

By: Representative Moak

To: Ways and Means

HOUSE BILL NO. 389

1 AN ACT TO PROVIDE THAT THE MISSISSIPPI DEVELOPMENT AUTHORITY
 2 SHALL NOT ADMINISTER LOANS OR GRANTS OF FEDERAL OR STATE FUNDS FOR
 3 A CERTAIN PERIOD OF TIME TO POULTRY PROCESSORS WHO HAVE BEEN CITED
 4 BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AS KNOWINGLY
 5 HAVING VIOLATED THE FEDERAL CLEAN WATER ACT; TO AMEND SECTIONS
 6 57-61-9 AND 57-61-11, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
 7 CERTAIN PRIVATE COMPANIES THAT ARE IN VIOLATION OF THE FEDERAL
 8 CLEAN WATER ACT SHALL PAY A PENALTY ON THE REMAINING PORTION OF
 9 THEIR LOANS UNDER THE MISSISSIPPI BUSINESS INVESTMENT ACT; TO
 10 AMEND SECTION 57-61-14, MISSISSIPPI CODE OF 1972, TO REMOVE THE
 11 SALES TAX EXEMPTION FOR CERTAIN COMPANIES IN VIOLATION OF THE
 12 FEDERAL CLEAN WATER ACT; TO AMEND SECTION 27-65-111, MISSISSIPPI
 13 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** For a period of ten (10) years from the date that
 16 a poultry processor is cited by the United States Environmental
 17 Protection Agency as knowingly having violated the federal Clean
 18 Water Act (33 USCS 1251 et seq.), the Mississippi Development
 19 Authority shall not administer loans or grants of federal or state
 20 funds for the benefit of such processor under the Mississippi
 21 Business Investment Act or the Community Development Block Grant
 22 Program. After the ten-year period, the Mississippi Development
 23 Authority may make loans to such processors but shall assess a
 24 penalty of two percent (2%) greater than the current prime rate on
 25 the amount of the loan payable by the processor in monthly
 26 installments.

27 **SECTION 2.** Section 57-61-9, Mississippi Code of 1972, is
 28 amended as follows:

29 57-61-9. (1) Any private company desiring assistance from a
 30 municipality shall submit to the municipality a letter of intent
 31 to locate, expand or build a facility entirely or partially within



32 the municipality or on land the municipality is authorized to own
33 or otherwise acquire. The letter of intent shall include:

34 (a) Except for strategic investments, a commitment that
35 the proposed project will create and maintain a minimum of ten
36 (10) net new full-time equivalent jobs, will create and maintain
37 at least a five percent (5%) increase in full-time equivalent jobs
38 in the case of expansion of an enterprise already located at the
39 site or at least a twenty-five percent (25%) increase in full-time
40 equivalent jobs pursuant to subsection (9) of Section 57-61-15 and
41 will create and maintain at least one (1) net new full-time
42 equivalent job for every Fifteen Thousand Dollars (\$15,000.00)
43 either loaned or granted for the project. The commitment required
44 by this paragraph (a) shall include any jobs created prior to the
45 effective date of this chapter resulting from contracts entered
46 into contingent upon assistance being made available under this
47 chapter. All jobs required to be maintained by this paragraph (a)
48 shall be maintained until such time as any loan made under this
49 chapter for the benefit of a private company is repaid. The
50 letter of intent shall include a statement that the private
51 company understands that if it is cited by the United States
52 Environmental Protection Agency as knowingly having violated the
53 federal Clean Water Act, the company shall be liable for a penalty
54 of two percent (2%) greater than the current prime rate on the
55 remainder of the loan made for its benefit.

56 (b) A statement that the specific improvements are
57 necessary for the efficient and cost-effective operation of the
58 private company, together with supporting financial and
59 engineering documentation.

60 (c) Any commitment to pay rental on, or to make loan
61 repayments related to, the improvements to be made with funds
62 loaned to a municipality under this chapter.

