

AMENDMENTS TO LB1

Introduced by Ibach, 44.

1 1. Strike original section 44 and insert the following new section:

2 Sec. 44. Section 77-2701.16, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 77-2701.16 (1) Gross receipts means the total amount of the sale or
5 lease or rental price, as the case may be, of the retail sales of
6 retailers.

7 (2) Gross receipts of every person engaged as a public utility
8 specified in this subsection, as a community antenna television service
9 operator, or as a satellite service operator or any person involved in
10 connecting and installing services defined in subdivision (2)(a), (b), or
11 (d) of this section means:

12 (a)(i) In the furnishing of telephone communication service, other
13 than mobile telecommunications service as described in section
14 77-2703.04, the gross income received from furnishing ancillary services,
15 ~~except for conference bridging services,~~ and intrastate and interstate
16 telecommunications services, except for value-added, nonvoice data
17 service.

18 (ii) In the furnishing of mobile telecommunications service as
19 described in section 77-2703.04, the gross income received from
20 furnishing mobile telecommunications service that originates and
21 terminates in the same state to a customer with a place of primary use in
22 Nebraska;

23 (b) In the furnishing of telegraph service, the gross income
24 received from the furnishing of intrastate and interstate telegraph
25 services;

26 (c) ~~(e)(i)~~ In the furnishing of gas, sewer, water, and electricity
27 service, ~~other than electricity service to a customer-generator as~~

1 ~~defined in section 70-2002,~~ the gross income received from the furnishing
2 of such services upon billings or statements rendered to consumers for
3 such utility services; -

4 ~~(ii) In the furnishing of electricity service to a customer-~~
5 ~~generator as defined in section 70-2002, the net energy use upon billings~~
6 ~~or statements rendered to customer-generators for such electricity~~
7 ~~service;~~

8 (d) In the furnishing of community antenna television service or
9 satellite service, the gross income received from the furnishing of such
10 community antenna television service as regulated under sections 18-2201
11 to 18-2205 or 23-383 to 23-388 or satellite service; and

12 (e) The gross income received from the provision, installation,
13 construction, servicing, or removal of property used in conjunction with
14 the furnishing, installing, or connecting of any public utility services
15 specified in subdivision (2)(a) or (b) of this section or community
16 antenna television service or satellite service specified in subdivision
17 (2)(d) of this section, except when acting as a subcontractor for a
18 public utility, this subdivision does not apply to the gross income
19 received by a contractor electing to be treated as a consumer of building
20 materials under subdivision (2) or (3) of section 77-2701.10 for any such
21 services performed on the customer's side of the utility demarcation
22 point. ~~This subdivision also does not apply to:~~

23 ~~(i) The gross income received by a political subdivision of the~~
24 ~~state, an electric cooperative, or an electric membership association for~~
25 ~~the lease or use of, or by a contractor for the construction of or~~
26 ~~services provided on, electric generation, transmission, distribution, or~~
27 ~~street lighting structures or facilities owned by a political subdivision~~
28 ~~of the state, an electric cooperative, or an electric membership~~
29 ~~association; or~~

30 This subdivision also does not apply to the ~~(ii) The gross income~~
31 received for the lease or use of towers or other structures primarily

1 used in conjunction with the furnishing of (i) ~~(A)~~ Internet access
2 services, (ii) ~~(B)~~ agricultural global positioning system locating
3 services, or (iii) ~~(C)~~ over-the-air radio and television broadcasting
4 licensed by the Federal Communications Commission, including antennas and
5 studio transmitter link systems. For purposes of this subdivision, studio
6 transmitter link system means a system which serves as a conduit to
7 deliver audio from its origin in a studio to a broadcast transmitter.

8 (3) Gross receipts of every person engaged in selling, leasing, or
9 otherwise providing intellectual or entertainment property means:

10 (a) In the furnishing of computer software, the gross income
11 received, including the charges for coding, punching, or otherwise
12 producing any computer software and the charges for the tapes, disks,
13 punched cards, or other properties furnished by the seller; and

14 (b) In the furnishing of videotapes, movie film, satellite
15 programming, satellite programming service, and satellite television
16 signal descrambling or decoding devices, the gross income received from
17 the license, franchise, or other method establishing the charge.

