PROPOSED AMENDMENTS TO HOUSE BILL NO. 1332

Page 1, line 1, after "enact" insert "a new subdivision to subsection 6 of section 57-38-38 and"

Page 1, line 2, after "to" insert "the exemption of penalties on refunded income taxes from an amended return or claim and"

Page 1, line 11, overstrike "interest" and replace "refundable for overpayment of income taxes relating to an interest" with "If, for any portion of the time period over which interest is otherwise computed under this section on a refund, interest was previously computed under subsection 1 of section 57-38-45 on additional tax due for any tax period, the interest computed on the refund for that portion of the time period must be computed at the same rate and the same manner that was used in computing the interest on the additional tax due, but only to the extent that the amount of the refund does not exceed the amount of the additional tax due."

Page 1, remove lines 12 through 15

Page 1, line 20, remove "initial"

Page 2, line 2, after "later" insert an underscored comma

Page 2, line 3, replace ". Interest accrues through the date of payment unless payment is made" with ", to the date of payment of the refund, except that if the refund payment is made within forty-five days of the date the amended return or claim is filed, interest accrues to the date the amended return or claim is filed"

Page 2, line 4, remove "within forty-five days of the date of the filing of the amended return or claim"

Page 2, line 10, replace "except no interest accrues for refunds paid under" with "to the date of payment of the refund, except that if the refund payment is made within forty-five days of the date the amended return or claim is filed, to claim the refund attributable to the net operating loss or capital loss carryback, interest accrues to the date the amended return or claim is filed"

Page 2, remove lines 11 and 12

Page 2, line 13, remove "capital loss carryback"

Page 2, after line 15, insert:

"**SECTION 2.** A new subdivision to subsection 6 of section 57-38-38 of the North Dakota Century Code is created and enacted as follows:

If a determination is made under subdivision a of this subsection that additional tax is due and the tax commissioner has previously refunded income taxes related to the amended return or claim, subsection 2 of section 57-38-45 does not apply to the refunded amount."

Page 3, line 12, after "If" insert an underscored comma, replace "calculation" with "time", and replace ", with respect to either the tax period" with "over which interest is otherwise computed under this subsection on additional tax due"

Page 3, line 13, remove "at issue or another tax period"

Page 3, line 14, replace ", interest to be computed this" with "on a refund for any tax period, the interest computed on the additional tax due for that portion of the time period"

Page 3, line 15, remove "subsection with respect to the amount"

Page 3, line 16, replace the first "a" with "the same" and replace "consistent with the previous calculations" with "that was used in computing the interest on the refund, but only to the extent that the amount of the additional tax due does not exceed the amount of the refund"

Page 3, line 17, replace "an" with "there was no" and replace "was applied" with "that was applied to the following tax period's estimated tax"

Page 3, line 18, replace "that" with "the" and after "amount" insert "of the deficiency that is equal to or less than the amount of the overpayment applied"

Page 4, line 12, replace "or the commissioner previously has" with an underscored period

Page 4, remove line 13

Page 4, line 22, replace "A taxpayer" with "An individual or corporation"

Page 4, line 23, replace "taxpayer's" with "individual's or corporation's" and remove the second "the"

Page 4, line 24, replace "taxpayer" with "individual or corporation"

Page 4, line 25, replace "taxpayer" with "individual or corporation"

Page 4, line 26, replace "taxpayer" with "individual or corporation"

Renumber accordingly