63 (d) If required by the Mississippi Development
64 Authority, a notarized statement of willingness to grant a lien on



65 the facility for which the improvement is being provided, in an
66 amount and a manner to be determined by the Mississippi
67 Development Authority, which lien may be foreclosed in the event
68 that the private company fails to operate in the facility
69 according to the terms of the agreement and/or to collateralize
70 the loan made for the benefit of the private company for which the
71 improvement is being provided in an amount and manner to be
72 determined by the Mississippi Development Authority. In the event
73 the contractual agreement is to be entered into with a department
74 or subsidiary of the United States government, the Mississippi
75 Development Authority shall determine that the governmental unit
76 will operate the proposed project for a sufficient number of years
77 to retire the loan based on increased revenue estimates by the
78 University Research Center and any agreement entered into shall
79 reflect that the interest paid on any loan for such purpose shall
80 be included in Mississippi's contributory value in the project.
81 In the event the private company requesting the assistance is a
82 subsidiary of another corporation, if required by the Mississippi
83 Development Authority, any contractual agreement entered into
84 shall also require the parent company to unconditionally warrant
85 the performance of the subsidiary in carrying out the terms of the
86 agreement or it shall require the subsidiary and/or the parent
87 company to pledge assets in an amount and a manner to be
88 determined by the Mississippi Development Authority and/or to
89 collateralize the loan in an amount and a manner to be determined
90 by the Mississippi Development Authority to ensure the performance
91 of the terms of the contract.

92 (2) Upon receipt of the letter of intent from a private
93 company, the municipality may apply to the Mississippi Development
94 Authority for a loan or grant. The application from the
95 municipality shall include, but not be limited to:

96 (a) A statement of the purpose of the proposed loan or
97 grant, including a list of eligible items and the cost of each.



98 (b) A statement showing the sources of funding for the
99 entire project, including the private company's or governmental
100 unit's investment in the project and any public and other private
101 sources of funding.

102 (c) A certified copy of the signed letter of intent
103 from a private company or governmental unit, as specified in this
104 section.

105 (d) Evidence that there will be a private match of at
106 least Three Dollars (\$3.00) for every One Dollar (\$1.00) of state
107 assistance, except:

108 (i) In the case of ports the private match will be
109 at least Two Dollars (\$2.00) for every One Dollar (\$1.00) of state
110 assistance; and

111 (ii) In the case where the Mississippi Development
112 Authority determines that a private company is a high technology
113 enterprise the private match will be at least Two Dollars (\$2.00)
114 for every One Dollar (\$1.00) of state assistance.

115 The Mississippi Development Authority shall establish
116 criteria for determining whether a private company is a high
117 technology enterprise.

118 (e) Demonstration that the private company is
119 financially sound and is likely to fulfill the commitments made in
120 its letter of intent.

121 (f) A proposed timetable for the provision of the
122 improvements.

123 (g) Evidence that the project will be expeditiously
124 carried out and completed as planned.

125 (h) A demonstration that insufficient local capital
126 improvement funds at reasonable rates and terms are available
127 within the necessary time to provide the needed improvement on
128 public property. This includes local funds available through
129 issuance of bonds or other means, state funds available through
130 existing programs, and available federal program funds such as



131 community development block grant funds, urban development action
132 grant funds, and economic development administration funds.

133 (i) A demonstration that insufficient private funds are
134 available at reasonable rates and terms within the necessary time
135 to fund improvement on property owned by the private company.

136 (3) The Mississippi Development Authority shall consider
137 grant and loan applications based on the following criteria:

138 (a) The number of net new full-time equivalent jobs
139 that will be provided and the amount of additional state and local
140 tax revenue estimated by the University Research Center to be
141 directly generated by the private company's new investment, and
142 additionally, as to loan applications by state agencies, the
143 extent to which shipping through the port will be increased by the
144 proposed port development projects, the degree to which jobs will
145 be increased in the port area and the impact on port revenues.

