

By: Senator(s) Harkins

To: Finance

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2540

1 AN ACT TO AMEND SECTION 57-117-11, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI HEALTH CARE  
3 INDUSTRY ZONE ACT; TO BRING FORWARD SECTIONS 57-117-1 THROUGH  
4 57-117-9, MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE THE  
5 MISSISSIPPI HEALTH CARE INDUSTRY ZONE ACT, FOR THE PURPOSE OF  
6 POSSIBLE AMENDMENT; TO AMEND SECTION 27-31-101, MISSISSIPPI CODE  
7 OF 1972, TO EXTEND THE DATE BY WHICH COUNTY BOARDS OF SUPERVISORS  
8 AND MUNICIPAL GOVERNING AUTHORITIES MAY GRANT AN AD VALOREM TAX  
9 EXEMPTION TO HEALTH CARE INDUSTRY FACILITIES; TO REMOVE THE  
10 REVERTER ON THE STATUTE; TO AMEND SECTION 27-31-104, MISSISSIPPI  
11 CODE OF 1972, TO EXTEND THE DATE BY WHICH COUNTY BOARDS OF  
12 SUPERVISORS AND MUNICIPAL GOVERNING AUTHORITIES MAY GRANT A  
13 FEE-IN-LIEU OF AD VALOREM TAXES TO QUALIFIED BUSINESSES UNDER THE  
14 MISSISSIPPI HEALTH CARE INDUSTRY ZONE ACT WHICH MEET MINIMUM  
15 CRITERIA ESTABLISHED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY; TO  
16 REMOVE THE REVERTER ON THE STATUTE; TO AMEND SECTION 27-65-101,  
17 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON  
18 THE PROVISION OF LAW EXEMPTING FROM SALES TAXATION SALES OF  
19 MATERIALS USED IN THE CONSTRUCTION OF, OR ADDITION OR IMPROVEMENTS  
20 TO, A HEALTH CARE INDUSTRY FACILITY AND CERTAIN SALES OF MACHINERY  
21 AND EQUIPMENT TO BE USED IN THE FACILITY; AND FOR RELATED  
22 PURPOSES.

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

24 **SECTION 1.** Section 57-117-11, Mississippi Code of 1972, is  
25 amended as follows:

26 57-117-11. Sections 57-117-1 through 57-117-11 shall be  
27 repealed from and after July 1, \* \* \* 2026.



**SECTION 2.** Section 57-117-1, Mississippi Code of 1972, is brought forward as follows:

57-117-1. This chapter shall be known and may be cited as the "Mississippi Health Care Industry Zone Act."

**SECTION 3.** Section 57-117-3, Mississippi Code of 1972, is brought forward as follows:

57-117-3. In this chapter:

(a) "Health care industry facility" means:

(i) A business engaged in the research and development of pharmaceuticals, biologics, biotechnology, diagnostic imaging, medical supplies, medical equipment or medicine and related manufacturing or processing, medical service providers, medical product distribution, or laboratory testing that creates a minimum of twenty-five (25) new full-time jobs and/or Ten Million Dollars (\$10,000,000.00) of capital investment after July 1, 2012; or

(ii) A business that 1. is located on land owned by or leased from an academic health science center with a medical school accredited by the Liaison Committee on Medical Education and a hospital accredited by the Joint Committee on Accreditation of Healthcare Organizations and 2. creates a minimum of twenty-five (25) new jobs and/or Twenty Million Dollars (\$20,000,000.00) of capital investment after July 1, 2012.



51       The term "health care industry facility" does not include any  
52 medical cannabis establishment as defined in the Mississippi  
53 Medical Cannabis Act.

54           (b) "MDA" means the Mississippi Development Authority.

55           (c) "Health care industry zone" means a geographical  
56 area certified by the MDA as provided for in Section 57-117-5.

57           (d) "Local government unit" means any county or  
58 incorporated city, town or village in the State of Mississippi.

59           (e) "Person" means a natural person, partnership,  
60 limited liability company, association, corporation, business  
61 trust or other business entity.

62           (f) "Qualified business" means a business or health  
63 care industry facility that meets the requirements of Section  
64 57-117-7 and any other requirements of this chapter. The term  
65 "qualified business" does not include any medical cannabis  
66 establishment as defined in the Mississippi Medical Cannabis Act.

67       **SECTION 4.** Section 57-117-5, Mississippi Code of 1972, is  
68 brought forward as follows:

69       57-117-5. (1) The MDA may certify an area as a health care  
70 industry zone if the following requirements are met:

71           (a) The area is located within:

72                   (i) Three (3) contiguous counties which have  
73 certificates of need of more than three hundred seventy-five (375)  
74 acute care hospital beds; and/or



(ii) A county which has a hospital with a minimum capital investment of Two Hundred Fifty Million Dollars (\$250,000,000.00) and for which construction is completed before July 1, 2017;

(b) The health care industry facility is located within an eight-mile radius of:

(i) A facility with a certificate of need for hospital beds; and/or

(ii) A university or college that is:

1. Accredited by the Southern Association of Colleges and Schools and awards degrees and/or trains workers for jobs in health care or pharmaceutical fields of study and/or work, and

2. Located along or near Mississippi Highway 67 within a master planned community as defined in Section 19-5-10; and

(c) The zoning of the local government unit, if applicable, allows the construction or operation in the proposed health care industry zone of the health care industry facility.

(2) A health care industry facility that engages in an activity for which a certificate of need is required must comply with the provisions of Section 41-7-191 in order to be certified as a qualified business.

(3) The MDA may adopt and promulgate such rules and regulations, in compliance with the Mississippi Administrative



Procedures Law, as are necessary for the efficient and effective administration of this section in keeping with the purposes for which it is enacted.

**SECTION 5.** Section 57-117-7, Mississippi Code of 1972, is brought forward as follows:

57-117-7. (1) Businesses and health care industry facilities shall apply to the MDA for certification as a qualified business. If the health care industry facility or business is located in a health care industry zone and meets the requirements of this chapter, the MDA shall certify it as a qualified business.

(2) A health care industry facility or business certified by the MDA as a qualified business within a health care industry zone that constructs or renovates a health care industry facility within a health care industry zone shall qualify for the following:

(a) An accelerated state income tax depreciation deduction. The accelerated depreciation deduction shall be computed by accelerating depreciation period required by Mississippi Administrative Code, to a ten-year depreciation period.

(b) A sales tax exemption as authorized in Section 27-65-101(1)(pp).

