

REFERENCE TITLE: TPT; exemption; firearm storage devices..

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1605

Introduced by
Senators Fernandez: Angius, Dunn, Gowan, Kavanagh, Shamp

AN ACT

AMENDING SECTIONS 42-5061 AND 42-5159, ARIZONA REVISED STATUTES; RELATING
TO TRANSACTION PRIVILEGE AND USE TAX.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 42-5061, Arizona Revised Statutes, is amended to
3 read:

4 42-5061. Retail classification; definitions

5 A. The retail classification is comprised of the business of
6 selling tangible personal property at retail. The tax base for the retail
7 classification is the gross proceeds of sales or gross income derived from
8 the business. The tax imposed on the retail classification does not apply
9 to the gross proceeds of sales or gross income from:

10 1. Professional or personal service occupations or businesses that
11 involve sales or transfers of tangible personal property only as
12 inconsequential elements.

13 2. Services rendered in addition to selling tangible personal
14 property at retail.

15 3. Sales of warranty or service contracts. The storage, use or
16 consumption of tangible personal property provided under the conditions of
17 such contracts is subject to tax under section 42-5156.

18 4. Sales of tangible personal property by any nonprofit
19 organization organized and operated exclusively for charitable purposes
20 and recognized by the United States internal revenue service under section
21 501(c)(3) of the internal revenue code.

22 5. Sales to persons engaged in business classified under the
23 restaurant classification of articles used by human beings for food, drink
24 or condiment, whether simple, mixed or compounded.

25 6. Business activity that is properly included in any other
26 business classification that is taxable under this article.

27 7. The sale of stocks and bonds.

28 8. Drugs and medical oxygen, including delivery hose, mask or tent,
29 regulator and tank, if prescribed by a member of the medical, dental or
30 veterinarian profession who is licensed by law to administer such
31 substances.

32 9. Prosthetic appliances as defined in section 23-501 and as
33 prescribed or recommended by a health professional who is licensed
34 pursuant to title 32, chapter 7, 8, 11, 13, 14, 15, 16, 17 or 29.

35 10. Insulin, insulin syringes and glucose test strips.

36 11. Prescription eyeglasses or contact lenses.

37 12. Hearing aids as defined in section 36-1901.

38 13. Durable medical equipment that has a centers for medicare and
39 medicaid services common procedure code, is designated reimbursable by
40 medicare, is prescribed by a person who is licensed under title 32,
41 chapter 7, 8, 13, 14, 15, 17 or 29, can withstand repeated use, is
42 primarily and customarily used to serve a medical purpose, is generally
43 not useful to a person in the absence of illness or injury and is
44 appropriate for use in the home.

1 14. Sales of motor vehicles to nonresidents of this state for use
2 outside this state if either of the following applies:

3 (a) The motor vehicle dealer ships or delivers the motor vehicle to
4 a destination out of this state.

5 (b) The vehicle, trailer or semitrailer has a gross vehicle weight
6 rating of more than ten thousand pounds, is used or maintained to
7 transport property in the furtherance of interstate commerce and otherwise
8 meets the definition of commercial motor vehicle as defined in section
9 28-5201.

10 15. Food, as provided in and subject to the conditions of article 3
11 of this chapter and sections 42-5074 and 42-6017.

12 16. Items purchased with United States department of agriculture
13 coupons issued under the supplemental nutrition assistance program
14 pursuant to the food and nutrition act of 2008 (P.L. 88-525; 78 Stat. 703;
15 7 United States Code sections 2011 through 2036b) by the United States
16 department of agriculture food and nutrition service or food instruments
17 issued under section 17 of the child nutrition act (P.L. 95-627;
18 92 Stat. 3603; P.L. 99-661, section 4302; P.L. 111-296; 42 United States
19 Code section 1786).

20 17. Textbooks by any bookstore that are required by any state
21 university or community college.

22 18. Food and drink to a person that is engaged in a business that
23 is classified under the restaurant classification and that provides such
24 food and drink without monetary charge to its employees for their own
25 consumption on the premises during the employees' hours of employment.

26 19. Articles of food, drink or condiment and accessory tangible
27 personal property to a school district or charter school if such articles
28 and accessory tangible personal property are to be prepared and served to
29 persons for consumption on the premises of a public school within the
30 district or on the premises of the charter school during school hours.

31 20. Lottery tickets or shares pursuant to title 5, chapter 5.1,
32 article 1.

33 21. The sale of cash equivalents and the sale of precious metal
34 bullion and monetized bullion to the ultimate consumer, but the sale of
35 coins or other forms of money for manufacture into jewelry or works of art
36 is subject to the tax and the gross proceeds of sales or gross income
37 derived from the redemption of any cash equivalent by the holder as a
38 means of payment for goods or services that are taxable under this article
39 is subject to the tax. For the purposes of this paragraph:

40 (a) "Cash equivalents" means items or intangibles, whether or not
41 negotiable, that are sold to one or more persons, through which a value
42 denominated in money is purchased in advance and may be redeemed in full
43 or in part for tangible personal property, intangibles or services. Cash
44 equivalents include gift cards, stored value cards, gift certificates,
45 vouchers, traveler's checks, money orders or other instruments, orders or

1 electronic mechanisms, such as an electronic code, personal identification
2 number or digital payment mechanism, or any other prepaid intangible right
3 to acquire tangible personal property, intangibles or services in the
4 future, whether from the seller of the cash equivalent or from another
5 person. Cash equivalents do not include either of the following:

6 (i) Items or intangibles that are sold to one or more persons,
7 through which a value is not denominated in money.

8 (ii) Prepaid calling cards or prepaid authorization numbers for
9 telecommunications services made taxable by subsection P of this section.

10 (b) "Monetized bullion" means coins and other forms of money that
11 are manufactured from gold, silver or other metals and that have been or
12 are used as a medium of exchange in this or another state, the United
13 States or a foreign nation.

14 (c) "Precious metal bullion" means precious metal, including gold,
15 silver, platinum, rhodium and palladium, that has been smelted or refined
16 so that its value depends on its contents and not on its form.

17 22. Motor vehicle fuel and use fuel that are subject to a tax
18 imposed under title 28, chapter 16, article 1, sales of use fuel to a
19 holder of a valid single trip use fuel tax permit issued under section
20 28-5739, sales of aviation fuel that are subject to the tax imposed under
21 section 28-8344 and sales of jet fuel that are subject to the tax imposed
22 under article 8 of this chapter.

23 23. Tangible personal property sold to a person engaged in the
24 business of leasing or renting such property under the personal property
25 rental classification if such property is to be leased or rented by such
26 person.

27 24. Tangible personal property sold in interstate or foreign
28 commerce if prohibited from being so taxed by the constitution of the
29 United States or the constitution of this state.

30 25. Tangible personal property sold to:

31 (a) A qualifying hospital as defined in section 42-5001.

32 (b) A qualifying health care organization as defined in section
33 42-5001 if the tangible personal property is used by the organization
34 solely to provide health and medical related educational and charitable
35 services.

36 (c) A qualifying health care organization as defined in section
37 42-5001 if the organization is dedicated to providing educational,
38 therapeutic, rehabilitative and family medical education training for
39 blind and visually impaired children and children with multiple
40 disabilities from the time of birth to age twenty-one.

41 (d) A qualifying community health center as defined in section
42 42-5001.

43 (e) A nonprofit charitable organization that has qualified under
44 section 501(c)(3) of the internal revenue code and that regularly serves
45 meals to the needy and indigent on a continuing basis at no cost.

(f) For taxable periods beginning from and after June 30, 2001, a nonprofit charitable organization that has qualified under section 501(c)(3) of the internal revenue code and that provides residential apartment housing for low-income persons over sixty-two years of age in a facility that qualifies for a federal housing subsidy, if the tangible personal property is used by the organization solely to provide residential apartment housing for low-income persons over sixty-two years of age in a facility that qualifies for a federal housing subsidy.

(g) A qualifying health sciences educational institution as defined in section 42-5001.

(h) Any person representing or working on behalf of another person described in subdivisions (a) through (g) of this paragraph if the tangible personal property is incorporated or fabricated into a project described in section 42-5075, subsection 0.

26. Magazines or other periodicals or other publications by this state to encourage tourist travel.

27. Tangible personal property sold to:

(a) A person that is subject to tax under this article by reason of being engaged in business classified under section 42-5075 or to a subcontractor working under the control of a person engaged in business classified under section 42-5075, if the property so sold is any of the following:

(i) Incorporated or fabricated by the person into any real property, structure, project, development or improvement as part of the business.

(ii) Incorporated or fabricated by the person into any project described in section 42-5075, subsection 0.

(iii) Used in environmental response or remediation activities under section 42-5075, subsection B, paragraph 6.

(b) A person that is not subject to tax under section 42-5075 and that has been provided a copy of a certificate under section 42-5009, subsection L, if the property so sold is incorporated or fabricated by the person into the real property, structure, project, development or improvement described in the certificate.

28. The sale of a motor vehicle to a nonresident of this state if the purchaser's state of residence does not allow a corresponding use tax exemption to the tax imposed by article 1 of this chapter and if the nonresident has secured a special ninety day nonresident registration permit for the vehicle as prescribed by sections 28-2154 and 28-2154.01.

29. Tangible personal property purchased in this state by a nonprofit charitable organization that has qualified under section 501(c)(3) of the United States internal revenue code and that engages in and uses such property exclusively in programs for persons with mental or physical disabilities if the programs are exclusively for training, job placement, rehabilitation or testing.

1 30. Sales of tangible personal property by a nonprofit organization
2 that is exempt from taxation under section 501(c)(3), 501(c)(4) or
3 501(c)(6) of the internal revenue code if the organization is associated
4 with a major league baseball team or a national touring professional
5 golfing association and no part of the organization's net earnings inures
6 to the benefit of any private shareholder or individual. This paragraph
7 does not apply to an organization that is owned, managed or controlled, in
8 whole or in part, by a major league baseball team, or its owners,
9 officers, employees or agents, or by a major league baseball association
10 or professional golfing association, or its owners, officers, employees or
11 agents, unless the organization conducted or operated exhibition events in
12 this state before January 1, 2018 that were exempt from taxation under
13 section 42-5073.

14 31. Sales of commodities, as defined by title 7 United States Code
15 section 2, that are consigned for resale in a warehouse in this state in
16 or from which the commodity is deliverable on a contract for future
17 delivery subject to the rules of a commodity market regulated by the
18 United States commodity futures trading commission.

19 32. Sales of tangible personal property by a nonprofit organization
20 that is exempt from taxation under section 501(c)(3), 501(c)(4),
21 501(c)(6), 501(c)(7) or 501(c)(8) of the internal revenue code if the
22 organization sponsors or operates a rodeo featuring primarily farm and
23 ranch animals and no part of the organization's net earnings inures to the
24 benefit of any private shareholder or individual.