18 (4) Gross receipts for providing a service means:

19 (a) The gross income received for building cleaning and maintenance,
20 pest control, and security;

21 (b) The gross income received for motor vehicle washing, waxing,
22 towing, and painting;

23 (c) The gross income received for computer software training;

24 (d) The gross income received for installing and applying tangible
25 personal property if the sale of the property is subject to tax. If any
26 or all of the charge for installation is free to the customer and is paid
27 by a third-party service provider to the installer, any tax due on that
28 part of the activation commission, finder's fee, installation charge, or
29 similar payment made by the third-party service provider shall be paid
30 and remitted by the third-party service provider;

31 (e) The gross income received for services of recreational vehicle

1 parks;

2 (f) The gross income received for labor for repair or maintenance
3 services performed with regard to tangible personal property the sale of
4 which would be subject to sales and use taxes, ~~excluding motor vehicles,~~
5 ~~except as otherwise provided in section 77-2704.26 or 77-2704.50;~~

6 (g) The gross income received for animal specialty services,
7 including veterinary services and animal grooming, but excluding
8 veterinary services or other specialty services performed on livestock as
9 defined in section 54-183; except (i) veterinary services, (ii) specialty
10 services performed on livestock as defined in section 54-183, and (iii)
11 animal grooming performed by a licensed veterinarian or a licensed
12 veterinary technician in conjunction with medical treatment; and

13 (h) The gross income received for detective services; -

14 (i) The gross income received for storage and moving services;

15 (j) The gross income received for tattoo and body modification
16 services;

17 (k) The gross income received for nail care services;

18 (l) The gross income received for hair removal services;

19 (m) The gross income received for massage services;

20 (n) The gross income received for skin care services;

21 (o) The gross income received for hair care services;

22 (p) The gross income received for the cleaning of clothing,
23 excluding any amounts exempt pursuant to section 77-2704.14;

24 (q) The gross income received for local, fixed-route passenger
25 transportation by road or transit rail;

26 (r) The gross income received for long-distance passenger
27 transportation by road, except fixed-route passenger transportation;

28 (s) The gross income received for local taxi service;

29 (t) The gross income received for local passenger transportation by
30 chartered road vehicles, including limousines and similar luxury
31 vehicles;

1 (u) The gross income received for sightseeing services by ground
2 vehicles;

3 (v) The gross income received for legal services;

4 (w) The gross income received for accounting services;

5 (x) The gross income received for the services of real estate agents
6 and real estate appraisers;

7 (y) The gross income received for providing investment advice;

8 (z) The gross income received for travel agency services;

9 (aa) The gross income received for tour operator services;

10 (bb) The gross income received for real property maintenance and
11 repair services, including the services of painting and wall covering
12 contractors, poured concrete foundation and structure contractors,
13 framing contractors, roofing contractors, siding contractors,
14 electricians, plumbing, heating, and air conditioning contractors,
15 drywall and insulation contractors, flooring contractors, and carpentry
16 contractors;

17 (cc) The gross income received for motor vehicle repair and
18 maintenance services, including body repair, brake repair, electrical
19 system repair, muffler and exhaust system repair, air conditioning and
20 heating system repair, power train repair, scheduled preventative
21 maintenance, wheel and alignment services, and repair of recreational
22 motor vehicles;

23 (dd) The gross income received for weight loss services;

24 (ee) The gross income received for bail bonding services;

25 (ff) The gross income received for telefloral delivery services;

26 (gg) The gross income received for seismograph and geophysical
27 services;

28 (hh) The gross income received for loan broker services;

29 (ii) The gross income received for real estate management services;

30 (jj) The gross income received for real estate title and abstracting
31 services;