(c) A fee-in-lieu of taxes as authorized in Section 27-31-104.



(d) An ad valorem tax exemption as authorized in  
Section 27-31-101.

**SECTION 6.** Section 57-117-9, Mississippi Code of 1972, is  
brought forward as follows:

57-117-9. If the qualified business has not created the  
requisite number of jobs required by this chapter, the health care  
industry zone certification may be revoked by MDA after five (5)  
years have elapsed from the effective date of certification. A  
revocation under this section shall not act retroactively to  
remove any incentives granted by this chapter.

**SECTION 7.** Section 27-31-101, Mississippi Code of 1972, is  
amended as follows:

\* \* \*

27-31-101. (1) County boards of supervisors and municipal  
authorities are hereby authorized and empowered, in their  
discretion, to grant exemptions from ad valorem taxation, except  
state ad valorem taxation; however, such governing authorities  
shall not exempt ad valorem taxes for school district purposes on  
tangible property used in, or necessary to, the operation of the  
manufacturers and other new enterprises enumerated by classes in  
this section, except to the extent authorized in Sections  
27-31-104 and 27-31-105(2), nor shall they exempt from ad valorem  
taxes the products of the manufacturers or other new enterprises  
or automobiles and trucks belonging to the manufacturers or other  
new enterprises operating on and over the highways of the State of



Mississippi. The time of such exemption shall be for a period not to exceed a total of ten (10) years which shall begin on the date of completion of the new enterprise for which the exemption is granted; however, boards of supervisors and municipal authorities, in lieu of granting the exemption for one (1) period of ten (10) years, may grant the exemption in a period of less than ten (10) years. When the initial exemption period granted is less than ten (10) years, the boards of supervisors and municipal authorities may grant a subsequent consecutive period or periods to follow the initial period of exemption, provided that the total of all periods of exemption shall not exceed ten (10) years. The date of completion of the new enterprise, from which the initial period of exemption shall begin, shall be the date on which operations of the new enterprise begin. The initial request for an exemption must be made in writing by June 1 of the year immediately following the year in which the date of completion of a new enterprise occurs. If the initial request for the exemption is not timely made, the board of supervisors or municipal authorities may grant a subsequent request for the exemption and, in such case, the exemption shall begin on the anniversary date of completion of the enterprise in the year in which the request is made and may be for a period of time extending not more than ten (10) years from the date of completion of the new enterprise. Any subsequent request for the exemption must be made in writing by June 1 of the year in which it is granted.



174           (2) Any board of supervisors or municipal authority which  
175 has granted an exemption for a period of less than ten (10) years  
176 may grant subsequent periods of exemption to run consecutively  
177 with the initial exemption period, or a subsequently granted  
178 exemption period, but in no case shall the total of the exemption  
179 periods granted for a new enterprise exceed ten (10) years. Any  
180 consecutive period of exemption shall be granted by entry of an  
181 order by the board or the authority granting the consecutive  
182 exemption on its minutes, reflecting the granting of the  
183 consecutive exemption period and the dates upon which such  
184 consecutive exemption period begins and expires. The entry of  
185 this order granting the consecutive period of exemption shall be  
186 made before the expiration of the exemption period immediately  
187 preceding the consecutive exemption period being granted.

188           (3) (a) The new enterprises for which any or all of the  
189 tangible property described in paragraph (b) of this subsection  
190 (3) may be exempt from ad valorem taxation, except state ad  
191 valorem taxation, ad valorem taxes for school district purposes,  
192 and ad valorem taxes on the products thereof or on automobiles and  
193 trucks belonging thereto and operating on and over the highways of  
194 the State of Mississippi, are enumerated as and limited to the  
195 following, as determined by the Department of Revenue:

- 196                   (i) Warehouse and/or distribution centers;
- 197                   (ii) Manufacturing, processors and refineries;
- 198                   (iii) Research facilities;





199 (iv) Corporate regional and national headquarters  
200 meeting minimum criteria established by the Mississippi  
201 Development Authority;

202 (v) Movie industry studios meeting minimum  
203 criteria established by the Mississippi Development Authority;

204 (vi) Air transportation and maintenance facilities  
205 meeting minimum criteria established by the Mississippi  
206 Development Authority;

207 (vii) Recreational facilities that impact tourism  
208 meeting minimum criteria established by the Mississippi  
209 Development Authority;

210 (viii) Data/information processing enterprises  
211 meeting minimum criteria established by the Mississippi  
212 Development Authority;

213 (ix) Technology intensive enterprises or  
214 facilities meeting criteria established by the Mississippi  
215 Development Authority;

216 (x) Through June 30, 2026, health care industry  
217 facilities as defined in Section 57-117-3;

218 (xi) Data centers as defined in Section 57-113-21;

219 (xii) Telecommunications enterprises meeting  
220 minimum criteria established by the Mississippi Development  
221 Authority. The term "telecommunications enterprises" means  
222 entities engaged in the creation, display, management, storage,  
223 processing, transmission or distribution for compensation of



images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. Companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets shall not be included within the definition of the term "telecommunications enterprises"; and

(xiii) Controlled environment agriculture enterprises meeting minimum criteria established by the Mississippi Development Authority.

The new enterprises enumerated in this paragraph (a) do not include medical cannabis establishments as defined in the Mississippi Medical Cannabis Act.

(b) An exemption from ad valorem taxes granted under this section may include any or all tangible property, real or personal, including any leasehold interests therein but excluding automobiles and trucks operating on and over the highways of the State of Mississippi, used in connection with, or necessary to, the operation of an enterprise enumerated in paragraph (a) of this subsection (3), whether or not such property is owned, leased, subleased, licensed or otherwise obtained by such enterprise, irrespective of the taxpayer to which any such leased property is assessed for ad valorem tax purposes. If an exemption is granted



pursuant to this section with respect to any leasehold interest under a lease, sublease or license of tangible property used in connection with, or necessary to, the operation of an enterprise enumerated in paragraph (a) of this subsection (3), the corresponding ownership interest of the owner, lessor and sublessor of such tangible property shall similarly and automatically be exempt without any action being required to be taken by such owner, lessor or sublessor.

(4) Any exemption from ad valorem taxes granted under this section before March 28, 2019, and consistent herewith, is hereby ratified, approved and confirmed.