25 33. Sales of propagative materials to persons who use those items
26 to commercially produce agricultural, horticultural, viticultural or
27 floricultural crops in this state. For the purposes of this paragraph,
28 "propagative materials":

29 (a) Includes seeds, seedlings, roots, bulbs, liners, transplants,
30 cuttings, soil and plant additives, agricultural minerals, auxiliary soil
31 and plant substances, micronutrients, fertilizers, insecticides,
32 herbicides, fungicides, soil fumigants, desiccants, rodenticides,
33 adjuvants, plant nutrients and plant growth regulators.

34 (b) Except for use in commercially producing industrial hemp as
35 defined in section 3-311, does not include any propagative materials used
36 in producing any part, including seeds, of any plant of the genus
37 cannabis.

38 34. Machinery, equipment, technology or related supplies that are
39 only useful to assist a person with a physical disability as defined in
40 section 46-191 or a person who has a developmental disability as defined
41 in section 36-551 or has a head injury as defined in section 41-3201 to be
42 more independent and functional.

43 35. Sales of natural gas or liquefied petroleum gas used to propel
44 a motor vehicle.

1 36. Paper machine clothing, such as forming fabrics and dryer
2 felts, sold to a paper manufacturer and directly used or consumed in paper
3 manufacturing.

4 37. Coal, petroleum, coke, natural gas, virgin fuel oil and
5 electricity sold to a qualified environmental technology manufacturer,
6 producer or processor as defined in section 41-1514.02 and directly used
7 or consumed in generating or providing on-site power or energy solely for
8 environmental technology manufacturing, producing or processing or
9 environmental protection. This paragraph applies for twenty full
10 consecutive calendar or fiscal years from the date the first paper
11 manufacturing machine is placed in service. In the case of an
12 environmental technology manufacturer, producer or processor that does not
13 manufacture paper, the time period begins with the date the first
14 manufacturing, processing or production equipment is placed in service.

15 38. Sales of liquid, solid or gaseous chemicals used in
16 manufacturing, processing, fabricating, mining, refining, metallurgical
17 operations, research and development and, beginning on January 1, 1999,
18 printing, if using or consuming the chemicals, alone or as part of an
19 integrated system of chemicals, involves direct contact with the materials
20 from which the product is produced for the purpose of causing or allowing
21 a chemical or physical change to occur in the materials as part of the
22 production process. This paragraph does not include chemicals that are
23 used or consumed in activities such as packaging, storage or
24 transportation but does not affect any deduction for such chemicals that
25 is otherwise provided by this section. For the purposes of this
26 paragraph, "printing" means a commercial printing operation and includes
27 job printing, engraving, embossing, copying and bookbinding.

28 39. Through December 31, 1994, personal property liquidation
29 transactions, conducted by a personal property liquidator. From and after
30 December 31, 1994, personal property liquidation transactions shall be
31 taxable under this section provided that nothing in this subsection shall
32 be construed to authorize the taxation of casual activities or
33 transactions under this chapter. For the purposes of this paragraph:

34 (a) "Personal property liquidation transaction" means a sale of
35 personal property made by a personal property liquidator acting solely on
36 behalf of the owner of the personal property sold at the dwelling of the
37 owner or on the death of any owner, on behalf of the surviving spouse, if
38 any, any devisee or heir or the personal representative of the estate of
39 the deceased, if one has been appointed.

40 (b) "Personal property liquidator" means a person who is retained
41 to conduct a sale in a personal property liquidation transaction.

1 40. Sales of food, drink and condiment for consumption within the
2 premises of any prison, jail or other institution under the jurisdiction
3 of the state department of corrections, the department of public safety,
4 the department of juvenile corrections or a county sheriff.

5 41. A motor vehicle and any repair and replacement parts and
6 tangible personal property becoming a part of such motor vehicle sold to a
7 motor carrier that is subject to a fee prescribed in title 28, chapter 16,
8 article 4 and that is engaged in the business of leasing or renting such
9 property.

10 42. Sales of:

11 (a) Livestock and poultry to persons engaging in the businesses of
12 farming, ranching or producing livestock or poultry.

13 (b) Livestock and poultry feed, salts, vitamins and other additives
14 for livestock or poultry consumption that are sold to persons for use or
15 consumption by their own livestock or poultry, for use or consumption in
16 the businesses of farming, ranching and producing or feeding livestock,
17 poultry, or livestock or poultry products or for use or consumption in
18 noncommercial boarding of livestock. For the purposes of this paragraph,
19 "poultry" includes ratites.

20 43. Sales of implants used as growth promotants and injectable
21 medicines, not already exempt under paragraph 8 of this subsection, for
22 livestock or poultry owned by or in possession of persons that are engaged
23 in producing livestock, poultry, or livestock or poultry products or that
24 are engaged in feeding livestock or poultry commercially. For the
25 purposes of this paragraph, "poultry" includes ratites.

26 44. Sales of motor vehicles at auction to nonresidents of this
27 state for use outside this state if the vehicles are shipped or delivered
28 out of this state, regardless of where title to the motor vehicles passes
29 or its free on board point.

30 45. Tangible personal property sold to a person engaged in business
31 and subject to tax under the transient lodging classification if the
32 tangible personal property is a personal hygiene item or articles used by
33 human beings for food, drink or condiment, except alcoholic beverages,
34 that are furnished without additional charge to and intended to be
35 consumed by the transient during the transient's occupancy.

36 46. Sales of alternative fuel, as defined in section 1-215, to a
37 used oil fuel burner who has received a permit to burn used oil or used
38 oil fuel under section 49-426 or 49-480.

39 47. Sales of materials that are purchased by or for publicly funded
40 libraries, including school district libraries, charter school libraries,
41 community college libraries, state university libraries or federal, state,
42 county or municipal libraries, for use by the public as follows:

43 (a) Printed or photographic materials, beginning August 7, 1985.

44 (b) Electronic or digital media materials, beginning July 17, 1994.

48. Tangible personal property sold to a commercial airline and consisting of food, beverages and condiments and accessories used for serving the food and beverages, if those items are to be provided without additional charge to passengers for consumption in flight. For the purposes of this paragraph, "commercial airline" means a person holding a federal certificate of public convenience and necessity or foreign air carrier permit for air transportation to transport persons, property or United States mail in intrastate, interstate or foreign commerce.

49. Sales of alternative fuel vehicles if the vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in section 1-215.

50. Sales of any spirituous, vinous or malt liquor by a person that is licensed in this state as a wholesaler by the department of liquor licenses and control pursuant to title 4, chapter 2, article 1.

51. Sales of tangible personal property to be incorporated or installed as part of environmental response or remediation activities under section 42-5075, subsection B, paragraph 6.

52. Sales of tangible personal property by a nonprofit organization that is exempt from taxation under section 501(c)(6) of the internal revenue code if the organization produces, organizes or promotes cultural or civic related festivals or events and no part of the organization's net earnings inures to the benefit of any private shareholder or individual.

53. Application services that are designed to assess or test student learning or to promote curriculum design or enhancement purchased by or for any school district, charter school, community college or state university. For the purposes of this paragraph:

(a) "Application services" means software applications provided remotely using hypertext transfer protocol or another network protocol.

(b) "Curriculum design or enhancement" means planning, implementing or reporting on courses of study, lessons, assignments or other learning activities.

54. Sales of motor vehicle fuel and use fuel to a qualified business under section 41-1516 for off-road use in harvesting, processing or transporting qualifying forest products removed from qualifying projects as defined in section 41-1516.

55. Sales of repair parts installed in equipment used directly by a qualified business under section 41-1516 in harvesting, processing or transporting qualifying forest products removed from qualifying projects as defined in section 41-1516.

56. Sales or other transfers of renewable energy credits or any other unit created to track energy derived from renewable energy resources. For the purposes of this paragraph, "renewable energy credit" means a unit created administratively by the corporation commission or

governing body of a public power utility to track kilowatt hours of electricity derived from a renewable energy resource or the kilowatt hour equivalent of conventional energy resources displaced by distributed renewable energy resources.

57. Orthodontic devices dispensed by a dental professional who is licensed under title 32, chapter 11 to a patient as part of the practice of dentistry.

58. Sales of tangible personal property incorporated or fabricated into a project described in section 42-5075, subsection 0, that is located within the exterior boundaries of an Indian reservation for which the owner, as defined in section 42-5075, of the project is an Indian tribe or an affiliated Indian. For the purposes of this paragraph:

(a) "Affiliated Indian" means an individual Native American Indian who is duly registered on the tribal rolls of the Indian tribe for whose benefit the Indian reservation was established.

(b) "Indian reservation" means all lands that are within the limits of areas set aside by the United States for the exclusive use and occupancy of an Indian tribe by treaty, law or executive order and that are recognized as Indian reservations by the United States department of the interior.

(c) "Indian tribe" means any organized nation, tribe, band or community that is recognized as an Indian tribe by the United States department of the interior and includes any entity formed under the laws of the Indian tribe.

59. Sales of works of fine art, as defined in section 44-1771, at an art auction or gallery in this state to nonresidents of this state for use outside this state if the vendor ships or delivers the work of fine art to a destination outside this state.

60. Sales of tangible personal property by a marketplace seller that are facilitated by a marketplace facilitator in which the marketplace facilitator has remitted or will remit the applicable tax to the department pursuant to section 42-5014.

61. SALES OF SAFE FIREARM STORAGE DEVICES. FOR THE PURPOSES OF THIS PARAGRAPH, "SAFE FIREARM STORAGE DEVICES":

(a) MEANS DEVICES THAT ARE BOTH OF THE FOLLOWING:

(i) DESIGNED AND MARKETING FOR THE PRINCIPAL PURPOSE OF DENYING UNAUTHORIZED ACCESS TO, OR RENDERING INOPERABLE, A FIREARM OR AMMUNITION.

(ii) SECURED BY A COMBINATION LOCK, KEY LOCK OR LOCK BASED ON BIOMETRIC INFORMATION THAT, ONCE LOCKED, IS INCAPABLE OF BEING OPENED WITHOUT THE COMBINATION, KEY OR BIOMETRIC INFORMATION, RESPECTIVELY.

(b) DOES NOT INCLUDE EITHER OF THE FOLLOWING:

(i) ANY DEVICE THAT IS INCORPORATED TO ANY EXTENT INTO THE DESIGN OF A FIREARM OR OF AMMUNITION.

