

AMENDMENTS TO LB175

Introduced by Agriculture.

1 1. Insert the following new section:

2 Sec. 6. Section 77-27,187.01, Reissue Revised Statutes of Nebraska,
3 is amended to read:

4 77-27,187.01 For purposes of the Nebraska Advantage Rural
5 Development Act, unless the context otherwise requires:

6 (1) Any term has the same meaning as used in the Nebraska Revenue
7 Act of 1967;

8 (2) Equivalent employees means the number of employees computed by
9 dividing the total hours paid in a year to employees by the product of
10 forty times the number of weeks in a year;

11 (3) Livestock means all animals, including cattle, horses, sheep,
12 goats, hogs, dairy animals, chickens, turkeys, and other species of game
13 birds and animals raised and produced subject to permit and regulation by
14 the Game and Parks Commission or the Department of Agriculture;

15 (4) Livestock modernization or expansion means the construction,
16 improvement, or acquisition of buildings, facilities, or equipment for
17 livestock housing, confinement, feeding, production, and waste
18 management. Livestock modernization or expansion does not include any
19 improvements made to correct a violation of the Environmental Protection
20 Act, the Integrated Solid Waste Management Act, the Livestock Waste
21 Management Act, a rule or regulation adopted and promulgated pursuant to
22 such acts, or any order of the Department of Environmental Quality
23 undertaken within five years after a complaint issued from the Director
24 of Environmental Quality under section 81-1507;

25 (5) Livestock production means the active use, management, and
26 operation of real and personal property (a) for the commercial production
27 of livestock, (b) for the commercial breeding, training, showing, or

1 racing of horses, or for the use of horses in a recreational or tourism
2 enterprise, and (c) for the commercial production of dairy and eggs. The
3 activity will be considered commercial if the gross income derived from
4 an activity for two or more of the taxable years in the period of seven
5 consecutive taxable years which ends with the taxable year exceeds the
6 deductions attributable to such activity or, if the operation has been in
7 existence for less than seven years, if the activity is engaged in for
8 the purpose of generating a profit;

9 (6) Qualified employee leasing company means a company which places
10 all employees of a client-lessee on its payroll and leases such employees
11 to the client-lessee on an ongoing basis for a fee and, by written
12 agreement between the employee leasing company and a client-lessee,
13 grants to the client-lessee input into the hiring and firing of the
14 employees leased to the client-lessee;

15 (7) Related taxpayers includes any corporations that are part of a
16 unitary business under the Nebraska Revenue Act of 1967 but are not part
17 of the same corporate taxpayer, any business entities that are not
18 corporations but which would be a part of the unitary business if they
19 were corporations, and any business entities if at least fifty percent of
20 such entities are owned by the same persons or related taxpayers and
21 family members as defined in the ownership attribution rules of the
22 Internal Revenue Code of 1986, as amended;

23 (8) Taxpayer means a corporate taxpayer or other person subject to
24 either an income tax imposed by the Nebraska Revenue Act of 1967 or a
25 franchise tax under Chapter 77, article 38, or a partnership, limited
26 liability company, subchapter S corporation, cooperative, including a
27 cooperative exempt under section 521 of the Internal Revenue Code of
28 1986, as amended, limited cooperative association, or joint venture that
29 is or would otherwise be a member of the same unitary group if
30 incorporated, which is, or whose partners, members, or owners
31 representing an ownership interest of at least ninety percent of the

1 control of such entity are, subject to or exempt from such taxes, and any
2 other partnership, limited liability company, subchapter S corporation,
3 cooperative, including a cooperative exempt under section 521 of the
4 Internal Revenue Code of 1986, as amended, limited cooperative
5 association, or joint venture when the partners, members, or owners
6 representing an ownership interest of at least ninety percent of the
7 control of such entity are subject to or exempt from such taxes; and

8 (9) Year means the taxable year of the taxpayer.

9 2. On page 5, strike beginning with the underscored comma in line 1
10 through the underscored comma in line 2.

11 3. Renumber the remaining sections and correct the repealer
12 accordingly.