

By: Senator(s) Hopson, Polk, Butler (36th),
DeBar, Frazier, Michel, Parks, Williams,
Branning, Jordan, McLendon, Moran, Parker

To: Appropriations

SENATE BILL NO. 2865

1 AN ACT MAKING AN APPROPRIATION FROM THE CORONAVIRUS STATE
2 FISCAL RECOVERY FUND TO THE DEPARTMENT OF MENTAL HEALTH FOR THE
3 PURPOSE OF ASSISTING WITH BEHAVIORAL AND MENTAL HEALTH NEEDS
4 EXACERBATED BY THE COVID-19 PUBLIC HEALTH EMERGENCY, RESPONDING TO
5 OTHER PUBLIC HEALTH IMPACTS, ASSISTING COMMUNITY MENTAL HEALTH
6 CENTERS, AND OTHER OPERATIONAL EXPENSES ALLOWABLE UNDER THE
7 AMERICAN RESCUE PLAN ACT; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The following sum, or so much thereof as may be
10 necessary, is hereby appropriated out of any money to the credit
11 of the Coronavirus State Fiscal Recovery Fund to the Department of
12 Mental Health for the purposes described in this section, for the
13 period beginning on July 1, 2021, and ending June 30, 2022.....
14\$ 86,069,500.00.

15 The funds appropriated under this section are for the purpose
16 of assisting with behavioral and mental health needs exacerbated
17 by the Coronavirus Disease 2019 (COVID-19) pandemic, responding to
18 other public health impacts, and other operational expenses as
19 allowed under Section 9901 of the American Rescue Plan Act of 2021



20 (ARPA) or any guidance or regulation issued by the United States
21 Department of the Treasury in conformity therewith.

22 **SECTION 2.** The following sum, or so much thereof as may be
23 necessary, is hereby appropriated out of any money to the credit
24 of the Coronavirus State Fiscal Recovery Fund to the Department of
25 Mental Health for the purposes described in this section, for the
26 period beginning on July 1, 2021, and ending June 30, 2022.....
27\$ 18,550,000.00.

28 The funds appropriated under this section are for the purpose
29 of providing funding to the Department of Mental Health, which
30 shall be utilized at Community Mental Health Centers (CMHCs) or
31 for the benefit of CMHCs to allow for investments in software,
32 databases, telemedicine capabilities, and other information
33 technology resources that support behavioral and mental health
34 needs exacerbated by the Coronavirus Disease 2019 (COVID-19)
35 pandemic, responding to other public health impacts, and other
36 operational expenses as allowed under Section 9901 of the American
37 Rescue Plan Act of 2021 (ARPA) or any guidance or regulation
38 issued by the United States Department of the Treasury in
39 conformity therewith.

40 **SECTION 3.** It is the intention of the Legislature that no
41 funds appropriated under this act shall be used to pay employee
42 premium payments.

43 **SECTION 4.** As a condition of receiving the funds
44 appropriated in Section 2 of this act, the Department of Mental



45 Health shall obtain advice from the Office of the Coordinator of
46 Mental Health Accessibility when determining the utilization of
47 funds.

48 **SECTION 5.** (1) As used in this section and Section 6 of
49 this act, the term "department" means the Department of Mental
50 Health.

51 (2) The department shall not disburse any funds appropriated
52 under this act to any recipient without first: (a) making an
53 individualized determination that the reimbursement sought is, in
54 the department's independent judgment, for necessary expenditures
55 eligible under Section 602 of the federal Social Security Act as
56 added by Section 9901 of the federal American Rescue Plan Act of
57 2021 (ARPA) and its implementing guidelines, guidance, rules,
58 regulations and/or other criteria, as may be amended or
59 supplemented from time to time, by the United States Department of
60 the Treasury; and (b) determining that the recipient has not
61 received and will not receive reimbursement for the expense in
62 question from any source of funds, including insurance proceeds,
63 other than those funds provided under Section 602 of the federal
64 Social Security Act as added by Section 9901 of (ARPA). In
65 addition, the department shall ensure that all funds appropriated
66 under this act are disbursed in compliance with the Single Audit
67 Act (31 USC Sections 7501-7507) and the related provisions of the
68 Uniform Guidance, 2 CFR Section 200.303 regarding internal
69 controls, Sections 200.330 through 200.332 regarding sub-recipient



70 monitoring and management, and subpart F regarding audit
71 requirements.

72 **SECTION 6.** (1) As a condition of receiving and expending
73 the funds appropriated to the department under this act, the
74 department shall certify to the Department of Finance and
75 Administration that each expenditure of the funds appropriated to
76 the department under this act complies with the guidelines,
77 guidance, rules, regulations and/or other criteria, as may be
78 amended from time to time, of the United States Department of the
79 Treasury regarding the use of monies from the Coronavirus State
80 Fiscal Recovery Fund established by the American Rescue Plan Act
81 of 2021.

82 (2) If the Office of Inspector General of the United States
83 Department of the Treasury, or the Office of Inspector General of
84 any other federal agency having oversight over the use of monies
85 from the Coronavirus State Fiscal Recovery Fund established by the
86 American Rescue Plan Act of 2021 (a) determines that the
87 department or recipient has expended or otherwise used any of the
88 funds appropriated to the department under this act for any
89 purpose that is not in compliance with the guidelines, guidance,
90 rules, regulations and/or other criteria, as may be amended from
91 time to time, of the United States Department of the Treasury
92 regarding the use of monies from the Coronavirus State Fiscal
93 Recovery Fund established by the American Rescue Plan Act of 2021,
94 and (b) the State of Mississippi is required to repay the federal



95 government for any of those funds that the Office of the Inspector
96 General determined were expended or otherwise used improperly by
97 the department or recipient, then the department or recipient that
98 expended or otherwise used those funds improperly shall be
99 required to pay the amount of those funds to the State of
100 Mississippi for repayment to the federal government.

101 **SECTION 7.** The money appropriated by this act shall be paid
102 by the State Treasurer out of any money in the Coronavirus State
103 Fiscal Recovery Fund not otherwise appropriated, upon warrants
104 issued by the State Fiscal Officer; and the State Fiscal Officer
105 shall issue his or her warrants upon requisitions signed by the
106 proper person, officer or officers in the manner provided by law.

107 **SECTION 8.** This act shall take effect and be in force from
108 and after its passage.