\* \* \*

**SECTION 8.** Section 27-31-104, Mississippi Code of 1972, is amended as follows:

\* \* \*

27-31-104. (1) (a) County boards of supervisors and municipal authorities are each hereby authorized and empowered to enter into an agreement with an enterprise granting, and pursuant to such agreement grant a fee-in-lieu of ad valorem taxes, including ad valorem taxes levied for school purposes, for the following:

(i) Projects totaling over Sixty Million Dollars (\$60,000,000.00) by any new enterprises enumerated in Section 27-31-101;



(ii) Projects by a private company (as such term is defined in Section 57-61-5) having a minimum capital investment of Sixty Million Dollars (\$60,000,000.00);

(iii) Through June 30, 2026, projects by a qualified business (as such term is defined in Section 57-117-3) meeting minimum criteria established by the Mississippi Development Authority;

(iv) Projects, in addition to those projects referenced in Section 27-31-105, totaling over Sixty Million Dollars (\$60,000,000.00) by an existing enterprise that has been doing business in the county or municipality for twenty-four (24) months. For purposes of this subparagraph (iv), the term "existing enterprise" includes those enterprises enumerated in Section 27-31-101; or

(v) A private company (as such term is defined in Section 57-61-5) or entity defined in Section 77-3-3(d)(i) having a minimum capital investment of One Hundred Million Dollars (\$100,000,000.00) from any source or combination of sources, provided that a majority of the capital investment is from private sources, when such project is located within a geographic area for which a Presidential Disaster Declaration was issued on or after January 1, 2014.

County boards of supervisors and municipal authorities may not enter into an agreement with an enterprise that is a medical cannabis establishment, as defined in the Mississippi Medical



298 Cannabis Act, granting, and pursuant to such agreement grant a  
299 fee-in-lieu of ad valorem taxes.

300           (b) A fee-in-lieu of ad valorem taxes granted in  
301 accordance with this section may include any or all tangible  
302 property, real or personal, including any leasehold interests  
303 therein but excluding automobiles and trucks operating on and over  
304 the highways of the State of Mississippi, used in connection with,  
305 or necessary to, the operation of any enterprise, private company  
306 or business described in paragraph (a) of this subsection (1), as  
307 applicable, whether or not such property is owned, leased,  
308 subleased, licensed or otherwise obtained by such enterprise,  
309 private company or business, as applicable, irrespective of the  
310 taxpayer to which any such leased property is assessed for ad  
311 valorem tax purposes. If a fee-in-lieu of ad valorem taxes is  
312 granted pursuant to this section with respect to any leasehold  
313 interest under a lease, sublease or license of tangible property  
314 used in connection with, or necessary to, the operation of an  
315 enterprise, private company or business described in paragraph (a)  
316 of this subsection (1), as applicable, the corresponding ownership  
317 interest of the owner, lessor and sublessor of such tangible  
318 property shall similarly and automatically be exempt and subject  
319 to the fee-in-lieu granted in accordance herewith without any  
320 action being required to be taken by such owner, lessor or  
321 sublessor.



(2) A county board of supervisors may enter into a fee-in-lieu agreement on behalf of the county and any county school district, and a municipality may enter into such a fee-in-lieu agreement on behalf of the municipality and any municipal school district located in the municipality; however, if the project is located outside the limits of a municipality but within the boundaries of the municipal school district, then the county board of supervisors may enter into such a fee-in-lieu agreement on behalf of the school district granting a fee-in-lieu of ad valorem taxes for school district purposes.

(3) Any grant of a fee-in-lieu of ad valorem taxes shall be evidenced by a written agreement negotiated by the enterprise and the county board of supervisors and/or municipal authority, as the case may be, and given final approval by the Mississippi Development Authority as satisfying the requirements of this section.

(4) The minimum sum allowable as a fee-in-lieu shall not be less than one-third (1/3), or one-tenth (1/10) if the project is also a project eligible for an ad valorem tax exemption under Section 27-31-46 and a fee-in-lieu agreement is entered into before July 1, 2026, of the ad valorem levy, including ad valorem taxes for school district purposes, and except as otherwise provided, the sum allowed shall be apportioned between the county or municipality, as appropriate, and the school districts in such amounts as may be determined by the county board of supervisors or



municipal governing authority, as the case may be, however, except as otherwise provided in this section, from the sum allowed the apportionment to school districts shall not be less than the school districts' pro rata share based upon the proportion that the millage imposed for the school districts by the appropriate levying authority bears to the millage imposed by such levying authority for all other county or municipal purposes. Any fee-in-lieu agreement entered into under this section shall become a binding obligation of the parties to the agreement, be effective upon its execution by the parties and approval by the Mississippi Development Authority and, except as otherwise provided in Section 17-25-23 or Section 57-75-33, or any other provision of law, continue in effect for a period not to exceed thirty (30) years commencing on the date that the fee-in-lieu granted thereunder begins in accordance with the agreement; however, no particular parcel of land, real property improvement or item of personal property shall be subject to a fee-in-lieu for a duration of more than ten (10) years. Any such agreement shall be binding, according to its terms, on future boards of supervisors of the county and/or governing authorities of a municipality, as the case may be, for the duration of the agreement.

(5) The fee-in-lieu may be a stated fraction or percentage of the ad valorem taxes otherwise payable or a stated dollar amount. If the fee is a fraction or percentage of the ad valorem tax levy, it shall be annually computed on all ad valorem taxes



otherwise payable, including school taxes, as the same may vary from year to year based upon changes in the millage rate or assessed value and shall not be less than one-third (1/3) of that amount or one-tenth (1/10) of that amount if the project is also a project eligible for an ad valorem tax exemption under Section 27-31-46 and a fee-in-lieu agreement is entered into before July 1, 2026. If the fee is a stated dollar amount, said amount shall be the higher of the sum provided for fixed payment or (a) one-third (1/3) of the total of all ad valorem taxes otherwise payable as annually determined during each year of the fee-in-lieu or (b) if the project is also a project eligible for an ad valorem tax exemption under Section 27-31-46 and a fee-in-lieu agreement is entered into before July 1, 2026, one-tenth (1/10) of the total of all ad valorem taxes otherwise payable as annually determined during each year of the fee-in-lieu.

(6) Notwithstanding Section 27-31-111, the parties to a fee-in-lieu may agree on terms and conditions providing for the reduction, suspension, termination or reinstatement of a fee-in-lieu agreement or any fee-in-lieu period granted thereunder upon the cessation of operations by project for twelve (12) or more consecutive months or due to other conditions set forth in the agreement.

