 286 agency's budget request submitted to the Joint Legislative Budget  
 287 Committee for Fiscal Year 2022.  
 288 **SECTION 7.** No school district shall expend any funds,  
 289 received under the School Ad Valorem Reduction Grant, unless such  
 290 school district has specifically identified the amount of the  
 291 grant within the published budget as required by Section 37-61-9,



292 Mississippi Code of 1972. The published budget shall include the  
293 following statement: "Ad Valorem taxes will be \$\_\_\_\_\_ less as  
294 a result of the Ad Valorem Reduction Grants enacted by the  
295 Mississippi Legislature in 1992."

296 **SECTION 8.** Of the funds appropriated in Section 2, Two  
297 Million One Hundred Thousand Dollars (\$2,100,000.00) shall be  
298 derived from the Technology in Classroom Fund 3203 for the purpose  
299 of defraying the expenses of the State Department of Education,  
300 excluding the expenses of the Vocational and Technical Education  
301 Division.

302 **SECTION 9.** Of the funds appropriated in Section 2, funds in  
303 the amount of One Million Dollars (\$1,000,000.00) shall come from  
304 income derived from the principal of the Education Improvement  
305 Trust Fund created by Section 206A, Mississippi Constitution of  
306 1890, and One Million Dollars (\$1,000,000.00) shall be used for  
307 the School for Math and Science.

308 **SECTION 10.** Of the funds appropriated under the provisions  
309 of this act, the following positions are authorized for the  
310 Vocational and Technical Education Division of the State  
311 Department of Education:

312 **AUTHORIZED POSITIONS:**

313	Permanent:	Full Time.....	49
314		Part Time.....	0
315	Time-Limited:	Full Time.....	5
316		Part Time.....	0





317       With the funds herein appropriated, it shall be the agency's  
318 responsibility to make certain that funds required to be  
319 appropriated for "Personal Services" for Fiscal Year 2022 do not  
320 exceed Fiscal Year 2021 funds appropriated for that purpose unless  
321 programs or positions are added to the agency's Fiscal Year 2021  
322 budget by the Mississippi Legislature. Based on data provided by  
323 the Legislative Budget Office, the State Personnel Board shall  
324 determine and publish the projected annual cost to fully fund all  
325 appropriated positions in compliance with the provisions of this  
326 act. Absent a special situation or circumstance approved by the  
327 State Personnel Board, or unless otherwise authorized by this act,  
328 no state agency shall take any action to promote or otherwise  
329 award salary increases through reallocation, reclassification, or  
330 realignment. If the State Personnel Board determines a special  
331 situation or circumstance exists and approves an action, then the  
332 agency and the State Personnel Board shall provide a monthly  
333 report of each action approved by the State Personnel Board to the  
334 chairmen of the Accountability, Efficiency and Transparency  
335 Committees of the Senate and House of Representatives and the  
336 chairmen of the Appropriations Committees of the Senate and House  
337 of Representatives. It shall be the responsibility of the agency  
338 head to ensure that no single personnel action increases this  
339 projected annual cost and/or the Fiscal Year 2021 appropriations  
340 for "Personal Services" when annualized, with the exception of  
341 escalated funds and the award of benchmarks. If, at the time the



342 agency takes any action to change "Personal Services," the State  
343 Personnel Board determines that the agency has taken an action  
344 which would cause the agency to exceed this projected annual cost  
345 or the Fiscal Year 2021 "Personal Services" appropriated level,  
346 when annualized, then only those actions which reduce the  
347 projected annual cost and/or the appropriation requirement will be  
348 processed by the State Personnel Board until such time as the  
349 requirements of this provision are met.

350       Any transfers or escalations shall be made in accordance with  
351 the terms, conditions and procedures established by law or  
352 allowable under the terms set forth within this act. The State  
353 Personnel Board shall not escalate positions without written  
354 approval from the Department of Finance and Administration. The  
355 Department of Finance and Administration shall not provide written  
356 approval to escalate any funds for salaries and/or positions  
357 without proof of availability of new or additional funds above the  
358 appropriated level.

359       No general funds authorized to be expended herein shall be  
360 used to replace federal funds and/or other special funds which are  
361 being used for salaries authorized under the provisions of this  
362 act and which are withdrawn and no longer available.

363       None of the funds herein appropriated shall be used in  
364 violation of Internal Revenue Service's Publication 15-A relating  
365 to the reporting of income paid to contract employees, as  
366 interpreted by the Office of the State Auditor.



367       **SECTION 11.** Of the funds appropriated in this act, an amount  
368 not to exceed Two Hundred Twenty-nine Thousand Six Hundred  
369 Eighty-four Dollars (\$229,684.00) is authorized for the support of  
370 vocational and technical education programs as authorized in  
371 Section 37-31-13, Mississippi Code of 1972, for a period in excess  
372 of ten (10) months in a calendar year.

373       **SECTION 12.** It is the intention of the Legislature that the  
374 Vocational and Technical Education Division of the State  
375 Department of Education shall, with the funds appropriated in  
376 Section 1, transfer no more than Seventy-five Thousand Dollars  
377 (\$75,000.00) to the Mississippi Soil and Water Conservation  
378 Commission for the purpose of providing matching funds to purchase  
379 soil conservation equipment.

380       **SECTION 13.** Of the funds appropriated in this act, no more  
381 than One Hundred Seventy-five Thousand Dollars (\$175,000.00) is  
382 provided for the purpose of supporting the Future Farmers of  
383 America Center.

384       **SECTION 14.** The State Department of Education shall transfer  
385 the designated amounts to the appropriate entities, which shall  
386 assume full responsibility for the expenditure of these funds in  
387 accordance with state laws and accept all responsibility for any  
388 improper expenditure, for the following:

389	Detention Centers.....	\$	900,000.00.
390	Dubard School.....	\$	575,000.00.
391	Dyslexia Program.....	\$	225,000.00.



392	Jobs for MS Graduates, Inc.....	\$ 700,000.00.
393	Stride.....	\$ 600,000.00.
394	Amplify Data Coaching.....	\$ 800,000.00.
395	Magnolia Speech School.....	\$ 500,000.00.
396	Principal Corp.....	\$ 300,000.00.
397	Sight Savers.....	\$ 300,000.00.
398	Teach for America.....	\$ 1,500,000.00.
399	Teacher Corp.....	\$ 100,000.00.
400	USM-Autism Program.....	\$ 40,000.00.
401	Children's Center for Comm & Develop.....	\$ 574,032.00.
402	Vision Screening Research.....	\$ 225,000.00.
403	Algebra Nation.....	\$ 725,000.00.
404	Save the Children.....	\$ 100,000.00.
405	Mississippi Construction Education Program.....	\$ 112,500.00.
406	Microsoft IT Academy.....	\$ 200,000.00.
407	Jumpstart ACT.....	\$ 175,000.00.
408	CampusKnot.....	\$ 75,000.00.
409	Mastery Prep.....	\$ 100,000.00.
410	Lighthouse Academy for Dyslexia.....	\$ 200,000.00.
411	Total.....	\$ 9,026,532.00.

412       **SECTION 15.** Of the funds appropriated in this act, an amount  
413 not to exceed One Million Five Hundred Thousand Dollars  
414 (\$1,500,000.00) shall be used for technological methods for  
415 agricultural programs, computer science, engineering or robotic  
416 engineering programs and equipment upgrades and Mississippi



417 Elementary (ME) STEM and STEAM programs from the Career and  
418 Technical Education Division of the State Department of Education.  
419 All programs must meet Mississippi Science Standards and/or  
420 College and Career Standards.

421       Of the funds appropriated in this Section, an amount not to  
422 exceed Sixty Thousand Dollars (\$60,000.00) shall be used for a  
423 certification pilot program for agriculture. Of the funds  
424 appropriated in this section, an amount not to exceed Three  
425 Hundred Thousand Dollars (\$300,000.00) shall be distributed to the  
426 Mississippi State University Center for Cyber Education and used  
427 for computer science programs development and teacher training for  
428 elementary schools, middle schools, and high schools for the  
429 purpose of developing K-12 computer science curricula, including  
430 both academic and career and technical education programs,  
431 developing and delivering teacher training, and working with the  
432 State Board of Education and Institutions of Higher Learning in  
433 the state to develop teacher preparation programs for computer  
434 science endorsements. All programs must meet the 2018 Mississippi  
435 Computer Science Standards and/or Mississippi College and Career  
436 Standards.