- 1 (kk) The gross income received for the reporting of financial
- 2 information for use by investors;
- 3 (ll) The gross income received for dating services;
- 4 (mm) The gross income received for the services of fishing and
- 5 hunting guides;
- 6 (nn) The gross income received for providing golf lessons, dance
- 7 lessons, or tennis lessons;
- 8 (oo) The gross income received for swimming pool cleaning and
- 9 maintenance services;
- 10 (pp) The gross income received for tax return preparation;
- 11 (qq) The gross income received for debt collection services;
- 12 (rr) The gross income received for providing credit report
- 13 information;
- 14 (ss) The gross income received for the services of employment
- 15 agencies and temporary help agencies;
- 16 (tt) The gross income received for interior design and decorating
- 17 services;
- 18 (uu) The gross income received for lobbying services;
- 19 (vv) The gross income received for marketing and telemarketing
- 20 services;
- 21 (ww) The gross income received for service of process;
- 22 (xx) The gross income received for public relations services;
- 23 (yy) The gross income received for secretarial and court reporting
- 24 services;
- 25 (zz) The gross income received for telephone answering services;
- 26 (aaa) The gross income received for the services of testing
- 27 laboratories, excluding any such services provided as part of medical
- 28 treatment;
- 29 (bbb) The gross income received for information services;
- 30 (ccc) The gross income received for data processing services;
- 31 (ddd) The gross income received for mainframe computer access and

1 processing services;

2 (eee) The gross income received for providing access to parking lots
3 and parking garages;

4 (fff) The gross income received for land surveying services;

5 (ggg) The gross income received for providing chartered flights; and

6 (hhh) The gross income received for labor for repair or maintenance
7 services performed with regard to railroad rolling stock, motor vehicles,
8 watercraft, or aircraft engaged as common or contract carriers.

9 (5) Gross receipts includes the sale of admissions. When an
10 admission to an activity or a membership constituting an admission is
11 combined with the solicitation of a contribution, the portion or the
12 amount charged representing the fair market price of the admission shall
13 be considered a retail sale subject to the tax imposed by section
14 77-2703. The organization conducting the activity shall determine the
15 amount properly attributable to the purchase of the privilege, benefit,
16 or other consideration in advance, and such amount shall be clearly
17 indicated on any ticket, receipt, or other evidence issued in connection
18 with the payment.

19 (6) Gross receipts includes the sale of live plants incorporated
20 into real estate except when such incorporation is incidental to the
21 transfer of an improvement upon real estate or the real estate.

22 (7) Gross receipts includes the sale of any building materials
23 annexed to real estate by a person electing to be taxed as a retailer
24 pursuant to subdivision (1) of section 77-2701.10.

25 (8) Gross receipts includes the sale of and recharge of prepaid
26 calling service and prepaid wireless calling service.

27 ~~(9) Gross receipts includes the retail sale of digital audio works,~~
28 ~~digital audiovisual works, digital codes, and digital books delivered~~
29 ~~electronically if the products are taxable when delivered on tangible~~
30 ~~storage media. A sale includes the transfer of a permanent right of use,~~
31 ~~the transfer of a right of use that terminates on some condition, and the~~

1 ~~transfer of a right of use conditioned upon the receipt of continued~~
2 ~~payments.~~

3 (9) ~~(10)~~ Gross receipts includes any receipts from sales of tangible
4 personal property made over a multivendor marketplace platform that acts
5 as the intermediary by facilitating sales between a seller and the
6 purchaser and that, either directly or indirectly through agreements or
7 arrangements with third parties, collects payment from the purchaser and
8 transmits payment to the seller.

9 (10) ~~(11)~~ Gross receipts does not include:

10 (a) The amount of any rebate granted by a motor vehicle or motorboat
11 manufacturer or dealer at the time of sale of the motor vehicle or
12 motorboat, which rebate functions as a discount from the sales price of
13 the motor vehicle or motorboat; or

14 (b) The price of property or services returned or rejected by
15 customers when the full sales price is refunded either in cash or credit.