

LEGISLATURE OF NEBRASKA
NINETY-SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 174

Introduced by Revenue Committee: Wickersham, 49, Chairperson;
Dierks, 40; Hartnett, 45; Janssen, 15; Raikes, 25;
Redfield, 12

Read first time January 4, 2001

Committee: Revenue

A BILL

1 FOR AN ACT relating to corporations; to amend sections 21-303,
2 21-319, and 21-328, Reissue Revised Statutes of Nebraska,
3 and section 77-2701, Revised Statutes Supplement, 2000;
4 to change and eliminate provisions relating to occupation
5 taxes and provide for a corporate income tax; to
6 eliminate a definition; to harmonize provisions; to
7 repeal the original sections; and to outright repeal
8 sections 21-306 and 21-329, Reissue Revised Statutes of
9 Nebraska.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 21-303, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 21-303. ~~(1)~~ At the time of filing such annual report it
4 shall be the duty of every domestic or foreign corporation for
5 profit, and registered in the office of the Secretary of State on
6 January 1, ~~whether incorporated under the laws of this state or~~
7 ~~incorporated under the laws of any other state when such~~
8 ~~corporations have domesticated in this state,~~ to pay to the
9 Secretary of State an annual fee of twenty-five dollars for the
10 calendar year beginning January 1, which fee shall be due and
11 assessable on such date and delinquent if not paid on or before
12 April 15 of each year.

13 ~~(2) Except as provided in subsection (3) of this section,~~
14 ~~the annual fee shall be as follows: When the paid-up capital stock~~
15 ~~of a corporation does not exceed ten thousand dollars, a fee of~~
16 ~~thirteen dollars; when such paid-up capital stock exceeds ten~~
17 ~~thousand dollars but does not exceed twenty thousand dollars, a fee~~
18 ~~of twenty dollars; when such paid-up capital stock exceeds twenty~~
19 ~~thousand dollars but does not exceed thirty thousand dollars, a fee~~
20 ~~of thirty dollars; when such paid-up capital stock exceeds thirty~~
21 ~~thousand dollars but does not exceed forty thousand dollars, a fee~~
22 ~~of forty dollars; when such paid-up capital stock exceeds forty~~
23 ~~thousand dollars but does not exceed fifty thousand dollars, a fee~~
24 ~~of fifty dollars; when such paid-up capital stock exceeds fifty~~
25 ~~thousand dollars but does not exceed sixty thousand dollars, a fee~~
26 ~~of sixty dollars; when such paid-up capital stock exceeds sixty~~
27 ~~thousand dollars but does not exceed seventy thousand dollars, a~~
28 ~~fee of seventy dollars; when such paid-up capital stock exceeds~~

1 seventy thousand dollars but does not exceed eighty thousand
2 dollars, a fee of eighty dollars; when such paid-up capital stock
3 exceeds eighty thousand dollars but does not exceed ninety thousand
4 dollars, a fee of ninety dollars; when such paid-up capital stock
5 exceeds ninety thousand dollars but does not exceed one hundred
6 thousand dollars, a fee of one hundred dollars; when such paid-up
7 capital stock exceeds one hundred thousand dollars but does not
8 exceed one hundred twenty-five thousand dollars, a fee of one
9 hundred twenty dollars; when such paid-up capital stock exceeds one
10 hundred twenty-five thousand dollars but does not exceed one
11 hundred fifty thousand dollars, a fee of one hundred forty dollars;
12 when such paid-up capital stock exceeds one hundred fifty thousand
13 dollars but does not exceed one hundred seventy-five thousand
14 dollars, a fee of one hundred sixty dollars; when such paid-up
15 capital stock exceeds one hundred seventy-five thousand dollars but
16 does not exceed two hundred thousand dollars, a fee of one hundred
17 eighty dollars; when such paid-up capital stock exceeds two hundred
18 thousand dollars but does not exceed two hundred twenty-five
19 thousand dollars, a fee of two hundred dollars; when such paid-up
20 capital stock exceeds two hundred twenty-five thousand dollars but
21 does not exceed two hundred fifty thousand dollars, a fee of two
22 hundred twenty dollars; when such paid-up capital stock exceeds two
23 hundred fifty thousand dollars but does not exceed two hundred
24 seventy-five thousand dollars, a fee of two hundred forty dollars;
25 when such paid-up capital stock exceeds two hundred seventy-five
26 thousand dollars but does not exceed three hundred thousand
27 dollars, a fee of two hundred sixty dollars; when such paid-up
28 capital stock exceeds three hundred thousand dollars but does not

