

By: Representatives Sullivan, Gunn, Markham, To: Gaming; Transportation  
Montgomery

## HOUSE BILL NO. 1442

1 AN ACT TO AMEND SECTION 75-76-177, MISSISSIPPI CODE OF 1972,  
2 TO IMPOSE AN ADDITIONAL GAMING LICENSE FEE IN THE AMOUNT OF TWO  
3 PERCENT OF ALL GROSS REVENUE OF A GAMING LICENSEE PER CALENDAR  
4 MONTH; TO AMEND SECTION 75-76-129, MISSISSIPPI CODE OF 1972, TO  
5 PROVIDE THAT THE ADDITIONAL GAMING LICENSE FEE SHALL NOT BE  
6 DEPOSITED INTO THE GENERAL FUND, BUT SHALL BE DEPOSITED INTO A  
7 SPECIAL FUND; TO CREATE A NEW SECTION TO ESTABLISH A SPECIAL FUND  
8 TO BE COMPRISED OF MONIES FROM THE ADDITIONAL GAMING LICENSE FEE  
9 AND TO PROVIDE THAT SUCH MONIES SHALL BE USED TO ASSIST IN PAYING  
10 THE COSTS OF CONSTRUCTING, IMPROVING AND MAINTAINING STATE AID  
11 ROADS IN ALL COUNTIES OF THE STATE; AND FOR RELATED PURPOSES.

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

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

15 75-76-177. (1) From and after August 1, 1990, there is  
16 hereby imposed and levied on each gaming licensee a license fee  
17 based upon all the gross revenue of the licensee as follows:

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

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

25 (c) Eight percent (8%) of all the gross revenue of the  
26 licensee which exceeds One Hundred Thirty-four Thousand Dollars  
27 (\$134,000.00) per calendar month.

28 (2) From and after July 1, 2007, there is imposed and levied  
29 on each gaming licensee an additional license fee of two percent  
30 (2%) of all the gross revenue of the licensee per calendar month.

31 Such license fee shall be in addition to the license fee imposed  
32 and levied under subsection (1) of this section.

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

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

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

47 (b) Refund any overpayment, with interest thereon, to  
48 the licensee.

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

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

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

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

59 75-76-129. On or before the last day of each month all  
60 taxes, fees, interest, penalties, damages, fines or other monies  
61 collected by the State Tax Commission during that month under the  
62 provisions of this chapter, with the exception of (a) the local  
63 government fees imposed under Section 75-76-195, \* \* \* (b) an

64 amount equal to Three Million Dollars (\$3,000,000.00) of the  
65 revenue collected pursuant to the fee imposed under Section  
66 75-76-177(1)(c), and (c) the additional gaming license fee imposed  
67 under Section 75-76-177(2), shall be paid by the State Tax  
68 Commission to the State Treasurer to be deposited in the State  
69 General Fund. The local government fees shall be distributed by  
70 the State Tax Commission pursuant to Section 75-76-197. An amount  
71 equal to Three Million Dollars (\$3,000,000.00) of the revenue  
72 collected during that month pursuant to the fee imposed under  
73 Section 75-76-177(1)(c) shall be deposited by the State Tax  
74 Commission into the bond sinking fund created in Section 65-39-3.  
75 The avails of the additional gaming license fee imposed under  
76 Section 75-76-177(2) shall be deposited by the State Tax  
77 Commission into the special fund created in Section 3 of House  
78 Bill No.\_\_\_\_, 2007 Regular Session.

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

81 75-76-129. On or before the last day of each month, all  
82 taxes, fees, interest, penalties, damages, fines or other monies  
83 collected by the State Tax Commission during that month under the  
84 provisions of this chapter, with the exception of the local  
85 government fees imposed under Section 75-76-195 and the additional  
86 gaming license fee imposed under Section 75-76-177(2), shall be  
87 paid by the State Tax Commission to the State Treasurer to be  
88 deposited in the State General Fund. The local government fees  
89 shall be distributed by the State Tax Commission pursuant to  
90 Section 75-76-197. The avails of the additional gaming license  
91 fee imposed under Section 75-76-177(2) shall be deposited by the  
92 State Tax Commission into the special fund created in Section 3 of  
93 House Bill No.\_\_\_\_, 2007 Regular Session.

94 **SECTION 3.** (1) There is created in the State Treasury a  
95 special fund, to be designated as the "Special Gaming Fund to  
96 Assist in State Aid Road Construction" to the credit of the Office

97 of State Aid Road Construction. The special fund shall be  
98 comprised of the monies required to be deposited into the fund  
99 under Section 75-76-129, and any other funds that may be made  
100 available for the fund by the Legislature. The avails of the  
101 additional gaming license fee imposed under Section 75-76-177(2)  
102 shall be deposited by the State Tax Commission into the special  
103 fund. The fund shall be maintained by the State Treasurer as a  
104 special fund, separate and apart from the General Fund of the  
105 state.

106 (2) Monies in the fund shall be expended by the Office of  
107 State Aid Road Construction, upon appropriation by the  
108 Legislature, to assist in paying the costs of constructing,  
109 improving and maintaining state aid roads in all counties of the  
110 state, with each county receiving an equal benefit as all other  
111 counties. Unexpended amounts remaining in the special fund at the  
112 end of a fiscal year shall not lapse into the State General Fund,  
113 and any interest earned or investment earnings on amounts in the  
114 fund shall be deposited to the credit of the special fund.

115 **SECTION 4.** The provisions of Section 3 of this act shall be  
116 codified in Chapter 76, Title 75, Mississippi Code of 1972.

117 **SECTION 5.** This act shall take effect and be in force from  
118 and after July 1, 2007.