(ii) ANY DEVICE THAT, AS OF THE DATE OF THE SALE OF THE SAFE FIREARM STORAGE DEVICE, HAS BEEN SUBJECT TO A MANDATORY RECALL BY THE

1 UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION OR ITS SUCCESSOR
2 COMMISSION.

3 B. In addition to the deductions from the tax base prescribed by
4 subsection A of this section, the gross proceeds of sales or gross income
5 derived from sales of the following categories of tangible personal
6 property shall be deducted from the tax base:

7 1. Machinery, or equipment, used directly in manufacturing,
8 processing, fabricating, job printing, refining or metallurgical
9 operations. The terms "manufacturing", "processing", "fabricating", "job
10 printing", "refining" and "metallurgical" as used in this paragraph refer
11 to and include those operations commonly understood within their ordinary
12 meaning. "Metallurgical operations" includes leaching, milling,
13 precipitating, smelting and refining.

14 2. Mining machinery, or equipment, used directly in the process of
15 extracting ores or minerals from the earth for commercial purposes,
16 including equipment required to prepare the materials for extraction and
17 handling, loading or transporting such extracted material to the surface.
18 "Mining" includes underground, surface and open pit operations for
19 extracting ores and minerals.

20 3. Tangible personal property sold to persons engaged in business
21 classified under the telecommunications classification, including a person
22 representing or working on behalf of such a person in a manner described
23 in section 42-5075, subsection 0, and consisting of central office
24 switching equipment, switchboards, private branch exchange equipment,
25 microwave radio equipment and carrier equipment including optical fiber,
26 coaxial cable and other transmission media that are components of carrier
27 systems.

28 4. Machinery, equipment or transmission lines used directly in
29 producing or transmitting electrical power, but not including
30 distribution. Transformers and control equipment used at transmission
31 substation sites constitute equipment used in producing or transmitting
32 electrical power.

33 5. Machinery and equipment used directly for energy storage for
34 later electrical use. For the purposes of this paragraph:

35 (a) "Electric utility scale" means a person that is engaged in a
36 business activity described in section 42-5063, subsection A or such
37 person's equipment or wholesale electricity suppliers.

38 (b) "Energy storage" means commercially available technology for
39 electric utility scale that is capable of absorbing energy, storing energy
40 for a period of time and thereafter dispatching the energy and that uses
41 mechanical, chemical or thermal processes to store energy.

42 (c) "Machinery and equipment used directly" means all machinery and
43 equipment that are used for electric energy storage from the point of
44 receipt of such energy in order to facilitate storage of the electric
45 energy to the point where the electric energy is released.

1 6. Neat animals, horses, asses, sheep, ratites, swine or goats used
2 or to be used as breeding or production stock, including sales of
3 breedings or ownership shares in such animals used for breeding or
4 production.

5 7. Pipes or valves four inches in diameter or larger used to
6 transport oil, natural gas, artificial gas, water or coal slurry,
7 including compressor units, regulators, machinery and equipment, fittings,
8 seals and any other part that is used in operating the pipes or valves.

9 8. Aircraft, navigational and communication instruments and other
10 accessories and related equipment sold to:

11 (a) A person:

12 (i) Holding, or exempted by federal law from obtaining, a federal
13 certificate of public convenience and necessity for use as, in conjunction
14 with or becoming part of an aircraft to be used to transport persons for
15 hire in intrastate, interstate or foreign commerce.

16 (ii) That is certificated or licensed under federal aviation
17 administration regulations (14 Code of Federal Regulations part 121 or
18 135) as a scheduled or unscheduled carrier of persons for hire for use as
19 or in conjunction with or becoming part of an aircraft to be used to
20 transport persons for hire in intrastate, interstate or foreign commerce.

21 (iii) Holding a foreign air carrier permit for air transportation
22 for use as or in conjunction with or becoming a part of aircraft to be
23 used to transport persons, property or United States mail in intrastate,
24 interstate or foreign commerce.

25 (iv) Operating an aircraft to transport persons in any manner for
26 compensation or hire, or for use in a fractional ownership program that
27 meets the requirements of federal aviation administration regulations
28 (14 Code of Federal Regulations part 91, subpart K), including as an air
29 carrier, a foreign air carrier or a commercial operator or under a
30 restricted category, within the meaning of 14 Code of Federal Regulations,
31 regardless of whether the operation or aircraft is regulated or certified
32 under part 91, 119, 121, 133, 135, 136 or 137, or another part of 14 Code
33 of Federal Regulations.

34 (v) That will lease or otherwise transfer operational control,
35 within the meaning of federal aviation administration operations
36 specification A008, or its successor, of the aircraft, instruments or
37 accessories to one or more persons described in item (i), (ii), (iii) or
38 (iv) of this subdivision, subject to section 42-5009, subsection Q.

39 (b) Any foreign government.

40 (c) Persons who are not residents of this state and who will not
41 use such property in this state other than in removing such property from
42 this state. This subdivision also applies to corporations that are not
43 incorporated in this state, regardless of maintaining a place of business
44 in this state, if the principal corporate office is located outside this

1 state and the property will not be used in this state other than in
2 removing the property from this state.

3 9. Machinery, tools, equipment and related supplies used or
4 consumed directly in repairing, remodeling or maintaining aircraft,
5 aircraft engines or aircraft component parts by or on behalf of a
6 certificated or licensed carrier of persons or property.

7 10. Railroad rolling stock, rails, ties and signal control
8 equipment used directly to transport persons or property.

9 11. Machinery or equipment used directly to drill for oil or gas or
10 used directly in the process of extracting oil or gas from the earth for
11 commercial purposes.

12 12. Buses or other urban mass transit vehicles that are used
13 directly to transport persons or property for hire or pursuant to a
14 governmentally adopted and controlled urban mass transportation program
15 and that are sold to bus companies holding a federal certificate of
16 convenience and necessity or operated by any city, town or other
17 governmental entity or by any person contracting with such governmental
18 entity as part of a governmentally adopted and controlled program to
19 provide urban mass transportation.

20 13. Groundwater measuring devices required under section 45-604.

21 14. Machinery and equipment consisting of agricultural aircraft,
22 tractors, off-highway vehicles, tractor-drawn implements, self-powered
23 implements, machinery and equipment necessary for extracting milk, and
24 machinery and equipment necessary for cooling milk and livestock, and drip
25 irrigation lines not already exempt under paragraph 7 of this subsection
26 and that are used for commercial production of agricultural,
27 horticultural, viticultural and floricultural crops and products in this
28 state. For the purposes of this paragraph:

29 (a) "Off-highway vehicles" means off-highway vehicles as defined in
30 section 28-1171 that are modified at the time of sale to function as a
31 tractor or to tow tractor-drawn implements and that are not equipped with
32 a modified exhaust system to increase horsepower or speed or an engine
33 that is more than one thousand cubic centimeters or that have a maximum
34 speed of fifty miles per hour or less.

35 (b) "Self-powered implements" includes machinery and equipment that
36 are electric-powered.

37 15. Machinery or equipment used in research and development. For
38 the purposes of this paragraph, "research and development" means basic and
39 applied research in the sciences and engineering, and designing,
40 developing or testing prototypes, processes or new products, including
41 research and development of computer software that is embedded in or an
42 integral part of the prototype or new product or that is required for
43 machinery or equipment otherwise exempt under this section to function
44 effectively. Research and development do not include manufacturing
45 quality control, routine consumer product testing, market research, sales

1 promotion, sales service, research in social sciences or psychology,
2 computer software research that is not included in the definition of
3 research and development, or other nontechnological activities or
4 technical services.

5 16. Tangible personal property that is used by either of the
6 following to receive, store, convert, produce, generate, decode, encode,
7 control or transmit telecommunications information:

8 (a) Any direct broadcast satellite television or data transmission
9 service that operates pursuant to 47 Code of Federal Regulations part 25.

10 (b) Any satellite television or data transmission facility, if both
11 of the following conditions are met:

12 (i) Over two-thirds of the transmissions, measured in megabytes,
13 transmitted by the facility during the test period were transmitted to or
14 on behalf of one or more direct broadcast satellite television or data
15 transmission services that operate pursuant to 47 Code of Federal
16 Regulations part 25.

17 (ii) Over two-thirds of the transmissions, measured in megabytes,
18 transmitted by or on behalf of those direct broadcast television or data
19 transmission services during the test period were transmitted by the
20 facility to or on behalf of those services. For the purposes of
21 subdivision (b) of this paragraph, "test period" means the three hundred
22 sixty-five day period beginning on the later of the date on which the
23 tangible personal property is purchased or the date on which the direct
24 broadcast satellite television or data transmission service first
25 transmits information to its customers.

26 17. Clean rooms that are used for manufacturing, processing,
27 fabrication or research and development, as defined in paragraph 15 of
28 this subsection, of semiconductor products. For the purposes of this
29 paragraph, "clean room" means all property that comprises or creates an
30 environment where humidity, temperature, particulate matter and
31 contamination are precisely controlled within specified parameters,
32 without regard to whether the property is actually contained within that
33 environment or whether any of the property is affixed to or incorporated
34 into real property. Clean room:

35 (a) Includes the integrated systems, fixtures, piping, movable
36 partitions, lighting and all property that is necessary or adapted to
37 reduce contamination or to control airflow, temperature, humidity,
38 chemical purity or other environmental conditions or manufacturing
39 tolerances, as well as the production machinery and equipment operating in
40 conjunction with the clean room environment.

41 (b) Does not include the building or other permanent, nonremovable
42 component of the building that houses the clean room environment.

43 18. Machinery and equipment used directly in feeding poultry,
44 environmentally controlling housing for poultry, moving eggs within a

1 production and packaging facility or sorting or cooling eggs. This
2 exemption does not apply to vehicles used for transporting eggs.

3 19. Machinery or equipment, including related structural components
4 and containment structures, that is employed in connection with
5 manufacturing, processing, fabricating, job printing, refining, mining,
6 natural gas pipelines, metallurgical operations, telecommunications,
7 producing or transmitting electricity or research and development and that
8 is used directly to meet or exceed rules or regulations adopted by the
9 federal energy regulatory commission, the United States environmental
10 protection agency, the United States nuclear regulatory commission, the
11 Arizona department of environmental quality or a political subdivision of
12 this state to prevent, monitor, control or reduce land, water or air
13 pollution. For the purposes of this paragraph, "containment structure"
14 means a structure that prevents, monitors, controls or reduces noxious or
15 harmful discharge into the environment.

16 20. Machinery and equipment that are sold to a person engaged in
17 commercially producing livestock, livestock products or agricultural,
18 horticultural, viticultural or floricultural crops or products in this
19 state, including a person representing or working on behalf of such a
20 person in a manner described in section 42-5075, subsection 0, if the
21 machinery and equipment are used directly and primarily to prevent,
22 monitor, control or reduce air, water or land pollution.

