

the refund.

SPEAKER WITHEM: I understand that concern. It's a valid concern. On the other hand is I think, in fairness to the company who has taken advantage of a public policy that this Legislature has given them to use this withholding money, I think that there needs to be some process by which the company could be sure that this individual does, in fact, have this money coming. I think it would be up to the company under this language to say, you know, a written verification, or the company could say the copy of the income tax form. And keep in mind that we require the individual to file this form with the state government before they get their withholding, overwithholding back. We'd be doing the same thing. Now maybe what we ought to do, thinking out loud here, is some sort of privacy requirement on the employer that that information will not be disseminated beyond who has a reasonable need to know in order to return it.

SENATOR BEUTLER: Or used for other purposes within the business organization.

SPEAKER WITHEM: And, again, good language that will tighten up privacy on that would be acceptable to me.

SENATOR BEUTLER: Let me ask you then the third scenario.

PRESIDENT ROBAK: One minute.

SENATOR BEUTLER: And this I understand even less. But let's take a reverse situation, instead of overwithholding it's underwithholding, which means that in at least one conceptual sense the company didn't really get all the money it should have. Is it intended or not intended that the company should have a right to go to the state and say, where's the rest of our money?

SPEAKER WITHEM: No, and I believe that was a policy debate we did have last year and indicated that in the case of underwithholding that the individual would, and I'm looking to make sure I don't make a mistake on this, that in case of underwithholding that the individual would file the calculations that are described in this document, file their state income tax. They would owe that money to the state government and that