(7) For a project as defined in Section 57-75-5(f)(xxi) and located in a county that is a member of a regional economic development alliance created under Section 57-64-1 et seq., the





members of the regional economic development alliance may divide the sum allowed as a fee-in-lieu in a manner as determined by the alliance agreement, and the boards of supervisors of the member counties may then apportion the sum allowed between school district purposes and all other county purposes.

(8) For a project as defined in Section 57-75-5(f)(xxvi), the board of supervisors of the county in which the project is located may negotiate with the school district in which the project is located and apportion to the school district an amount of the fee-in-lieu that is agreed upon in the negotiations different than the amount provided for in subsection (3) of this section.

(9) For a project as defined in Section 57-75-5(f)(xxviii), the annual amount of the fee-in-lieu apportioned to the county shall not be less than the amount necessary to pay the debt service on bonds issued by the county pursuant to Section 57-75-37(3)(c).

(10) For any county and/or municipality that enters into a fee-in-lieu agreement for a project as defined in Section 57-75-5(f)(xxxiii), the minimum sum allowable as a fee-in-lieu for the project shall not be less than one-third (1/3); provided that such allowed sum of each annual fee-in-lieu payment may be first apportioned between the county or municipality, as appropriate, and the school districts in any such amounts as may be determined by the county board of supervisors or municipal governing



422 authority, as the case may be, to either (a) first allocate and  
423 remit to the Mississippi Major Economic Impact Authority or the  
424 Mississippi Development Authority, as applicable, such portion of  
425 each annual fee-in-lieu payment to repay to the Mississippi Major  
426 Economic Impact Authority or the Mississippi Development  
427 Authority, as applicable, funds advanced thereby to such county  
428 and/or municipality or to other public agency, as defined in  
429 Section 57-75-37(7)(a)(ii), to fund public improvements and  
430 related costs for the project pursuant to an agreement entered  
431 into in accordance with Section 57-75-37(7)(c)(iii); or (b) first  
432 allocate and remit to the enterprise owning and/or operating the  
433 project such portion of each annual fee-in-lieu payment payable  
434 thereto pursuant to an agreement entered into in accordance with  
435 Section 57-75-37(7)(d)(iv). The balance of any annual fee-in-lieu  
436 amount remaining after such initial allocation and remittance to  
437 the Mississippi Major Economic Impact Authority, Mississippi  
438 Development Authority or enterprise owning and/or operating the  
439 project, as applicable, shall then be apportioned in accordance  
440 with subsection (4) of this section or as otherwise authorized by  
441 state law.

442 (11) Any fee-in-lieu of ad valorem taxes granted under this  
443 section before March 28, 2019, and consistent herewith, is hereby  
444 ratified, approved and confirmed.

445 \* \* \*



**SECTION 9.** Section 27-65-101, Mississippi Code of 1972, is amended as follows:

27-65-101. (1) The exemptions from the provisions of this chapter which are of an industrial nature or which are more properly classified as industrial exemptions than any other exemption classification of this chapter shall be confined to those persons or property exempted by this section or by the provisions of the Constitution of the United States or the State of Mississippi. No industrial exemption as now provided by any other section except Section 57-3-33 shall be valid as against the tax herein levied. Any subsequent industrial exemption from the tax levied hereunder shall be provided by amendment to this section. No exemption provided in this section shall apply to taxes levied by Section 27-65-15 or 27-65-21.

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

(a) Sales of boxes, crates, cartons, cans, bottles and other packaging materials to manufacturers and wholesalers for use as containers or shipping materials to accompany goods sold by said manufacturers or wholesalers where possession thereof will pass to the customer at the time of sale of the goods contained therein and sales to anyone of containers or shipping materials for use in ships engaged in international commerce.

(b) Sales of raw materials, catalysts, processing chemicals, welding gases or other industrial processing gases



471 (except natural gas) to a manufacturer for use directly in  
472 manufacturing or processing a product for sale or rental or  
473 repairing or reconditioning vessels or barges of fifty (50) tons  
474 load displacement and over. For the purposes of this exemption,  
475 electricity used directly in the electrolysis process in the  
476 production of sodium chlorate shall be considered a raw material.  
477 This exemption shall not apply to any property used as fuel except  
478 to the extent that such fuel comprises by-products which have no  
479 market value.

480 (c) The gross proceeds of sales of dry docks, offshore  
481 drilling equipment for use in oil or natural gas exploration or  
482 production, vessels or barges of fifty (50) tons load displacement  
483 and over, when the vessels or barges are sold by the manufacturer  
484 or builder thereof. In addition to other types of equipment,  
485 offshore drilling equipment for use in oil or natural gas  
486 exploration or production shall include aircraft used  
487 predominately to transport passengers or property to or from  
488 offshore oil or natural gas exploration or production platforms or  
489 vessels, and engines, accessories and spare parts for such  
490 aircraft.

491 (d) Sales to commercial fishermen of commercial fishing  
492 boats of over five (5) tons load displacement and not more than  
493 fifty (50) tons load displacement as registered with the United  
494 States Coast Guard and licensed by the Mississippi Commission on  
495 Marine Resources.



496 (e) The gross income from repairs to vessels and barges  
497 engaged in foreign trade or interstate transportation.

498 (f) Sales of petroleum products to vessels or barges  
499 for consumption in marine international commerce or interstate  
500 transportation businesses.

501 (g) Sales and rentals of rail rolling stock (and  
502 component parts thereof) for ultimate use in interstate commerce  
503 and gross income from services with respect to manufacturing,  
504 repairing, cleaning, altering, reconditioning or improving such  
505 rail rolling stock (and component parts thereof).

506 (h) Sales of raw materials, catalysts, processing  
507 chemicals, welding gases or other industrial processing gases  
508 (except natural gas) used or consumed directly in manufacturing,  
509 repairing, cleaning, altering, reconditioning or improving such  
510 rail rolling stock (and component parts thereof). This exemption  
511 shall not apply to any property used as fuel.

512 (i) Sales of machinery or tools or repair parts  
513 therefor or replacements thereof, fuel or supplies used directly  
514 in manufacturing, converting or repairing ships, vessels or barges  
515 of three thousand (3,000) tons load displacement and over, but not  
516 to include office and plant supplies or other equipment not  
517 directly used on the ship, vessel or barge being built, converted  
518 or repaired. For purposes of this exemption, "ships, vessels or  
519 barges" shall not include floating structures described in Section  
520 27-65-18.