23 21. Machinery or equipment that enables a television station to
24 originate and broadcast or to receive and broadcast digital television
25 signals and that was purchased to facilitate compliance with the
26 telecommunications act of 1996 (P.L. 104-104; 110 Stat. 56; 47 United
27 States Code section 336) and the federal communications commission order
28 issued April 21, 1997 (47 Code of Federal Regulations part 73). This
29 paragraph does not exempt any of the following:

30 (a) Repair or replacement parts purchased for the machinery or
31 equipment described in this paragraph.

32 (b) Machinery or equipment purchased to replace machinery or
33 equipment for which an exemption was previously claimed and taken under
34 this paragraph.

35 (c) Any machinery or equipment purchased after the television
36 station has ceased analog broadcasting, or purchased after November 1,
37 2009, whichever occurs first.

38 22. Qualifying equipment that is purchased from and after June 30,
39 2004 through December 31, 2026 by a qualified business under section
40 41-1516 for harvesting or processing qualifying forest products removed
41 from qualifying projects as defined in section 41-1516. To qualify for
42 this deduction, the qualified business at the time of purchase must
43 present its certification approved by the department.

44 23. Computer data center equipment sold to the owner, operator or
45 qualified colocation tenant of a computer data center that is certified by

the Arizona commerce authority under section 41-1519 or an authorized agent of the owner, operator or qualified colocation tenant during the qualification period for use in the qualified computer data center. For the purposes of this paragraph, "computer data center", "computer data center equipment", "qualification period" and "qualified colocation tenant" have the same meanings prescribed in section 41-1519.

C. The deductions provided by subsection B of this section do not include sales of:

1. Expendable materials. For the purposes of this paragraph, expendable materials do not include any of the categories of tangible personal property specified in subsection B of this section regardless of the cost or useful life of that property.

2. Janitorial equipment and hand tools.

3. Office equipment, furniture and supplies.

4. Tangible personal property used in selling or distributing activities, other than the telecommunications transmissions described in subsection B, paragraph 16 of this section.

5. Motor vehicles required to be licensed by this state, except buses or other urban mass transit vehicles specifically exempted pursuant to subsection B, paragraph 12 of this section, without regard to the use of such motor vehicles.

6. Shops, buildings, docks, depots and all other materials of whatever kind or character not specifically included as exempt.

7. Motors and pumps used in drip irrigation systems.

8. Machinery and equipment or other tangible personal property used by a contractor in performing a contract.

D. In addition to the deductions from the tax base prescribed by subsection A of this section, there shall be deducted from the tax base the gross proceeds of sales or gross income derived from sales of machinery, equipment, materials and other tangible personal property used directly and predominantly to construct a qualified environmental technology manufacturing, producing or processing facility as described in section 41-1514.02. This subsection applies for ten full consecutive calendar or fiscal years after the start of initial construction.

E. In computing the tax base, gross proceeds of sales or gross income from retail sales of heavy trucks and trailers does not include any amount attributable to federal excise taxes imposed by 26 United States Code section 4051.

F. If a person is engaged in an occupation or business to which subsection A of this section applies, the person's books shall be kept so as to show separately the gross proceeds of sales of tangible personal property and the gross income from sales of services, and if not so kept the tax shall be imposed on the total of the person's gross proceeds of sales of tangible personal property and gross income from services.

1 G. If a person is engaged in the business of selling tangible
2 personal property at both wholesale and retail, the tax under this section
3 applies only to the gross proceeds of the sales made other than at
4 wholesale if the person's books are kept so as to show separately the
5 gross proceeds of sales of each class, and if the books are not so kept,
6 the tax under this section applies to the gross proceeds of every sale so
7 made.

8 H. A person who engages in manufacturing, baling, crating, boxing,
9 barreling, canning, bottling, sacking, preserving, processing or otherwise
10 preparing for sale or commercial use any livestock, agricultural or
11 horticultural product or any other product, article, substance or
12 commodity and who sells the product of such business at retail in this
13 state is deemed, as to such sales, to be engaged in business classified
14 under the retail classification. This subsection does not apply to:

15 1. Agricultural producers who are owners, proprietors or tenants of
16 agricultural lands, orchards, farms or gardens where agricultural products
17 are grown, raised or prepared for market and who are marketing their own
18 agricultural products.

19 2. Businesses classified under the:

20 (a) Transporting classification.

21 (b) Utilities classification.

22 (c) Telecommunications classification.

23 (d) Pipeline classification.

24 (e) Private car line classification.

25 (f) Publication classification.

26 (g) Job printing classification.

27 (h) Prime contracting classification.

28 (i) Restaurant classification.

29 I. The gross proceeds of sales or gross income derived from the
30 following shall be deducted from the tax base for the retail
31 classification:

32 1. Sales made directly to the United States government or its
33 departments or agencies by a manufacturer, modifier, assembler or
34 repairer.

35 2. Sales made directly to a manufacturer, modifier, assembler or
36 repairer if such sales are of any ingredient or component part of products
37 sold directly to the United States government or its departments or
38 agencies by the manufacturer, modifier, assembler or repairer.

39 3. Overhead materials or other tangible personal property that is
40 used in performing a contract between the United States government and a
41 manufacturer, modifier, assembler or repairer, including property used in
42 performing a subcontract with a government contractor who is a
43 manufacturer, modifier, assembler or repairer, to which title passes to
44 the government under the terms of the contract or subcontract.

4. Sales of overhead materials or other tangible personal property to a manufacturer, modifier, assembler or repairer if the gross proceeds of sales or gross income derived from the property by the manufacturer, modifier, assembler or repairer will be exempt under paragraph 3 of this subsection.

J. There shall be deducted from the tax base fifty percent of the gross proceeds or gross income from any sale of tangible personal property made directly to the United States government or its departments or agencies that is not deducted under subsection I of this section.

K. The department shall require every person claiming a deduction provided by subsection I or J of this section to file on forms prescribed by the department at such times as the department directs a sworn statement disclosing the name of the purchaser and the exact amount of sales on which the exclusion or deduction is claimed.

L. In computing the tax base, gross proceeds of sales or gross income does not include:

1. A manufacturer's cash rebate on the sales price of a motor vehicle if the buyer assigns the buyer's right in the rebate to the retailer.

2. The waste tire disposal fee imposed pursuant to section 44-1302.

M. There shall be deducted from the tax base the amount received from sales of solar energy devices. The retailer shall register with the department as a solar energy retailer. By registering, the retailer acknowledges that it will make its books and records relating to sales of solar energy devices available to the department for examination.

N. In computing the tax base in the case of the sale or transfer of wireless telecommunications equipment as an inducement to a customer to enter into or continue a contract for telecommunications services that are taxable under section 42-5064, gross proceeds of sales or gross income does not include any sales commissions or other compensation received by the retailer as a result of the customer entering into or continuing a contract for the telecommunications services.

O. For the purposes of this section, a sale of wireless telecommunications equipment to a person who holds the equipment for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunications services that are taxable under section 42-5064 is considered to be a sale for resale in the regular course of business.

P. Retail sales of prepaid calling cards or prepaid authorization numbers for telecommunications services, including sales of reauthorization of a prepaid card or authorization number, are subject to tax under this section.

Q. For the purposes of this section, the diversion of gas from a pipeline by a person engaged in the business of:

1 1. Operating a natural or artificial gas pipeline, for the sole
2 purpose of fueling compressor equipment to pressurize the pipeline, is not
3 a sale of the gas to the operator of the pipeline.

4 2. Converting natural gas into liquefied natural gas, for the sole
5 purpose of fueling compressor equipment used in the conversion process, is
6 not a sale of gas to the operator of the compressor equipment.

7 R. For the purposes of this section, the transfer of title or
8 possession of coal from an owner or operator of a power plant to a person
9 in the business of refining coal is not a sale of coal if both of the
10 following apply:

11 1. The transfer of title or possession of the coal is for the
12 purpose of refining the coal.

13 2. The title or possession of the coal is transferred back to the
14 owner or operator of the power plant after completion of the coal refining
15 process. For the purposes of this paragraph, "coal refining process"
16 means the application of a coal additive system that aids in the reduction
17 of power plant emissions during the combustion of coal and the treatment
18 of flue gas.

19 S. If a seller is entitled to a deduction pursuant to subsection B,
20 paragraph 16, subdivision (b) of this section, the department may require
21 the purchaser to establish that the requirements of subsection B,
22 paragraph 16, subdivision (b) of this section have been satisfied. If the
23 purchaser cannot establish that the requirements of subsection B,
24 paragraph 16, subdivision (b) of this section have been satisfied, the
25 purchaser is liable in an amount equal to any tax, penalty and interest
26 that the seller would have been required to pay under article 1 of this
27 chapter if the seller had not made a deduction pursuant to subsection B,
28 paragraph 16, subdivision (b) of this section. Payment of the amount
29 under this subsection exempts the purchaser from liability for any tax
30 imposed under article 4 of this chapter and related to the tangible
31 personal property purchased. The amount shall be treated as transaction
32 privilege tax to the purchaser and as tax revenues collected from the
33 seller to designate the distribution base pursuant to section 42-5029.

34 T. For the purposes of section 42-5032.01, the department shall
35 separately account for revenues collected under the retail classification
36 from businesses selling tangible personal property at retail:

37 1. On the premises of a multipurpose facility that is owned, leased
38 or operated by the tourism and sports authority pursuant to title 5,
39 chapter 8.

40 2. At professional football contests that are held in a stadium
41 located on the campus of an institution under the jurisdiction of the
42 Arizona board of regents.

43 U. In computing the tax base for the sale of a motor vehicle to a
44 nonresident of this state, if the purchaser's state of residence allows a
45 corresponding use tax exemption to the tax imposed by article 1 of this

chapter and the rate of the tax in the purchaser's state of residence is lower than the rate prescribed in article 1 of this chapter or if the purchaser's state of residence does not impose an excise tax, and the nonresident has secured a special ninety day nonresident registration permit for the vehicle as prescribed by sections 28-2154 and 28-2154.01, there shall be deducted from the tax base a portion of the gross proceeds or gross income from the sale so that the amount of transaction privilege tax that is paid in this state is equal to the excise tax that is imposed by the purchaser's state of residence on the nonexempt sale or use of the motor vehicle.

V. For the purposes of this section:

1. "Agricultural aircraft" means an aircraft that is built for agricultural use for the aerial application of pesticides or fertilizer or for aerial seeding.

2. "Aircraft" includes:

(a) An airplane flight simulator that is approved by the federal aviation administration for use as a phase II or higher flight simulator under appendix H, 14 Code of Federal Regulations part 121.

