Senate Amendments to House Bill No. 1427

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. The federal COVID-19 public health emergency continues to create significant exposure and risk to law enforcement officers and firefighters in the State of Mississippi. American Rescue Plan Act funds are specifically targeted toward assisting with premium pay for such public safety workers. The funds provided in this act are necessary expenditures related to COVID-19, the purpose of which is to provide law enforcement officers and firefighters premium pay for their heightened risk during the ongoing federal COVID-19 public health emergency.

SECTION 2. (1) There is created in the State Treasury a special fund to be designated as the "Mississippi Law Enforcement and Firefighters Premium Pay Fund," which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Unexpended amounts remaining in the fund at the end of a
fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the Department of Public Safety, upon appropriation by the Legislature, for the purposes provided in this section. Monies in the fund shall be disbursed in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the American Rescue Plan Act. Monies in the fund shall be disbursed by the Department of Public Safety to provide premium pay to certain law enforcement officers and firefighters in the State of Mississippi.

(2) The Department of Public Safety shall distribute the monies in the special fund in accordance with the following:

(a) One Thousand Dollars ($1,000.00) of premium pay shall be paid to each eligible individual.

(b) Eligible individuals are all certified, full-time and part-time law enforcement officers and certified, full-time and part-time firefighters who are serving in the State of Mississippi on the effective date of this act, except those excluded under paragraph (c) of this subsection, and all volunteer firefighters registered with the State of Mississippi or a political subdivision thereof on a volunteer firefighting status who have served as a firefighter in the State of Mississippi from January 1, 2020, through the effective date of this act. The
Commissioner of Insurance shall prescribe the criteria for volunteer firefighters to be an eligible individual under this paragraph. If a person is an eligible individual in more than one (1) position covered under this paragraph, that person will only be eligible for one (1) payment of premium pay under paragraph (a) of this subsection.

(c) Any law enforcement officer who received hazard pay from the Governor's discretionary funds authorized by the Legislature from the federal Coronavirus Aid, Relief and Economic Security Act is not eligible to receive monies under this act.

(d) The department also shall distribute monies in the special fund to counties, municipalities and other governmental entities that, before the effective date of this act, paid premium pay to law enforcement officers and firefighters employed by them from funds received under the federal American Rescue Plan Act, to reimburse those governmental entities for not more than One Thousand Dollars ($1,000.00) of the amount of premium pay that the governmental entity paid to each recipient.

(3) The Department of Finance and Administration and the Department of Audit shall have all powers necessary for the implementation of this section.

(4) If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus State and Local Fiscal Recovery Funds established by the American Rescue Plan Act (a) determines that
the Department of Public Safety or recipient has expended or otherwise used any of the funds appropriated to the Department of Public Safety under this act for any purpose that is not in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, by the United States Department of the Treasury regarding the use of monies from the Coronavirus State and Local Fiscal Recovery Funds established by the American Rescue Plan Act, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined were expended or otherwise used improperly by the Department of Public Safety or recipient, then the Department of Safety or recipient, as the case may be, that expended or otherwise used those funds improperly shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.

SECTION 3. This act shall take effect and be in force from and after July 1, 2022, and shall stand repealed from and after June 30, 2022.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

AN ACT TO CREATE THE "MISSISSIPPI LAW ENFORCEMENT AND FIREFIGHTERS PREMIUM PAY FUND" AS A SPECIAL FUND IN THE STATE TREASURY TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF PROVIDING FUNDS TO LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS AS PREMIUM PAY FOR THEIR EFFORTS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY; AND FOR RELATED PURPOSES.