437       **SECTION 16.** Of the funds appropriated in Section 1, the sum  
438 of Sixty-two Thousand One Hundred Ninety-one Dollars (\$62,191.00),  
439 which is the aggregate sum that the school districts in the  
440 Chickasaw Cession receive annually from interest payments from the  
441 Chickasaw School Fund under Section 212, Mississippi Constitution



442 of 1890, shall be deducted from the allocations to the school  
443 districts as provided in Section 29-3-137, Mississippi Code of  
444 1972, and shall be distributed among the school districts in the  
445 Chickasaw Cession by the State Department of Education in the  
446 manner that those interest payments were distributed during Fiscal  
447 Year 1985.

448       **SECTION 17.** Of the funds provided in this act for the  
449 purpose of funding the Mississippi Adequate Education Program as  
450 determined under Section 37-151-7, Mississippi Code of 1972, the  
451 base student cost in Fiscal Year 2021 shall be Five Thousand Eight  
452 Hundred Twenty-nine Dollars and Thirty-five Cents (\$5,829.35).

453       **SECTION 18.** Of the funds appropriated under the provisions  
454 of this act, the following positions are authorized for the  
455 Mississippi School for the Blind and the Mississippi School for  
456 the Deaf:

457       AUTHORIZED POSITIONS:

458	Permanent:	Full Time.....	181
459		Part Time.....	18
460	Time-Limited:	Full Time.....	1
461		Part Time.....	0

462       With the funds herein appropriated, it shall be the agency's  
463 responsibility to make certain that funds required to be  
464 appropriated for "Personal Services" for Fiscal Year 2022 do not  
465 exceed Fiscal Year 2021 funds appropriated for that purpose unless  
466 programs or positions are added to the agency's Fiscal Year 2021



467 budget by the Mississippi Legislature. Based on data provided by  
468 the Legislative Budget Office, the State Personnel Board shall  
469 determine and publish the projected annual cost to fully fund all  
470 appropriated positions in compliance with the provisions of this  
471 act. Absent a special situation or circumstance approved by the  
472 State Personnel Board, or unless otherwise authorized by this act,  
473 no state agency shall take any action to promote or otherwise  
474 award salary increases through reallocation, reclassification, or  
475 realignment. If the State Personnel Board determines a special  
476 situation or circumstance exists and approves an action, then the  
477 agency and the State Personnel Board shall provide a monthly  
478 report of each action approved by the State Personnel Board to the  
479 chairmen of the Accountability, Efficiency and Transparency  
480 Committees of the Senate and House of Representatives and the  
481 chairmen of the Appropriations Committees of the Senate and House  
482 of Representatives. It shall be the responsibility of the agency  
483 head to ensure that no single personnel action increases this  
484 projected annual cost and/or the Fiscal Year 2021 appropriations  
485 for "Personal Services" when annualized, with the exception of  
486 escalated funds and the award of benchmarks. If, at the time the  
487 agency takes any action to change "Personal Services," the State  
488 Personnel Board determines that the agency has taken an action  
489 which would cause the agency to exceed this projected annual cost  
490 or the Fiscal Year 2021 "Personal Services" appropriated level,  
491 when annualized, then only those actions which reduce the



492 projected annual cost and/or the appropriation requirement will be  
493 processed by the State Personnel Board until such time as the  
494 requirements of this provision are met.

495 Any transfers or escalations shall be made in accordance with  
496 the terms, conditions and procedures established by law or  
497 allowable under the terms set forth within this act. The State  
498 Personnel Board shall not escalate positions without written  
499 approval from the Department of Finance and Administration. The  
500 Department of Finance and Administration shall not provide written  
501 approval to escalate any funds for salaries and/or positions  
502 without proof of availability of new or additional funds above the  
503 appropriated level.

504 No general funds authorized to be expended herein shall be  
505 used to replace federal funds and/or other special funds which are  
506 being used for salaries authorized under the provisions of this  
507 act and which are withdrawn and no longer available.

508 None of the funds herein appropriated shall be used in  
509 violation of Internal Revenue Service's Publication 15-A relating  
510 to the reporting of income paid to contract employees, as  
511 interpreted by the Office of the State Auditor.

512 **SECTION 19.** With the funds provided in this act, it is the  
513 intention of the Legislature that School Attendance Officers and  
514 academic teachers at the Mississippi School for the Deaf and the  
515 Mississippi School for the Blind shall receive their annual  
516 increment.





517       **SECTION 20.** It is the intention of the Legislature that the  
518 State Board of Education shall maintain complete accounting and  
519 personnel records related to the expenditure of all funds  
520 appropriated in this act and that those records shall be in the  
521 same format and level of detail as maintained for Fiscal Year  
522 2020. It is further the intention of the Legislature that the  
523 budget requests for Fiscal Year 2022 shall be submitted to the  
524 Joint Legislative Budget Committee in a format and level of detail  
525 comparable to the format and level of detail provided during the  
526 Fiscal Year 2021 budget request process for each agency and  
527 institution appropriated funds within the provisions of this act.

528       **SECTION 21.** Of the funds appropriated in Section 1(a) to the  
529 State Board of Education, not less than Twenty-three Million  
530 Eighty Thousand Dollars (\$23,080,000.00) shall be used for  
531 National Board Certification. Of this amount, Five Hundred Fifty  
532 Thousand Dollars (\$550,000.00) shall be used for the World Class  
533 Teacher Program providing instruction and assistance to teachers  
534 seeking National Board Certification.

535       **SECTION 22.** Of the funds appropriated in Section 1 and  
536 Section 4(a) not less than Fifteen Million Fifty-eight Thousand  
537 Dollars (\$15,058,000.00) shall be used for the Educable Child  
538 Program. It is the intention of the Legislature that the State  
539 Board of Education shall allocate funding for the Educable Child  
540 Program based upon a recalculated formula in a manner to include  
541 only those billable days funded through appropriation of state



542 funds and not District funds. It is the intent of the Legislature  
543 that the Educable Child funds shall be exempt from budget cuts  
544 made to the Department of Education by the Legislature and/or the  
545 Office of the Governor.

546       **SECTION 23.** Of the funds appropriated in Section 1(a) and  
547 Section 4(a), not less than Three Million Dollars (\$3,000,000.00)  
548 shall be used for the Education Scholarship Account (ESA) Program.  
549 It is the intent of the Legislature that the Education Scholarship  
550 Account (ESA) funds shall not be reduced by the State Department  
551 of Education and/or the Office of the Governor.

552       **SECTION 24.** The public school districts of the state are  
553 authorized at their discretion to pay with local funds one hundred  
554 percent (100%) of the cost of the health insurance premiums of the  
555 State and School Employees Health Insurance Plan for all retired  
556 members of the Public Employees' Retirement System who are  
557 employed as school bus drivers by the school districts. It is the  
558 intention of the Legislature that no state funds shall be used for  
559 this purpose.

560       **SECTION 25.** It is the intention of the Legislature that  
561 whenever two (2) or more bids are received by this agency for the  
562 purchase of commodities or equipment, and whenever all things  
563 stated in those received bids are equal with respect to price,  
564 quality and service, the Mississippi Industries for the Blind  
565 shall be given preference. A similar preference shall be given to



566 the Mississippi Industries for the Blind whenever purchases are  
567 made without competitive bids.

568       **SECTION 26.** Of the funds appropriated in Section 1, not less  
569 than Six Million Three Hundred Twenty-one Thousand Nine Hundred  
570 Twenty-seven Dollars (\$6,321,927.00) shall be used for the  
571 Compulsory School Attendance Office and School Attendance  
572 Officers.

573       **SECTION 27.** Of the funds appropriated in this act, it is the  
574 intention of the Legislature that Three Million Sixty Thousand  
575 Dollars (\$3,060,000.00) shall be used for the Mary  
576 Kirkpatrick-Mary Sprayberry Public School Nurse Program. The  
577 amount of Three Million Sixty Thousand Dollars (\$3,060,000.00) is  
578 provided from the Department of Health.