(b) Tangible personal property that is permanently affixed or attached as a component part of an aircraft that is owned or operated by a certificated or licensed carrier of persons or property.

3. "Other accessories and related equipment" includes aircraft accessories and equipment such as ground service equipment that physically contact aircraft at some point during the overall carrier operation.

4. "Selling at retail" means a sale for any purpose other than for resale in the regular course of business in the form of tangible personal property, but transfer of possession, lease and rental as used in the definition of sale mean only such transactions as are found on investigation to be in lieu of sales as defined without the words lease or rental.

W. For the purposes of subsection I of this section:

1. "Assembler" means a person who unites or combines products, wares or articles of manufacture so as to produce a change in form or substance without changing or altering the component parts.

2. "Manufacturer" means a person who is principally engaged in fabricating, producing or manufacturing products, wares or articles for use from raw or prepared materials, imparting to those materials new forms, qualities, properties and combinations.

3. "Modifier" means a person who reworks, changes or adds to products, wares or articles of manufacture.

4. "Overhead materials" means tangible personal property, the gross proceeds of sales or gross income derived from that would otherwise be included in the retail classification, and that are used or consumed in performing a contract, the cost of which is charged to an overhead expense account and allocated to various contracts based on generally accepted

1 accounting principles and consistent with government contract accounting
2 standards.

3 5. "Repairer" means a person who restores or renews products, wares
4 or articles of manufacture.

5 6. "Subcontract" means an agreement between a contractor and any
6 person who is not an employee of the contractor for furnishing supplies or
7 services that, in whole or in part, are necessary to perform one or more
8 government contracts, or under which any portion of the contractor's
9 obligation under one or more government contracts is performed, undertaken
10 or assumed and that includes provisions causing title to overhead
11 materials or other tangible personal property used in performing the
12 subcontract to pass to the government or that includes provisions
13 incorporating such title passing clauses in a government contract into the
14 subcontract.

15 Sec. 2. Section 42-5159, Arizona Revised Statutes, is amended to
16 read:

17 42-5159. Exemptions

18 A. The tax levied by this article does not apply to the storage,
19 use or consumption in this state of the following described tangible
20 personal property:

21 1. Tangible personal property, sold in this state, the gross
22 receipts from the sale of which are included in the measure of the tax
23 imposed by articles 1 and 2 of this chapter.

24 2. Tangible personal property, the sale or use of which has already
25 been subjected to an excise tax at a rate equal to or exceeding the tax
26 imposed by this article under the laws of another state of the United
27 States. If the excise tax imposed by the other state is at a rate less
28 than the tax imposed by this article, the tax imposed by this article is
29 reduced by the amount of the tax already imposed by the other state.

30 3. Tangible personal property, the storage, use or consumption of
31 which the constitution or laws of the United States prohibit this state
32 from taxing or to the extent that the rate or imposition of tax is
33 unconstitutional under the laws of the United States.

34 4. Tangible personal property that directly enters into and becomes
35 an ingredient or component part of any manufactured, fabricated or
36 processed article, substance or commodity for sale in the regular course
37 of business.

38 5. Motor vehicle fuel and use fuel, the sales, distribution or use
39 of which in this state is subject to the tax imposed under title 28,
40 chapter 16, article 1, use fuel that is sold to or used by a person
41 holding a valid single trip use fuel tax permit issued under
42 section 28-5739, aviation fuel, the sales, distribution or use of which in
43 this state is subject to the tax imposed under section 28-8344, and jet
44 fuel, the sales, distribution or use of which in this state is subject to
45 the tax imposed under article 8 of this chapter.

6. Tangible personal property brought into this state by an individual who was a nonresident at the time the property was purchased for storage, use or consumption by the individual if the first actual use or consumption of the property was outside this state, unless the property is used in conducting a business in this state.

7. Purchases of implants used as growth promotants and injectable medicines, not already exempt under paragraph 16 of this subsection, for livestock and poultry owned by, or in possession of, persons who are engaged in producing livestock, poultry, or livestock or poultry products, or who are engaged in feeding livestock or poultry commercially. For the purposes of this paragraph, "poultry" includes ratites.

8. Purchases of:

(a) Livestock and poultry to persons engaging in the businesses of farming, ranching or producing livestock or poultry.

(b) Livestock and poultry feed, salts, vitamins and other additives sold to persons for use or consumption in the businesses of farming, ranching and producing or feeding livestock or poultry or for use or consumption in noncommercial boarding of livestock. For the purposes of this paragraph, "poultry" includes ratites.

9. Propagative materials for use in commercially producing agricultural, horticultural, viticultural or floricultural crops in this state. For the purposes of this paragraph, "propagative materials":

(a) Includes seeds, seedlings, roots, bulbs, liners, transplants, cuttings, soil and plant additives, agricultural minerals, auxiliary soil and plant substances, micronutrients, fertilizers, insecticides, herbicides, fungicides, soil fumigants, desiccants, rodenticides, adjuvants, plant nutrients and plant growth regulators.

(b) Except for use in commercially producing industrial hemp as defined in section 3-311, does not include any propagative materials used in producing any part, including seeds, of any plant of the genus cannabis.

10. Tangible personal property not exceeding \$200 in any one month purchased by an individual at retail outside the continental limits of the United States for the individual's own personal use and enjoyment.

11. Advertising supplements that are intended for sale with newspapers published in this state and that have already been subjected to an excise tax under the laws of another state in the United States that equals or exceeds the tax imposed by this article.

12. Materials that are purchased by or for publicly funded libraries, including school district libraries, charter school libraries, community college libraries, state university libraries or federal, state, county or municipal libraries, for use by the public as follows:

(a) Printed or photographic materials, beginning August 7, 1985.

(b) Electronic or digital media materials, beginning July 17, 1994.

1 13. Tangible personal property purchased by:

2 (a) A hospital organized and operated exclusively for charitable
3 purposes, no part of the net earnings of which inures to the benefit of
4 any private shareholder or individual.

5 (b) A hospital operated by this state or a political subdivision of
6 this state.

7 (c) A licensed nursing care institution or a licensed residential
8 care institution or a residential care facility operated in conjunction
9 with a licensed nursing care institution or a licensed kidney dialysis
10 center, which provides medical services, nursing services or health
11 related services and is not used or held for profit.

12 (d) A qualifying health care organization, as defined in section
13 42-5001, if the tangible personal property is used by the organization
14 solely to provide health and medical related educational and charitable
15 services.

16 (e) A qualifying health care organization as defined in section
17 42-5001 if the organization is dedicated to providing educational,
18 therapeutic, rehabilitative and family medical education training for
19 blind and visually impaired children and children with multiple
20 disabilities from the time of birth to age twenty-one.

21 (f) A nonprofit charitable organization that has qualified under
22 section 501(c)(3) of the United States internal revenue code and that
23 engages in and uses such property exclusively in programs for persons with
24 mental or physical disabilities if the programs are exclusively for
25 training, job placement, rehabilitation or testing.

26 (g) A person that is subject to tax under this chapter by reason of
27 being engaged in business classified under section 42-5075, or a
28 subcontractor working under the control of a person that is engaged in
29 business classified under section 42-5075, if the tangible personal
30 property is any of the following:

31 (i) Incorporated or fabricated by the person into a structure,
32 project, development or improvement in fulfillment of a contract.

33 (ii) Incorporated or fabricated by the person into any project
34 described in section 42-5075, subsection 0.

35 (iii) Used in environmental response or remediation activities
36 under section 42-5075, subsection B, paragraph 6.

37 (h) A person that is not subject to tax under section 42-5075 and
38 that has been provided a copy of a certificate described in section
39 42-5009, subsection L, if the property purchased is incorporated or
40 fabricated by the person into the real property, structure, project,
41 development or improvement described in the certificate.

42 (i) A nonprofit charitable organization that has qualified under
43 section 501(c)(3) of the internal revenue code if the property is
44 purchased from the parent or an affiliate organization that is located
45 outside this state.

(j) A qualifying community health center as defined in section 42-5001.

(k) A nonprofit charitable organization that has qualified under section 501(c)(3) of the internal revenue code and that regularly serves meals to the needy and indigent on a continuing basis at no cost.

(l) A person engaged in business under the transient lodging classification if the property is a personal hygiene item or articles used by human beings for food, drink or condiment, except alcoholic beverages, which are furnished without additional charge to and intended to be consumed by the transient during the transient's occupancy.

(m) For taxable periods beginning from and after June 30, 2001, a nonprofit charitable organization that has qualified under section 501(c)(3) of the internal revenue code and that provides residential apartment housing for low-income persons over sixty-two years of age in a facility that qualifies for a federal housing subsidy, if the tangible personal property is used by the organization solely to provide residential apartment housing for low-income persons over sixty-two years of age in a facility that qualifies for a federal housing subsidy.

(n) A qualifying health sciences educational institution as defined in section 42-5001.

(o) A person representing or working on behalf of any person described in subdivision (a), (b), (c), (d), (e), (f), (i), (j), (k), (m) or (n) of this paragraph, if the tangible personal property is incorporated or fabricated into a project described in section 42-5075, subsection 0.

14. Commodities, as defined by title 7 United States Code section 2, that are consigned for resale in a warehouse in this state in or from which the commodity is deliverable on a contract for future delivery subject to the rules of a commodity market regulated by the United States commodity futures trading commission.

15. Tangible personal property sold by:

(a) Any nonprofit organization organized and operated exclusively for charitable purposes and recognized by the United States internal revenue service under section 501(c)(3) of the internal revenue code.

(b) A nonprofit organization that is exempt from taxation under section 501(c)(3), 501(c)(4) or 501(c)(6) of the internal revenue code if the organization is associated with a major league baseball team or a national touring professional golfing association and no part of the organization's net earnings inures to the benefit of any private shareholder or individual. This subdivision does not apply to an organization that is owned, managed or controlled, in whole or in part, by a major league baseball team, or its owners, officers, employees or agents, or by a major league baseball association or professional golfing association, or its owners, officers, employees or agents, unless the organization conducted or operated exhibition events in this state before

1 January 1, 2018 that were exempt from transaction privilege tax under
2 section 42-5073.

3 (c) A nonprofit organization that is exempt from taxation under
4 section 501(c)(3), 501(c)(4), 501(c)(6), 501(c)(7) or 501(c)(8) of the
5 internal revenue code if the organization sponsors or operates a rodeo
6 featuring primarily farm and ranch animals and no part of the
7 organization's net earnings inures to the benefit of any private
8 shareholder or individual.

9 16. Drugs and medical oxygen, including delivery hose, mask or
10 tent, regulator and tank, if prescribed by a member of the medical, dental
11 or veterinarian profession who is licensed by law to administer such
12 substances.

