

taxpayer. The other provisions of the bill puts into law what...some authority which the Tax Commissioner or Department of Revenue do not currently have, and these are conditions where they can waive interest, as was somewhat discussed in the committee amendment. To briefly describe the provisions, on page 5, subsection (4), lines 7 through 15 is a restatement of the current law that appears in the Sales and Income Tax Act. Generally, it has been applied to the act as a whole, but it restates...but it currently is found in the sales tax section of the statute. It currently is interpreted to apply to the entire act, but this repeats the language that appears in the Sales Tax Act, so it is very clear that it follows the...or it applies to the act as a whole and not just the sales tax and, in fact, this is how the department has always administered the language in any event. Starting on line 16, though, it sets up, under specific procedures, areas in which the Tax Commissioner may abate interest to the taxpayer. Under those conditions, one of which is where the interest is charged because the taxpayer relied on what turned out to be erroneous written advice by the Department of Revenue, that is, if you had written advice as to what you should file in the form of taxation...of income tax, sales tax, income tax specifically, to the Department of Revenue, subsequently it was found that even based upon that erroneous information from the Department of Revenue that you still owed some tax, you did not have to pay interest on that, because you had a good faith effort of relying on the advice, the written advice of the Department of Revenue. Then there is a...going to the next page, there is two other provisions...three other provisions where that will again permit the taxpayer to not be charged interest, that is the interest could be waived. One of these is, lines 6 through 11, actually replaces some written language that was stricken on pages 3 and 4 of the bill. And under that, where the department erroneously charged, wait a minute, where the department erroneously refunded money to the taxpayer, and then at a later date found that was to be an error, that the refund should not have been made and the taxpayer is assessed an increase from their original filing. Under current law they could be required to pay interest on the money that had been erroneously refunded to them by the Department of Revenue. This would waive that so that, under those conditions, which again is at no fault of the taxpayer, that that interest could be waived. Then another provision is that there is already such current provisions under federal income tax law. And in those cases where the interest is waived on a tax filing by virtue of the federal tax laws as