

By: Senator(s) Robertson, Browning, Butler, Chaney, Clarke, Dawkins, Dearing, Gordon, Harden, Horhn, Hyde-Smith, Jackson (11th), Jackson (15th), Jackson (32nd), Jordan, King, Nunnelee, Simmons, Thomas, Walls, White, Wilemon, Posey To: Finance

SENATE BILL NO. 3074

1 AN ACT TO AMEND SECTION 27-65-9, MISSISSIPPI CODE OF 1972, TO
2 EXCLUDE SALES OF PREPAID STUDENT MEAL PLANS BY PUBLIC OR PRIVATE
3 UNIVERSITIES, COLLEGES AND COMMUNITY OR JUNIOR COLLEGES AND SALES
4 OF PREPARED MEALS BY ANY PUBLIC OR PRIVATE SCHOOL TO STUDENTS IN
5 KINDERGARTEN THROUGH GRADE 12 FROM THE DEFINITION OF THE TERM
6 "BUSINESS" IN THE MISSISSIPPI SALES TAX LAW; AND FOR RELATED
7 PURPOSES.

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

9 SECTION 1. Section 27-65-9, Mississippi Code of 1972, is
10 amended as follows:

11 27-65-9. (1) "Business" shall mean and include all
12 activities or acts engaged in (personal or corporate), for benefit
13 or advantage, either direct or indirect, and not exempting
14 subactivities in connection therewith. Each of such subactivities
15 shall be considered business engaged in, taxable in the class in
16 which it falls.

17 (2) "Business" shall include activities engaged in by exempt
18 organizations or political entities in competition with privately
19 owned business subject to the provisions of this chapter; however,
20 the term "business" shall not include the following activities:

21 (a) Sales of prepaid student meal plans by public or
22 private universities, colleges and community or junior colleges;
23 and

24 (b) Sales of prepared meals by any public or private
25 school to students in Kindergarten through Grade 12.

26 (3) "Business" shall include the activity or activities of a
27 person in this state performing a service under contract or
28 agreement with another person when the service performed is
29 taxable under the provisions of this chapter.

30 (4) "Doing business" shall include any person owning
31 personal property located in this state under lease or rental
32 agreement or any person installing personal property within this
33 state.

34 (5) "Doing business" shall include any person represented in
35 this state by salesmen taking or soliciting orders to be filled
36 from points outside this state for subsequent delivery of the
37 merchandise and equipment owned or leased by the seller to
38 customers located in this state.

39 **SECTION 2.** This act shall take effect and be in force from
40 and after its passage.