

Sales and Use Tax Bureau
Street Address:
1577 Springridge Road
Raymond, Mississippi 39154

www.mstc.state.ms.us

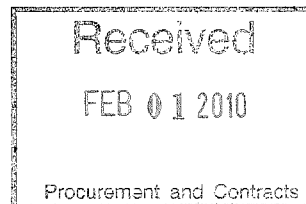


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STATE TAX COMMISSION

Mailing Address:
Post Office Box 1033
Jackson, Mississippi 39215

Telephone: 601-923-7015
FAX: 601-923-7034



January 22, 2010

Mr. Don Buffum, CPPO
Office of Procurement and Contracts
Mississippi State University
P.O. Box 5307
Mississippi State, MS 39759

RE: Request for Exemption
File No: LR.10.005

Dear Mr. Spencer:

This is in response to your letter of July 28, 2009, in which you asked that we provide you with a statement verifying Mississippi State University's exemption from sales and use tax. Your request has been assigned the file number listed above. Please use this number in any future correspondence with the Tax Commission concerning this request.

After a search of the applicable statutes, this is to confirm that Mississippi State University does qualify for sales tax exempt status pursuant to Miss. Code Ann. Section 27-65-105(b). The exemption applies to sales to schools, when such schools are supported wholly or in part by funds provided by the State of Mississippi.

This exemption applies to sales of annuals, awards, articles of clothing or jewelry given in recognition of accomplishments and rental of caps and gowns when sold to, billed to, and paid for directly by the school. However, this exemption does not apply to sales of personal property or services to contractors purchased in the performance of contracts with the exempt entity, nor the employees of the exempt entity, although the contractor or employee may be reimbursed for the expense by the exempt entity. Additionally, this exemption does not apply to sales of personal property, which is to be resold to the students or the public. One exception is food sold through the student meal program and purchases of school textbooks, which are resold to students.

Mississippi State University may use this letter as its authorization of exemption from sales tax on sales made to, billed to, and paid directly by Mississippi State University. If we may be of further assistance, feel free to contact this office at (601) 923-7015.

Under Miss. Code Ann. 27-65-85(a), it shall be unlawful for any person to use an exemption authorized under the Sales Tax laws for the purpose of avoiding the payment of tax the person is required to pay by law. Any person violating this provision shall be guilty of a misdemeanor and, on conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned not exceeding six (6) months in the county jail, or punished by both such fine and imprisonment, at the discretion of the court.

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This letter ruling is based on the specific facts and circumstances that you communicated to the Tax Commission. This ruling is not binding on the Commission if these facts and circumstances are inaccurate, contain a material omission of a relevant fact or facts to the issue(s) presented or if such facts and circumstances change. This letter ruling is also only valid for seven (7) years from the date of this letter. At the end of this seven (7) year period, you are free to update your information and request another letter ruling if you wish. This ruling is only applicable to you or to your client if you are requesting this ruling on behalf of another and can only be relied upon by the person for whom the ruling was requested.

If the facts and circumstances presented in your request are accurate, complete and do not change for the seven (7) year period indicated above, the person for whom it was requested can rely upon this ruling unless and until there is a change in the law or regulation or the issuance of judicial decision that indicates that the ruling is no longer correct or the Commission retracts the ruling. The Commission does reserve the right to retract this ruling if it later determines on its own review that the ruling is wrong. Such a retraction would be in writing and the effect of the retraction would be prospective from the date of the retraction letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jacqueline Seldon".

Jacqueline Seldon, Auditor
Sales and Use Tax Bureau