579       **SECTION 28.** The State Department of Education shall contract  
580 with a Certified Public Accountant to calculate components of the  
581 Mississippi Adequate Education Program to include the base student  
582 cost, school district allocations, total program cost, add-on  
583 programs, and any other required components of Section 37-151-7,  
584 Mississippi Code of 1972. The contractor shall be responsible for  
585 calculating the estimates of these components due to the  
586 Legislative Budget Office and the Governor by August 1 and the  
587 final estimates due to the Legislative Budget Office and the  
588 Governor no later than January 2. A report detailing the funding  
589 of this contract shall be submitted by the State Department of  
590 Education to the Legislature no later than January 30, 2021.



591       **SECTION 29.** Of the funds appropriated in this act, it is the  
592 intention of the Legislature that Twenty Million Dollars  
593 (\$20,000,000.00) from the Public School Building Fund shall be  
594 used for the Mississippi Adequate Education Program.

595       **SECTION 30.** It is the intention of the Legislature that the  
596 State Board of Education shall charge a fee for room and board for  
597 students who enroll in the Mississippi School for Mathematics and  
598 Science and the Mississippi School of Arts. Such fees will be  
599 waived for any student enrolled in the State Children's Health  
600 Insurance Program. The amount of such fees shall be Five Hundred  
601 Dollars (\$500.00) for each semester.

602       **SECTION 31.** It is the intent of the Legislature that each  
603 eligible employee who meets the National Board requirements under  
604 Section 37-19-7(2), Mississippi Code of 1972, shall be paid the  
605 full supplement and that such supplement shall be included on a  
606 prorated basis in the employee's monthly paycheck.

607       **SECTION 32.** It is the intention of the Legislature that the  
608 Mississippi Department of Education may loan any general or  
609 special source fund amount, not to exceed Five Million Dollars  
610 (\$5,000,000.00), to any school district for the purpose of  
611 providing funds to school districts through the Emergency  
612 Assistance Fund as outlined in Section 37-17-6, Mississippi Code  
613 of 1972, during the period beginning July 1, 2020, and ending  
614 June 30, 2021. The school districts receiving these loans shall



615 repay the Mississippi Department of Education the amount of the  
616 loan on or before June 30, 2021.

617       **SECTION 33.** Of the funds appropriated in Section 1(a), Seven  
618 Hundred Thousand Dollars (\$700,000.00) shall be transferred to the  
619 Board of Health no later than December 31, 2020.

620       **SECTION 34.** Any school district receiving funds through Save  
621 the Children and Stride may provide a ten percent (10%) match from  
622 local funds for implementation of the program.

623       **SECTION 35.** Of the funds appropriated in Section 1(a), Two  
624 Million Dollars (\$2,000,000.00) is provided for the Mississippi  
625 Community Oriented Policing Services in Schools (MCOPS) grant  
626 program. A portion of these funds not to exceed three percent (3%)  
627 may be used for training and administrative costs related to  
628 oversight and auditing of the program.

629       **SECTION 36.** Of the funds appropriated in Section 1(a), Seven  
630 Million Seven Hundred Eighty-nine Thousand Four Hundred  
631 Seventy-Four Dollars (\$7,789,474.00) is provided for an Early  
632 Childhood Education Initiative program. The funding shall be  
633 provided to early learning collaboratives in Fiscal Year 2021 as  
634 follows: no less than Two Thousand Five Hundred Dollars  
635 (\$2,500.00) per student in a full-day program and no less than One  
636 Thousand Two Hundred Fifty Dollars (\$1,250.00) per student in a  
637 half-day program. Funds must be matched as provided by Section  
638 37-21-51.



639       **SECTION 37.** Of the funds appropriated in Section 1(a) and  
640 Section 4(a), Fifteen Million Ninety-four Thousand Five Hundred  
641 Dollars (\$15,094,500.00) shall be used for the Literacy Initiative  
642 and Assessment.

643       **SECTION 38.** Of the funds appropriated herein, funding is  
644 provided for the ACT test, which is the college readiness portion  
645 of the state accountability model.

646       **SECTION 39.** Of the funds appropriated in Section 1(a), Two  
647 Million Five Hundred Eighty-four Thousand Four Hundred Eleven  
648 Dollars (\$2,584,411.00) shall be used for the Mississippi School  
649 of the Arts and Three Million Seven Hundred Twenty-seven Thousand  
650 Four Hundred Seventy Dollars (\$3,727,470.00) shall be used for the  
651 Mississippi School for Mathematics and Science. It is the  
652 intention of the Legislature that of the funds appropriated in  
653 Section 1(a) for the Mississippi School of the Arts One Million  
654 Two Hundred Ninety-two Thousand Two Hundred Six Dollars  
655 (\$1,292,206.00) shall be paid to the school no later than July 10,  
656 2020, and One Million Two Hundred Ninety-two Thousand Two Hundred  
657 Five Dollars (\$1,292,205.00) shall be paid no later than January  
658 10, 2021. All funds appropriated from Section 4(a) for the  
659 Mississippi School of the Arts shall be paid to the school each  
660 month within ten (10) working days after such amount was received  
661 by the Department of Education. It is the intention of the  
662 Legislature that the State Board of Education shall not reduce the  
663 appropriated amounts provided in this act for the Mississippi



664 School of the Arts and the Mississippi School for Mathematics and  
665 Science.

666       **SECTION 40.** Of the funds appropriated in Section 1(b) and  
667 Section 2(b), Five Hundred Thousand Dollars (\$500,000.00) is  
668 provided for career and technical grants to schools for qualified  
669 students as authorized by Section 37-153-15, Mississippi Code of  
670 1972.

671       **SECTION 41.** The following sum, or so much thereof as may be  
672 necessary, is reappropriated out of any money in the Capital  
673 Expense Fund not otherwise appropriated for the Department of  
674 Education for the purpose of reauthorizing the expenditure of  
675 Capital Expense Fund, as authorized in HB 1643, 2019 Regular  
676 Session to provide for courses, curriculum and training and exam  
677 costs including Advanced Placement, dual credit, International  
678 Baccalaureate, Cambridge, diploma endorsements (career and  
679 technical, academic and distinguished academic) and WorkKeys, for  
680 the fiscal year beginning July 1, 2020, and ending June 30, 2021..  
681 .....\$     1,000,000.00.

682       Notwithstanding the amount reappropriated under the  
683 provisions of this section, in no event shall the amount expended  
684 exceed the unexpended balance as of June 30, 2020.

685       **SECTION 42.** The following sum, or so much thereof as may be  
686 necessary, is reappropriated out of any money in the General Fund  
687 not otherwise appropriated for the Department of Education for the  
688 purpose of reauthorizing the expenditure of General Fund, as



689 authorized in HB 1643, 2019 Regular Session to provide for agency  
690 operations for the fiscal year beginning July 1, 2020, and ending  
691 June 30, 2021.....\$ 4,700,000.00.

692 Notwithstanding the amount reappropriated under the  
693 provisions of this section, in no event shall the amount expended  
694 exceed the unexpended balance as of June 30, 2020.

695 **SECTION 43.** The money appropriated in this act shall be paid  
696 by the State Treasurer out of any money in the proper fund or  
697 funds as set forth in this act, upon warrants issued by the State  
698 Fiscal Officer; and the State Fiscal Officer shall issue his  
699 warrants upon requisitions signed by the proper person, officer or  
700 officers in the manner provided by law.

701 **SECTION 44.** It is the intent of the Legislature that each  
702 eligible professional school counselor employee who meets the year  
703 of teaching experience requirements under Section 37-151-5(m),  
704 Mississippi Code of 1972, shall be considered having a year of  
705 experience for purposes of the annual experience salary increment.

706 **SECTION 45.** This act shall take effect and be in force from  
707 and after July 1, 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 (1) 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 1700

I am returning House Bill 1700: "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 2021," 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.

The portion of the bill that will become law provides funding for the State Department of Education to continue its operations, including funding for its Vocational and Technical Education Division. However, the partial veto is necessary to ensure that adequate funds are available to pay 23,157 of Mississippi's best and brightest teachers the money owed to them under the School Recognition Program. In the absence of this partial veto, these teachers will be forced to take a pay cut.

House Bill Number 1700 makes appropriations for the funding K-12 and other educational activities and programs for Fiscal Year 2021. As introduced and passed in the House, the bill retained a critical provision that has been an established part of appropriations in previous years: "**SECTION 33. Of the funds appropriated in Section 1(a) twenty-four Million Nine Hundred Ninety-two Thousand Two Hundred One Dollars (\$24,992,201.00) shall be used for the School Recognition Program authorized by Section 37-19-10, Mississippi Code of 1972.**" However, that provision was inexplicably removed in conference, and the \$24,992,201.00 in funding for the School Recognition Program was transferred to another portion of the bill to provide additional funding to defray the expenses of the Mississippi Adequate Education Program.

