

By: Representative Moak

To: Agriculture; Ways and  
Means

## HOUSE BILL NO. 262

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. However, if the private  
377 company is cited by the United States Environmental Protection  
378 Agency as knowingly having violated the federal Clean Water Act,  
379 the company shall not be exempt from sales tax under this section  
380 for a period 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.

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

532 (y) Sales of tangible personal property or services to  
533 the Mississippi Technology Alliance.

534 **SECTION 6.** This act shall take effect and be in force from  
535 and after July 1, 2006.