1 exceed three hundred twenty-five thousand dollars, a fee of two
2 hundred eighty dollars, when such paid-up capital stock exceeds
3 three hundred twenty-five thousand dollars but does not exceed
4 three hundred fifty thousand dollars, a fee of three hundred
5 dollars, when such paid-up capital stock exceeds three hundred
6 fifty thousand dollars but does not exceed four hundred thousand
7 dollars, a fee of three hundred thirty-three dollars, when such
8 paid-up capital stock exceeds four hundred thousand dollars but
9 does not exceed four hundred fifty thousand dollars, a fee of three
10 hundred sixty-five dollars, when such paid-up capital stock exceeds
11 four hundred fifty thousand dollars but does not exceed five
12 hundred thousand dollars, a fee of four hundred dollars, when such
13 paid-up capital stock exceeds five hundred thousand dollars but
14 does not exceed six hundred thousand dollars, a fee of four hundred
15 fifty-five dollars, when such paid-up capital stock exceeds six
16 hundred thousand dollars but does not exceed seven hundred thousand
17 dollars, a fee of five hundred five dollars, when such paid-up
18 capital stock exceeds seven hundred thousand dollars but does not
19 exceed eight hundred thousand dollars, a fee of five hundred sixty
20 dollars, when such paid-up capital stock exceeds eight hundred
21 thousand dollars but does not exceed nine hundred thousand dollars,
22 a fee of six hundred fifteen dollars, when such paid-up capital
23 stock exceeds nine hundred thousand dollars but does not exceed one
24 million dollars, a fee of six hundred sixty-five dollars, when such
25 paid-up capital stock exceeds one million dollars but does not
26 exceed ten million dollars, a fee of six hundred sixty-five
27 dollars, and four hundred dollars additional for each million or
28 fraction thereof over and above one million dollars, when such

1 ~~paid-up~~ capital stock exceeds ten million dollars but does not
2 exceed fifteen million dollars, a fee of ~~six~~ thousand dollars, when
3 such ~~paid-up~~ capital stock exceeds fifteen million dollars but does
4 not exceed twenty million dollars, a fee of seven thousand three
5 hundred thirty dollars, when such ~~paid-up~~ capital stock exceeds
6 twenty million dollars but does not exceed ~~twenty-five~~ million
7 dollars, a fee of eight thousand ~~six~~ hundred ~~sixty-five~~ dollars,
8 when such ~~paid-up~~ capital stock exceeds ~~twenty-five~~ million dollars
9 but does not exceed fifty million dollars, a fee of ten thousand
10 three hundred thirty dollars, when such ~~paid-up~~ capital stock
11 exceeds fifty million dollars but does not exceed one hundred
12 million dollars, a fee of ten thousand ~~six~~ hundred ~~sixty-five~~
13 dollars, and when such ~~paid-up~~ capital stock exceeds one hundred
14 million dollars, a fee of eleven thousand nine hundred ~~ninety-five~~
15 dollars. The minimum annual fee for filing such report shall be
16 thirteen dollars. For purposes of determining the annual fee, the
17 stock of corporations incorporated under the laws of any other
18 state, which corporations have domesticated in this state and which
19 stock is without par value, shall be deemed to have a par value of
20 an amount equal to the amount paid in as capital for such shares at
21 the time of the issuance thereof.