The School Recognition Program established in Section 37-19-10 of the Mississippi Code has been a key tool in education reforms. Section 37-19-10(6) established the School Recognition Program Fund to be used by the State Department of Education to provide financial awards to schools that have worked hard and achieved accountability ratings of A or B, or have demonstrated improvement by one letter grade in accountability. The School Recognition Awards cannot be used for administrators. Instead, those funds must be used for nonrecurring salary supplements to the hardworking *teachers* and *staff* employed in those schools who have made those achievements possible.

**EXHIBIT C**

Rewarding such hard work and achievement in K-12 education throughout Mississippi is a critical investment in the future of the state and the lives of students whose teachers make these achievements possible. Removing this essential provision from the Fiscal Year 2021 appropriation seeks to nullify the purpose and intent of the established in Section 37-19-10 and is essentially a defacto, backdoor repeal of that law.

Accordingly, in order to ensure that there are sufficient funds available to the Legislature to fully fund the School Recognition Program, I am vetoing the following sections and lines of House Bill 1700: Section 1(c),(d) and (e) at lines 21-33; Section 2(c) and (d) at lines 48-55; Section 3 at lines 56-63; Section 4 at lines 64-94; Section 13 at lines 380-383; Section 14 at lines 384-411; Section 15 at lines 412-436; Section 16 at lines 437-447; Section 17 at lines 448-452; Section 19 at lines 512-516; Section 22 at lines 535-545; Section 26 at lines 568-572; Section 27 at lines 573-578; and Section 29 at lines 591-594 pursuant to the authority of Article VI, Section 73 of the Mississippi Constitution, which provides: "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

11:00 P.M.

By: Representatives Read, Bennett, Banks,  
Barton, Boyd, Busby, Clark, Clarke, Criswell,  
Currie, Eure, Haney, Jackson, Sanford,  
Watson, Young, Foster

To: Appropriations

HOUSE BILL NO. 1700  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF FUNDING  
2 K-12 AND OTHER RELATED EDUCATIONAL ACTIVITIES, INCLUDING CERTAIN  
3 AGENCIES AND PROGRAMS, IN THE STATE OF MISSISSIPPI, FOR THE FISCAL  
4 YEAR 2021.

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

6 **SECTION 1.** The following sums, or so much of those sums as  
7 may be necessary, are appropriated out of any money in the State  
8 General Fund not otherwise appropriated, for the purpose of  
9 funding K-12 and other related educational activities, including  
10 certain agencies and programs, in the State of Mississippi, for  
11 the fiscal year beginning July 1, 2020, and ending June 30, 2021,  
12 as follows:

13 (a) To the State Board of Education for the purpose of  
14 defraying the expenses of the State Department of Education, and  
15 excluding the expenses of the Vocational and Technical Education  
16 Division.....\$ 91,973,176.00.

17 (b) To the State Board of Education for the purpose of  
18 defraying the expenses of the Vocational and Technical Education  
19 Division of the State Department of Education.....



20 .....\$ 73,546,001.00.

21 ~~(c) To the State Board of Education for the purpose of~~  
22 ~~paying annual compensation to the Chickasaw Cession counties for~~  
23 ~~sixteenth section lands which they lost through sale by the state,~~  
24 ~~as provided in Sections 29-3-137 through 29-3-141, Mississippi~~  
25 ~~Code of 1972.....\$ 15,961,151.00.~~

26 ~~(d) To the State Board of Education for defraying the~~  
27 ~~expenses of the Mississippi Adequate Education Program.....~~  
28 ~~.....\$ 2,047,736,695.00.~~

29 ~~(e) To the State Board of Education for the purpose of~~  
30 ~~defraying the expenses of the Mississippi School for the Blind and~~  
31 ~~the Mississippi School for the Deaf.....\$ 9,590,454.00.~~

32 TOTAL AMOUNT OF STATE GENERAL FUNDS APPROPRIATED  
33 BY THIS SECTION BEING.....\$ 2,238,807,477.00.

34 **SECTION 2.** The following sums, or so much of those sums as  
35 may be necessary, are appropriated out of any money in any special  
36 fund in the State Treasury to the credit of the proper fund or  
37 funds of the agencies or programs specified in the following  
38 paragraphs for the fiscal year beginning July 1, 2020, and ending  
39 June 30, 2021, as follows:

40 (a) To the State Board of Education for the purpose of  
41 defraying the expenses of the State Department of Education,  
42 excluding the expenses of the Vocational and Technical Education  
43 Division.....\$ 902,791,576.00.



44 (b) To the State Board of Education for the purpose of  
45 defraying the expenses of the Vocational and Technical Education  
46 Division of the State Department of Education.....  
47 .....\$ 20,981,914.00.

48 ~~(c) To the State Board of Education for the purpose of~~  
49 ~~defraying the expenses of the Mississippi Adequate Education~~  
50 ~~Program.....\$ 238,269,249.00.~~

51 ~~(d) To the State Board of Education for the purpose of~~  
52 ~~defraying the expenses of the Mississippi School for the Blind and~~  
53 ~~the Mississippi School for the Deaf.....\$ 2,158,848.00.~~

54 TOTAL AMOUNT OF SPECIAL FUNDS APPROPRIATED  
55 BY THIS SECTION BEING.....\$ 1,164,201,587.00.

56 **SECTION 3.** Of the funds appropriated in Section 2, One  
57 Hundred Twenty-six Thousand Four Hundred Seventy-two Dollars  
58 (\$126,472.00), or so much of that sum as may be necessary, is  
59 appropriated out of any money in the State Treasury to the credit  
60 of the Health Care Expendable Fund to the State Department of  
61 Education for the purpose of defraying the expenses of the  
62 department for the Mississippi Eye Screening Program for providing  
63 vision safety services.

64 **SECTION 4.** Of the funds appropriated in Section 2, the  
65 following sums, or so much of those sums as may be necessary, are  
66 derived out of any money in the State Treasury to the credit of  
67 the Education Enhancement Fund pursuant to Sections 27-65-75 and  
68 27-67-31, Mississippi Code of 1972, as follows:

69           ~~(a) To the State Department of Education, excluding the~~  
70 ~~expenses of the Vocational and Technical Education Division, for~~  
71 ~~the following purposes:~~

72	<del>Literacy Initiative and Assessment.....</del>	<del>\$ 6,333,806.00.</del>
73	<del>Educable Child.....</del>	<del>\$ 7,000,000.00.</del>
74	<del>Grants to school districts for capital</del>	
75	<del>facilities and buses.....</del>	<del>\$ 16,000,000.00.</del>
76	<del>Instructional materials.....</del>	<del>\$ 12,000,000.00.</del>
77	<del>Students with Special Needs.....</del>	<del>\$ 1,800,000.00.</del>
78	<del>Implementing Performance Based Data</del>	
79	<del>Collection and Accreditation</del>	
80	<del>Model.....</del>	<del>\$ 274,937.00.</del>
81	<del>Testing.....</del>	<del>\$ 6,125,670.00.</del>
82	<del>Mississippi School for Math</del>	
83	<del>and Science.....</del>	<del>\$ 125,000.00.</del>
84	<del>Mississippi School for Fine Arts.....</del>	<del>\$ 125,000.00.</del>
85	<del>TOTAL.....</del>	<del>\$ 49,784,413.00.</del>

86           ~~(b) To the State Department of Education to defray the~~  
87 ~~expenses of the Vocational and Technical Education Division.....~~  
88 ~~.....~~ ~~\$ 4,937,258.00.~~

89           ~~(c) To the State Department of Education to provide~~  
90 ~~funding for the Mississippi Adequate Education Program.....~~  
91 ~~.....~~ ~~\$ 218,269,249.00.~~



92           ~~(d) To the State Board of Education for the purpose of~~  
93 ~~defraying the expenses of the Mississippi School for the Blind and~~  
94 ~~the Mississippi School for the Deaf.....\$       1,207,037.00.~~