521           (j) Sales of tangible personal property to persons  
522 operating ships in international commerce for use or consumption  
523 on board such ships. This exemption shall be limited to cases in  
524 which procedures satisfactory to the commissioner, ensuring  
525 against use in this state other than on such ships, are  
526 established.

527           (k) Sales of materials used in the construction of a  
528 building, or any addition or improvement thereon, and sales of any  
529 machinery and equipment not later than three (3) months after the  
530 completion of construction of the building, or any addition  
531 thereon, to be used therein, to qualified businesses, as defined  
532 in Section 57-51-5, which are located in a county or portion  
533 thereof designated as an enterprise zone pursuant to Sections  
534 57-51-1 through 57-51-15.

535           (l) Sales of materials used in the construction of a  
536 building, or any addition or improvement thereon, and sales of any  
537 machinery and equipment not later than three (3) months after the  
538 completion of construction of the building, or any addition  
539 thereon, to be used therein, to qualified businesses, as defined  
540 in Section 57-54-5.

541           (m) Income from storage and handling of perishable  
542 goods by a public storage warehouse.

543           (n) The value of natural gas lawfully injected into the  
544 earth for cycling, repressuring or lifting of oil, or lawfully  
545 vented or flared in connection with the production of oil;



546 however, if any gas so injected into the earth is sold for such  
547 purposes, then the gas so sold shall not be exempt.

548 (o) The gross collections from self-service commercial  
549 laundering, drying, cleaning and pressing equipment.

550 (p) Sales of materials used in the construction of a  
551 building, or any addition or improvement thereon, and sales of any  
552 machinery and equipment not later than three (3) months after the  
553 completion of construction of the building, or any addition  
554 thereon, to be used therein, to qualified companies, certified as  
555 such by the Mississippi Development Authority under Section  
556 57-53-1.

557 (q) Sales of component materials used in the  
558 construction of a building, or any addition or improvement  
559 thereon, sales of machinery and equipment to be used therein, and  
560 sales of manufacturing or processing machinery and equipment which  
561 is permanently attached to the ground or to a permanent foundation  
562 and which is not by its nature intended to be housed within a  
563 building structure, not later than three (3) months after the  
564 initial start-up date, to permanent business enterprises engaging  
565 in manufacturing or processing in Tier Three areas (as such term  
566 is defined in Section 57-73-21), which businesses are certified by  
567 the Department of Revenue as being eligible for the exemption  
568 granted in this paragraph (q). The exemption provided in this  
569 paragraph (q) shall not apply to sales to any business enterprise



that is a medical cannabis establishment as defined in the  
Mississippi Medical Cannabis Act.

(r) (i) Sales of component materials used in the  
construction of a building, or any addition or improvement  
thereon, and sales of any machinery and equipment not later than  
three (3) months after the completion of the building, addition or  
improvement thereon, to be used therein, for any company  
establishing or transferring its national or regional headquarters  
from within or outside the State of Mississippi and creating a  
minimum of twenty (20) jobs at the new headquarters in this state.  
The exemption provided in this subparagraph (i) shall not apply to  
sales for any company that is a medical cannabis establishment as  
defined in the Mississippi Medical Cannabis Act. The Department  
of Revenue shall establish criteria and prescribe procedures to  
determine if a company qualifies as a national or regional  
headquarters for the purpose of receiving the exemption provided  
in this subparagraph (i).

(ii) Sales of component materials used in the  
construction of a building, or any addition or improvement  
thereon, and sales of any machinery and equipment not later than  
three (3) months after the completion of the building, addition or  
improvement thereon, to be used therein, for any company expanding  
or making additions after January 1, 2013, to its national or  
regional headquarters within the State of Mississippi and creating  
a minimum of twenty (20) new jobs at the headquarters as a result





of the expansion or additions. The exemption provided in this subparagraph (ii) shall not apply to sales for any company that is a medical cannabis establishment as defined in the Mississippi Medical Cannabis Act. The Department of Revenue shall establish criteria and prescribe procedures to determine if a company qualifies as a national or regional headquarters for the purpose of receiving the exemption provided in this subparagraph (ii).

(s) The gross proceeds from the sale of semitrailers, trailers, boats, travel trailers, motorcycles, all-terrain cycles and rotary-wing aircraft if exported from this state within forty-eight (48) hours and registered and first used in another state.

(t) Gross income from the storage and handling of natural gas in underground salt domes and in other underground reservoirs, caverns, structures and formations suitable for such storage.

(u) Sales of machinery and equipment to nonprofit organizations if the organization:

(i) Is tax exempt pursuant to Section 501(c)(4) of the Internal Revenue Code of 1986, as amended;

(ii) Assists in the implementation of the contingency plan or area contingency plan, and which is created in response to the requirements of Title IV, Subtitle B of the Oil Pollution Act of 1990, Public Law 101-380; and



619 (iii) Engages primarily in programs to contain,  
620 clean up and otherwise mitigate spills of oil or other substances  
621 occurring in the United States coastal and tidal waters.

622 For purposes of this exemption, "machinery and equipment"  
623 means any ocean-going vessels, barges, booms, skimmers and other  
624 capital equipment used primarily in the operations of nonprofit  
625 organizations referred to herein.

626 (v) Sales or leases of materials and equipment to  
627 approved business enterprises as provided under the Growth and  
628 Prosperity Act.

629 (w) From and after July 1, 2001, sales of pollution  
630 control equipment to manufacturers or custom processors for  
631 industrial use. For the purposes of this exemption, "pollution  
632 control equipment" means equipment, devices, machinery or systems  
633 used or acquired to prevent, control, monitor or reduce air, water  
634 or groundwater pollution, or solid or hazardous waste as required  
635 by federal or state law or regulation.

636 (x) Sales or leases to a manufacturer of motor vehicles  
637 or powertrain components operating a project that has been  
638 certified by the Mississippi Major Economic Impact Authority as a  
639 project as defined in Section 57-75-5(f)(iv)1, Section  
640 57-75-5(f)(xxi) or Section 57-75-5(f)(xxii) of machinery and  
641 equipment; special tooling such as dies, molds, jigs and similar  
642 items treated as special tooling for federal income tax purposes;  
643 or repair parts therefor or replacements thereof; repair services



thereon; fuel, supplies, electricity, coal and natural gas used directly in the manufacture of motor vehicles or motor vehicle parts or used to provide climate control for manufacturing areas.