146 (b) The ability to repay the principal and interest, in
147 the case of a loan, based on increased revenue estimates and any
148 revenue-producing provision of a contractual agreement.

149 (c) The increase in the employment base of the state.

150 The Mississippi Development Authority and the University
151 Research Center may use the resources and capabilities of the
152 planning and development districts in carrying out the provisions
153 of this chapter.

154 (4) No loan shall be made in excess of the amounts which can
155 be repaid with the increased revenues estimated by the University
156 Research Center, provided that this subsection (4) shall not apply
157 to loans in connection with a United States Navy home port.

158 (5) (a) Notwithstanding anything contained in this chapter,
159 an agency of the State of Mississippi operating a state-owned
160 port, and hereinabove identified as a "municipality" and
161 "governmental unit" for purposes of this chapter, may make
162 application for a loan or grant under the terms and provisions of
163 this chapter. In addition, a public agency operating a port



164 bordering on the Gulf of Mexico, which shall be considered to be a
165 "municipality" or a "governmental unit" for the purposes of this
166 chapter, may make application for a loan or grant under the terms
167 and provisions of this chapter from funds other than those funds
168 authorized for a state-owned port under paragraph (e)(iii) of
169 Section 57-61-11. The application shall be initiated by
170 submission of a letter of intent to engage in a project or
171 projects for the purpose of effecting enlargement and improvement
172 in all facilities used and useful in attracting international and
173 foreign commerce through the port. Projects eligible for
174 inclusion in the letter of intent may include, but not be
175 restricted to:

176 (i) Dredging and deepening the access channel and
177 harbor basin of the port;

178 (ii) Effecting the enlargement of the land area of
179 the port by reclamation;

180 (iii) Construction and installation of piling,
181 bulkheads, docks, wharves, warehouses and appurtenances; and

182 (iv) Acquisition of facilities and equipment for
183 handling bulk and containerized cargo.

184 (b) With respect to a state-owned port bordering on the
185 Gulf of Mexico, the letter of intent shall include the following
186 information and any other information required by the Mississippi
187 Development Authority:

188 (i) Present and future annual tonnages expected as
189 a result of the improvements.

190 (ii) Reasons why present facilities are inadequate
191 to enable the port to compete, including limitations imposed by
192 insufficient depth of channel and basin.

193 (iii) Increased channel and basin depths necessary
194 to accommodate modern shipping.



195 (iv) Comparison of the percentage of the world's
196 cargo shipping that can now be accommodated with what could be
197 accommodated with project improvements.

198 (v) Economic contribution to the region and state
199 resulting from increased shipping activity.

200 (vi) Statement of degree to which port revenues
201 are expected to be increased as a result of projects.

202 (vii) Financial data of port activities, including
203 cost of project, degree of federal funding available and required
204 local participation.

205 On or before January 1, 1989, a state-owned port described in
206 this paragraph (b) shall submit to the Senate Finance Committee
207 and the House Ways and Means Committee of the Mississippi
208 Legislature a comprehensive, written report updating for each
209 committee the information listed in items (i) through (vii) of
210 this paragraph (b) with particular emphasis on the economic
211 contribution to the region and state by shipping activity at the
212 port; on financial data with respect to the degree of federal
213 funding available and local participation in funding port
214 activities; and on progress made in dredging and completing other
215 improvements necessary to accommodate modern shipping.

216 (c) The Mississippi Development Authority shall
217 consider grant and loan applications based on the following:

218 (i) The extent to which shipping through the port
219 will be increased by the proposed projects.

220 (ii) The degree to which jobs will be increased in
221 the port area.

222 (iii) Impact on port revenues.

223 (iv) The ability of the port to repay interest and
224 principal in the case of a loan.

225 (6) A municipality may apply to the Mississippi Development
226 Authority for a grant under the terms and provisions of this
227 chapter, and the Mississippi Development Authority may award



228 grants to a municipality subject to limitations contained in this
229 chapter. The application shall be initiated by submission of a
230 letter of intent to engage in a project or projects for the
231 purpose of providing improvements necessary to accommodate a
232 United States Navy home port.