22 (3) For 1993 and 1994, the annual fee shall be as
23 follows: When the ~~paid-up~~ capital stock of a corporation does not
24 exceed ten thousand dollars, a fee of ~~forty-three~~ dollars, when
25 such ~~paid-up~~ capital stock exceeds ten thousand dollars but does
26 not exceed twenty thousand dollars, a fee of fifty dollars, when
27 such ~~paid-up~~ capital stock exceeds twenty thousand dollars but does
28 not exceed thirty thousand dollars, a fee of ~~sixty~~ dollars, when

1 such paid-up capital stock exceeds thirty thousand dollars but does
2 not exceed forty thousand dollars, a fee of seventy dollars, when
3 such paid-up capital stock exceeds forty thousand dollars but does
4 not exceed fifty thousand dollars, a fee of eighty dollars, when
5 such paid-up capital stock exceeds fifty thousand dollars but does
6 not exceed sixty thousand dollars, a fee of ninety dollars, when
7 such paid-up capital stock exceeds sixty thousand dollars but does
8 not exceed seventy thousand dollars, a fee of one hundred dollars,
9 when such paid-up capital stock exceeds seventy thousand dollars
10 but does not exceed eighty thousand dollars, a fee of one hundred
11 ten dollars, when such paid-up capital stock exceeds eighty
12 thousand dollars but does not exceed ninety thousand dollars, a fee
13 of one hundred twenty dollars, when such paid-up capital stock
14 exceeds ninety thousand dollars but does not exceed one hundred
15 thousand dollars, a fee of one hundred thirty dollars, when such
16 paid-up capital stock exceeds one hundred thousand dollars but does
17 not exceed one hundred twenty-five thousand dollars, a fee of one
18 hundred eighty dollars, when such paid-up capital stock exceeds one
19 hundred twenty-five thousand dollars but does not exceed one
20 hundred fifty thousand dollars, a fee of two hundred dollars, when
21 such paid-up capital stock exceeds one hundred fifty thousand
22 dollars but does not exceed one hundred seventy-five thousand
23 dollars, a fee of two hundred twenty dollars, when such paid-up
24 capital stock exceeds one hundred seventy-five thousand dollars but
25 does not exceed two hundred thousand dollars, a fee of two hundred
26 forty dollars, when such paid-up capital stock exceeds two hundred
27 thousand dollars but does not exceed two hundred twenty-five
28 thousand dollars, a fee of two hundred sixty dollars, when such

1 ~~paid-up capital stock exceeds two hundred twenty-five thousand~~
2 ~~dollars but does not exceed two hundred fifty thousand dollars, a~~
3 ~~fee of two hundred eighty dollars, when such paid-up capital stock~~
4 ~~exceeds two hundred fifty thousand dollars but does not exceed two~~
5 ~~hundred seventy-five thousand dollars, a fee of three hundred~~
6 ~~dollars, when such paid-up capital stock exceeds two hundred~~
7 ~~seventy-five thousand dollars but does not exceed three hundred~~
8 ~~thousand dollars, a fee of three hundred twenty dollars, when such~~
9 ~~paid-up capital stock exceeds three hundred thousand dollars but~~
10 ~~does not exceed three hundred twenty-five thousand dollars, a fee~~
11 ~~of three hundred forty dollars, when such paid-up capital stock~~
12 ~~exceeds three hundred twenty-five thousand dollars but does not~~
13 ~~exceed three hundred fifty thousand dollars, a fee of three hundred~~
14 ~~ninety dollars, when such paid-up capital stock exceeds three~~
15 ~~hundred fifty thousand dollars but does not exceed four hundred~~
16 ~~thousand dollars, a fee of four hundred twenty-three dollars, when~~
17 ~~such paid-up capital stock exceeds four hundred thousand dollars~~
18 ~~but does not exceed four hundred fifty thousand dollars, a fee of~~
19 ~~four hundred fifty-five dollars, when such paid-up capital stock~~
20 ~~exceeds four hundred fifty thousand dollars but does not exceed~~
21 ~~five hundred thousand dollars, a fee of four hundred ninety~~
22 ~~dollars, when such paid-up capital stock exceeds five hundred~~
23 ~~thousand dollars but does not exceed six hundred thousand dollars,~~
24 ~~a fee of five hundred forty-five dollars, when such paid-up capital~~
25 ~~stock exceeds six hundred thousand dollars but does not exceed~~
26 ~~seven hundred thousand dollars, a fee of five hundred ninety-five~~
27 ~~dollars, when such paid-up capital stock exceeds seven hundred~~
28 ~~thousand dollars but does not exceed eight hundred thousand~~