(y) Sales or leases of component materials, machinery and equipment used in the construction of a building, or any addition or improvement thereon to an enterprise operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(iv)1, Section 57-75-5(f)(xxi), Section 57-75-5(f)(xxii) or Section 57-75-5(f)(xxviii) and any other sales or leases required to establish or operate such project.

(z) Sales of component materials and equipment to a business enterprise as provided under Section 57-64-33.

(aa) The gross income from the stripping and painting of commercial aircraft engaged in foreign or interstate transportation business.

(bb) [Repealed]

(cc) Sales or leases to an enterprise owning or operating a project that has been designated by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xviii) of machinery and equipment; special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes; or repair parts therefor or replacements thereof; repair services thereon; fuel, supplies, electricity, coal and natural gas used directly in the



669 manufacturing/production operations of the project or used to  
670 provide climate control for manufacturing/production areas.

671 (dd) Sales or leases of component materials, machinery  
672 and equipment used in the construction of a building, or any  
673 addition or improvement thereon to an enterprise owning or  
674 operating a project that has been designated by the Mississippi  
675 Major Economic Impact Authority as a project as defined in Section  
676 57-75-5(f)(xviii) and any other sales or leases required to  
677 establish or operate such project.

678 (ee) Sales of parts used in the repair and servicing of  
679 aircraft not registered in Mississippi engaged exclusively in the  
680 business of foreign or interstate transportation to businesses  
681 engaged in aircraft repair and maintenance.

682 (ff) Sales of component materials used in the  
683 construction of a facility, or any addition or improvement  
684 thereon, and sales or leases of machinery and equipment not later  
685 than three (3) months after the completion of construction of the  
686 facility, or any addition or improvement thereto, to be used in  
687 the building or any addition or improvement thereto, to a  
688 permanent business enterprise operating a data/information  
689 enterprise in Tier Three areas (as such areas are designated in  
690 accordance with Section 57-73-21), meeting minimum criteria  
691 established by the Mississippi Development Authority. The  
692 exemption provided in this paragraph (ff) shall not apply to sales



to any business enterprise that is a medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(gg) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the facility or any addition or improvement thereto, to technology intensive enterprises for industrial purposes in Tier Three areas (as such areas are designated in accordance with Section 57-73-21), as certified by the Department of Revenue. For purposes of this paragraph, an enterprise must meet the criteria provided for in Section 27-65-17(1)(f) in order to be considered a technology intensive enterprise.

(hh) Sales of component materials used in the replacement, reconstruction or repair of a building or facility that has been destroyed or sustained extensive damage as a result of a disaster declared by the Governor, sales of machinery and equipment to be used therein to replace machinery or equipment damaged or destroyed as a result of such disaster, including, but not limited to, manufacturing or processing machinery and equipment which is permanently attached to the ground or to a permanent foundation and which is not by its nature intended to be housed within a building structure, to enterprises or companies that were eligible for the exemptions authorized in paragraph (q),



(r), (ff) or (gg) of this subsection during initial construction of the building that was destroyed or damaged, which enterprises or companies are certified by the Department of Revenue as being eligible for the exemption granted in this paragraph.

(ii) Sales of software or software services transmitted by the Internet to a destination outside the State of Mississippi where the first use of such software or software services by the purchaser occurs outside the State of Mississippi.

(jj) Gross income of public storage warehouses derived from the temporary storage of raw materials that are to be used in an eligible facility as defined in Section 27-7-22.35.

(kk) Sales of component building materials and equipment for initial construction of facilities or expansion of facilities as authorized under Sections 57-113-1 through 57-113-7 and Sections 57-113-21 through 57-113-27.

(ll) Sales and leases of machinery and equipment acquired in the initial construction to establish facilities as authorized in Sections 57-113-1 through 57-113-7.

(mm) Sales and leases of replacement hardware, software or other necessary technology to operate a data center as authorized under Sections 57-113-21 through 57-113-27.

(nn) Sales of component materials used in the construction of a building, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of the construction of



743 the facility, to be used in the facility, to permanent business  
744 enterprises operating a facility producing renewable crude oil  
745 from biomass harvested or produced, in whole or in part, in  
746 Mississippi, which businesses meet minimum criteria established by  
747 the Mississippi Development Authority. As used in this paragraph,  
748 the term "biomass" shall have the meaning ascribed to such term in  
749 Section 57-113-1.

750 (oo) Sales of supplies, equipment and other personal  
751 property to an organization that is exempt from taxation under  
752 Section 501(c)(3) of the Internal Revenue Code and is the host  
753 organization coordinating a professional golf tournament played or  
754 to be played in this state and the supplies, equipment or other  
755 personal property will be used for purposes related to the golf  
756 tournament and related activities.

757 (pp) Sales of materials used in the construction of a  
758 health care industry facility, as defined in Section 57-117-3, or  
759 any addition or improvement thereon, and sales of any machinery  
760 and equipment not later than three (3) months after the completion  
761 of construction of the facility, or any addition thereon, to be  
762 used therein, to qualified businesses, as defined in Section  
763 57-117-3. This paragraph shall be repealed from and after July  
764 1, \* \* \* 2026.

765 (qq) Sales or leases to a manufacturer of automotive  
766 parts operating a project that has been certified by the  
767 Mississippi Major Economic Impact Authority as a project as



defined in Section 57-75-5(f) (xxviii) of machinery and equipment;  
or repair parts therefor or replacements thereof; repair services  
thereon; fuel, supplies, electricity, coal, nitrogen and natural  
gas used directly in the manufacture of automotive parts or used  
to provide climate control for manufacturing areas.

(rr) Gross collections derived from guided tours on any  
navigable waters of this state, which include providing  
accommodations, guide services and/or related equipment operated  
by or under the direction of the person providing the tour, for  
the purposes of outdoor tourism. The exemption provided in this  
paragraph (rr) does not apply to the sale of tangible personal  
property by a person providing such tours.

(ss) Retail sales of truck-tractors and semitrailers  
used in interstate commerce and registered under the International  
Registration Plan (IRP) or any similar reciprocity agreement or  
compact relating to the proportional registration of commercial  
vehicles entered into as provided for in Section 27-19-143.

(tt) Sales exempt under the Facilitating Business Rapid  
Response to State Declared Disasters Act of 2015 (Sections  
27-113-1 through 27-113-9).