233 (7) The Legislature hereby finds and determines that
234 financing facilities necessary to accommodate a Navy home port
235 serves a valid public purpose in that a Navy home port will
236 significantly contribute to the employment base of the state which
237 is in great need of assistance; provided, that in the event such
238 facilities are no longer required for use by the Navy as a home
239 port, such facilities shall revert as provided in Section 59-9-21.

240 (8) Notwithstanding any provision or requirement of this
241 chapter to the contrary, a municipality may make application for a
242 loan under this chapter, in an amount not to exceed Five Million
243 Dollars (\$5,000,000.00), for the purpose of acquiring and
244 developing land to be used as a technology/industrial park for
245 which there is a binding commitment by one or more private
246 companies to create and maintain not less than an aggregate of
247 three hundred (300) jobs meeting minimum criteria established by
248 the Mississippi Development Authority. Such a commitment by a
249 private company shall not disqualify the private company from
250 obtaining assistance under this section. The match requirements
251 of this section shall not apply to any loan made pursuant to this
252 subsection (8).

253 (9) Notwithstanding any provision or requirement of this
254 chapter to the contrary, a municipality operating a county-owned
255 port or municipally owned port may make application for a loan
256 under this chapter, in an amount not to exceed Three Million
257 Dollars (\$3,000,000.00), for the purpose of acquiring land,
258 buildings and other improvements and for repairing, renovating,
259 maintaining and improving such a port.



260 (10) (a) A municipality is authorized to negotiate a
261 contract for the acquisition, construction and erection of a
262 project or any portion of a project hereunder where a municipality
263 finds that, because of the particular nature of a project or any
264 portion thereof, it would be in the best public interest of the
265 municipality to negotiate.

266 (b) Contracts by a private company for the acquisition,
267 construction or erection of a project which receives assistance
268 under this chapter shall be effected in the manner prescribed by
269 law for public contracts, unless the Mississippi Development
270 Authority makes a written finding that, because of special
271 circumstances with respect to the projects or any portion thereof,
272 it would better serve the public interest or more effectively
273 achieve the purposes of this chapter to enter into such contracts
274 based on negotiation.

275 (11) A municipality is authorized upon such terms and
276 conditions as the municipality may deem advisable, provided such
277 terms and conditions shall not be in conflict with the provisions
278 of this chapter, to (a) acquire, whether by construction,
279 purchase, gift or lease, all of or any portion of a project
280 hereunder; (b) to lease or sell to others all of or any portion of
281 a project hereunder; and (c) to lend to the private company the
282 proceeds of the loan from the board to such municipality.

283 (12) All agreements between a municipality and a private
284 company related directly or indirectly to a project or a portion
285 of a project to be funded in whole or in part under this chapter
286 are subject to approval by the Mississippi Development Authority.

287 **SECTION 3.** Section 57-61-11, Mississippi Code of 1972, is
288 amended as follows:

289 57-61-11. The Mississippi Development Authority shall
290 establish such guidelines, rules and regulations for the repayment
291 of funds loaned pursuant to this chapter as may be necessary.



292 These provisions shall include, but not be limited to, the
293 following:

294 (a) Funds may be loaned for a maximum of ten (10) years
295 or the estimated useful life of the property as established by the
296 United States Department of Treasury, whichever is greater.

297 (b) The rate of interest charged by the Mississippi
298 Development Authority for improvements not on publicly owned
299 property may be negotiated by the Mississippi Development
300 Authority. Private companies that are cited by the United States
301 Environmental Protection Agency for knowingly having violated the
302 federal Clean Water Act shall be liable for a penalty equal to two
303 percent (2%) greater than the current prime rate for the remainder
304 of the loans made for their benefit. The penalty shall be payable
305 in monthly installments.

306 (c) For all improvements funded through this chapter
307 which occur on publicly owned property, repayment of funds loaned
308 may, in the discretion of the Mississippi Development Authority,
309 involve only the principal amount loaned with no interest charged
310 thereon.

