

AMENDMENTS TO LB889

(Amendments to Standing Committee amendments, AM2490)

Introduced by Harr, 8.

1 1. Insert the following new section:

2 Sec. 13. Section 77-5715, Revised Statutes Cumulative Supplement,
3 2014, is amended to read:

4 77-5715 (1) For a tier 2, tier 3, tier 4, or tier 5 project,
5 qualified business means any business engaged in:

6 (a) The conducting of research, development, or testing for
7 scientific, agricultural, animal husbandry, food product, or industrial
8 purposes;

9 (b) The performance of data processing, medical data analysis, or
10 telecommunication, insurance, or financial services. For purposes of this
11 subdivision, financial services includes only financial services provided
12 by any financial institution subject to tax under Chapter 77, article 38,
13 or any person or entity licensed by the Department of Banking and Finance
14 or the federal Securities and Exchange Commission and telecommunication
15 services includes community antenna television service, Internet access,
16 satellite ground station, call center, or telemarketing. For purposes of
17 this subdivision, medical data analysis includes only medical data
18 analysis performed by a business which derives at least seventy-five
19 percent of the sales or revenue attributable to such activities relating
20 to the project from sales to the United States Government;

21 (c) The assembly, fabrication, manufacture, or processing of
22 tangible personal property;

23 (d) The administrative management of the taxpayer's activities,
24 including headquarter facilities relating to such activities or the
25 administrative management of any of the activities of any business entity
26 or entities in which the taxpayer or a group of its shareholders holds

1 any direct or indirect ownership interest of at least ten percent,
2 including headquarter facilities relating to such activities;

3 (e) The storage, warehousing, distribution, transportation, or sale
4 of tangible personal property;

5 (f) The sale of tangible personal property if the taxpayer derives
6 at least seventy-five percent or more of the sales or revenue
7 attributable to such activities relating to the project from sales to
8 consumers who are not related persons and are located outside the state;

9 (g) The sale of software development services, computer systems
10 design, product testing services, or guidance or surveillance systems
11 design services or the licensing of technology if the taxpayer derives at
12 least seventy-five percent of the sales or revenue attributable to such
13 activities relating to the project from sales or licensing either to
14 customers who are not related persons and located outside the state or to
15 the United States Government, including sales of such services, systems,
16 or products delivered by providing the customer with software or access
17 to software over the Internet or by other electronic means, regardless of
18 whether the software or data accessed by customers is stored on a
19 computer owned by the applicant, the customer, or a third party and
20 regardless of whether the computer storing the software or data is
21 located at the project;

22 (h) The research, development, and maintenance of an Internet web
23 portal. For purposes of this subdivision, Internet web portal means an
24 Internet site that allows users to access, search, and navigate the
25 Internet;

26 (i) The research, development, and maintenance of a data center;

27 (j) The production of electricity by using one or more sources of
28 renewable energy to produce electricity for sale. For purposes of this
29 subdivision, sources of renewable energy includes, but is not limited to,
30 wind, solar, geothermal, hydroelectric, biomass, and transmutation of
31 elements; or

1 (k) Any combination of the activities listed in this subsection.

2 (2) For a tier 1 project, qualified business means any business
3 engaged in:

4 (a) The conducting of research, development, or testing for
5 scientific, agricultural, animal husbandry, food product, or industrial
6 purposes;

7 (b) The assembly, fabrication, manufacture, or processing of
8 tangible personal property;

9 (c) The sale of software development services, computer systems
10 design, product testing services, or guidance or surveillance systems
11 design services or the licensing of technology if the taxpayer derives at
12 least seventy-five percent of the sales or revenue attributable to such
13 activities relating to the project from sales or licensing either to
14 customers who are not related persons and are located outside the state
15 or to the United States Government, including sales of such services,
16 systems, or products delivered by providing the customer with software or
17 access to software over the Internet or by other electronic means,
18 regardless of whether the software or data accessed by customers is
19 stored on a computer owned by the applicant, the customer, or a third
20 party and regardless of whether the computer storing the software or data
21 is located at the project; or

22 (d) Any combination of activities listed in this subsection.

23 (3) For a tier 6 project, qualified business means any business
24 except a business excluded by subsection (4) of this section.

25 (4) Except for business activity described in subdivision (1)(f) of
26 this section, qualified business does not include any business activity
27 in which eighty percent or more of the total sales are sales to the
28 ultimate consumer of (a) food prepared for immediate consumption or (b)
29 tangible personal property which is not assembled, fabricated,
30 manufactured, or processed by the taxpayer or used by the purchaser in
31 any of the activities listed in subsection (1) or (2) of this section.

- 1
2. Renumber the remaining section and correct the repealer
- 2 accordingly.