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FLOOR DEBATE

February 4, 2005 LB 216

made his suggestion. The committee took it and we'll find it in a moment when we get to the committee amendments. Mr. President, that's a fair description of the general terms of LB 216 on behalf of the Revenue Committee.

SENATOR CUDABACK: Senator Landis, you are recognized to open on the Revenue Committee amendments to LB 216.

SENATOR LANDIS: Okay. Well, the amendment has to do with filing an amended Nebraska return, usually after there's been a delay in the filing of a federal return. That's the normal circumstance that would occasion this situation. And the department said, look, if you're going to have this federal return, then your state return will be...your state amended return will be 90 days after your amended federal return. However, you could have a situation in which the statutes grant you a period of time to make an amended return, which we have under our statutes. The federal return could be done early in that time line and the state would then impose a 90-day return obligation from the filing of the federal return, knowing that the state obligation might be two years out. So what we agreed to do was to say this: Provide that the deadline for the filing of an amended Nebraska return is either 90 days after the related federal return, so that a taxpayer will get at least 90 days; or if they have more time under their state allowable period of time, then they get to use the usual deadline for the amended state return, whichever is later. In other words, what you can't have is less than 90 days to file an amended state return, and if you are entitled to more time than that under current law, you get more time. That's the committee amendment and I would ask for the adoption of the committee amendment.

SENATOR CUDABACK: You've heard the opening on the committee amendments to LB 216. Mr. Clerk, motion on the desk? Okay. Open for discussion on the committee amendments. Senator Landis, there are no lights on. You may close.

SENATOR LANDIS: To reiterate, the taxpayer is in no way prejudiced, but in fact is guaranteed a 90-day window at a minimum, and I think this is a taxpayer-friendly committee amendment. I would urge its adoption.