13 17. Prosthetic appliances, as defined in section 23-501, prescribed
14 or recommended by a person who is licensed, registered or otherwise
15 professionally credentialed as a physician, dentist, podiatrist,
16 chiropractor, naturopath, homeopath, nurse or optometrist.

17 18. Prescription eyeglasses and contact lenses.

18 19. Insulin, insulin syringes and glucose test strips.

19 20. Hearing aids as defined in section 36-1901.

20 21. Durable medical equipment that has a centers for medicare and
21 medicaid services common procedure code, is designated reimbursable by
22 medicare, is prescribed by a person who is licensed under title 32,
23 chapter 7, 13, 17 or 29, can withstand repeated use, is primarily and
24 customarily used to serve a medical purpose, is generally not useful to a
25 person in the absence of illness or injury and is appropriate for use in
26 the home.

27 22. Food, as provided in and subject to the conditions of article 3
28 of this chapter and sections 42-5074 and 42-6017.

29 23. Items purchased with United States department of agriculture
30 coupons issued under the supplemental nutrition assistance program
31 pursuant to the food and nutrition act of 2008 (P.L. 88-525; 78 Stat. 703;
32 7 United States Code sections 2011 through 2036b) by the United States
33 department of agriculture food and nutrition service or food instruments
34 issued under section 17 of the child nutrition act (P.L. 95-627; 92 Stat.
35 3603; P.L. 99-661, section 4302; P.L. 111-296; 42 United States Code
36 section 1786).

37 24. Food and drink provided without monetary charge by a taxpayer
38 that is subject to section 42-5074 to its employees for their own
39 consumption on the premises during the employees' hours of employment.

40 25. Tangible personal property that is used or consumed in a
41 business subject to section 42-5074 for human food, drink or condiment,
42 whether simple, mixed or compounded.

43 26. Food, drink or condiment and accessory tangible personal
44 property that are acquired for use by or provided to a school district or
45 charter school if they are to be either served or prepared and served to

1 persons for consumption on the premises of a public school in the school
2 district or on the premises of the charter school during school hours.

3 27. Lottery tickets or shares purchased pursuant to title 5,
4 chapter 5.1, article 1.

5 28. Textbooks, sold by a bookstore, that are required by any state
6 university or community college.

7 29. Magazines, other periodicals or other publications produced by
8 this state to encourage tourist travel.

9 30. Paper machine clothing, such as forming fabrics and dryer
10 felts, purchased by a paper manufacturer and directly used or consumed in
11 paper manufacturing.

12 31. Coal, petroleum, coke, natural gas, virgin fuel oil and
13 electricity purchased by a qualified environmental technology
14 manufacturer, producer or processor as defined in section 41-1514.02 and
15 directly used or consumed in generating or providing on-site power or
16 energy solely for environmental technology manufacturing, producing or
17 processing or environmental protection. This paragraph applies for twenty
18 full consecutive calendar or fiscal years from the date the first paper
19 manufacturing machine is placed in service. In the case of an
20 environmental technology manufacturer, producer or processor that does not
21 manufacture paper, the time period begins with the date the first
22 manufacturing, processing or production equipment is placed in service.

23 32. Motor vehicles that are removed from inventory by a motor
24 vehicle dealer as defined in section 28-4301 and that are provided to:

25 (a) Charitable or educational institutions that are exempt from
26 taxation under section 501(c)(3) of the internal revenue code.

27 (b) Public educational institutions.

28 (c) State universities or affiliated organizations of a state
29 university if no part of the organization's net earnings inures to the
30 benefit of any private shareholder or individual.

31 33. Natural gas or liquefied petroleum gas used to propel a motor
32 vehicle.

33 34. Machinery, equipment, technology or related supplies that are
34 only useful to assist a person with a physical disability as defined in
35 section 46-191 or a person who has a developmental disability as defined
36 in section 36-551 or has a head injury as defined in section 41-3201 to be
37 more independent and functional.

38 35. Liquid, solid or gaseous chemicals used in manufacturing,
39 processing, fabricating, mining, refining, metallurgical operations,
40 research and development and, beginning on January 1, 1999, printing, if
41 using or consuming the chemicals, alone or as part of an integrated system
42 of chemicals, involves direct contact with the materials from which the
43 product is produced for the purpose of causing or allowing a chemical or
44 physical change to occur in the materials as part of the production
45 process. This paragraph does not include chemicals that are used or

1 consumed in activities such as packaging, storage or transportation but
2 does not affect any exemption for such chemicals that is otherwise
3 provided by this section. For the purposes of this paragraph, "printing"
4 means a commercial printing operation and includes job printing,
5 engraving, embossing, copying and bookbinding.

6 36. Food, drink and condiment purchased for consumption within the
7 premises of any prison, jail or other institution under the jurisdiction
8 of the state department of corrections, the department of public safety,
9 the department of juvenile corrections or a county sheriff.

10 37. A motor vehicle and any repair and replacement parts and
11 tangible personal property becoming a part of such motor vehicle sold to a
12 motor carrier that is subject to a fee prescribed in title 28, chapter 16,
13 article 4 and that is engaged in the business of leasing or renting such a
14 property.

15 38. Tangible personal property that is or directly enters into and
16 becomes an ingredient or component part of cards used as prescription plan
17 identification cards.

18 39. Overhead materials or other tangible personal property that is
19 used in performing a contract between the United States government and a
20 manufacturer, modifier, assembler or repairer, including property used in
21 performing a subcontract with a government contractor who is a
22 manufacturer, modifier, assembler or repairer, to which title passes to
23 the government under the terms of the contract or subcontract. For the
24 purposes of this paragraph:

25 (a) "Overhead materials" means tangible personal property, the
26 gross proceeds of sales or gross income derived from which would otherwise
27 be included in the retail classification, that is used or consumed in
28 performing a contract, the cost of which is charged to an overhead expense
29 account and allocated to various contracts based on generally accepted
30 accounting principles and consistent with government contract accounting
31 standards.

32 (b) "Subcontract" means an agreement between a contractor and any
33 person who is not an employee of the contractor for furnishing of supplies
34 or services that, in whole or in part, are necessary to perform one or
35 more government contracts, or under which any portion of the contractor's
36 obligation under one or more government contracts is performed, undertaken
37 or assumed, and that includes provisions causing title to overhead
38 materials or other tangible personal property used in performing the
39 subcontract to pass to the government or that includes provisions
40 incorporating such title passing clauses in a government contract into the
41 subcontract.

42 40. Through December 31, 1994, tangible personal property sold
43 pursuant to a personal property liquidation transaction, as defined in
44 section 42-5061. From and after December 31, 1994, tangible personal
45 property sold pursuant to a personal property liquidation transaction, as

defined in section 42-5061, if the gross proceeds of the sales were included in the measure of the tax imposed by article 1 of this chapter or if the personal property liquidation was a casual activity or transaction.

41. Wireless telecommunications equipment that is held for sale or transfer to a customer as an inducement to enter into or continue a contract for telecommunications services that are taxable under section 42-5064.

42. Alternative fuel, as defined in section 1-215, purchased by a used oil fuel burner who has received a permit to burn used oil or used oil fuel under section 49-426 or 49-480.

43. Tangible personal property purchased by a commercial airline and consisting of food, beverages and condiments and accessories used for serving the food and beverages, if those items are to be provided without additional charge to passengers for consumption in flight. For the purposes of this paragraph, "commercial airline" means a person holding a federal certificate of public convenience and necessity or foreign air carrier permit for air transportation to transport persons, property or United States mail in intrastate, interstate or foreign commerce.

44. Alternative fuel vehicles if the vehicle was manufactured as a diesel fuel vehicle and converted to operate on alternative fuel and equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel, as defined in section 1-215.

45. Gas diverted from a pipeline, by a person engaged in the business of:

(a) Operating a natural or artificial gas pipeline, and used or consumed for the sole purpose of fueling compressor equipment that pressurizes the pipeline.

(b) Converting natural gas into liquefied natural gas, and used or consumed for the sole purpose of fueling compressor equipment used in the conversion process.

46. Tangible personal property that is excluded, exempt or deductible from transaction privilege tax pursuant to section 42-5063.

47. Tangible personal property purchased to be incorporated or installed as part of environmental response or remediation activities under section 42-5075, subsection B, paragraph 6.

48. Tangible personal property sold by a nonprofit organization that is exempt from taxation under section 501(c)(6) of the internal revenue code if the organization produces, organizes or promotes cultural or civic related festivals or events and no part of the organization's net earnings inures to the benefit of any private shareholder or individual.

49. Prepared food, drink or condiment donated by a restaurant as classified in section 42-5074, subsection A to a nonprofit charitable organization that has qualified under section 501(c)(3) of the internal

1 revenue code and that regularly serves meals to the needy and indigent on
2 a continuing basis at no cost.

3 50. Application services that are designed to assess or test
4 student learning or to promote curriculum design or enhancement purchased
5 by or for any school district, charter school, community college or state
6 university. For the purposes of this paragraph:

7 (a) "Application services" means software applications provided
8 remotely using hypertext transfer protocol or another network protocol.

9 (b) "Curriculum design or enhancement" means planning, implementing
10 or reporting on courses of study, lessons, assignments or other learning
11 activities.

12 51. Motor vehicle fuel and use fuel to a qualified business under
13 section 41-1516 for off-road use in harvesting, processing or transporting
14 qualifying forest products removed from qualifying projects as defined in
15 section 41-1516.

16 52. Repair parts installed in equipment used directly by a
17 qualified business under section 41-1516 in harvesting, processing or
18 transporting qualifying forest products removed from qualifying projects
19 as defined in section 41-1516.

20 53. Renewable energy credits or any other unit created to track
21 energy derived from renewable energy resources. For the purposes of this
22 paragraph, "renewable energy credit" means a unit created administratively
23 by the corporation commission or governing body of a public power entity
24 to track kilowatt hours of electricity derived from a renewable energy
25 resource or the kilowatt hour equivalent of conventional energy resources
26 displaced by distributed renewable energy resources.

27 54. Coal acquired from an owner or operator of a power plant by a
28 person that is responsible for refining coal if both of the following
29 apply:

30 (a) The transfer of title or possession of the coal is for the
31 purpose of refining the coal.

32 (b) The title or possession of the coal is transferred back to the
33 owner or operator of the power plant after completion of the coal refining
34 process. For the purposes of this subdivision, "coal refining process"
35 means the application of a coal additive system that aids the reduction of
36 power plant emissions during the combustion of coal and the treatment of
37 flue gas.

