

By: Senator(s) Hopson, Polk, Branning,
Wiggins, Frazier, McMahan, Parks, Parker,
Jordan, Butler

To: Appropriations

SENATE BILL NO. 3162
(As Passed the Senate)

1 AN ACT MAKING AN ADDITIONAL APPROPRIATION FROM THE
2 CORONAVIRUS STATE FISCAL RECOVERY LOST REVENUE FUND TO THE
3 DEPARTMENT OF MENTAL HEALTH FOR THE PURPOSE OF ENTERING INTO A
4 SUBGRANT WITH CANOPY CHILDREN'S SOLUTIONS FOR THE CONSTRUCTION AND
5 RENOVATION OF THE CARES CENTER INCLUDING THE CHILDREN AND YOUTH
6 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY FOR TRAUMA RECOVERY,
7 FOR THE PERIOD BEGINNING UPON THE PASSAGE OF THIS ACT AND ENDING
8 JUNE 30, 2025.

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

10 **SECTION 1.** The following sum, or so much thereof as may be
11 necessary, is appropriated out of any money not otherwise
12 appropriated to the credit of the Coronavirus State Fiscal
13 Recovery Lost Revenue Fund, and allocated in a manner as
14 determined by the Treasurer's Office, to the Department of Mental
15 Health for the purpose of entering into a subgrant with Canopy
16 Children's Solutions for the construction and renovation of the
17 CARES Center including the children and youth Psychiatric
18 Residential Treatment Facility for Trauma Recovery for the period
19 beginning upon the passage of this act and ending June 30,
20 2025.....\$ 20,000,000.00.



21 **SECTION 2.** As a condition of expending the funds
22 appropriated under Section 1 of this act, the Department of Mental
23 Health shall enter into a memorandum of agreement with Canopy
24 Children's Solutions governing the operation of the CARES Center
25 that requires Canopy Children's Solutions to:

26 (a) Give first preference to individuals who are under
27 the care of the Department of Mental Health and Child Protection
28 Services;

29 (b) Designate a minimum of thirty-three (33) of the
30 facilities' beds for patients of the Department of Mental Health
31 and Child Protection Services;

32 (c) Agree to provide and maintain such beds in a
33 condition satisfactory to the Department of Mental Health by a
34 date to be determined by the Department of Mental Health;

35 (d) Execute a promissory note and a deed of trust
36 between Canopy Children's Solutions and the Department of Mental
37 Health evidencing a security interest in the CARES Center for a
38 sum equal to the amount of state funds expended to construct or
39 renovate the CARES Center;

40 (e) Reimburse a sum equal to the amount of state funds
41 expended to construct or renovate the CARES Center to the
42 Department of Mental Health upon the substantial breach of the
43 memorandum of agreement required by this section;

44 (f) Authorize the Department of Mental Health to assert
45 or maintain a claim in any proceeding to recoup a sum equal to the



46 amount of state funds expended to construct and renovate the CARES
47 Center upon the substantial breach of the memorandum of agreement
48 required by this section; and

49 (g) Release the Department of Mental Health, the state,
50 and any of its political subdivisions from any obligation to
51 maintain the CARES Center or any designated state beds.

52 For purposes of this section, a substantial breach of the
53 memorandum of agreement shall include, but not be limited to, the
54 failure to maintain in a satisfactory condition the designated
55 state beds required by this section for a period of three (3)
56 consecutive months, the dissolution of Canopy Children's
57 Solutions, a filing for bankruptcy by Canopy Children's Solutions,
58 or the permanent cessation of operation of the CARE Center.

59 **SECTION 3.** None of the funds appropriated by this act shall
60 be used to pay employee premium payments.

61 **SECTION 4.** (1) As used in this section and Section 5 of
62 this act, the term "department" means the Department of Mental
63 Health.

64 (2) The department shall not disburse any funds appropriated
65 under this act to any recipient without first: (a) making an
66 individualized determination that the expenditure sought is, in
67 the department's independent judgment, for necessary expenditures
68 eligible under Section 602 of the federal Social Security Act as
69 added by Section 9901 of the federal American Rescue Plan Act of
70 2021 (ARPA) and its implementing guidelines, guidance, rules,



71 regulations and/or other criteria, as may be amended or
72 supplemented from time to time, by the United States Department of
73 the Treasury; and (b) determining that the recipient has not
74 received and will not receive reimbursement for the expense in
75 question from any source of funds, including insurance proceeds,
76 other than those funds provided under Section 602 of the federal
77 Social Security Act as added by Section 9901 of ARPA. In
78 addition, the department shall ensure that all funds appropriated
79 under this act are disbursed in compliance with the Single Audit
80 Act (31 USC Sections 7501-7507) and the related provisions of the
81 Uniform Guidance, 2 CFR Section 200.303 regarding internal
82 controls, Sections 200.330 through 200.332 regarding sub-recipient
83 monitoring and management, and subpart F regarding audit
84 requirements.

85 **SECTION 5.** (1) As a condition of receiving and expending
86 the funds appropriated to the department under this act, the
87 department shall certify to the Department of Finance and
88 Administration that each expenditure of the funds appropriated to
89 the department under this act complies with the guidelines,
90 guidance, rules, regulations and/or other criteria, as may be
91 amended from time to time, of the United States Department of the
92 Treasury regarding the use of monies from the Coronavirus State
93 Fiscal Recovery Fund established by the American Rescue Plan Act
94 of 2021.



95 (2) If the Office of Inspector General of the United States
96 Department of the Treasury, or the Office of Inspector General of
97 any other federal agency having oversight over the use of monies
98 from the Coronavirus State Fiscal Recovery Fund established by the
99 American Rescue Plan Act of 2021 (a) determines that the
100 department or recipient has expended or otherwise used any of the
101 funds appropriated to the department under this act for any
102 purpose that is not in compliance with the guidelines, guidance,
103 rules, regulations and/or other criteria, as may be amended from
104 time to time, of the United States Department of the Treasury
105 regarding the use of monies from the Coronavirus State Fiscal
106 Recovery Fund established by the American Rescue Plan Act of 2021,
107 and (b) the State of Mississippi is required to repay the federal
108 government for any of those funds that the Office of the Inspector
109 General determined were expended or otherwise used improperly by
110 the department or recipient, then the department or recipient that
111 expended or otherwise used those funds improperly shall be
112 required to pay the amount of those funds to the State of
113 Mississippi for repayment to the federal government.

114 **SECTION 6.** The money appropriated by this act shall be paid
115 by the State Treasurer out of any money in the Coronavirus State
116 Fiscal Recovery Lost Revenue Fund not otherwise appropriated, upon
117 warrants issued by the State Fiscal Officer; and the State Fiscal
118 Officer shall issue his or her warrants upon requisitions signed



119 by the proper person, officer or officers in the manner provided
120 by law.

121 **SECTION 7.** This act shall take effect and be in force from
122 and after its passage, and shall stand repealed on the day before
123 its passage.

