

By: Representative Smith (27th)

To: Ways and Means

HOUSE BILL NO. 713

1 AN ACT TO AMEND SECTIONS 75-76-177 AND 75-76-129, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE FOR A FLAT RATE OF EIGHT PERCENT ON FEES
3 CHARGED ON THE GROSS REVENUE OF GAMING LICENSEES; TO IMPOSE AN
4 ADDITIONAL FEE OF THREE PERCENT ON THE GROSS REVENUES OF GAMING
5 LICENSEES; TO PROVIDE THAT THE AVAILS OF THE ADDITIONAL LICENSE
6 FEE SHALL BE DEPOSITED IN A SPECIAL FUND IN THE STATE TREASURY AND
7 DISTRIBUTED TO NONGAMING COUNTIES FOR EXPENDITURE FOR CONSTRUCTION
8 AND REPAIR OF COUNTY ROADS AND BRIDGES, FOR LAW ENFORCEMENT
9 PURPOSES AND FOR ANY OTHER PURPOSES FOR WHICH COUNTY GENERAL FUNDS
10 LAWFULLY MAY BE EXPENDED; AND FOR RELATED PURPOSES.

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

12 SECTION 1. Section 75-76-177, Mississippi Code of 1972, is
13 amended as follows:

14 75-76-177. (1) (a) From and after July 1, 1999, there is
15 hereby imposed and levied monthly on each gaming licensee a
16 license fee of eight percent (8%) of all the gross revenue of the
17 licensee.

18 * * *

19 (b) From and after July 1, 1999, there is imposed and
20 levied monthly on each gaming licensee an additional license fee
21 of three percent (3%) of all the gross revenue of the licensee.

22 * * *

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

31 (3) If the amount of license fees required to be reported
32 and paid pursuant to this section is later determined to be
33 greater or less than the amount actually reported and paid by the
34 licensee, the Chairman of the State Tax Commission shall:

35 (a) Assess and collect the additional license fees
36 determined to be due, with interest thereon until paid; or

37 (b) Refund any overpayment, with interest thereon, to
38 the licensee.

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

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

46 SECTION 2. Section 75-76-129, Mississippi Code of 1972, is
47 amended as follows:

48 **[Until July 1, 2012, this section shall read as follows:]**

49 75-76-129. On or before the last day of each month all
50 taxes, fees, interest, penalties, damages, fines or other monies
51 collected by the State Tax Commission during that month under the
52 provisions of this chapter, with the exception of (a) the local
53 government fees imposed under Section 75-76-195, * * * (b) an
54 amount equal to Three Million Dollars (\$3,000,000.00) of the
55 revenue collected pursuant to the fee imposed under Section
56 75-76-177(1)(a), or an amount equal to twenty-five percent (25%)
57 of the revenue collected pursuant to the fee imposed under Section
58 75-65-177(1)(a), whichever is the greater amount, and (c) the
59 avails of the three percent (3%) rate imposed under Section
60 75-76-177(1)(b), shall be paid by the State Tax Commission to the
61 State Treasurer to be deposited in the State General Fund. The
62 local government fees shall be distributed by the State Tax
63 Commission pursuant to Section 75-76-197. An amount equal to

64 Three Million Dollars (\$3,000,000.00) of the revenue collected
65 during that month pursuant to the fee imposed under Section
66 75-76-177(1)(a) shall be deposited by the State Tax Commission
67 into the bond sinking fund created in Section 65-39-3. The
68 revenue collected during that month pursuant to the fee imposed
69 under Section 75-76-177(1)(a) that is in excess of Three Million
70 Dollars (\$3,000,000.00), but is less than twenty-five percent
71 (25%) of the amount of revenue collected during that month, shall
72 be deposited into the State Highway Fund to be used exclusively
73 for the reconstruction and maintenance of highways of the State of
74 Mississippi. The avails of the three percent (3%) rate imposed
75 under Section 75-76-177(1)(b) shall be deposited by the State Tax
76 Commission into the special fund created in Section 3 of House
77 Bill No. _____, 1999 Regular Session.

78 **[From and after July 1, 2012, this section shall read as**
79 **follows:]**

80 75-76-129. On or before the last day of each month, all
81 taxes, fees, interest, penalties, damages, fines or other monies
82 collected by the State Tax Commission during that month under the
83 provisions of this chapter, with the exception of (a) the local
84 government fees imposed under Section 75-76-195, and (b) the
85 avails of the three percent (3%) rate imposed under Section
86 75-76-177(1)(b), shall be paid by the State Tax Commission to the
87 State Treasurer to be deposited in the State General Fund. The
88 local government fees shall be distributed by the State Tax
89 Commission pursuant to Section 75-76-197. The avails of the three
90 percent (3%) rate imposed under Section 75-76-177(1)(b) shall be
91 deposited by the State Tax Commission into the special fund
92 created in Section 3 of House Bill No. _____, 1999 Regular Session.

93 SECTION 3. There is created in the State Treasury a special
94 fund. The fund shall consist of such monies as are required to be
95 deposited into the fund under Section 75-76-129. Beginning on the
96 last working day of October 1999 and on the last working day of

97 each three (3) months thereafter, the monies on deposit and to the
98 credit of the special fund shall be paid and distributed, upon
99 legislative appropriation, by the State Treasurer, upon warrants
100 issued by the State Fiscal Officer, equally to and among the
101 chancery clerks of the counties within the state in which gaming
102 is not authorized by law. Upon receipt of such monies, the
103 chancery clerk shall deposit such monies in the county general
104 fund and the board of supervisors of such county may appropriate
105 and authorize such monies to be expended for the construction,
106 repair and maintenance of county roads and bridges, for law
107 enforcement purposes or for any other purposes for which county
108 general fund monies lawfully may be expended.

109 SECTION 4. This act shall take effect and be in force from
110 and after July 1, 1999.