38 55. Tangible personal property incorporated or fabricated into a
39 project described in section 42-5075, subsection 0, that is located within
40 the exterior boundaries of an Indian reservation for which the owner, as
41 defined in section 42-5075, of the project is an Indian tribe or an
42 affiliated Indian. For the purposes of this paragraph:

43 (a) "Affiliated Indian" means an individual Native American Indian
44 who is duly registered on the tribal rolls of the Indian tribe for whose
45 benefit the Indian reservation was established.

(b) "Indian reservation" means all lands that are within the limits of areas set aside by the United States for the exclusive use and occupancy of an Indian tribe by treaty, law or executive order and that are recognized as Indian reservations by the United States department of the interior.

(c) "Indian tribe" means any organized nation, tribe, band or community that is recognized as an Indian tribe by the United States department of the interior and includes any entity formed under the laws of the Indian tribe.

56. Cash equivalents, precious metal bullion and monetized bullion purchased by the ultimate consumer, but coins or other forms of money for manufacture into jewelry or works of art are subject to tax, and tangible personal property that is purchased through the redemption of any cash equivalent by the holder as a means of payment for goods that are subject to tax under this article is subject to tax. For the purposes of this paragraph:

(a) "Cash equivalents" means items, whether or not negotiable, that are sold to one or more persons, through which a value denominated in money is purchased in advance and that may be redeemed in full or in part for tangible personal property, intangibles or services. Cash equivalents include gift cards, stored value cards, gift certificates, vouchers, traveler's checks, money orders or other tangible instruments or orders. Cash equivalents do not include either of the following:

(i) Items that are sold to one or more persons and through which a value is not denominated in money.

(ii) Prepaid calling cards for telecommunications services.

(b) "Monetized bullion" means coins and other forms of money that are manufactured from gold, silver or other metals and that have been or are used as a medium of exchange in this or another state, the United States or a foreign nation.

(c) "Precious metal bullion" means precious metal, including gold, silver, platinum, rhodium and palladium, that has been smelted or refined so that its value depends on its contents and not on its form.

57. A SAFE FIREARM STORAGE DEVICE. FOR THE PURPOSES OF THIS PARAGRAPH, "SAFE FIREARM STORAGE DEVICE":

(a) MEANS A DEVICE THAT IS BOTH OF THE FOLLOWING:

(i) DESIGNED AND MARKETING FOR THE PRINCIPAL PURPOSE OF DENYING UNAUTHORIZED ACCESS TO, OR RENDERING INOPERABLE, A FIREARM OR AMMUNITION.

(ii) SECURED BY A COMBINATION LOCK, KEY LOCK OR LOCK BASED ON BIOMETRIC INFORMATION THAT, ONCE LOCKED, IS INCAPABLE OF BEING OPENED WITHOUT THE COMBINATION, KEY OR BIOMETRIC INFORMATION, RESPECTIVELY.

(b) DOES NOT INCLUDE EITHER OF THE FOLLOWING:

(i) ANY DEVICE THAT IS INCORPORATED TO ANY EXTENT INTO THE DESIGN OF A FIREARM OR OF AMMUNITION.

1 (ii) ANY DEVICE THAT, AS OF THE DATE OF THE SALE OF THE SAFE
2 FIREARM STORAGE DEVICE, HAS BEEN SUBJECT TO A MANDATORY RECALL BY THE
3 UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION OR ITS SUCCESSOR
4 COMMISSION.

5 B. In addition to the exemptions allowed by subsection A of this
6 section, the following categories of tangible personal property are also
7 exempt:

8 1. Machinery, or equipment, used directly in manufacturing,
9 processing, fabricating, job printing, refining or metallurgical
10 operations. The terms "manufacturing", "processing", "fabricating", "job
11 printing", "refining" and "metallurgical" as used in this paragraph refer
12 to and include those operations commonly understood within their ordinary
13 meaning. "Metallurgical operations" includes leaching, milling,
14 precipitating, smelting and refining.

15 2. Machinery, or equipment, used directly in the process of
16 extracting ores or minerals from the earth for commercial purposes,
17 including equipment required to prepare the materials for extraction and
18 handling, loading or transporting such extracted material to the surface.
19 "Mining" includes underground, surface and open pit operations for
20 extracting ores and minerals.

21 3. Tangible personal property sold to persons engaged in business
22 classified under the telecommunications classification under section
23 42-5064, including a person representing or working on behalf of such a
24 person in a manner described in section 42-5075, subsection 0, and
25 consisting of central office switching equipment, switchboards, private
26 branch exchange equipment, microwave radio equipment and carrier equipment
27 including optical fiber, coaxial cable and other transmission media that
28 are components of carrier systems.

29 4. Machinery, equipment or transmission lines used directly in
30 producing or transmitting electrical power, but not including
31 distribution. Transformers and control equipment used at transmission
32 substation sites constitute equipment used in producing or transmitting
33 electrical power.

34 5. Machinery and equipment used directly for energy storage for
35 later electrical use. For the purposes of this paragraph:

36 (a) "Electric utility scale" means a person that is engaged in a
37 business activity described in section 42-5063, subsection A or such
38 person's equipment or wholesale electricity suppliers.

39 (b) "Energy storage" means commercially available technology for
40 electric utility scale that is capable of absorbing energy, storing energy
41 for a period of time and thereafter dispatching the energy and that uses
42 mechanical, chemical or thermal processes to store energy.

43 (c) "Machinery and equipment used directly" means all machinery and
44 equipment that are used for electric energy storage from the point of

1 receipt of such energy in order to facilitate storage of the electric
2 energy to the point where the electric energy is released.

3 6. Neat animals, horses, asses, sheep, ratites, swine or goats used
4 or to be used as breeding or production stock, including sales of
5 breedings or ownership shares in such animals used for breeding or
6 production.

7 7. Pipes or valves four inches in diameter or larger used to
8 transport oil, natural gas, artificial gas, water or coal slurry,
9 including compressor units, regulators, machinery and equipment, fittings,
10 seals and any other part that is used in operating the pipes or valves.

11 8. Aircraft, navigational and communication instruments and other
12 accessories and related equipment sold to:

13 (a) A person:

14 (i) Holding, or exempted by federal law from obtaining, a federal
15 certificate of public convenience and necessity for use as, in conjunction
16 with or becoming part of an aircraft to be used to transport persons for
17 hire in intrastate, interstate or foreign commerce.

18 (ii) That is certificated or licensed under federal aviation
19 administration regulations (14 Code of Federal Regulations part 121 or
20 135) as a scheduled or unscheduled carrier of persons for hire for use as
21 or in conjunction with or becoming part of an aircraft to be used to
22 transport persons for hire in intrastate, interstate or foreign commerce.

23 (iii) Holding a foreign air carrier permit for air transportation
24 for use as or in conjunction with or becoming a part of aircraft to be
25 used to transport persons, property or United States mail in intrastate,
26 interstate or foreign commerce.

27 (iv) Operating an aircraft to transport persons in any manner for
28 compensation or hire, or for use in a fractional ownership program that
29 meets the requirements of federal aviation administration regulations (14
30 Code of Federal Regulations part 91, subpart K), including as an air
31 carrier, a foreign air carrier or a commercial operator or under a
32 restricted category, within the meaning of 14 Code of Federal Regulations,
33 regardless of whether the operation or aircraft is regulated or certified
34 under part 91, 119, 121, 133, 135, 136 or 137, or another part of 14 Code
35 of Federal Regulations.

36 (v) That will lease or otherwise transfer operational control,
37 within the meaning of federal aviation administration operations
38 specification A008, or its successor, of the aircraft, instruments or
39 accessories to one or more persons described in item (i), (ii), (iii) or
40 (iv) of this subdivision, subject to section 42-5009, subsection Q.

41 (b) Any foreign government.

42 (c) Persons who are not residents of this state and who will not
43 use such property in this state other than in removing such property from
44 this state. This subdivision also applies to corporations that are not
45 incorporated in this state, regardless of maintaining a place of business

1 in this state, if the principal corporate office is located outside this
2 state and the property will not be used in this state other than in
3 removing the property from this state.

4 9. Machinery, tools, equipment and related supplies used or
5 consumed directly in repairing, remodeling or maintaining aircraft,
6 aircraft engines or aircraft component parts by or on behalf of a
7 certificated or licensed carrier of persons or property.

8 10. Rolling stock, rails, ties and signal control equipment used
9 directly to transport persons or property.

10 11. Machinery or equipment used directly to drill for oil or gas or
11 used directly in the process of extracting oil or gas from the earth for
12 commercial purposes.

13 12. Buses or other urban mass transit vehicles that are used
14 directly to transport persons or property for hire or pursuant to a
15 governmentally adopted and controlled urban mass transportation program
16 and that are sold to bus companies holding a federal certificate of
17 convenience and necessity or operated by any city, town or other
18 governmental entity or by any person contracting with such governmental
19 entity as part of a governmentally adopted and controlled program to
20 provide urban mass transportation.

21 13. Groundwater measuring devices required under section 45-604.

22 14. Machinery and equipment consisting of agricultural aircraft,
23 tractors, off-highway vehicles, tractor-drawn implements, self-powered
24 implements, machinery and equipment necessary for extracting milk, and
25 machinery and equipment necessary for cooling milk and livestock, and drip
26 irrigation lines not already exempt under paragraph 7 of this subsection
27 and that are used for commercially producing agricultural, horticultural,
28 viticultural and floricultural crops and products in this state. For the
29 purposes of this paragraph:

30 (a) "Off-highway vehicles" means off-highway vehicles as defined in
31 section 28-1171 that are modified at the time of sale to function as a
32 tractor or to tow tractor-drawn implements and that are not equipped with
33 a modified exhaust system to increase horsepower or speed or an engine
34 that is more than one thousand cubic centimeters or that have a maximum
35 speed of fifty miles per hour or less.

36 (b) "Self-powered implements" includes machinery and equipment that
37 are electric-powered.

38 15. Machinery or equipment used in research and development. For
39 the purposes of this paragraph, "research and development" means basic and
40 applied research in the sciences and engineering, and designing,
41 developing or testing prototypes, processes or new products, including
42 research and development of computer software that is embedded in or an
43 integral part of the prototype or new product or that is required for
44 machinery or equipment otherwise exempt under this section to function
45 effectively. Research and development do not include manufacturing

1 quality control, routine consumer product testing, market research, sales
2 promotion, sales service, research in social sciences or psychology,
3 computer software research that is not included in the definition of
4 research and development, or other nontechnological activities or
5 technical services.

6 16. Tangible personal property that is used by either of the
7 following to receive, store, convert, produce, generate, decode, encode,
8 control or transmit telecommunications information:

9 (a) Any direct broadcast satellite television or data transmission
10 service that operates pursuant to 47 Code of Federal Regulations part 25.

