

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1089

Page 1, line 3, remove "to amend and"

Page 1, remove lines 4 and 5

Page 1, line 6, remove "purchased for use in a qualified data center; and"

Page 1, line 6, after "date" insert "; and to provide an expiration date"

Page 1, line 13, after "use" insert "by a qualifying business"

Page 1, line 13, remove "or a qualified"

Page 1, line 14, remove "refurbished data center"

Page 1, line 14, after the underscored period insert "To qualify for the exemption, the enterprise information technology equipment or computer software must be incorporated into or physically located within the qualified data center."

Page 1, line 16, remove "or a qualified refurbished data center"

Page 1, line 16, after "are" insert "also"

Page 1, line 17, remove "if the data center facility has:"

Page 1, remove lines 18 through 19

Page 1, line 20, remove "c. Enhanced security"

Page 1, after line 20, insert:

"2. The future owner of a proposed data center must apply to the tax commissioner to be certified as a qualified data center. The exemption provided in this section is limited to the first four facilities approved by the tax commissioner as qualified data centers. Applications must be processed in the order received by the tax commissioner. An applicant must respond to a request for additional information from the tax commissioner within thirty days of the request or the application may no longer be considered."

Page 1, line 21, replace "2." with "3."

Page 1, line 21, remove "the owner of"

Page 1, line 21, remove "data"

Page 1, line 22, replace "center or qualified refurbished data center" with "business"

Page 1, line 22, after "the" insert "tax"

Page 1, line 24, replace "owner" with "qualified business"

Page 2, line 1, replace "owner shall" with "qualified business must"

Page 2, line 2, after "the" insert "tax"

Page 2, line 3, replace "3." with "4."

Page 2, line 3, remove "or computer software"

Page 2, line 4, replace "owner" with "qualified business"

Page 2, line 7, after the third "the" insert "tax"

Page 2, line 8, after the first "the" insert "tax"

Page 2, line 10, replace "4." with "5."

Page 2, line 12, remove "or qualified refurbished data center"

Page 2, line 14, remove "Enhanced security" means a facility with security features including permanent"

Page 2, remove lines 15 through 18

Page 2, line 19, remove "c."

Page 2, line 19, after "includes" insert: ":

(1) Computer hardware."

Page 2, line 20, after the first underscored comma insert "and"

Page 2, line 20, replace the second underscored comma with: ":

(2)"

Page 2, line 20, replace "temperature" with "Temperature"

Page 2, line 20, remove the third the underscored comma

Page 2, line 22, remove ", a refurbished"

Page 2, line 23, replace "qualified data center, an exterior" with:

(3) "Exterior"

Page 2, line 23, replace "substation" with "substations"

Page 2, line 23, remove "a"

Page 2, line 24, replace "system" with "systems"

Page 2, line 24, remove "a"

Page 2, line 24, replace "system" with "systems"

Page 2, replace line 25 with:

"(4) Racking"

Page 2, line 26, after the first underscored comma insert "raised flooring."

Page 2, line 27, remove "or qualified refurbished data center"

Page 2, after line 27, insert:

"c. "Qualified business" means the owner, operator, or tenants of a qualified data center."

Page 2, line 28, remove ""qualified refurbished data center""

Page 2, line 28, after "a" insert "newly constructed or substantially refurbished"

Page 2, line 31, replace "twenty-five" with "sixteen"

Page 2, line 31, replace "7620" with "1486"

Page 3, line 2, remove "Having a total construction or refurbishment investment in enterprise"

Page 3, remove lines 3 and 4

Page 3, line 5, remove "(4)"

Page 3, line 6, replace the underscored period with: ":

(4) Having the following attributes:

(a) Uninterrupted power supplies, generator backup, or both:

(b) Sophisticated fire suppression and prevention systems;  
and

(c) Enhanced security with security features including  
permanent security guards; video camera surveillance; an  
electronic system requiring pass codes, key cards, or  
biometric scans such as hand scans or retinal or  
fingerprint recognition to restrict access to selected  
personnel; or other similar security features; and

(5) Certified by the tax commissioner as a qualified data center."

Page 3, line 7, after "house" insert "enterprise"

Page 3, line 8, replace "twenty-five" with "sixteen"

Page 3, line 8, replace "7620" with "1486"

Page 3, line 13, replace "5." with "6."

Page 3, line 13, remove "or a qualified"

Page 3, line 14, remove "refurbished data center"

Page 3, line 14, remove the first "the"

Page 3, after line 16, insert:

"7. Qualified data center owners who intend to collocate operators or tenants within the center shall provide the operators or tenants with documentation from the tax commissioner that the center meets the definition of a qualified data center under this section. Operators or tenants shall obtain and submit a copy of the documentation with all applications for sales tax exemption on information technology equipment and computer software purchased for use in the qualified data center."

Page 3, remove lines 17 through 29

Page 4, remove lines 1 through 15

Page 4, after line 17, insert:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through December 31, 2020, and after that date is ineffective."

Renumber accordingly