

By: Senator(s) Branning

To: Finance

SENATE BILL NO. 2398

1 AN ACT TO AMEND SECTION 27-65-105, MISSISSIPPI CODE OF 1972,
2 TO EXEMPT FROM SALES TAXATION SALES TO ANY TRIBALLY CHARTERED
3 CORPORATION OR LIMITED LIABILITY COMPANY OF THE MISSISSIPPI BAND
4 OF CHOCTAW INDIANS AND SALES BY ANY TRIBALLY CHARTERED CORPORATION
5 OR LIMITED LIABILITY COMPANY OF THE MISSISSIPPI BAND OF CHOCTAW
6 INDIANS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 27-65-105, Mississippi Code of 1972, is
9 amended as follows:

10 27-65-105. The exemption from the provisions of this chapter
11 which are of a governmental nature or which are more properly
12 classified as governmental exemptions than any other exemption
13 classification of this chapter shall be confined to those persons
14 or property exempted by this section or by provisions of the
15 Constitutions of the United States or the State of Mississippi.
16 No governmental exemption as now provided by any other section
17 shall be valid as against the tax herein levied. Any subsequent
18 governmental exemption from the tax levied hereunder shall be
19 provided by amendment to this section.



20 No exemption provided in this section shall apply to taxes
21 levied by Section 27-65-15 or 27-65-21, Mississippi Code of 1972,
22 except as provided by paragraph (f) of this section.

23 The tax levied by this chapter shall not apply to the
24 following:

25 (a) Sales of property, labor, services or products
26 taxable under Sections 27-65-17, 27-65-19, 27-65-23 and 27-19-26,
27 when sold to and billed directly to and payment therefor is made
28 directly by the United States government, the State of Mississippi
29 and its departments, institutions, counties and municipalities or
30 departments or school districts of said counties and
31 municipalities.

32 The exemption from the tax imposed under this chapter shall
33 not apply to sales of tangible personal property or specified
34 digital products, labor or services to contractors purchasing in
35 the performance of contracts with the United States, the State of
36 Mississippi, counties and municipalities.

37 (b) Sales to schools, when such schools are supported
38 wholly or in part by funds provided by the State of Mississippi,
39 provided that this exemption does not apply to sales of property
40 which is not to be used in the ordinary operation of the school,
41 or which is to be resold to the students or the public.

42 (c) Amounts received from the sale of school textbooks
43 to students.



44 (d) (i) Sales to the Mississippi Band of Choctaw
45 Indians and sales to any tribally chartered corporation or limited
46 liability company of the Mississippi Band of Choctaw Indians, but
47 not to Indians individually.

48 (ii) Sales by any tribally chartered corporation
49 or limited liability company of the Mississippi Band of Choctaw
50 Indians.

51 (e) Sales of firefighting equipment to governmental
52 fire departments or volunteer fire departments for their use.

53 (f) Sales of any gas from any project, as defined in
54 the Municipal Gas Authority of Mississippi Law, to any
55 municipality shall not be subject to sales, use or other tax.

56 (g) Sales of home medical equipment and home medical
57 supplies listed as eligible for payment under Title XVIII of the
58 Social Security Act or under the state plan for medical assistance
59 under Title XIX of the Social Security Act, prosthetics,
60 orthotics, hearing aids, hearing devices, prescription eyeglasses,
61 oxygen and oxygen equipment, when ordered or prescribed by a
62 licensed physician for medical purposes of a patient, and when
63 payment for such equipment or supplies, or both, is made, in part
64 or in whole, under the provisions of the Medicare or Medicaid
65 program, then the entire sale shall be exempt from the taxes
66 imposed by this chapter. Payment does not have to be made, in
67 whole or in part, by any particular person to be eligible for this
68 exemption. Purchases of home medical equipment and supplies by a



69 provider of home health services or a provider of hospice services
70 are eligible for this exemption if the purchases otherwise meet
71 the requirements of this paragraph.

72 (h) Sales to regional educational service agencies
73 established under Section 37-7-345.

74 (i) Sales of buses and other motor vehicles, and parts
75 and labor used to maintain and/or repair such buses and motor
76 vehicles, to an entity that (a) has entered into a contract with a
77 school board under Section 37-41-31 for the purpose of
78 transporting students to and from schools and (b) uses or will use
79 the buses and other motor vehicles for such transportation
80 purposes. This paragraph (i) shall apply to contracts entered
81 into or renewed on or after July 1, 2010.

82 (j) Parking at events held solely for religious or
83 charitable purposes at livestock facilities, agriculture
84 facilities or other facilities constructed, renovated or expanded
85 with funds for the grant program authorized under Section 18,
86 Chapter 530, Laws of 1995.

87 (k) Sales of tangible personal property, labor,
88 services or products to schools and school districts under a
89 program that is administered by or coordinated with an agency,
90 commission, department or other instrumentality of the United
91 States government when payment for the tangible personal property,
92 labor, services or products is made by or through a nonprofit
93 organization or other entity established by or for the benefit of



the agency, commission, department or other instrumentality of the United States government administering or coordinating such program.

SECTION 2. Nothing in this act shall affect or defeat any claim, assessment, appeal, suit, right or cause of action for taxes due or accrued under the sales tax laws before the date on which this act becomes effective, whether such claims, assessments, appeals, suits or actions have been begun before the date on which this act becomes effective or are begun thereafter; and the provisions of the sales tax laws are expressly continued in full force, effect and operation for the purpose of the assessment, collection and enrollment of liens for any taxes due or accrued and the execution of any warrant under such laws before the date on which this act becomes effective, and for the imposition of any penalties, forfeitures or claims for failure to comply with such laws.

SECTION 3. This act shall take effect and be in force from and after July 1, 2024.

