

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

To: Appropriations

SENATE BILL NO. 2865
(As Sent to Governor)

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.

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, 2022, and ending June 30, 2023.....
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, 2022, and ending June 30, 2023.....
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.** None of the funds appropriated under this act
41 shall be used to pay employee premium payments.

42 **SECTION 4.** As a condition of receiving the funds
43 appropriated in Section 2 of this act, the Department of Mental
44 Health shall obtain advice from the Office of the Coordinator of



45 Mental Health Accessibility when determining the utilization of
46 funds.

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

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



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

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

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



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

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

106 **SECTION 8.** This act shall take effect and be in force from
107 and after July 1, 2022.

