

By: Representatives Warren, Scott (17th)

To: Ways and Means

HOUSE BILL NO. 287

1 AN ACT TO AMEND SECTIONS 75-76-129 AND 75-76-177, MISSISSIPPI
2 CODE OF 1972, TO IMPOSE AN ADDITIONAL LICENSE FEE ON THE GROSS
3 REVENUE OF GAMING LICENSEES; TO PROVIDE THAT THE REVENUE COLLECTED
4 FROM SUCH ADDITIONAL FEE SHALL BE DEPOSITED INTO THE STATE
5 SUPPLEMENTAL EDUCATION FUND; TO CREATE THE STATE SUPPLEMENTAL
6 EDUCATION FUND; TO PROVIDE THAT MONIES IN SUCH FUND SHALL BE USED
7 TO SUPPORT PUBLIC EDUCATION IN GRADES K THROUGH 12, COMMUNITY AND
8 JUNIOR COLLEGES AND INSTITUTIONS OF HIGHER LEARNING; AND FOR
9 RELATED PURPOSES.

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

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

13 **[Through June 30, 2012, this section shall read as follows:]**

14 75-76-129. On or before the last day of each month all
15 taxes, fees, interest, penalties, damages, fines or other monies
16 collected by the State Tax Commission during that month under the
17 provisions of this chapter, with the exception of (a) the local
18 government fees imposed under Section 75-76-195, * * * (b) an
19 amount equal to Three Million Dollars (\$3,000,000.00) of the
20 revenue collected pursuant to the fee imposed under Section
21 75-76-177(1)(c), or an amount equal to twenty-five percent (25%)
22 of the revenue collected pursuant to the fee imposed under Section
23 75-76-177(1)(c), whichever is the greater amount, and (c) the
24 revenue collected pursuant to the fee imposed under Section
25 75-76-177(2), shall be paid by the State Tax Commission to the
26 State Treasurer to be deposited in the State General Fund. The
27 local government fees shall be distributed by the State Tax
28 Commission pursuant to Section 75-76-197. An amount equal to
29 Three Million Dollars (\$3,000,000.00) of the revenue collected
30 during that month pursuant to the fee imposed under Section



31 75-76-177(1)(c) shall be deposited by the State Tax Commission
32 into the bond sinking fund created in Section 65-39-3. The
33 revenue collected during that month pursuant to the fee imposed
34 under Section 75-76-177(1)(c) that is in excess of Three Million
35 Dollars (\$3,000,000.00), but is less than twenty-five percent
36 (25%) of the amount of revenue collected during that month, shall
37 be deposited into the State Highway Fund to be used exclusively
38 for the reconstruction and maintenance of highways of the State of
39 Mississippi. The revenue collected pursuant to the fee imposed
40 under Section 75-76-177(2) shall be deposited by the State Tax
41 Commission into the State Supplemental Education Fund created in
42 Section 3 of House Bill No. _____, 2002 Regular Session.

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

45 75-76-129. On or before the last day of each month, all
46 taxes, fees, interest, penalties, damages, fines or other monies
47 collected by the State Tax Commission during that month under the
48 provisions of this chapter, with the exception of (a) the local
49 government fees imposed under Section 75-76-195, and (b) the
50 revenue collected pursuant to the fee imposed under Section
51 75-76-177(2), shall be paid by the State Tax Commission to the
52 State Treasurer to be deposited in the State General Fund. The
53 local government fees shall be distributed by the State Tax
54 Commission pursuant to Section 75-76-197. The revenue collected
55 pursuant to the fee imposed under Section 75-76-177(2) shall be
56 deposited by the State Tax Commission into the State Supplemental
57 Education Fund created in Section 3 of House Bill No. _____, 2002
58 Regular Session.

59 **SECTION 2.** Section 75-76-177, Mississippi Code of 1972, is
60 amended as follows:

61 75-76-177. (1) From and after August 1, 1990, there is
62 hereby imposed and levied on each gaming licensee a license fee
63 based upon all the gross revenue of the licensee as follows:



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

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

71 (c) Eight percent (8%) of all the gross revenue of the
72 licensee which exceeds One Hundred Thirty-four Thousand Dollars
73 (\$134,000.00) per calendar month.

74 (2) From and after July 1, 2002, there is imposed and levied
75 on each gaming licensee an additional license fee of four percent
76 (4%) of all of the gross revenue of the licensee per calendar
77 month. Such license fee shall be in addition to the license fee
78 imposed and levied under subsection (1) of this section.

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

87 (4) If the amount of license fees required to be reported
88 and paid pursuant to this section is later determined to be
89 greater or less than the amount actually reported and paid by the
90 licensee, the Chairman of the State Tax Commission shall:

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

93 (b) Refund any overpayment, with interest thereon, to
94 the licensee.

95 Interest must be computed, until paid, at the rate of one
96 percent (1%) per month from the first day of the first month



97 following either the due date of the additional license fees or
98 the date of overpayment.

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

102 **SECTION 3.** There is created in the State Treasury a special
103 fund to be designated as the "State Supplemental Education Fund."
104 The fund shall consist of such monies deposited therein as
105 provided under Section 75-76-129. Monies in the fund shall be
106 subject to appropriation by the Legislature in the following
107 manner: (a) sixty percent (60%) to support public education in
108 Grades K through 12; (b) fifteen percent (15%) to support the
109 community and junior colleges; and (c) twenty-five percent (25%)
110 to support the institutions of higher learning. Unexpended
111 amounts remaining in the fund at the end of a fiscal year shall
112 not lapse into the State General Fund, and any interest earned or
113 investment earnings on amounts in the fund shall be deposited to
114 the credit of the fund.

115 **SECTION 4.** This act shall take effect and be in force from
116 and after July 1, 2002.

