



1       (a) Exemption. -- On and after January 1, 2012, sales of  
2 tangible personal property and services by any public or private  
3 school which maintains a regular faculty and curriculum and has a  
4 regularly enrolled body of pupils or students in attendance at the  
5 place in this state where its educational activities are regularly  
6 conducted are exempt from the tax imposed by this article:  
7 Provided, That a school having annual sales of tangible personal  
8 property and taxable services greater than \$200,000 is subject to  
9 this exemption only on the first \$200,000 of sales in any calendar  
10 year. The Tax Commissioner may, by rule, specify that the  
11 exemption authorized in this section is a "per se" exemption for  
12 which exemption certificates are not required.

13       (b) Definitions. -- For purposes of this section, "school"  
14 means an institution in this state, organized as a unit, the  
15 principal purpose of which is to provide an educational program for  
16 any one or more of the grades prekindergarten for students who have  
17 attained the age of three years through grade twelve, inclusive,  
18 without regard to the number of grades or grade levels at the  
19 school. "School" does not include any college, university or trade  
20 school, institution of higher education or post-secondary  
21 educational institution.

NOTE: The purpose of this bill is to exempt sales of personal tangible property and services by public and private schools from

consumer sales tax and service.

§11-15-9n is new; therefore, it has been completely underscored.