

By: Representative Smith (27th)

To: Gaming; Ways and Means

## HOUSE BILL NO. 383

1 AN ACT TO AMEND SECTIONS 75-76-177 AND 75-76-129, MISSISSIPPI  
2 CODE OF 1972, TO IMPOSE A TEMPORARY ADDITIONAL MONTHLY FEE ON THE  
3 GROSS REVENUES OF GAMING LICENSEES FOR THE PERIOD OF JULY 1, 2006,  
4 THROUGH JUNE 30, 2010, WITH ANNUAL ESCALATIONS; TO PROVIDE THAT  
5 THE AVAILS OF THE ADDITIONAL LICENSE FEE SHALL BE DEPOSITED IN A  
6 SPECIAL FUND IN THE STATE TREASURY AND DISTRIBUTED TO NONGAMING  
7 COUNTIES FOR EXPENDITURE FOR CONSTRUCTION AND REPAIR OF COUNTY  
8 ROADS AND BRIDGES, FOR LAW ENFORCEMENT PURPOSES AND FOR ANY OTHER  
9 PURPOSES FOR WHICH COUNTY GENERAL FUNDS LAWFULLY MAY BE EXPENDED;  
10 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) From and after August 1, 1990, there is  
15 hereby imposed and levied on each gaming licensee a license fee  
16 based upon all the gross revenue of the licensee as follows:

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

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

24 (c) Eight percent (8%) of all the gross revenue of the  
25 licensee which exceeds One Hundred Thirty-four Thousand Dollars  
26 (\$134,000.00) per calendar month.

27 (2) A license fee, in addition to the fee imposed and levied  
28 under subsection (1) of this section, is imposed and levied  
29 monthly on all the gross revenue of each gaming licensee in the  
30 amount of one percent (1%) from and after July 1, 2006, through  
31 June 30, 2007; two percent (2%) from and after July 1, 2007,

32 through June 30, 2008; three percent (3%) from and after July 1,  
33 2008, through June 30, 2009; and four percent (4%) from and after  
34 July 1, 2009, through June 30, 2010. This subsection shall stand  
35 repealed from and after July 1, 2010.

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

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

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

50               (b) Refund any overpayment, with interest thereon, to  
51 the licensee.

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

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

59       **SECTION 2.** Section 75-76-129, Mississippi Code of 1972, is  
60 amended as follows:

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

62       75-76-129. On or before the last day of each month all  
63 taxes, fees, interest, penalties, damages, fines or other monies  
64 collected by the State Tax Commission during that month under the

65 provisions of this chapter, with the exception of (a) the local  
66 government fees imposed under Section 75-76-195, \* \* \* (b) an  
67 amount equal to Three Million Dollars (\$3,000,000.00) of the  
68 revenue collected pursuant to the fee imposed under Section  
69 75-76-177(1)(c), and (c) the avails of the fee imposed under  
70 Section 75-76-177(2), shall be paid by the State Tax Commission to  
71 the State Treasurer to be deposited in the State General Fund.  
72 The local government fees shall be distributed by the State Tax  
73 Commission pursuant to Section 75-76-197. An amount equal to  
74 Three Million Dollars (\$3,000,000.00) of the revenue collected  
75 during that month pursuant to the fee imposed under Section  
76 75-76-177(1)(c) shall be deposited by the State Tax Commission  
77 into the bond sinking fund created in Section 65-39-3. The avails  
78 of the fee imposed under Section 75-76-177(2) shall be deposited  
79 by the State Tax Commission into the special fund created in  
80 Section 3 of House Bill No. \_\_\_\_, 2006 Regular Session.

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

83 75-76-129. On or before the last day of each month, all  
84 taxes, fees, interest, penalties, damages, fines or other monies  
85 collected by the State Tax Commission during that month under the  
86 provisions of this chapter, with the exception of the local  
87 government fees imposed under Section 75-76-195, shall be paid by  
88 the State Tax Commission to the State Treasurer to be deposited in  
89 the State General Fund. The local government fees shall be  
90 distributed by the State Tax Commission pursuant to Section  
91 75-76-197.

92 **SECTION 3.** There is created in the State Treasury a special  
93 fund. The fund shall consist of such monies as are required to be  
94 deposited into the fund under Section 75-76-129. Unexpended  
95 amounts remaining in the fund at the end of a fiscal year shall  
96 not lapse into the State General Fund, and any interest earned or  
97 investment earnings on amounts in the fund shall be deposited into

98 such fund. Beginning on the last working day of October 2005 and  
99 on the last working day of each three (3) months thereafter, the  
100 monies on deposit and to the credit of the special fund shall be  
101 paid and distributed by the State Treasurer, upon warrants issued  
102 by the State Fiscal Officer, equally to and among the chancery  
103 clerks of the counties within the state in which gaming is not  
104 authorized by law. Upon receipt of such monies, the chancery  
105 clerk shall deposit such monies in the county general fund and the  
106 board of supervisors of such county may appropriate and authorize  
107 such monies to be expended for the construction, repair and  
108 maintenance of county roads and bridges, for law enforcement  
109 purposes or for any other purposes for which county general fund  
110 monies lawfully may be expended.

111       **SECTION 4.** This act shall take effect and be in force from  
112 and after July 1, 2006.