95           **SECTION 5.** Of the funds appropriated in this act, the  
96 following positions are authorized for the State Department of  
97 Education, excluding the expenses of the Vocational and Technical  
98 Education Division:

99       AUTHORIZED POSITIONS:

100	Permanent:	Full Time.....	330
101		Part Time.....	3
102	Time-Limited:	Full Time.....	162
103		Part Time.....	0

104       With the funds herein appropriated, it shall be the agency's  
105 responsibility to make certain that funds required to be  
106 appropriated for "Personal Services" for Fiscal Year 2022 do not  
107 exceed Fiscal Year 2021 funds appropriated for that purpose unless  
108 programs or positions are added to the agency's Fiscal Year 2021  
109 budget by the Mississippi Legislature. Based on data provided by  
110 the Legislative Budget Office, the State Personnel Board shall  
111 determine and publish the projected annual cost to fully fund all  
112 appropriated positions in compliance with the provisions of this  
113 act. Absent a special situation or circumstance approved by the  
114 State Personnel Board, or unless otherwise authorized by this act,  
115 no state agency shall take any action to promote or otherwise  
116 award salary increases through reallocation, reclassification, or



117 realignment. If the State Personnel Board determines a special  
118 situation or circumstance exists and approves an action, then the  
119 agency and the State Personnel Board shall provide a monthly  
120 report of each action approved by the State Personnel Board to the  
121 chairmen of the Accountability, Efficiency and Transparency  
122 Committees of the Senate and House of Representatives and the  
123 chairmen of the Appropriations Committees of the Senate and House  
124 of Representatives. It shall be the responsibility of the agency  
125 head to ensure that no single personnel action increases this  
126 projected annual cost and/or the Fiscal Year 2021 appropriations  
127 for "Personal Services" when annualized, with the exception of  
128 escalated funds and the award of benchmarks. If, at the time the  
129 agency takes any action to change "Personal Services," the State  
130 Personnel Board determines that the agency has taken an action  
131 which would cause the agency to exceed this projected annual cost  
132 or the Fiscal Year 2021 "Personal Services" appropriated level,  
133 when annualized, then only those actions which reduce the  
134 projected annual cost and/or the appropriation requirement will be  
135 processed by the State Personnel Board until such time as the  
136 requirements of this provision are met.

137 Any transfers or escalations shall be made in accordance with  
138 the terms, conditions and procedures established by law or  
139 allowable under the terms set forth within this act. The State  
140 Personnel Board shall not escalate positions without written  
141 approval from the Department of Finance and Administration. The





142 Department of Finance and Administration shall not provide written  
143 approval to escalate any funds for salaries and/or positions  
144 without proof of availability of new or additional funds above the  
145 appropriated level.

146 No general funds authorized to be expended herein shall be  
147 used to replace federal funds and/or other special funds which are  
148 being used for salaries authorized under the provisions of this  
149 act and which are withdrawn and no longer available.

150 None of the funds herein appropriated shall be used in  
151 violation of Internal Revenue Service's Publication 15-A relating  
152 to the reporting of income paid to contract employees, as  
153 interpreted by the Office of the State Auditor.

154 **SECTION 6.** In compliance with the "Mississippi Performance  
155 Budget and Strategic Planning Act of 1994," it is the intent of  
156 the Legislature that the funds provided in this act shall be  
157 utilized in the most efficient and effective manner possible to  
158 achieve the intended mission of the State Department of Education,  
159 excluding the expenses of the Vocational and Technical Education  
160 Division. Based on the funding authorized, this agency shall make  
161 every effort to attain the targeted performance measures provided  
162 below:

163		FY2021
164	<u>Performance Measures</u>	<u>Target</u>
165	Special Education	
166	Special Education teachers (FTE) (Number of)	6,248



167	Gifted Education teachers (FTE) (Number of)	805
168	Increase percentage of children with	
169	disabilities in general education early	
170	childhood programs while decreasing the	
171	percentage in self-contained special	
172	education early childhood classrooms (%)	76.00
173	General Administration	
174	Total Dollars Spent on General	
175	Administration (\$)	26,532,257.00
176	Total Budget Spent on General	
177	Administration (%)	18.58
178	Create a public-facing data system for	
179	all stakeholders (%)	100.00
180	Create a user-friendly website for the	
181	public and school districts to access	
182	data to make decisions (%)	100.00
183	Create a roadmap to improve the	
184	Mississippi Student Information System	
185	(%)	100.00
186	Publish research results to support	
187	improved student outcomes and teacher	
188	effectiveness (Number of)	9
189	Graduation & Career Readiness	
190	Increase the percentage of students	
191	graduating from high school ready for	



192	college or career in each subgroup (%)	86.43
193	Early Childhood Education	
194	Increase percentage of kindergarten	
195	students achieving end-of-year target	
196	score on Kindergarten Readiness	
197	post-test (%)	68.88
198	Increase the percentage of Early	
199	Learning Collaborative sites meeting	
200	required rate of readiness (%)	95.00
201	Increase number of students enrolled in	
202	Title I or locally funded pre-K classes	
203	(Number of)	8,022
204	Teacher Tng & Professional Dev	
205	Increase the percentage of districts	
206	reporting Professional Growth System	
207	(PGS) ratings for teachers and leaders	
208	(%)	79.00
209	Increase the number of licensed, diverse	
210	teachers and leaders (Number of)	46
211	Increase the percentage of teacher	
212	candidates passing licensure exams on	
213	the first attempt (%)	12.00
214	Reduce the proportion of inexperienced	
215	and non-certified teachers in schools	
216	that are High Poverty (%)	22.00



217	Reduce the proportion of inexperienced	
218	and non-certified teachers in schools	
219	that are High Minority (%)	2.00
220	Elementary Education	
221	Increase the percentage of students who	
222	pass the 3rd grade reading assessment at	
223	the first administration in each	
224	subgroup (%)	80.00
225	Secondary Education	
226	Increase the percentage of students	
227	participating in and passing Advanced	
228	Placement (AP), International	
229	Baccalaureate (IB) and Cambridge exams	
230	in each subgroup (%)	37.00
231	Increase the percentage of students	
232	ready for college as measured by meeting	
233	ACT benchmarks in each content area	
234	(public school class data, grade 11) (%)	11.00
235	Assessment & Development	
236	Increase the percentage of students	
237	proficient (levels 4 and 5) on statewide	
238	assessments (grades 3-8) and high	
239	school composite) in each subgroup (%)	50.07
240	Decrease the percentage of students	
241	scoring levels 1-3 on statewide	



242	assessments in each subgroup (%)	49.93
243	Increase percentage of pre-kindergarten	
244	students in public schools attaining	
245	kindergarten readiness on the pre-K	
246	end-of-year assessment (%)	72.00
247	School Performance	
248	Increase the percentage of schools rated	
249	"C" or higher (%)	77.00
250	Increase the percentage of districts	
251	rated "C" or higher (%)	72.90
252	Increase the percentage of students	
253	demonstrating growth on statewide ELA	
254	assessments in each subgroup (%)	65.63
255	Increase the percentage of students	
256	demonstrating growth on statewide Math	
257	assessments in each subgroup (%)	64.43
258	Increase the percentage of students	
259	participating in dual credit in each	
260	subgroup (%)	50.00
261	Increase the percentage of students	
262	passing dual credit in each subgroup (%)	98.00
263	Increase the growth of D and F districts	
264	demonstrating growth, by improving the	
265	letter grade and/or increasing the	
266	number of points within a letter grade	



267	(%)	76.00
268	Increase the growth of D and F schools	
269	demonstrating growth, by improving the	
270	letter grade and/or increasing the	
271	number of points within a letter grade	
272	(%)	70.00
273	Increase the growth of Districts of	
274	Transformation by improving the letter	
275	grade and/or increasing the number of	
276	points within a letter grade (%)	100.00
277	Increase the growth of schools under	
278	Districts of Transformation by improving	
279	the letter grade and/or increasing the	
280	number of points within a letter grade	
281	(%)	100.00
282	Decrease the number of high schools	
283	rated D or F (Number of)	55
284	A reporting of the degree to which the performance targets	
285	set above have been or are being achieved shall be provided in the	
286	agency's budget request submitted to the Joint Legislative Budget	
287	Committee for Fiscal Year 2022.	
288	<b>SECTION 7.</b> No school district shall expend any funds,	
289	received under the School Ad Valorem Reduction Grant, unless such	
290	school district has specifically identified the amount of the	
291	grant within the published budget as required by Section 37-61-9,	



292 Mississippi Code of 1972. The published budget shall include the  
293 following statement: "Ad Valorem taxes will be \$\_\_\_\_\_ less as  
294 a result of the Ad Valorem Reduction Grants enacted by the  
295 Mississippi Legislature in 1992."

