HOUSE BILL NO. 130

AN ACT TO AMEND SECTIONS 75-76-129 AND 75-76-177, MISSISSIPPI CODE OF 1972, TO IMPOSE AN ADDITIONAL LICENSE FEE ON THE GROSS REVENUE OF GAMING LICENSEES; TO PROVIDE THAT THE REVENUE COLLECTED FROM SUCH ADDITIONAL FEE SHALL BE DEPOSITED INTO THE STATE SUPPLEMENTAL EDUCATION SALARY INCREASE FUND; TO CREATE THE STATE SUPPLEMENTAL EDUCATION SALARY INCREASE FUND; TO PROVIDE THAT MONIES IN SUCH FUND SHALL BE USED FOR THE PURPOSE OF PROVIDING ADDITIONAL FUNDS FOR SALARY INCREASES FOR TEACHERS IN GRADES K THROUGH 12 AND INSTRUCTORS, PROFESSORS AND OTHER INSTRUCTIONAL PERSONNEL IN COMMUNITY AND JUNIOR COLLEGES AND STATE INSTITUTIONS OF HIGHER LEARNING; TO PROVIDE THAT FOR THE STATE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, AND FOR EACH STATE FISCAL YEAR THEREAFTER, THE PERCENTAGE OF THE STATE'S GENERAL FUNDS AVAILABLE FOR APPROPRIATION DURING THE THEN CURRENT FISCAL YEAR, THAT ARE APPROPRIATED FOR PUBLIC EDUCATION PURPOSES SHALL NOT BE LESS THAN THE AVERAGE PERCENTAGE OF SUCH FUNDS APPROPRIATED FOR SUCH PURPOSES FOR THE PRECEDING FIVE FISCAL YEARS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 75-76-129, Mississippi Code of 1972, is amended as follows:

[Through June 30, 2022, this section shall read as follows:]

75-76-129. On or before the last day of each month all taxes, fees, interest, penalties, damages, fines or other monies collected by the State Tax Commission during that month under the provisions of this chapter, with the exception of (a) the local government fees imposed under Section 75-76-195, * * * (b) an amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), or an amount equal to twenty-five percent (25%) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), whichever is the greater amount, and (c) the revenue collected pursuant to the fee imposed under Section 75-76-177(2), shall be paid by the State Tax Commission to the State Treasurer to be deposited in the State General Fund. The
Local government fees shall be distributed by the State Tax Commission pursuant to Section 75-76-197. An amount equal to Three Million Dollars ($3,000,000.00) of the revenue collected during that month pursuant to the fee imposed under Section 75-76-177(1)(c) shall be deposited by the State Tax Commission into the bond sinking fund created in Section 65-39-3. The revenue collected during that month pursuant to the fee imposed under Section 75-76-177(1)(c) that is in excess of Three Million Dollars ($3,000,000.00), but is less than twenty-five percent (25%) of the amount of revenue collected during that month, shall be deposited into the State Highway Fund to be used exclusively for the reconstruction and maintenance of highways of the State of Mississippi. The revenue collected pursuant to the fee imposed under Section 75-76-177(2) shall be deposited by the State Tax Commission into the State Supplemental Education Salary Increase Fund created in Section 3 of House Bill No., 2003 Regular Session.

[From and after July 1, 2022, this section shall read as follows:]

75-76-129. On or before the last day of each month, all taxes, fees, interest, penalties, damages, fines or other monies collected by the State Tax Commission during that month under the provisions of this chapter, with the exception of (a) the local government fees imposed under Section 75-76-195, and (b) the revenue collected pursuant to the fee imposed under Section 75-76-177(2), shall be paid by the State Tax Commission to the State Treasurer to be deposited in the State General Fund. The local government fees shall be distributed by the State Tax Commission pursuant to Section 75-76-197. The revenue collected pursuant to the fee imposed under Section 75-76-177(2) shall be deposited by the State Tax Commission into the State Supplemental Education Salary Increase Fund created in Section 3 of House Bill No., 2003 Regular Session.
SECTION 2. Section 75-76-177, Mississippi Code of 1972, is amended as follows:

75-76-177. (1) From and after August 1, 1990, there is hereby imposed and levied on each gaming licensee a license fee based upon all the gross revenue of the licensee as follows:

(a) Four percent (4%) of all the gross revenue of the licensee which does not exceed Fifty Thousand Dollars ($50,000.00) per calendar month;

(b) Six percent (6%) of all the gross revenue of the licensee which exceeds Fifty Thousand Dollars ($50,000.00) per calendar month and does not exceed One Hundred Thirty-four Thousand Dollars ($134,000.00) per calendar month; and

(c) Eight percent (8%) of all the gross revenue of the licensee which exceeds One Hundred Thirty-four Thousand Dollars ($134,000.00) per calendar month.

(2) From and after July 1, 2003, there is imposed and levied on each gaming licensee an additional license fee of four percent (4%) of all of the gross revenue of the licensee per calendar month. Such license fee shall be in addition to the license fee imposed and levied under subsection (1) of this section.

(3) All revenue received from any game or gaming device which is leased for operation on the premises of the licensee-owner to a person other than the owner thereof or which is located in an area or space on such premises which is leased by the licensee-owner to any such person, must be attributed to the owner for the purposes of this section and be counted as part of the gross revenue of the owner. The lessee is liable to the owner for his proportionate share of such license fees.

(4) If the amount of license fees required to be reported and paid pursuant to this section is later determined to be greater or less than the amount actually reported and paid by the licensee, the Chairman of the State Tax Commission shall:
(a) Assess and collect the additional license fees determined to be due, with interest thereon until paid; or
(b) Refund any overpayment, with interest thereon, to the licensee.

Interest must be computed, until paid, at the rate of one percent (1%) per month from the first day of the first month following either the due date of the additional license fees or the date of overpayment.

(5) Failure to pay the fees provided for in this section when they are due for continuation of a license shall be deemed a surrender of the license.

SECTION 3. There is created in the State Treasury a special fund to be designated as the "State Supplemental Education Salary Increase Fund." The fund shall consist of such monies deposited therein as provided under Section 75-76-129. Monies in the fund shall be subject to appropriation by the Legislature in the following manner: (a) fifty percent (50%) to the State Department of Education for the purpose of providing additional funds for increasing teacher salaries in Grades K through 12 as provided in Section 37-19-7; (b) twenty-five percent (25%) to the State Board for Community and Junior Colleges for the purpose of providing additional funds for increasing salaries for instructors, professors and other instructional personnel in community and junior colleges; and (c) twenty-five percent (25%) to the Board of Trustees of State Institutions of Higher Learning for the purpose of providing additional funds for increasing salaries for instructors, professors and other instructional personnel in state institutions of higher learning. Monies in the fund used for the purposes described in this section shall be in addition to other funds available from any other source for such purposes.

Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest
earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund.

SECTION 4. For the state fiscal year beginning July 1, 2003, and ending June 30, 2004, and for each state fiscal year thereafter, the percentage of the state's general funds available for appropriation during the then current fiscal year which is appropriated for public education purposes to the State Department of Education, the State Board for Community and Junior Colleges and the Board of Trustees of State Institutions of Higher Learning shall not be less than the average percentage of such funds appropriated for such purposes for the five (5) fiscal years immediately preceding the then current fiscal year.

SECTION 5. This act shall take effect and be in force from and after July 1, 2003.