

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 783

Introduced by Howard, 9; Kruse, 13; Wallman, 30.

Read first time January 09, 2008

Committee: Revenue

A BILL

1 FOR AN ACT relating to revenue and taxation; to amend section
2 77-2715.07, Revised Statutes Supplement, 2007; to provide
3 for an income tax credit for adoption expenses as
4 prescribed; to provide an operative date; and to repeal
5 the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 77-2715.07, Revised Statutes
2 Supplement, 2007, is amended to read:

3 77-2715.07 (1) There shall be allowed to qualified
4 resident individuals as a nonrefundable credit against the income
5 tax imposed by the Nebraska Revenue Act of 1967:

6 (a) A credit equal to the federal credit allowed under
7 section 22 of the Internal Revenue Code; and

8 (b) A credit for taxes paid to another state as provided
9 in section 77-2730.

10 (2) There shall be allowed to qualified resident
11 individuals against the income tax imposed by the Nebraska Revenue
12 Act of 1967:

13 (a) For returns filed reporting federal adjusted
14 gross incomes of greater than twenty-nine thousand dollars, a
15 nonrefundable credit equal to twenty-five percent of the federal
16 credit allowed under section 21 of the Internal Revenue Code of
17 1986, as amended;

18 (b) For returns filed reporting federal adjusted gross
19 income of twenty-nine thousand dollars or less, a refundable credit
20 equal to a percentage of the federal credit allowable under section
21 21 of the Internal Revenue Code of 1986, as amended, whether or
22 not the federal credit was limited by the federal tax liability.
23 The percentage of the federal credit shall be one hundred percent
24 for incomes not greater than twenty-two thousand dollars, and
25 the percentage shall be reduced by ten percent for each one

1 thousand dollars, or fraction thereof, by which the reported
2 federal adjusted gross income exceeds twenty-two thousand dollars;

3 (c) A refundable credit for individuals who qualify for
4 an income tax credit as an owner of agricultural assets under the
5 Beginning Farmer Tax Credit Act for all taxable years beginning or
6 deemed to begin on or after January 1, 2001, under the Internal
7 Revenue Code of 1986, as amended; and a refundable credit as
8 provided in section 77-5209.01 for individuals who qualify for an
9 income tax credit as a qualified beginning farmer or livestock
10 producer under the Beginning Farmer Tax Credit Act for all taxable
11 years beginning or deemed to begin on or after January 1, 2006,
12 under the Internal Revenue Code of 1986, as amended;

13 (d) A refundable credit for individuals who qualify for
14 an income tax credit under the Nebraska Advantage Microenterprise
15 Tax Credit Act or the Nebraska Advantage Research and Development
16 Act; and

17 (e) A refundable credit equal to ten percent of the
18 federal credit allowed under section 32 of the Internal Revenue
19 Code of 1986, as amended.

20 (3) There shall be allowed to all individuals as a
21 nonrefundable credit against the income tax imposed by the Nebraska
22 Revenue Act of 1967:

23 (a) A credit for personal exemptions allowed under
24 section 77-2716.01;

25 (b) A credit for contributions to certified community

1 betterment programs as provided in the Community Development
2 Assistance Act. Each partner, each shareholder of an electing
3 subchapter S corporation, each beneficiary of an estate or trust,
4 or each member of a limited liability company shall report his or
5 her share of the credit in the same manner and proportion as he
6 or she reports the partnership, subchapter S corporation, estate,
7 trust, or limited liability company income; and

8 (c) A credit for investment in a biodiesel facility as
9 provided in section 77-27,236.

10 (4) There shall be allowed as a credit against the income
11 tax imposed by the Nebraska Revenue Act of 1967:

12 (a) A credit to all resident estates and trusts for taxes
13 paid to another state as provided in section 77-2730; and

14 (b) A credit to all estates and trusts for contributions
15 to certified community betterment programs as provided in the
16 Community Development Assistance Act.

17 (5)(a) For all taxable years beginning on or after
18 January 1, 2007, and before January 1, 2009, under the Internal
19 Revenue Code of 1986, as amended, there shall be allowed to each
20 partner, shareholder, member, or beneficiary of a partnership,
21 subchapter S corporation, limited liability company, or estate or
22 trust a nonrefundable credit against the income tax imposed by
23 the Nebraska Revenue Act of 1967 equal to fifty percent of the
24 partner's, shareholder's, member's, or beneficiary's portion of the
25 amount of franchise tax paid to the state under sections 77-3801 to

1 77-3807 by a financial institution.

2 (b) For all taxable years beginning on or after January
3 1, 2009, under the Internal Revenue Code of 1986, as amended,
4 there shall be allowed to each partner, shareholder, member, or
5 beneficiary of a partnership, subchapter S corporation, limited
6 liability company, or estate or trust a nonrefundable credit
7 against the income tax imposed by the Nebraska Revenue Act of 1967
8 equal to the partner's, shareholder's, member's, or beneficiary's
9 portion of the amount of franchise tax paid to the state under
10 sections 77-3801 to 77-3807 by a financial institution.

11 (c) Each partner, shareholder, member, or beneficiary
12 shall report his or her share of the credit in the same manner
13 and proportion as he or she reports the partnership, subchapter S
14 corporation, limited liability company, or estate or trust income.
15 If any partner, shareholder, member, or beneficiary cannot fully
16 utilize the credit for that year, the credit may not be carried
17 forward or back.

18 (6)(a) For taxable years beginning or deemed to begin on
19 or after January 1, 2008, there shall be allowed to each resident
20 individual against the tax imposed by the Nebraska Revenue Act of
21 1967 a one-time refundable credit for each child adopted on or
22 after January 1, 2008. The amount of the tax credit shall be five
23 hundred dollars for each child adopted.

24 (b) If the individual claims the tax credit, the tax
25 credit shall be placed in the Nebraska educational savings plan

1 trust created in sections 85-1801 to 85-1814 as if the individual
2 was making a contribution as a participant in the plan. The tax
3 credit shall also be treated as an adjustment to federal adjusted
4 gross income to the extent allowed under subdivision (8)(c) of
5 section 77-2716 but shall not be an increase in the adjustment
6 allowed under such subdivision. The individual claiming the tax
7 credit shall provide sufficient proof of the adoption on a form
8 prescribed by the department, enter into a participation agreement
9 pursuant to sections 85-1801 to 85-1814, and remit a copy of
10 the individual's participation agreement and Nebraska educational
11 savings plan trust account number with his or her tax return.

12 (c) Every biennium, the Legislature shall reexamine the
13 amount of the tax credit based on economic conditions, fiscal
14 conditions, social conditions, and other relevant factors.

15 Sec. 2. This act is operative for all taxable years
16 beginning or deemed to begin on or after January 1, 2008, under the
17 Internal Revenue Code of 1986, as amended.

18 Sec. 3. Original section 77-2715.07, Revised Statutes
19 Supplement, 2007, is repealed.