

House _____ Amendment NO. _____

Offered By

AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 674, Page 32, Section 143.455, Line 172, by inserting immediately after all of said line the following:

"14. The market for sales of a corporation that is a broadcaster shall be determined as follows:

(1) Sales of a broadcaster that arise from, or relate to, the broadcast or other distribution of film programming by any means are in the state if the commercial domicile of the broadcaster's customer is in the state. Sales to which this subsection applies include income from advertising, and licensing income from distributing film programming. For purposes of this subsection, subsection 12(1)(d)b.(iii) of this section shall not apply.

(2) For purposes of this subsection, the following terms mean:

(a) "Broadcaster", a taxpayer that is a television station licensed by the Federal Communications Commission, a television broadcast network, a cable program network, or a television distribution company. The term "broadcaster" does not include a cable service provider or a direct broadcast satellite system.

(b) "Customer", any person, including a corporation, partnership, limited liability company, or other entity, such as an advertiser or licensee, that has a direct connection or contractual relationship with the broadcaster under which revenue is derived by the broadcaster. The term customer shall not include an advertising agency placing advertising on behalf of its client. The client of such advertising agency is the customer.

(c) "Film programming", one (1) or more performances, events, or productions (or segments of performances, events, or productions) intended to be distributed for visual and auditory perception, including but not limited to news, entertainment, sporting events, plays, stories, or other literary, commercial, educational, or artistic works."; and

Further amend said bill, section, Lines 173-250, by renumbering the remaining subsections accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Action Taken _____ Date _____