296 **SECTION 8.** Of the funds appropriated in Section 2, Two  
297 Million One Hundred Thousand Dollars (\$2,100,000.00) shall be  
298 derived from the Technology in Classroom Fund 3203 for the purpose  
299 of defraying the expenses of the State Department of Education,  
300 excluding the expenses of the Vocational and Technical Education  
301 Division.

302 **SECTION 9.** Of the funds appropriated in Section 2, funds in  
303 the amount of One Million Dollars (\$1,000,000.00) shall come from  
304 income derived from the principal of the Education Improvement  
305 Trust Fund created by Section 206A, Mississippi Constitution of  
306 1890, and One Million Dollars (\$1,000,000.00) shall be used for  
307 the School for Math and Science.

308 **SECTION 10.** Of the funds appropriated under the provisions  
309 of this act, the following positions are authorized for the  
310 Vocational and Technical Education Division of the State  
311 Department of Education:

312 AUTHORIZED POSITIONS:

313	Permanent:	Full Time.....	49
314		Part Time.....	0
315	Time-Limited:	Full Time.....	5
316		Part Time.....	0



317       With the funds herein appropriated, it shall be the agency's  
318 responsibility to make certain that funds required to be  
319 appropriated for "Personal Services" for Fiscal Year 2022 do not  
320 exceed Fiscal Year 2021 funds appropriated for that purpose unless  
321 programs or positions are added to the agency's Fiscal Year 2021  
322 budget by the Mississippi Legislature. Based on data provided by  
323 the Legislative Budget Office, the State Personnel Board shall  
324 determine and publish the projected annual cost to fully fund all  
325 appropriated positions in compliance with the provisions of this  
326 act. Absent a special situation or circumstance approved by the  
327 State Personnel Board, or unless otherwise authorized by this act,  
328 no state agency shall take any action to promote or otherwise  
329 award salary increases through reallocation, reclassification, or  
330 realignment. If the State Personnel Board determines a special  
331 situation or circumstance exists and approves an action, then the  
332 agency and the State Personnel Board shall provide a monthly  
333 report of each action approved by the State Personnel Board to the  
334 chairmen of the Accountability, Efficiency and Transparency  
335 Committees of the Senate and House of Representatives and the  
336 chairmen of the Appropriations Committees of the Senate and House  
337 of Representatives. It shall be the responsibility of the agency  
338 head to ensure that no single personnel action increases this  
339 projected annual cost and/or the Fiscal Year 2021 appropriations  
340 for "Personal Services" when annualized, with the exception of  
341 escalated funds and the award of benchmarks. If, at the time the





342 agency takes any action to change "Personal Services," the State  
343 Personnel Board determines that the agency has taken an action  
344 which would cause the agency to exceed this projected annual cost  
345 or the Fiscal Year 2021 "Personal Services" appropriated level,  
346 when annualized, then only those actions which reduce the  
347 projected annual cost and/or the appropriation requirement will be  
348 processed by the State Personnel Board until such time as the  
349 requirements of this provision are met.

350 Any transfers or escalations shall be made in accordance with  
351 the terms, conditions and procedures established by law or  
352 allowable under the terms set forth within this act. The State  
353 Personnel Board shall not escalate positions without written  
354 approval from the Department of Finance and Administration. The  
355 Department of Finance and Administration shall not provide written  
356 approval to escalate any funds for salaries and/or positions  
357 without proof of availability of new or additional funds above the  
358 appropriated level.

359 No general funds authorized to be expended herein shall be  
360 used to replace federal funds and/or other special funds which are  
361 being used for salaries authorized under the provisions of this  
362 act and which are withdrawn and no longer available.

363 None of the funds herein appropriated shall be used in  
364 violation of Internal Revenue Service's Publication 15-A relating  
365 to the reporting of income paid to contract employees, as  
366 interpreted by the Office of the State Auditor.



367       **SECTION 11.** Of the funds appropriated in this act, an amount  
368 not to exceed Two Hundred Twenty-nine Thousand Six Hundred  
369 Eighty-four Dollars (\$229,684.00) is authorized for the support of  
370 vocational and technical education programs as authorized in  
371 Section 37-31-13, Mississippi Code of 1972, for a period in excess  
372 of ten (10) months in a calendar year.

373       **SECTION 12.** It is the intention of the Legislature that the  
374 Vocational and Technical Education Division of the State  
375 Department of Education shall, with the funds appropriated in  
376 Section 1, transfer no more than Seventy-five Thousand Dollars  
377 (\$75,000.00) to the Mississippi Soil and Water Conservation  
378 Commission for the purpose of providing matching funds to purchase  
379 soil conservation equipment.

380       ~~**SECTION 13.** Of the funds appropriated in this act, no more~~  
381 ~~than One Hundred Seventy-five Thousand Dollars (\$175,000.00) is~~  
382 ~~provided for the purpose of supporting the Future Farmers of~~  
383 ~~America Center.~~

384       ~~**SECTION 14.** The State Department of Education shall transfer~~  
385 ~~the designated amounts to the appropriate entities, which shall~~  
386 ~~assume full responsibility for the expenditure of these funds in~~  
387 ~~accordance with state laws and accept all responsibility for any~~  
388 ~~improper expenditure, for the following:~~

389	<del>Detention Centers.....</del>	<del>\$</del>	<del>900,000.00.</del>
390	<del>Dubard School.....</del>	<del>\$</del>	<del>575,000.00.</del>
391	<del>Dyslexia Program.....</del>	<del>\$</del>	<del>225,000.00.</del>



392	Jobs for MS Graduates, Inc.....	\$	700,000.00.
393	Stride.....	\$	600,000.00.
394	Amplify Data Coaching.....	\$	800,000.00.
395	Magnolia Speech School.....	\$	500,000.00.
396	Principal Corp.....	\$	300,000.00.
397	Sight Savers.....	\$	300,000.00.
398	Teach for America.....	\$	1,500,000.00.
399	Teacher Corp.....	\$	100,000.00.
400	USM-Autism Program.....	\$	40,000.00.
401	Children's Center for Comm & Develop.....	\$	574,032.00.
402	Vision Screening Research.....	\$	225,000.00.
403	Algebra Nation.....	\$	725,000.00.
404	Save the Children.....	\$	100,000.00.
405	Mississippi Construction Education Program.....	\$	112,500.00.
406	Microsoft IT Academy.....	\$	200,000.00.
407	Jumpstart ACT.....	\$	175,000.00.
408	CampusKnot.....	\$	75,000.00.
409	Mastery Prep.....	\$	100,000.00.
410	Lighthouse Academy for Dyslexia.....	\$	200,000.00.
411	Total.....	\$	9,026,532.00.

412        **SECTION 15.** Of the funds appropriated in this act, an amount  
413 not to exceed One Million Five Hundred Thousand Dollars  
414 (\$1,500,000.00) shall be used for technological methods for  
415 agricultural programs, computer science, engineering or robotic  
416 engineering programs and equipment upgrades and Mississippi



417 ~~Elementary (ME) STEM and STEAM programs from the Career and~~  
418 ~~Technical Education Division of the State Department of Education.~~  
419 ~~All programs must meet Mississippi Science Standards and/or~~  
420 ~~College and Career Standards.~~

421 ~~Of the funds appropriated in this Section, an amount not to~~  
422 ~~exceed Sixty Thousand Dollars (\$60,000.00) shall be used for a~~  
423 ~~certification pilot program for agriculture. Of the funds~~  
424 ~~appropriated in this section, an amount not to exceed Three~~  
425 ~~Hundred Thousand Dollars (\$300,000.00) shall be distributed to the~~  
426 ~~Mississippi State University Center for Cyber Education and used~~  
427 ~~for computer science programs development and teacher training for~~  
428 ~~elementary schools, middle schools, and high schools for the~~  
429 ~~purpose of developing K-12 computer science curricula, including~~  
430 ~~both academic and career and technical education programs,~~  
431 ~~developing and delivering teacher training, and working with the~~  
432 ~~State Board of Education and Institutions of Higher Learning in~~  
433 ~~the state to develop teacher preparation programs for computer~~  
434 ~~science endorsements. All programs must meet the 2018 Mississippi~~  
435 ~~Computer Science Standards and/or Mississippi College and Career~~  
436 ~~Standards.~~

437 **SECTION 16.** ~~Of the funds appropriated in Section 1, the sum~~  
438 ~~of Sixty-two Thousand One Hundred Ninety-one Dollars (\$62,191.00),~~  
439 ~~which is the aggregate sum that the school districts in the~~  
440 ~~Chickasaw Cession receive annually from interest payments from the~~  
441 ~~Chickasaw School Fund under Section 212, Mississippi Constitution~~



442 of 1890, shall be deducted from the allocations to the school  
443 districts as provided in Section 29-3-137, Mississippi Code of  
444 1972, and shall be distributed among the school districts in the  
445 Chickasaw Cession by the State Department of Education in the  
446 manner that those interest payments were distributed during Fiscal  
447 Year 1985.

