§ 581-c. Amnesty program. 1. Notwithstanding the provisions of any other law to the contrary, there is hereby established a three month amnesty program as described in this section, to be administered by the commissioner, to be effective for the period commencing October first, nineteen hundred ninety-eight and ending December thirty-first, nineteen hundred ninety-eight, for all eligible employers as described in this section, owing any contribution imposed by section five hundred seventy-seven or five hundred eighty-one of this title.

2. Such amnesty shall apply to contribution liabilities 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.

3. For purposes of this section an "eligible employer" shall mean any individual, partnership, corporation, limited liability company, joint stock company or any other company, society, association or business or any other person as described in this chapter, who or which has contribution liability with regard to one or more of the designated contributions for the period of time described in subdivision two of this section.

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 a bill issued by the commissioner to such employer, 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. 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.

5. An otherwise eligible employer, who or which certifies on an

application for amnesty, that making payment of the full amount of the liability for which amnesty is sought at the time such application is made would create a severe financial hardship for such employer, shall retain eligibility for amnesty if, (a) fifty percent or more of the amount due as computed by such employer is paid with such application or within the time stated on a bill issued by the commissioner, and (b) the balance due, including interest, is paid, in no more than two installments on or before May fifteenth, nineteen hundred ninety-eight or the date prescribed therefor on a bill issued by the commissioner.

6. Amnesty shall not be granted to any contributor who is a party to any criminal investigation being conducted by an agency of the state or any political subdivision thereof or is a party to any civil or criminal litigation which is pending on the date of the employer's application in any court of this state or the United States relating to any action or failure to act which is the basis for the penalty with respect to which amnesty is sought. A civil litigation shall be deemed not to be pending on the date of the application if the employer withdraws from such litigation prior to the granting of amnesty.

7. Amnesty contribution return forms shall be in a form prescribed by the commissioner and shall provide for specifications by the applicant of the contribution liability with the respect to which amnesty is sought. The applicant shall also provide such additional information as required by the commissioner. Amnesty shall be granted only with respect to contribution liabilities specified by the employer on such forms. Any return or report filed under the amnesty program established in this section is subject to verification and assessment as provided by law. If the applicant files a false or fraudulent contribution return or report, or attempts in any manner to defeat or evade a contribution under the amnesty program, amnesty may be denied or rescinded.

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

9. Unless the commissioner on his or her own motion redetermines the

amount of contribution due, including applicable interest, no refund shall be granted or credit allowed with respect to any contributions, including applicable interest paid under this program.

10. The commissioner may promulgate regulations, issue forms and instructions and take any and all other actions necessary to implement this section. The commissioner shall publicize the amnesty program provided for in this section so as to maximize public awareness of and participation in such program.

11. For purposes of this section, the amnesty contribution return forms and other documents filed by employers shall be deemed to be reports and returns subject to the disclosure prohibitions of section five hundred thirty-seven of this article.

12. Where an employer against whom or which a penalty is assessed, was eligible for a waiver thereof under the amnesty program provided for pursuant to this section but did not make timely application for such waiver, such penalty shall be augmented by an amount equal to five percent of the amount of such penalty.

13. For purposes of accounting for moneys and revenues received under the amnesty program established pursuant to this section, the commissioner shall report the gross revenue collected under each contribution pursuant to the amnesty program. Such report shall be on a monthly basis, commencing the first day of the month after the amnesty program is established and ending on the last day of the month immediately prior to the issuance of the final report required pursuant to subdivision fourteen of this section. Such reports shall include information concerning the gross revenue collected under each contribution and the year or other applicable period for or during which the liability was incurred.

14. On or before January thirty-first, two thousand 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.