311 (d) An audit by a certified public accountant of all
312 costs of a project hereunder must be submitted to the Mississippi
313 Development Authority not later than ninety (90) days after a
314 project's completion. Such an audit shall certify that all of the
315 funds loaned or granted pursuant to this chapter were disbursed in
316 accordance with the terms of this chapter and shall be paid for by
317 the private company benefited by the project.

318 (e) Notwithstanding the foregoing, in the case of an
319 application under Section 57-61-9(5)(a), the guidelines shall
320 include, but not be limited to, the following:

321 (i) Funds may be loaned for a maximum of twenty
322 (20) years, or the estimated useful life of improvements on the
323 land areas of the port, whichever is greater.



324 (ii) The rate of interest charged by the
325 Mississippi Development Authority for loans for port projects may
326 be negotiated by the Mississippi Development Authority and shall
327 be consistent with Section 57-61-11(b) and (c).

328 (iii) The total of grants and loans to any one (1)
329 state-owned port made pursuant to an application under Section
330 57-61-9(5) (a) shall not exceed Twenty Million Dollars
331 (\$20,000,000.00).

332 (iv) Before any loan or grant may be made under
333 Section 57-61-9(5) (a) to a state-owned port bordering the Gulf of
334 Mexico, the applicant shall make adequate assurance to the
335 Mississippi Development Authority that federal participation in
336 the cost of the project or projects has been committed contingent
337 only upon availability of local participation in accordance with
338 federal guidelines.

339 (v) Notwithstanding any provision of this chapter
340 to the contrary, the Mississippi Development Authority shall
341 utilize not more than Four Million Dollars (\$4,000,000.00) out of
342 the proceeds of bonds authorized to be issued in this chapter to
343 be made available as interest-bearing loans to state-owned ports
344 for the purpose of repairing, renovating, maintaining and
345 improving the state-owned port. The Mississippi Development
346 Authority shall establish an amortization schedule for the
347 repayment of any loans made pursuant to this subparagraph. The
348 state-owned port shall not spend any revenues for other purposes
349 unless payments on the loan are being timely made according to the
350 amortization schedule. The match requirements of this section and
351 Section 57-61-9 shall not apply to any loan made pursuant to this
352 subparagraph.

353 (f) Notwithstanding any provision of this chapter to
354 the contrary, the Mississippi Development Authority shall utilize
355 not more than Three Million Dollars (\$3,000,000.00) out of the
356 proceeds of bonds authorized to be issued in this chapter for the



357 purpose of making loans to municipalities operating county-owned
358 ports or municipally owned ports for the purpose of acquiring
359 land, buildings and other improvements and for repairing,
360 renovating, maintaining and improving such ports. The Mississippi
361 Development Authority shall establish an amortization schedule for
362 the repayment of any loans made pursuant to this paragraph (f). A
363 municipality shall not spend any port revenues for other purposes
364 unless payments on the loan are being timely made according to the
365 amortization schedule.

366 (g) For a period of ten (10) years from the date that a
367 private company is cited by the United States Environmental
368 Protection Agency as knowingly having violated the federal Clean
369 Water Act, the Mississippi Development Authority shall not make
370 any loan funds available under this chapter to such company.

371 **SECTION 4.** Section 57-61-14, Mississippi Code of 1972, is
372 amended as follows:

373 57-61-14. In accordance with Section 27-65-111, purchases of
374 tangible personal property or services by a private company, as
375 defined in this chapter, with proceeds of bonds issued under this
376 chapter, shall be exempt from sales tax. If the private company
377 is cited by the United States Environmental Protection Agency as
378 knowingly having violated the federal Clean Water Act, the company
379 shall not be exempt from sales tax under this section for a period
380 of ten (10) years from the date of the violation.