448 **SECTION 17.** Of the funds provided in this act for the  
449 purpose of funding the Mississippi Adequate Education Program as  
450 determined under Section 37-151-7, Mississippi Code of 1972, the  
451 base student cost in Fiscal Year 2021 shall be Five Thousand Eight  
452 Hundred Twenty-nine Dollars and Thirty-five Cents (\$5,829.35).

453 **SECTION 18.** Of the funds appropriated under the provisions  
454 of this act, the following positions are authorized for the  
455 Mississippi School for the Blind and the Mississippi School for  
456 the Deaf:

457 AUTHORIZED POSITIONS:

458	Permanent:	Full Time.....	181
459		Part Time.....	18
460	Time-Limited:	Full Time.....	1
461		Part Time.....	0

462 With the funds herein appropriated, it shall be the agency's  
463 responsibility to make certain that funds required to be  
464 appropriated for "Personal Services" for Fiscal Year 2022 do not  
465 exceed Fiscal Year 2021 funds appropriated for that purpose unless  
466 programs or positions are added to the agency's Fiscal Year 2021



467 budget by the Mississippi Legislature. Based on data provided by  
468 the Legislative Budget Office, the State Personnel Board shall  
469 determine and publish the projected annual cost to fully fund all  
470 appropriated positions in compliance with the provisions of this  
471 act. Absent a special situation or circumstance approved by the  
472 State Personnel Board, or unless otherwise authorized by this act,  
473 no state agency shall take any action to promote or otherwise  
474 award salary increases through reallocation, reclassification, or  
475 realignment. If the State Personnel Board determines a special  
476 situation or circumstance exists and approves an action, then the  
477 agency and the State Personnel Board shall provide a monthly  
478 report of each action approved by the State Personnel Board to the  
479 chairmen of the Accountability, Efficiency and Transparency  
480 Committees of the Senate and House of Representatives and the  
481 chairmen of the Appropriations Committees of the Senate and House  
482 of Representatives. It shall be the responsibility of the agency  
483 head to ensure that no single personnel action increases this  
484 projected annual cost and/or the Fiscal Year 2021 appropriations  
485 for "Personal Services" when annualized, with the exception of  
486 escalated funds and the award of benchmarks. If, at the time the  
487 agency takes any action to change "Personal Services," the State  
488 Personnel Board determines that the agency has taken an action  
489 which would cause the agency to exceed this projected annual cost  
490 or the Fiscal Year 2021 "Personal Services" appropriated level,  
491 when annualized, then only those actions which reduce the



492 projected annual cost and/or the appropriation requirement will be  
493 processed by the State Personnel Board until such time as the  
494 requirements of this provision are met.

495 Any transfers or escalations shall be made in accordance with  
496 the terms, conditions and procedures established by law or  
497 allowable under the terms set forth within this act. The State  
498 Personnel Board shall not escalate positions without written  
499 approval from the Department of Finance and Administration. The  
500 Department of Finance and Administration shall not provide written  
501 approval to escalate any funds for salaries and/or positions  
502 without proof of availability of new or additional funds above the  
503 appropriated level.

504 No general funds authorized to be expended herein shall be  
505 used to replace federal funds and/or other special funds which are  
506 being used for salaries authorized under the provisions of this  
507 act and which are withdrawn and no longer available.

508 None of the funds herein appropriated shall be used in  
509 violation of Internal Revenue Service's Publication 15-A relating  
510 to the reporting of income paid to contract employees, as  
511 interpreted by the Office of the State Auditor.

512 ~~SECTION 19. With the funds provided in this act, it is the~~  
513 ~~intention of the Legislature that School Attendance Officers and~~  
514 ~~academic teachers at the Mississippi School for the Deaf and the~~  
515 ~~Mississippi School for the Blind shall receive their annual~~  
516 ~~increment.~~



517       **SECTION 20.** It is the intention of the Legislature that the  
518 State Board of Education shall maintain complete accounting and  
519 personnel records related to the expenditure of all funds  
520 appropriated in this act and that those records shall be in the  
521 same format and level of detail as maintained for Fiscal Year  
522 2020. It is further the intention of the Legislature that the  
523 budget requests for Fiscal Year 2022 shall be submitted to the  
524 Joint Legislative Budget Committee in a format and level of detail  
525 comparable to the format and level of detail provided during the  
526 Fiscal Year 2021 budget request process for each agency and  
527 institution appropriated funds within the provisions of this act.

528       **SECTION 21.** Of the funds appropriated in Section 1(a) to the  
529 State Board of Education, not less than Twenty-three Million  
530 Eighty Thousand Dollars (\$23,080,000.00) shall be used for  
531 National Board Certification. Of this amount, Five Hundred Fifty  
532 Thousand Dollars (\$550,000.00) shall be used for the World Class  
533 Teacher Program providing instruction and assistance to teachers  
534 seeking National Board Certification.

535       ~~**SECTION 22.** Of the funds appropriated in Section 1 and~~  
536 ~~Section 4(a) not less than Fifteen Million Fifty-eight Thousand~~  
537 ~~Dollars (\$15,058,000.00) shall be used for the Educable Child~~  
538 ~~Program. It is the intention of the Legislature that the State~~  
539 ~~Board of Education shall allocate funding for the Educable Child~~  
540 ~~Program based upon a recalculated formula in a manner to include~~  
541 ~~only those billable days funded through appropriation of state~~





542 ~~funds and not District funds. It is the intent of the Legislature~~  
543 ~~that the Educable Child funds shall be exempt from budget cuts~~  
544 ~~made to the Department of Education by the Legislature and/or the~~  
545 ~~Office of the Governor.~~

546       **SECTION 23.** Of the funds appropriated in Section 1(a) and  
547 Section 4(a), not less than Three Million Dollars (\$3,000,000.00)  
548 shall be used for the Education Scholarship Account (ESA) Program.  
549 . It is the intent of the Legislature that the Education Scholarship  
550 Account (ESA) funds shall not be reduced by the State Department  
551 of Education and/or the Office of the Governor.

552       **SECTION 24.** The public school districts of the state are  
553 authorized at their discretion to pay with local funds one hundred  
554 percent (100%) of the cost of the health insurance premiums of the  
555 State and School Employees Health Insurance Plan for all retired  
556 members of the Public Employees' Retirement System who are  
557 employed as school bus drivers by the school districts. It is the  
558 intention of the Legislature that no state funds shall be used for  
559 this purpose.

560       **SECTION 25.** It is the intention of the Legislature that  
561 whenever two (2) or more bids are received by this agency for the  
562 purchase of commodities or equipment, and whenever all things  
563 stated in those received bids are equal with respect to price,  
564 quality and service, the Mississippi Industries for the Blind  
565 shall be given preference. A similar preference shall be given to



566 the Mississippi Industries for the Blind whenever purchases are  
567 made without competitive bids.