1 dollars, a fee of six hundred fifty dollars, when such paid-up
2 capital stock exceeds eight hundred thousand dollars but does not
3 exceed nine hundred thousand dollars, a fee of seven hundred five
4 dollars, when such paid-up capital stock exceeds nine hundred
5 thousand dollars but does not exceed one million dollars, a fee of
6 seven hundred fifty-five dollars, when such paid-up capital stock
7 exceeds one million dollars but does not exceed ten million
8 dollars, a fee of seven hundred eighty-five dollars, and four
9 hundred dollars additional for each million or fraction thereof
10 over and above one million dollars, when such paid-up capital stock
11 exceeds ten million dollars but does not exceed fifteen million
12 dollars, a fee of six thousand one hundred twenty dollars, when
13 such paid-up capital stock exceeds fifteen million dollars but does
14 not exceed twenty million dollars, a fee of seven thousand four
15 hundred fifty dollars, when such paid-up capital stock exceeds
16 twenty million dollars but does not exceed twenty-five million
17 dollars, a fee of eight thousand seven hundred eighty-five dollars,
18 when such paid-up capital stock exceeds twenty-five million dollars
19 but does not exceed fifty million dollars, a fee of ten thousand
20 four hundred fifty dollars, when such paid-up capital stock exceeds
21 fifty million dollars but does not exceed one hundred million
22 dollars, a fee of ten thousand seven hundred eighty-five dollars,
23 and when such paid-up capital stock exceeds one hundred million
24 dollars, a fee of twelve thousand one hundred fifteen dollars. The
25 minimum annual fee for filing such report shall be forty-three
26 dollars. For purposes of determining the annual fee, the stock of
27 corporations incorporated under the laws of any other state, which
28 corporations have domesticated in this state and which stock is

1 without par value, shall be deemed to have a par value of an amount
2 equal to the amount paid in as capital for such shares at the time
3 of the issuance thereof.

4 Sec. 2. Section 21-319, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 21-319. Any county clerk shall, upon request of the
7 Secretary of State, furnish him or her with such information as is
8 shown by the records of his or her office concerning corporations
9 located within his or her county. ~~and subject to sections 21-301~~
10 ~~to 21-325. The Secretary of State, or any person deputized by him~~
11 ~~or her for the purpose of determining the amount of fees due from~~
12 ~~such corporation, shall have authority to investigate and determine~~
13 ~~the facts showing the proportion of the paid-up capital stock of~~
14 ~~the company represented by its property and business in Nebraska.~~

15 Sec. 3. Section 21-328, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 21-328. Any corporation paying the ~~fees~~ fee imposed by
18 section 21-303 ~~or 21-306~~ may claim a refund if the payment of such
19 fee was invalid for any reason. The corporation shall file a
20 written claim and any evidence supporting the claim within two
21 years after payment of such fee. The Secretary of State shall
22 either approve or deny the claim within thirty days after such
23 filing. Any approved claims shall be paid out of the General Fund.
24 Appeal of a decision by the Secretary of State shall be in
25 accordance with the Administrative Procedure Act.

26 Sec. 4. Section 77-2701, Revised Statutes Supplement,
27 2000, is amended to read:

28 77-2701. Sections 77-2701 to 77-27,135.01 and section 5

1 of this act shall be known and may be cited as the Nebraska Revenue
2 Act of 1967.

3 Sec. 5. In addition to the tax imposed by section
4 77-2734.02 and for each taxable year beginning or deemed to begin
5 on or after January 1, 2001, there is hereby imposed a surcharge
6 equal to three-tenths of one percent on the first three million
7 dollars of taxable income of every corporate taxpayer that is doing
8 business in this state. The surcharge shall be reported on a form
9 prescribed by the Department of Revenue and shall be due and
10 payable at the same time as the tax returns required by sections
11 77-2714 to 77-27,123. The surcharge may not be reduced by any
12 credits that may be taken under section 77-27,188 or 77-4105.

13 Sec. 6. Original sections 21-303, 21-319, and 21-328,
14 Reissue Revised Statutes of Nebraska, and section 77-2701, Revised
15 Statutes Supplement, 2000, are repealed.

16 Sec. 7. The following sections are outright repealed:
17 Sections 21-306 and 21-329, Reissue Revised Statutes of Nebraska.