11 (b) Any satellite television or data transmission facility, if both
12 of the following conditions are met:

13 (i) Over two-thirds of the transmissions, measured in megabytes,
14 transmitted by the facility during the test period were transmitted to or
15 on behalf of one or more direct broadcast satellite television or data
16 transmission services that operate pursuant to 47 Code of Federal
17 Regulations part 25.

18 (ii) Over two-thirds of the transmissions, measured in megabytes,
19 transmitted by or on behalf of those direct broadcast television or data
20 transmission services during the test period were transmitted by the
21 facility to or on behalf of those services.

22 For the purposes of subdivision (b) of this paragraph, "test period" means
23 the three hundred sixty-five day period beginning on the later of the date
24 on which the tangible personal property is purchased or the date on which
25 the direct broadcast satellite television or data transmission service
26 first transmits information to its customers.

27 17. Clean rooms that are used for manufacturing, processing,
28 fabrication or research and development, as defined in paragraph 15 of
29 this subsection, of semiconductor products. For the purposes of this
30 paragraph, "clean room" means all property that comprises or creates an
31 environment where humidity, temperature, particulate matter and
32 contamination are precisely controlled within specified parameters,
33 without regard to whether the property is actually contained within that
34 environment or whether any of the property is affixed to or incorporated
35 into real property. Clean room:

36 (a) Includes the integrated systems, fixtures, piping, movable
37 partitions, lighting and all property that is necessary or adapted to
38 reduce contamination or to control airflow, temperature, humidity,
39 chemical purity or other environmental conditions or manufacturing
40 tolerances, as well as the production machinery and equipment operating in
41 conjunction with the clean room environment.

42 (b) Does not include the building or other permanent, nonremovable
43 component of the building that houses the clean room environment.

44 18. Machinery and equipment that are used directly in feeding
45 poultry, environmentally controlling housing for poultry, moving eggs

1 within a production and packaging facility or sorting or cooling eggs.
2 This exemption does not apply to vehicles used for transporting eggs.

3 19. Machinery or equipment, including related structural components
4 and containment structures, that is employed in connection with
5 manufacturing, processing, fabricating, job printing, refining, mining,
6 natural gas pipelines, metallurgical operations, telecommunications,
7 producing or transmitting electricity or research and development and that
8 is used directly to meet or exceed rules or regulations adopted by the
9 federal energy regulatory commission, the United States environmental
10 protection agency, the United States nuclear regulatory commission, the
11 Arizona department of environmental quality or a political subdivision of
12 this state to prevent, monitor, control or reduce land, water or air
13 pollution. For the purposes of this paragraph, "containment structure"
14 means a structure that prevents, monitors, controls or reduces noxious or
15 harmful discharge into the environment.

16 20. Machinery and equipment that are used in commercially producing
17 livestock, livestock products or agricultural, horticultural, viticultural
18 or floricultural crops or products in this state, including production by
19 a person representing or working on behalf of such a person in a manner
20 described in section 42-5075, subsection 0, if the machinery and equipment
21 are used directly and primarily to prevent, monitor, control or reduce
22 air, water or land pollution.

23 21. Machinery or equipment that enables a television station to
24 originate and broadcast or to receive and broadcast digital television
25 signals and that was purchased to facilitate compliance with the
26 telecommunications act of 1996 (P.L. 104-104; 110 Stat. 56; 47 United
27 States Code section 336) and the federal communications commission order
28 issued April 21, 1997 (47 Code of Federal Regulations part 73). This
29 paragraph does not exempt any of the following:

30 (a) Repair or replacement parts purchased for the machinery or
31 equipment described in this paragraph.

32 (b) Machinery or equipment purchased to replace machinery or
33 equipment for which an exemption was previously claimed and taken under
34 this paragraph.

35 (c) Any machinery or equipment purchased after the television
36 station has ceased analog broadcasting, or purchased after November 1,
37 2009, whichever occurs first.

38 22. Qualifying equipment that is purchased from and after June 30,
39 2004 through December 31, 2026 by a qualified business under section
40 41-1516 for harvesting or processing qualifying forest products removed
41 from qualifying projects as defined in section 41-1516. To qualify for
42 this exemption, the qualified business must obtain and present its
43 certification from the Arizona commerce authority at the time of purchase.

44 23. Machinery, equipment, materials and other tangible personal
45 property used directly and predominantly to construct a qualified

environmental technology manufacturing, producing or processing facility as described in section 41-1514.02. This paragraph applies for ten full consecutive calendar or fiscal years after the start of initial construction.

24. Computer data center equipment sold to the owner, operator or qualified colocation tenant of a computer data center that is certified by the Arizona commerce authority under section 41-1519 or an authorized agent of the owner, operator or qualified colocation tenant during the qualification period for use in the qualified computer data center. For the purposes of this paragraph, "computer data center", "computer data center equipment", "qualification period" and "qualified colocation tenant" have the same meanings prescribed in section 41-1519.

C. The exemptions provided by subsection B of this section do not include:

1. Expendable materials. For the purposes of this paragraph, expendable materials do not include any of the categories of tangible personal property specified in subsection B of this section regardless of the cost or useful life of that property.

2. Janitorial equipment and hand tools.

3. Office equipment, furniture and supplies.

4. Tangible personal property used in selling or distributing activities, other than the telecommunications transmissions described in subsection B, paragraph 16 of this section.

5. Motor vehicles required to be licensed by this state, except buses or other urban mass transit vehicles specifically exempted pursuant to subsection B, paragraph 12 of this section, without regard to the use of such motor vehicles.

6. Shops, buildings, docks, depots and all other materials of whatever kind or character not specifically included as exempt.

7. Motors and pumps used in drip irrigation systems.

8. Machinery and equipment or tangible personal property used by a contractor in performing a contract.

D. The following shall be deducted in computing the purchase price of electricity by a retail electric customer from a utility business:

1. Revenues received from sales of ancillary services, electric distribution services, electric generation services, electric transmission services and other services related to providing electricity to a retail electric customer who is located outside this state for use outside this state if the electricity is delivered to a point of sale outside this state.

2. Revenues received from providing electricity, including ancillary services, electric distribution services, electric generation services, electric transmission services and other services related to providing electricity with respect to which the transaction privilege tax imposed under section 42-5063 has been paid.

1 E. The tax levied by this article does not apply to the purchase of
2 solar energy devices from a retailer that is registered with the
3 department as a solar energy retailer or a solar energy contractor.

4 F. The following shall be deducted in computing the purchase price
5 of electricity by a retail electric customer from a utility business:

6 1. Fees charged by a municipally owned utility to persons
7 constructing residential, commercial or industrial developments or
8 connecting residential, commercial or industrial developments to a
9 municipal utility system or systems if the fees are segregated and used
10 only for capital expansion, system enlargement or debt service of the
11 utility system or systems.

12 2. Reimbursement or contribution compensation to any person or
13 persons owning a utility system for property and equipment installed to
14 provide utility access to, on or across the land of an actual utility
15 consumer if the property and equipment become the property of the utility.
16 This deduction shall not exceed the value of such property and equipment.

17 G. The tax levied by this article does not apply to the purchase
18 price of electricity, natural gas or liquefied petroleum gas by:

19 1. A qualified manufacturing or smelting business. A utility that
20 claims this deduction shall report each month, on a form prescribed by the
21 department, the name and address of each qualified manufacturing or
22 smelting business for which this deduction is taken. This paragraph
23 applies to gas transportation services. For the purposes of this
24 paragraph:

25 (a) "Gas transportation services" means the services of
26 transporting natural gas to a natural gas customer or to a natural gas
27 distribution facility if the natural gas was purchased from a supplier
28 other than the utility.

29 (b) "Manufacturing" means the performance as a business of an
30 integrated series of operations that places tangible personal property in
31 a form, composition or character different from that in which it was
32 acquired and transforms it into a different product with a distinctive
33 name, character or use. Manufacturing does not include job printing,
34 publishing, packaging, mining, generating electricity or operating a
35 restaurant.

36 (c) "Qualified manufacturing or smelting business" means one of the
37 following:

38 (i) A business that manufactures or smelts tangible products in
39 this state, of which at least fifty-one percent of the manufactured or
40 smelted products will be exported out of state for incorporation into
41 another product or sold out of state for a final sale.

42 (ii) A business that derives at least fifty-one percent of its
43 gross income from the sale of manufactured or smelted products
44 manufactured or smelted by the business.

1 (iii) A business that uses at least fifty-one percent of its square
2 footage in this state for manufacturing or smelting and business
3 activities directly related to manufacturing or smelting.

4 (iv) A business that employs at least fifty-one percent of its
5 workforce in this state in manufacturing or smelting and business
6 activities directly related to manufacturing or smelting.

7 (v) A business that uses at least fifty-one percent of the value of
8 its capitalized assets in this state, as reflected on the business's books
9 and records, for manufacturing or smelting and business activities
10 directly related to manufacturing or smelting.

11 (d) "Smelting" means to melt or fuse a metalliferous mineral, often
12 with an accompanying chemical change, usually to separate the metal.

13 2. A business that operates an international operations center in
14 this state and that is certified by the Arizona commerce authority
15 pursuant to section 41-1520.

16 H. A city or town may exempt proceeds from sales of paintings,
17 sculptures or similar works of fine art if such works of fine art are sold
18 by the original artist. For the purposes of this subsection, fine art
19 does not include an art creation such as jewelry, macrame, glasswork,
20 pottery, woodwork, metalwork, furniture or clothing if the art creation
21 has a dual purpose, both aesthetic and utilitarian, whether sold by the
22 artist or by another person.

23 I. For the purposes of subsection B of this section:

24 1. "Agricultural aircraft" means an aircraft that is built for
25 agricultural use for the aerial application of pesticides or fertilizer or
26 for aerial seeding.

27 2. "Aircraft" includes:

28 (a) An airplane flight simulator that is approved by the federal
29 aviation administration for use as a phase II or higher flight simulator
30 under appendix H, 14 Code of Federal Regulations part 121.

31 (b) Tangible personal property that is permanently affixed or
32 attached as a component part of an aircraft that is owned or operated by a
33 certificated or licensed carrier of persons or property.

34 3. "Other accessories and related equipment" includes aircraft
35 accessories and equipment such as ground service equipment that physically
36 contact aircraft at some point during the overall carrier operation.

37 J. For the purposes of subsection D of this section, "ancillary
38 services", "electric distribution service", "electric generation service",
39 "electric transmission service" and "other services" have the same
40 meanings prescribed in section 42-5063.

41 Sec. 3. Applicability

42 This act applies to taxable periods beginning on or after the first
43 day of the month following the general effective date.