568 ~~SECTION 26. Of the funds appropriated in Section 1, not less~~  
569 ~~than Six Million Three Hundred Twenty-one Thousand Nine Hundred~~  
570 ~~Twenty-seven Dollars (\$6,321,927.00) shall be used for the~~  
571 ~~Compulsory School Attendance Office and School Attendance~~  
572 ~~Officers.~~

573 ~~SECTION 27. Of the funds appropriated in this act, it is the~~  
574 ~~intention of the Legislature that Three Million Sixty Thousand~~  
575 ~~Dollars (\$3,060,000.00) shall be used for the Mary~~  
576 ~~Kirkpatrick-Mary Sprayberry Public School Nurse Program. The~~  
577 ~~amount of Three Million Sixty Thousand Dollars (\$3,060,000.00) is~~  
578 ~~provided from the Department of Health.~~

579 ~~SECTION 28. The State Department of Education shall contract~~  
580 ~~with a Certified Public Accountant to calculate components of the~~  
581 ~~Mississippi Adequate Education Program to include the base student~~  
582 ~~cost, school district allocations, total program cost, add-on~~  
583 ~~programs, and any other required components of Section 37-151-7,~~  
584 ~~Mississippi Code of 1972. The contractor shall be responsible for~~  
585 ~~calculating the estimates of these components due to the~~  
586 ~~Legislative Budget Office and the Governor by August 1 and the~~  
587 ~~final estimates due to the Legislative Budget Office and the~~  
588 ~~Governor no later than January 2. A report detailing the funding~~  
589 ~~of this contract shall be submitted by the State Department of~~  
590 ~~Education to the Legislature no later than January 30, 2021.~~



591       ~~SECTION 29.~~ Of the funds appropriated in this act, it is the  
592 intention of the Legislature that Twenty Million Dollars  
593 ~~(\$20,000,000.00)~~ from the Public School Building Fund shall be  
594 used for the Mississippi Adequate Education Program.

595       **SECTION 30.** It is the intention of the Legislature that the  
596 State Board of Education shall charge a fee for room and board for  
597 students who enroll in the Mississippi School for Mathematics and  
598 Science and the Mississippi School of Arts. Such fees will be  
599 waived for any student enrolled in the State Children's Health  
600 Insurance Program. The amount of such fees shall be Five Hundred  
601 Dollars (\$500.00) for each semester.

602       **SECTION 31.** It is the intent of the Legislature that each  
603 eligible employee who meets the National Board requirements under  
604 Section 37-19-7(2), Mississippi Code of 1972, shall be paid the  
605 full supplement and that such supplement shall be included on a  
606 prorated basis in the employee's monthly paycheck.

607       **SECTION 32.** It is the intention of the Legislature that the  
608 Mississippi Department of Education may loan any general or  
609 special source fund amount, not to exceed Five Million Dollars  
610 (\$5,000,000.00), to any school district for the purpose of  
611 providing funds to school districts through the Emergency  
612 Assistance Fund as outlined in Section 37-17-6, Mississippi Code  
613 of 1972, during the period beginning July 1, 2020, and ending  
614 June 30, 2021. The school districts receiving these loans shall



615 repay the Mississippi Department of Education the amount of the  
616 loan on or before June 30, 2021.

617       **SECTION 33.** Of the funds appropriated in Section 1(a), Seven  
618 Hundred Thousand Dollars (\$700,000.00) shall be transferred to the  
619 Board of Health no later than December 31, 2020.

620       **SECTION 34.** Any school district receiving funds through Save  
621 the Children and Stride may provide a ten percent (10%) match from  
622 local funds for implementation of the program.

623       **SECTION 35.** Of the funds appropriated in Section 1(a), Two  
624 Million Dollars (\$2,000,000.00) is provided for the Mississippi  
625 Community Oriented Policing Services in Schools (MCOPS) grant  
626 program. A portion of these funds not to exceed three percent (3%)  
627 may be used for training and administrative costs related to  
628 oversight and auditing of the program.

629       **SECTION 36.** Of the funds appropriated in Section 1(a), Seven  
630 Million Seven Hundred Eighty-nine Thousand Four Hundred  
631 Seventy-Four Dollars (\$7,789,474.00) is provided for an Early  
632 Childhood Education Initiative program. The funding shall be  
633 provided to early learning collaboratives in Fiscal Year 2021 as  
634 follows: no less than Two Thousand Five Hundred Dollars  
635 (\$2,500.00) per student in a full-day program and no less than One  
636 Thousand Two Hundred Fifty Dollars (\$1,250.00) per student in a  
637 half-day program. Funds must be matched as provided by Section  
638 37-21-51.



639       **SECTION 37.** Of the funds appropriated in Section 1(a) and  
640 Section 4(a), Fifteen Million Ninety-four Thousand Five Hundred  
641 Dollars (\$15,094,500.00) shall be used for the Literacy Initiative  
642 and Assessment.

643       **SECTION 38.** Of the funds appropriated herein, funding is  
644 provided for the ACT test, which is the college readiness portion  
645 of the state accountability model.

646       **SECTION 39.** Of the funds appropriated in Section 1(a), Two  
647 Million Five Hundred Eighty-four Thousand Four Hundred Eleven  
648 Dollars (\$2,584,411.00) shall be used for the Mississippi School  
649 of the Arts and Three Million Seven Hundred Twenty-seven Thousand  
650 Four Hundred Seventy Dollars (\$3,727,470.00) shall be used for the  
651 Mississippi School for Mathematics and Science. It is the  
652 intention of the Legislature that of the funds appropriated in  
653 Section 1(a) for the Mississippi School of the Arts One Million  
654 Two Hundred Ninety-two Thousand Two Hundred Six Dollars  
655 (\$1,292,206.00) shall be paid to the school no later than July 10,  
656 2020, and One Million Two Hundred Ninety-two Thousand Two Hundred  
657 Five Dollars (\$1,292,205.00) shall be paid no later than January  
658 10, 2021. All funds appropriated from Section 4(a) for the  
659 Mississippi School of the Arts shall be paid to the school each  
660 month within ten (10) working days after such amount was received  
661 by the Department of Education. It is the intention of the  
662 Legislature that the State Board of Education shall not reduce the  
663 appropriated amounts provided in this act for the Mississippi



664 School of the Arts and the Mississippi School for Mathematics and  
665 Science.

666       **SECTION 40.** Of the funds appropriated in Section 1(b) and  
667 Section 2(b), Five Hundred Thousand Dollars (\$500,000.00) is  
668 provided for career and technical grants to schools for qualified  
669 students as authorized by Section 37-153-15, Mississippi Code of  
670 1972.

671       **SECTION 41.** The following sum, or so much thereof as may be  
672 necessary, is reappropriated out of any money in the Capital  
673 Expense Fund not otherwise appropriated for the Department of  
674 Education for the purpose of reauthorizing the expenditure of  
675 Capital Expense Fund, as authorized in HB 1643, 2019 Regular  
676 Session to provide for courses, curriculum and training and exam  
677 costs including Advanced Placement, dual credit, International  
678 Baccalaureate, Cambridge, diploma endorsements (career and  
679 technical, academic and distinguished academic) and WorkKeys, for  
680 the fiscal year beginning July 1, 2020, and ending June 30, 2021..  
681 .....\$     1,000,000.00.

682       Notwithstanding the amount reappropriated under the  
683 provisions of this section, in no event shall the amount expended  
684 exceed the unexpended balance as of June 30, 2020.

685       **SECTION 42.** The following sum, or so much thereof as may be  
686 necessary, is reappropriated out of any money in the General Fund  
687 not otherwise appropriated for the Department of Education for the  
688 purpose of reauthorizing the expenditure of General Fund, as



689 authorized in HB 1643, 2019 Regular Session to provide for agency  
690 operations for the fiscal year beginning July 1, 2020, and ending  
691 June 30, 2021.....\$ 4,700,000.00.

692 Notwithstanding the amount reappropriated under the  
693 provisions of this section, in no event shall the amount expended  
694 exceed the unexpended balance as of June 30, 2020.

695 **SECTION 43.** The money appropriated in this act shall be paid  
696 by the State Treasurer out of any money in the proper fund or  
697 funds as set forth in this act, upon warrants issued by the State  
698 Fiscal Officer; and the State Fiscal Officer shall issue his  
699 warrants upon requisitions signed by the proper person, officer or  
700 officers in the manner provided by law.

701 **SECTION 44.** It is the intent of the Legislature that each  
702 eligible professional school counselor employee who meets the year  
703 of teaching experience requirements under Section 37-151-5(m),  
704 Mississippi Code of 1972, shall be considered having a year of  
705 experience for purposes of the annual experience salary increment.

706 **SECTION 45.** This act shall take effect and be in force from  
707 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 E**



"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.

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 (1) 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.