(uu) Sales or leases to an enterprise and its  
affiliates operating a project that has been certified by the  
Mississippi Major Economic Impact Authority as a project as  
defined in Section 57-75-5(f) (xxix) of:





792 (i) All personal property and fixtures, including  
793 without limitation, sales or leases to the enterprise and its  
794 affiliates of:

795 1. Manufacturing machinery and equipment;

796 2. Special tooling such as dies, molds, jigs  
797 and similar items treated as special tooling for federal income  
798 tax purposes;

799 3. Component building materials, machinery  
800 and equipment used in the construction of buildings, and any other  
801 additions or improvements to the project site for the project;

802 4. Nonmanufacturing furniture, fixtures and  
803 equipment (inclusive of all communications, computer, server,  
804 software and other hardware equipment); and

805 5. Fuel, supplies (other than  
806 nonmanufacturing consumable supplies and water), electricity,  
807 nitrogen gas and natural gas used directly in the  
808 manufacturing/production operations of such project or used to  
809 provide climate control for manufacturing/production areas of such  
810 project;

811 (ii) All replacements of, repair parts for or  
812 services to repair items described in subparagraph (i)1, 2 and 3  
813 of this paragraph; and

814 (iii) All services taxable pursuant to Section  
815 27-65-23 required to establish, support, operate, repair and/or  
816 maintain such project.



817                   (vv) Sales or leases to an enterprise operating a  
818 project that has been certified by the Mississippi Major Economic  
819 Impact Authority as a project as defined in Section  
820 57-75-5(f) (xxx) of:

821                   (i) Purchases required to establish and operate  
822 the project, including, but not limited to, sales of component  
823 building materials, machinery and equipment required to establish  
824 the project facility and any additions or improvements thereon;  
825 and

826                   (ii) Machinery, special tools (such as dies,  
827 molds, and jigs) or repair parts thereof, or replacements and  
828 lease thereof, repair services thereon, fuel, supplies and  
829 electricity, coal and natural gas used in the manufacturing  
830 process and purchased by the enterprise owning or operating the  
831 project for the benefit of the project.

832                   (wv) Sales of component materials used in the  
833 construction of a building, or any expansion or improvement  
834 thereon, sales of machinery and/or equipment to be used therein,  
835 and sales of processing machinery and equipment which is  
836 permanently attached to the ground or to a permanent foundation  
837 which is not by its nature intended to be housed in a building  
838 structure, no later than three (3) months after initial startup,  
839 expansion or improvement of a permanent enterprise solely engaged  
840 in the conversion of natural sand into proppants used in oil and  
841 gas exploration and development with at least ninety-five percent



(95%) of such proppants used in the production of oil and/or gas from horizontally drilled wells and/or horizontally drilled recompletion wells as defined in Sections 27-25-501 and 27-25-701.

(xx) (i) Sales or leases to an enterprise operating a project that has been certified by the Mississippi Major Economic Impact Authority as a project as defined in Section 57-75-5(f)(xxxi), for a period ending no later than one (1) year following completion of the construction of the facility or facilities comprising such project of all personal property and fixtures, including without limitation, sales or leases to the enterprise and its affiliates of:

1. Manufacturing machinery and equipment;
2. Special tooling such as dies, molds, jigs and similar items treated as special tooling for federal income tax purposes;
3. Component building materials, machinery and equipment used in the construction of buildings, and any other additions or improvements to the project site for the project;
4. Nonmanufacturing furniture, fixtures and equipment (inclusive of all communications, computer, server, software and other hardware equipment);
5. Replacements of, repair parts for or services to repair items described in this subparagraph (i)1, 2 and 3; and



866                   6. All services taxable pursuant to Section  
867 27-65-23 required to establish, support, operate, repair and/or  
868 maintain such project; and

869                   (ii) Sales or leases to an enterprise operating a  
870 project that has been certified by the Mississippi Major Economic  
871 Impact Authority as a project as defined in Section  
872 57-75-5(f)(xxxi) of electricity, current, power, steam, coal,  
873 natural gas, liquefied petroleum gas or other fuel, biomass,  
874 nitrogen or other atmospheric or other industrial gases used  
875 directly by the enterprise in the manufacturing/production  
876 operations of its project or used to provide climate control for  
877 manufacturing/production areas (which manufacturing/production  
878 areas shall be apportioned based on square footage). As used in  
879 this paragraph, the term "biomass" shall have the meaning ascribed  
880 to such term in Section 57-113-1.

881                   (yy) The gross proceeds from the sale of any item of  
882 tangible personal property by the manufacturer or custom processor  
883 thereof if such item is shipped, transported or exported from this  
884 state and first used in another state, whether such shipment,  
885 transportation or exportation is made by the seller, purchaser, or  
886 any third party acting on behalf of such party. For the purposes  
887 of this paragraph (yy), any instruction to, training of or  
888 inspection by the purchaser with respect to the item prior to  
889 shipment, transportation or exportation of the item shall not  
890 constitute a first use of such item within this state.



891                    (zz)    (i)   Sales or leases to an enterprise operating a  
892 project that has been certified by the Mississippi Major Economic  
893 Impact Authority as a project as defined in Section  
894 57-75-5(f) (xxxii), for a period ending no later than one (1) year  
895 following completion of the construction of the facility or  
896 facilities comprising such project of all personal property and  
897 fixtures, including, without limitation, sales or leases to the  
898 enterprise and its affiliates of:

899                                1.   Manufacturing machinery and equipment;

900                                2.   Special tooling such as dies, molds, jigs  
901 and similar items treated as special tooling for federal income  
902 tax purposes;

903                                3.   Component building materials, machinery  
904 and equipment used in the construction of buildings, and any other  
905 additions or improvements to the project site for the project;

906                                4.   Nonmanufacturing furniture, fixtures and  
907 equipment (inclusive of all communications, computer, server,  
908 software and other hardware equipment);

909                                5.   Replacements of, repair parts for or  
910 services to repair items described in this subparagraph (i)1, 2  
911 and 3; and

912                                6.   All services taxable pursuant to Section  
913 27-65-23 required to establish, support, operate, repair and/or  
914 maintain such project; and



915                   (ii) Sales or leases to an enterprise operating a  
916 project that has been certified by the Mississippi Major Economic  
917 Impact Authority as a project as defined in Section  
918 57-75-5(f)(xxxii) of electricity, current, power, steam, coal,  
919 natural gas, liquefied petroleum gas or other fuel, biomass,  
920 nitrogen or other atmospheric or other industrial gases used  
921 directly by the enterprise in the manufacturing/production  
922 operations of its project or used to provide climate control for  
923 manufacturing/production areas (which manufacturing/production  
924 areas shall be apportioned based on square footage). As used in  
925 this paragraph, the term "biomass" shall have the meaning ascribed  
926 to such term in Section 57-113-1.

