

By: Representative Perkins

To: Education; Ways and
Means

HOUSE BILL NO. 133

1 AN ACT TO AMEND SECTION 37-22-1, MISSISSIPPI CODE OF 1972, TO
2 INCLUDE A PERCENTAGE OF CERTAIN LOCAL TAX REVENUES GENERATED BY
3 GAMING IN THE DEFINITION OF "OTHER LOCAL REVENUE SOURCES" USED TO
4 COMPUTE GRANTS UNDER THE MINIMUM EDUCATION PROGRAM; AND FOR
5 RELATED PURPOSES.

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

7 SECTION 1. Section 37-22-1, Mississippi Code of 1972, is
8 amended as follows:

9 37-22-1. (1) There is * * * established a Mississippi
10 School District Uniform Millage Assistance Grant Program. It is
11 the intent of the Legislature that through this grant program,
12 each student counted in average daily attendance in the public
13 schools in Mississippi shall have equal access to funds generated
14 by a uniform minimum school district ad valorem tax levy.

15 (2) For the purposes of this section the following terms
16 shall have the following meanings unless context shall provide
17 otherwise:

18 (a) "Average daily attendance" means the average daily
19 attendance as calculated under the provisions of Section
20 37-19-1(1) for months one (1) through nine (9) for each school
21 district and agricultural high school during the preceding fiscal
22 year.

23 (b) "Uniform minimum school district ad valorem tax
24 levy" means that amount of millage which the State Board of
25 Education shall annually certify to the board of trustees of all
26 school districts as the "uniform minimum school district ad
27 valorem tax levy," on August 15 of each year. Until June 30,

28 1993, the State Board of Education shall determine the amount of
29 the uniform minimum school district ad valorem tax levy by
30 computing the statewide combined average millage levy for school
31 district maintenance purposes as prescribed in Section 37-57-105
32 and minimum program contributions as prescribed in Section 37-57-1
33 for the preceding fiscal year, then subtracting four (4) mills
34 from such statewide average millage levy. From and after July 1,
35 1993, the uniform minimum school district ad valorem tax levy
36 shall be the amount of millage so certified by the State Board of
37 Education for the 1993 fiscal year. Beginning with the 1993
38 fiscal year, the State Board of Education shall determine and
39 certify an equivalent uniform minimum school district ad valorem
40 tax levy for agricultural high school support and maintenance.

41 (c) "Maximum yield at the uniform minimum school
42 district ad valorem tax levy" * * * means ad valorem tax dollars
43 collectible in each school district if the district levies such
44 required number of mills for the support of the school district as
45 certified by the State Board of Education. It is calculated by:
46 (i) subtracting the assessed value of exempt property owned by
47 homeowners aged sixty-five (65) or older or disabled, as defined
48 in Section 27-33-67(2), from the district's gross assessed value
49 to arrive at the district's taxable assessed value; (ii) applying
50 the required millage levy to the taxable assessed value to arrive
51 at the base revenue; (iii) subtracting the district's tax loss
52 from exemptions provided to applicants under the age of sixty-five
53 (65) and not disabled, as defined in Section 27-33-67(1), to
54 arrive at the maximum collectible; and (iv) adding the district's
55 homestead reimbursement revenue to arrive at the district's
56 maximum yield at the uniform minimum school district ad valorem
57 tax levy. The clerk of the board of supervisors shall list in his
58 report of tax losses for homestead exemption, as defined in
59 Section 27-33-35, the total assessed value in each school
60 district. The homestead exemption tax losses used in this formula
61 shall be losses for exemptions granted from taxes due and payable
62 in the preceding year. Reimbursements used in this formula shall
63 be amounts reimbursed to the school districts for said losses.

64 (d) "Individual student entitlement" means that amount

65 of funds which results from dividing the aggregate amount of funds
66 which would be generated by the levy of the uniform minimum school
67 district ad valorem tax by the aggregate average daily attendance
68 in all school districts and agricultural high schools located
69 within the state.

70 (e) "District entitlement" means the total amount of
71 funds which a school district or agricultural high school may be
72 entitled to receive under the provisions of this section. Such
73 amount shall be calculated by multiplying the individual student
74 entitlement by the average daily attendance for the respective
75 school district or agricultural high school.

76 (f) "Deficit funding allocation" means the amount of
77 money needed by each school district or agricultural high school
78 to insure the individual student entitlement for each pupil
79 enrolled in such district or agricultural high school. The
80 deficit funds for each school district or agricultural high school
81 shall be calculated by subtracting the maximum yield of the
82 uniform minimum school district ad valorem tax levy in such school
83 district or agricultural high school from its district
84 entitlement. In the event the millage levy of any school district
85 or agricultural high school shall be less than the uniform minimum
86 school district ad valorem tax levy or its equivalent, as the case
87 may be, as certified by the State Board of Education for any
88 fiscal year, yet generate funds in an amount equal to or greater
89 than such school district's or agricultural high school's district
90 entitlement, no deficit funding allocation shall be available to
91 that respective school district or agricultural high school.

92 (g) "Other local revenue sources" means the sum of the
93 following local revenues which are or may be available from the
94 preceding fiscal year for expenditure by the school district: (i)
95 interest on short- or long-term investments of surplus funds as
96 prescribed in Section 37-59-23; (ii) sixteenth section school land
97 expendable income as prescribed in Chapter 3, Title 29,

98 Mississippi Code of 1972; (iii) Chickasaw School Fund
99 appropriations by the Legislature as prescribed in Sections
100 29-3-137 and 29-3-139; (iv) TVA in lieu revenues as prescribed in
101 Section 27-39-303; (v) national forest revenues as prescribed in
102 16 U.S.C.A. Section 500; (vi) Grand Gulf income as prescribed in
103 Section 27-35-309; however, no funds held in escrow to the benefit
104 of any school district due to federal litigation concerning the
105 distribution of Grand Gulf revenues shall be considered as "other
106 local revenue sources" under the provisions of this
107 paragraph; * * * (vii) the amount of any Emergency Fund Loss
108 Assistance Program funds received annually under the provisions of
109 Section 37-22-5; and (viii) fifty percent (50%) of the local tax
110 revenue generated from legalized gaming which is required or
111 authorized, through legislative enactment, to be allocated to a
112 specified school district or expended for general educational
113 purposes in the county or municipality in which the school
114 district is situated.

115 (3) A state uniform millage assistance grant award shall be
116 provided to each school district and agricultural high school
117 requiring additional funds in order to provide their pupils the
118 individual student entitlement. The amount of the grant provided
119 each school district shall be calculated by subtracting other
120 local revenue sources from its deficit funding allocation.

121 (4) The total state funds needed for the School District
122 Uniform Millage Assistance Grant Program annually shall be the
123 total of the amounts needed to award grants to school districts
124 and agricultural high schools in the state as provided in
125 subsection (3) of this section. If the total amount of funds
126 annually appropriated for the School District Uniform Millage
127 Assistance Grant Program exceeds the total amount determined by
128 the basic formula, the excess funds shall be distributed
129 proportionately to those school districts so entitled under the
130 provisions of this section. The State Uniform Millage Assistance

131 Grant Fund is hereby established in the State Treasury which shall
132 be used to distribute the funds to school districts so entitled
133 under the provisions of this section. Any such grant funds shall
134 be transferred to the school district maintenance fund of such
135 district or agricultural high school in the manner prescribed in
136 Section 37-19-47 and shall be expended in the manner provided by
137 law exclusively for classroom instructional purposes.

138 SECTION 2. This act shall take effect and be in force from
139 and after July 1, 1999.