381 **SECTION 5.** Section 27-65-111, Mississippi Code of 1972, is
382 amended as follows:

383 27-65-111. The exemptions from the provisions of this
384 chapter which are not industrial, agricultural or governmental, or
385 which do not relate to utilities or taxes, or which are not
386 properly classified as one of the exemption classifications of
387 this chapter, shall be confined to persons or property exempted by
388 this section or by the Constitution of the United States or the
389 State of Mississippi. No exemptions as now provided by any other



390 section, except the classified exemption sections of this chapter
391 set forth herein, shall be valid as against the tax herein levied.
392 Any subsequent exemption from the tax levied hereunder, except as
393 indicated above, shall be provided by amendments to this section.

394 No exemption provided in this section shall apply to taxes
395 levied by Section 27-65-15 or 27-65-21, Mississippi Code of 1972.

396 The tax levied by this chapter shall not apply to the
397 following:

398 (a) Sales of tangible personal property and services to
399 hospitals or infirmaries owned and operated by a corporation or
400 association in which no part of the net earnings inures to the
401 benefit of any private shareholder, group or individual, and which
402 are subject to and governed by Sections 41-7-123 through 41-7-127.

403 Only sales of tangible personal property or services which
404 are ordinary and necessary to the operation of such hospitals and
405 infirmaries are exempted from tax.

406 (b) Sales of daily or weekly newspapers, and
407 periodicals or publications of scientific, literary or educational
408 organizations exempt from federal income taxation under Section
409 501(c)(3) of the Internal Revenue Code of 1954, as it exists as of
410 March 31, 1975, and subscription sales of all magazines.

411 (c) Sales of coffins, caskets and other materials used
412 in the preparation of human bodies for burial.

413 (d) Sales of tangible personal property for immediate
414 export to a foreign country.

415 (e) Sales of tangible personal property to an
416 orphanage, old men's or ladies' home, supported wholly or in part
417 by a religious denomination, fraternal nonprofit organization or
418 other nonprofit organization.

419 (f) Sales of tangible personal property, labor or
420 services taxable under Sections 27-65-17, 27-65-19 and 27-65-23,
421 to a YMCA, YWCA, a Boys' or Girls' Club owned and operated by a
422 corporation or association in which no part of the net earnings



423 inures to the benefit of any private shareholder, group or
424 individual.

425 (g) Sales to elementary and secondary grade schools,
426 junior and senior colleges owned and operated by a corporation or
427 association in which no part of the net earnings inures to the
428 benefit of any private shareholder, group or individual, and which
429 are exempt from state income taxation, provided that this
430 exemption does not apply to sales of property or services which
431 are not to be used in the ordinary operation of the school, or
432 which are to be resold to the students or the public.

433 (h) The gross proceeds of retail sales and the use or
434 consumption in this state of drugs and medicines:

435 (i) Prescribed for the treatment of a human being
436 by a person authorized to prescribe the medicines, and dispensed
437 or prescription filled by a registered pharmacist in accordance
438 with law; or

439 (ii) Furnished by a licensed physician, surgeon,
440 dentist or podiatrist to his own patient for treatment of the
441 patient; or

442 (iii) Furnished by a hospital for treatment of any
443 person pursuant to the order of a licensed physician, surgeon,
444 dentist or podiatrist; or

445 (iv) Sold to a licensed physician, surgeon,
446 podiatrist, dentist or hospital for the treatment of a human
447 being; or

448 (v) Sold to this state or any political
449 subdivision or municipal corporation thereof, for use in the
450 treatment of a human being or furnished for the treatment of a
451 human being by a medical facility or clinic maintained by this
452 state or any political subdivision or municipal corporation
453 thereof.

