

AMENDMENTS TO LB873

Introduced by Revenue.

1 1. Strike the original sections and insert the following new
2 sections:

3 Sec. 3. Section 77-2734.02, Revised Statutes Supplement, 2021, is
4 amended to read:

5 77-2734.02 (1) Except as provided in subsection (2) of this section,
6 a tax is hereby imposed on the taxable income of every corporate taxpayer
7 that is doing business in this state:

8 (a) For taxable years beginning or deemed to begin before January 1,
9 2013, at a rate equal to one hundred fifty and eight-tenths percent of
10 the primary rate imposed on individuals under section 77-2701.01 on the
11 first one hundred thousand dollars of taxable income and at the rate of
12 two hundred eleven percent of such rate on all taxable income in excess
13 of one hundred thousand dollars. The resultant rates shall be rounded to
14 the nearest one hundredth of one percent;

15 (b) For taxable years beginning or deemed to begin on or after
16 January 1, 2013, and before January 1, 2022, at a rate equal to 5.58
17 percent on the first one hundred thousand dollars of taxable income and
18 at the rate of 7.81 percent on all taxable income in excess of one
19 hundred thousand dollars;

20 (c) For taxable years beginning or deemed to begin on or after
21 January 1, 2022, and before January 1, 2023, at a rate equal to 5.58
22 percent on the first one hundred thousand dollars of taxable income and
23 at the rate of 7.50 percent on all taxable income in excess of one
24 hundred thousand dollars;~~and~~

25 (d) For taxable years beginning or deemed to begin on or after
26 January 1, 2023, and before January 1, 2024, at a rate equal to 5.58
27 percent on the first one hundred thousand dollars of taxable income and

1 at the rate of 7.25 percent on all taxable income in excess of one
2 hundred thousand dollars; -

3 (e) For taxable years beginning or deemed to begin on or after
4 January 1, 2024, and before January 1, 2025, at a rate equal to 5.58
5 percent on the first one hundred thousand dollars of taxable income and
6 at the rate of 6.50 percent on all taxable income in excess of one
7 hundred thousand dollars;

8 (f) For taxable years beginning or deemed to begin on or after
9 January 1, 2025, and before January 1, 2026, at a rate equal to 5.58
10 percent on the first one hundred thousand dollars of taxable income and
11 at the rate of 6.24 percent on all taxable income in excess of one
12 hundred thousand dollars;

13 (g) For taxable years beginning or deemed to begin on or after
14 January 1, 2026, and before January 1, 2027, at a rate equal to 5.58
15 percent on the first one hundred thousand dollars of taxable income and
16 at the rate of 6.00 percent on all taxable income in excess of one
17 hundred thousand dollars; and

18 (h) For taxable years beginning or deemed to begin on or after
19 January 1, 2027, at a rate equal to 5.58 percent on the first one hundred
20 thousand dollars of taxable income and at the rate of 5.84 percent on all
21 taxable income in excess of one hundred thousand dollars.

22 ~~It is the intent of the Legislature to enact legislation after~~
23 ~~August 28, 2021, to lower the tax rate applicable to income in excess of~~
24 ~~one hundred thousand dollars to 7.00 percent for taxable years beginning~~
25 ~~or deemed to begin on or after January 1, 2024, and before January 1,~~
26 ~~2025, and to 6.84 percent for taxable years beginning or deemed to begin~~
27 ~~on or after January 1, 2025.~~

28 For corporate taxpayers with a fiscal year that does not coincide
29 with the calendar year, the individual rate used for this subsection
30 shall be the rate in effect on the first day, or the day deemed to be the
31 first day, of the taxable year.

1 (2) An insurance company shall be subject to taxation at the lesser
2 of the rate described in subsection (1) of this section or the rate of
3 tax imposed by the state or country in which the insurance company is
4 domiciled if the insurance company can establish to the satisfaction of
5 the Tax Commissioner that it is domiciled in a state or country other
6 than Nebraska that imposes on Nebraska domiciled insurance companies a
7 retaliatory tax against the tax described in subsection (1) of this
8 section.

9 (3) For a corporate taxpayer that is subject to tax in another
10 state, its taxable income shall be the portion of the taxpayer's federal
11 taxable income, as adjusted, that is determined to be connected with the
12 taxpayer's operations in this state pursuant to sections 77-2734.05 to
13 77-2734.15.

14 (4) Each corporate taxpayer shall file only one income tax return
15 for each taxable year.

16 Sec. 8. Original section 77-2715.03, Reissue Revised Statutes of
17 Nebraska, sections 77-6701 and 77-6702, Revised Statutes Cumulative
18 Supplement, 2020, and sections 77-2716, 77-2734.02, and 77-6703, Revised
19 Statutes Supplement, 2021, are repealed.