STATE OF NEW YORK

10202

IN ASSEMBLY

May 6, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Stirpe) -- (at request of the Department of Labor) -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to providing an amnesty period for employer contributions to the unemployment insurance trust fund; and to repeal certain provisions relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 5 and 12 of section 581-c of the labor law are REPEALED and sections 6, 7, 8, 9, 10, 11, 13, and 14 are renumbered to be 5, 6, 7, 8, 9, 10, 11, and 12.

§ 2. Subdivisions 1, 2 and 4 of section 581-c of the labor law, as added by chapter 589 of the laws of 1998, are amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, there is hereby established [~~a three month~~] an amnesty program as described in this section, to be administered by the commissioner, to be effective for the period commencing [~~October~~] August first, [~~nineteen hundred ninety-eight~~] two thousand twenty-two and ending December [~~thirty-first, nineteen hundred ninety-eight~~] first, two thousand twenty-two, for all eligible employers as described in this section, owing any contribution, or payments in lieu of contributions, imposed by [~~section~~] sections five hundred sixty-three, five hundred sixty-five, five hundred sixty-six, five hundred seventy-seven, or five hundred eighty-one of this title.

2. Such amnesty shall apply to contribution liabilities, including liabilities for payments in lieu of contributions, for the contributions set forth in subdivision one of this section ("designated contributions") for contribution periods ending or transactions or uses occurring on or before December thirty-first, [~~nineteen hundred ninety-five~~] two thousand twenty-one.

4. The amnesty program established in this section shall provide that upon application by an eligible employer, and upon payment, which shall either accompany such application or [~~be made within the time stated on~~

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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~~a bill issued by the commissioner to such employer~~] be fully paid during the amnesty period, of the amount of a contribution liability under one or more of the designated contributions with respect to which amnesty is sought[~~, plus related interest,~~] and the commissioner shall waive any applicable [~~penalties~~] interest. In addition, no civil, administrative or criminal action or proceeding shall be brought against such an eligible employer relating to the contribution liability covered by such waiver. Failure to pay, all such contributions, plus related interest, shall invalidate an amnesty granted pursuant to this section.

§ 3. Subdivisions 7 and 12 of section 581-c of the labor law, as added by chapter 589 of the laws of 1998 and as renumbered by section one of this act, are amended to read as follows:

7. No refund shall be granted or credit allowed with respect to any [~~penalty~~] interest paid prior to the time the employer applies for amnesty pursuant to subdivision four of this section.

12. On or before January thirty-first, two thousand twenty-four the commissioner shall submit a report to the chairman of the assembly ways and means committee, the ranking minority member of the assembly ways and means committee, the chairman of the senate finance committee, the ranking minority member of the senate finance committee and the director of the division of the budget regarding the amnesty program established pursuant to this section. The report shall contain the following information:

(a) the number of cases in which requests for [~~penalty and~~] interest [~~penalty~~] waivers were made;

(b) the number of cases in which requests for [~~penalty plus~~] interest waivers were approved;

(c) the amount of contribution and interest due in all approved and unapproved cases;

(d) the amount of [~~penalty and~~] interest [~~penalty~~] waived in all approved cases;

(e) the gross revenue collected and the year or other applicable period for or during which the liability incurred;

(f) the amount of money spent on advertising, notification and outreach activities, by each activity;

(g) the amount paid by the department for services and expenses related to the establishment of the amnesty program;

(h) an estimate of the amount of revenue foregone as a result of diverting staff of the department from regular work responsibilities to work on the amnesty program;

(i) an estimate of the amount of revenue received during the period of amnesty program provided for in this section which would have otherwise been received at a later date; and

(j) an estimate of the set revenue generated from the amnesty program.

§ 4. This act shall take effect immediately.