454 "Medicines," as used in this paragraph (h), shall mean and
455 include any substance or preparation intended for use by external



456 or internal application to the human body in the diagnosis, cure,
457 mitigation, treatment or prevention of disease and which is
458 commonly recognized as a substance or preparation intended for
459 such use; provided that "medicines" do not include any auditory,
460 prosthetic, ophthalmic or ocular device or appliance, any dentures
461 or parts thereof or any artificial limbs or their replacement
462 parts, articles which are in the nature of splints, bandages,
463 pads, compresses, supports, dressings, instruments, apparatus,
464 contrivances, appliances, devices or other mechanical, electronic,
465 optical or physical equipment or article or the component parts
466 and accessories thereof, or any alcoholic beverage or any other
467 drug or medicine not commonly referred to as a prescription drug.

468 Notwithstanding the preceding sentence of this paragraph (h),
469 "medicines" as used in this paragraph (h), shall mean and include
470 sutures, whether or not permanently implanted, bone screws, bone
471 pins, pacemakers and other articles permanently implanted in the
472 human body to assist the functioning of any natural organ, artery,
473 vein or limb and which remain or dissolve in the body.

474 "Hospital," as used in this paragraph (h), shall have the
475 meaning ascribed to it in Section 41-9-3, Mississippi Code of
476 1972.

477 Insulin furnished by a registered pharmacist to a person for
478 treatment of diabetes as directed by a physician shall be deemed
479 to be dispensed on prescription within the meaning of this
480 paragraph (h).

481 (i) Retail sales of automobiles, trucks and
482 truck-tractors if exported from this state within forty-eight (48)
483 hours and registered and first used in another state.

484 (j) Sales of tangible personal property or services to
485 the Salvation Army and the Muscular Dystrophy Association, Inc.

486 (k) From July 1, 1985, through December 31, 1992,
487 retail sales of "alcohol blended fuel" as such term is defined in
488 Section 75-55-5. The gasoline-alcohol blend or the straight



489 alcohol eligible for this exemption shall not contain alcohol
490 distilled outside the State of Mississippi.

491 (l) Sales of tangible personal property or services to
492 the Institute for Technology Development.

493 (m) The gross proceeds of retail sales of food and
494 drink for human consumption made through vending machines serviced
495 by full line vendors from and not connected with other taxable
496 businesses.

497 (n) The gross proceeds of sales of motor fuel.

498 (o) Retail sales of food for human consumption
499 purchased with food stamps issued by the United States Department
500 of Agriculture, or other federal agency, from and after October 1,
501 1987, or from and after the expiration of any waiver granted
502 pursuant to federal law, the effect of which waiver is to permit
503 the collection by the state of tax on such retail sales of food
504 for human consumption purchased with food stamps.

505 (p) Sales of cookies for human consumption by the Girl
506 Scouts of America no part of the net earnings from which sales
507 inures to the benefit of any private group or individual.

508 (q) Gifts or sales of tangible personal property or
509 services to public or private nonprofit museums of art.

510 (r) Sales of tangible personal property or services to
511 alumni associations of state-supported colleges or universities.

512 (s) Sales of tangible personal property or services to
513 chapters of the National Association of Junior Auxiliaries, Inc.

514 (t) Sales of tangible personal property or services to
515 domestic violence shelters which qualify for state funding under
516 Sections 93-21-101 through 93-21-113.

517 (u) Sales of tangible personal property or services to
518 the National Multiple Sclerosis Society, Mississippi Chapter.

519 (v) Retail sales of food for human consumption
520 purchased with food instruments issued the Mississippi Band of



521 Choctaw Indians under the Women, Infants and Children Program
522 (WIC) funded by the United States Department of Agriculture.

523 (w) Sales of tangible personal property or services to
524 a private company, as defined in Section 57-61-5, which is making
525 such purchases with proceeds of bonds issued under Section 57-61-1
526 et seq., the Mississippi Business Investment Act, except as
527 otherwise provided in Section 57-61-14, as amended by House Bill
528 No. _____, 2004 Regular Session.

529 (x) The gross collections from the operation of
530 self-service, coin-operated car washing equipment and sales of the
531 service of washing motor vehicles with portable high pressure
532 washing equipment on the premises of the customer.

533 **SECTION 6.** This act shall take effect and be in force from
534 and after July 1, 2004.