927                   (aaa) Sales or leases to an enterprise and/or any  
928 affiliates thereof operating a project that has been certified by  
929 the Mississippi Major Economic Impact Authority as a project as  
930 defined in Section 57-75-5(f)(xxxiii) of:

931                   (i) Component building materials, fixtures,  
932 machinery and equipment used in the construction of a data  
933 processing facility or other buildings comprising all or part of a  
934 project, for a period ending no later than one (1) year following  
935 completion of the construction of the data processing facility or  
936 such other building; and

937                   (ii) All equipment and other personal property  
938 needed to establish and operate the project and any expansions  
939 thereof or additions thereto, including, but not limited to:



940                   1. Communications, computer, server,  
941 software, connectivity materials and equipment, emergency power  
942 generation equipment, other hardware equipment and any other  
943 technology;

944                   2. All replacements of, and repair parts for,  
945 such equipment or other personal property; and

946                   3. All services taxable pursuant to Section  
947 27-65-23 required to install, support, operate, repair and/or  
948 maintain the foregoing equipment and other personal property  
949 described in this subparagraph (ii).

950                   (bbb) Sales, leases or other retail transfers of  
951 fixed-wing aircraft to, or to be used by, certified common  
952 carriers in the transport of persons or property in interstate,  
953 intrastate or foreign commerce, and engines, accessories and spare  
954 parts for such fixed-wing aircraft.

955                   (2) Sales of component materials used in the construction of  
956 a building, or any addition or improvement thereon, sales of  
957 machinery and equipment to be used therein, and sales of  
958 manufacturing or processing machinery and equipment which is  
959 permanently attached to the ground or to a permanent foundation  
960 and which is not by its nature intended to be housed within a  
961 building structure, not later than three (3) months after the  
962 initial start-up date, to permanent business enterprises engaging  
963 in manufacturing or processing in Tier Two areas and Tier One  
964 areas (as such areas are designated in accordance with Section



57-73-21), which businesses are certified by the Department of Revenue as being eligible for the exemption granted in this subsection, shall be exempt from one-half (1/2) of the taxes imposed on such transactions under this chapter. The exemption provided in this subsection (2) shall not apply to sales to any business enterprise that is a medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(3) Sales of component materials used in the construction of a facility, or any addition or improvement thereon, and sales or leases of machinery and equipment not later than three (3) months after the completion of construction of the facility, or any addition or improvement thereto, to be used in the building or any addition or improvement thereto, to a permanent business enterprise operating a data/information enterprise in Tier Two areas and Tier One areas (as such areas are designated in accordance with Section 57-73-21), which businesses meet minimum criteria established by the Mississippi Development Authority, shall be exempt from one-half (1/2) of the taxes imposed on such transaction under this chapter. The exemption provided in this subsection (3) shall not apply to sales to any business enterprise that is a medical cannabis establishment as defined in the Mississippi Medical Cannabis Act.

(4) Sales of component materials used in the construction of a facility, or any addition or improvement thereto, and sales of machinery and equipment not later than three (3) months after the





990 completion of construction of the facility, or any addition or  
991 improvement thereto, to be used in the building or any addition or  
992 improvement thereto, to technology intensive enterprises for  
993 industrial purposes in Tier Two areas and Tier One areas (as such  
994 areas are designated in accordance with Section 57-73-21), which  
995 businesses are certified by the Department of Revenue as being  
996 eligible for the exemption granted in this subsection, shall be  
997 exempt from one-half (1/2) of the taxes imposed on such  
998 transactions under this chapter. For purposes of this subsection,  
999 an enterprise must meet the criteria provided for in Section  
1000 27-65-17(1)(f) in order to be considered a technology intensive  
1001 enterprise.

1002 (5) (a) For purposes of this subsection:

1003 (i) "Telecommunications enterprises" shall have  
1004 the meaning ascribed to such term in Section 57-73-21;

1005 (ii) "Tier One areas" mean counties designated as  
1006 Tier One areas pursuant to Section 57-73-21;

1007 (iii) "Tier Two areas" mean counties designated as  
1008 Tier Two areas pursuant to Section 57-73-21;

1009 (iv) "Tier Three areas" mean counties designated  
1010 as Tier Three areas pursuant to Section 57-73-21; and

1011 (v) "Equipment used in the deployment of broadband  
1012 technologies" means any equipment capable of being used for or in  
1013 connection with the transmission of information at a rate, prior  
1014 to taking into account the effects of any signal degradation, that



1015 is not less than three hundred eighty-four (384) kilobits per  
1016 second in at least one (1) direction, including, but not limited  
1017 to, asynchronous transfer mode switches, digital subscriber line  
1018 access multiplexers, routers, servers, multiplexers, fiber optics  
1019 and related equipment.

1020 (b) Sales of equipment to telecommunications  
1021 enterprises after June 30, 2003, and before July 1, 2025, that is  
1022 installed in Tier One areas and used in the deployment of  
1023 broadband technologies shall be exempt from one-half (1/2) of the  
1024 taxes imposed on such transactions under this chapter.

1025 (c) Sales of equipment to telecommunications  
1026 enterprises after June 30, 2003, and before July 1, 2025, that is  
1027 installed in Tier Two and Tier Three areas and used in the  
1028 deployment of broadband technologies shall be exempt from the  
1029 taxes imposed on such transactions under this chapter.

1030 (6) Sales of component materials used in the replacement,  
1031 reconstruction or repair of a building that has been destroyed or  
1032 sustained extensive damage as a result of a disaster declared by  
1033 the Governor, sales of machinery and equipment to be used therein  
1034 to replace machinery or equipment damaged or destroyed as a result  
1035 of such disaster, including, but not limited to, manufacturing or  
1036 processing machinery and equipment which is permanently attached  
1037 to the ground or to a permanent foundation and which is not by its  
1038 nature intended to be housed within a building structure, to  
1039 enterprises that were eligible for the partial exemptions provided



1040 for in subsections (2), (3) and (4) of this section during initial  
1041 construction of the building that was destroyed or damaged, which  
1042 enterprises are certified by the Department of Revenue as being  
1043 eligible for the partial exemption granted in this subsection,  
1044 shall be exempt from one-half (1/2) of the taxes imposed on such  
1045 transactions under this chapter.

1046       **SECTION 10.** This act shall take effect and be in force from  
1047 and after June 30, 2025.

