

By: Representative Howell

To: Ways and Means

HOUSE BILL NO. 1370

1 AN ACT TO AMEND SECTION 27-65-93, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT IF THE RATE OF TAX IS REDUCED BELOW SEVEN PERCENT
3 ON RETAIL SALES OF FOOD FOR HUMAN CONSUMPTION NOT PURCHASED WITH
4 FOOD STAMPS BUT WHICH WOULD BE EXEMPT FROM SALES TAX IF SUCH FOOD
5 WERE PURCHASED WITH FOOD STAMPS, THEN THE CHAIRMAN OF THE STATE
6 TAX COMMISSION SHALL PROMULGATE RULES AND REGULATIONS REQUIRING
7 TAXPAYERS THAT MAKE SUCH RETAIL SALES OF FOOD TO PROVIDE RECEIPTS,
8 TICKETS OR SIMILAR RECORDS IDENTIFYING WHICH SALES ARE OF FOOD AND
9 WHICH SALES ARE NOT OF FOOD; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 27-65-93, Mississippi Code of 1972, is
12 amended as follows:

13 27-65-93. (1) The commissioner shall, from time to time,
14 promulgate rules and regulations, not inconsistent with the
15 provisions of the sales tax law, for making returns and for the
16 ascertainment, assessment and collection of the tax imposed by the
17 sales tax law as he may deem necessary to enforce its provisions;
18 and, upon request, he shall furnish any taxpayer with a copy of
19 the rules and regulations.

20 (2) All forms, necessary for the enforcement of the sales
21 tax law, shall be prescribed, printed and furnished by the
22 commissioner.

23 (3) The commissioner may adopt rules and regulations
24 providing for the issuance of permits to manufacturers, utilities,
25 construction contractors, companies receiving bond financing
26 through the Mississippi Business Finance Corporation or the
27 Mississippi Development Authority, and other taxpayers as
28 determined by the commissioner to purchase tangible personal
29 property taxed under Section 27-65-17, items taxed under Section
30 27-65-18, items taxed under Section 27-65-19 and services taxed

31 under Section 27-65-23 without the payment to the vendor of the
32 tax imposed by the sales and use tax laws, and providing for
33 persons to report and pay the tax directly to the commissioner in
34 instances where the commissioner determines that these provisions
35 will facilitate and expedite the collection of the tax at the
36 proper rates which may be due on purchases by the permittee.
37 Under the provisions of this chapter, the vendor is relieved of
38 collecting and remitting the taxes specified hereunder and the
39 person holding the permit shall become liable for such taxes
40 instead of the seller. The full enforcement provisions of the
41 sales tax law shall apply in the collection of the tax from the
42 permittee.

43 (4) If the rate of tax is reduced below seven percent (7%)
44 on retail sales of food for human consumption not purchased with
45 food stamps issued by the United States Department of Agriculture,
46 or other federal agency, but which would be exempt under Section
47 27-65-111(o) from the taxes imposed by this chapter if the food
48 were purchased with food stamps, then the commissioner shall
49 promulgate rules and regulations requiring taxpayers that make
50 such retail sales of food to provide receipts, tickets or similar
51 records identifying which sales are food and which sales are not
52 food.

53 **SECTION 2.** This act shall take effect and be in force from
54 and after July 1, 2007.