

HB0908/603792/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 908
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “– Payment Plans”; in line 9, after “Act;” insert “authorizing certain employing units to elect to delay submitting certain contributions for certain calendar quarters under certain circumstances; authorizing the Secretary to authorize certain employing units to defer submitting certain contributions for certain calendar quarters under certain circumstances; prohibiting an employing unit that defers the submission of a contribution in accordance with this Act from being required by the Secretary to file for an extension or be assessed certain interest under certain circumstances; repealing certain provisions of law providing for the deferral of certain contribution and employment reports;”; in line 10, after “measure;” insert “providing for the termination of certain provisions of this Act;”; in the same line, strike “payment”; in line 11, strike “plans for”; in line 14, strike “8–607(d)” and substitute “8–607(a) and (d)”; in line 19, after “8–607.1” insert “and 8–607.2”; and after line 21 insert:

“BY repealing and reenacting, with amendments,

Article - Labor and Employment

Section 8–626 and 8–628

Annotated Code of Maryland

(2016 Replacement Volume and 2020 Supplement)

(As enacted by Chapter 39 of the Acts of the General Assembly of 2021)”.

On page 2, in line 30, strike “**THEN**” and substitute “**THAN**”.

AMENDMENT NO. 2

On page 3, after line 1, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

(Over)

Article – Labor and Employment

8–607.

(a) Except as provided in Part III of this subtitle, AND SUBJECT TO § 8–607.2 OF THIS SUBTITLE, an employing unit shall pay to the Secretary contributions for the Unemployment Insurance Fund on taxable wages for covered employment that is performed for the employing unit.

8–607.2.

(A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR CALENDAR YEAR 2021, AN EMPLOYING UNIT THAT EMPLOYS FEWER THAN 50 INDIVIDUALS MAY ELECT TO DEFER PAYING CONTRIBUTIONS FOR THE CALENDAR QUARTERS ENDING ON MARCH 31, JUNE 30, AND SEPTEMBER 30.

(2) AN EMPLOYING UNIT THAT ELECTS TO DEFER THE PAYMENT OF CONTRIBUTIONS AS AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) SHALL SUBMIT THE CONTRIBUTIONS ON OR BEFORE THE DATE ON WHICH THE CONTRIBUTION FOR THE CALENDAR QUARTER ENDING DECEMBER 31, 2021, IS DUE;

(II) MAY NOT BE REQUIRED BY THE SECRETARY TO FILE FOR AN EXTENSION; AND

(III) MAY NOT BE ASSESSED INTEREST THAT ACCRUES UNDER § 8–628 OF THIS SUBTITLE FOR THE PERIOD FOR WHICH THE CONTRIBUTIONS ARE DEFERRED.

(B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR CALENDAR YEAR 2022, THE SECRETARY MAY AUTHORIZE AN EMPLOYING UNIT THAT EMPLOYS FEWER THAN 50 INDIVIDUALS TO DEFER PAYING CONTRIBUTIONS DUE IN ACCORDANCE WITH THIS SECTION.

(2) IF THE SECRETARY AUTHORIZES AN EMPLOYING UNIT TO DEFER PAYING CONTRIBUTIONS IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE SECRETARY SHALL ESTABLISH THE DATE ON WHICH THE CONTRIBUTIONS ARE DUE;

(II) THE EMPLOYING UNIT MAY NOT BE REQUIRED TO FILE FOR AN EXTENSION; AND

(III) THE EMPLOYING UNIT MAY NOT BE ASSESSED INTEREST THAT ACCRUES UNDER § 8-628 OF THIS SUBTITLE FOR THE PERIOD FOR WHICH THE CONTRIBUTIONS ARE DEFERRED.

8-626.

(a) [(1) Subject to paragraphs (2) and (3) of this subsection, for] FOR each calendar quarter, each employing unit shall submit to the Secretary a contribution and employment report on or before the date that the Secretary sets.

[(2) (i) For calendar year 2021, an employing unit that employs fewer than 50 individuals may elect to defer submitting contribution and employment reports for the calendar quarters ending on March 31, June 30, and September 30.

(Over)

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(ii) An employing unit that elects to defer the submission of a contribution and employment report as authorized under subparagraph (i) of this paragraph:

1. shall submit the report on or before the date on which the report for the calendar quarter ending December 31, 2021, is due;

2. may not be required by the Secretary to file for an extension; and

3. may not be assessed interest that accrues under § 8–628 of this subtitle for the period for which the submission is deferred.

(3) (i) For calendar year 2022, the Secretary may authorize an employing unit that employs fewer than 50 individuals to defer submitting a contribution and employment report due in accordance with this section.

(ii) If the Secretary authorizes an employing unit to defer submitting a contribution and employment report in accordance with subparagraph (i) of this paragraph:

1. the Secretary shall establish the date on which the contribution and employment report is due;

2. the employing unit may not be required to file for an extension; and

3. the employing unit may not be assessed interest that accrues under § 8–628 of this subtitle for the period for which the submission is deferred.]

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(b) An employing unit shall include in a contribution and employment report information that the Secretary requires.

(c) (1) An employing unit that fails to submit a contribution and employment report under this section is subject to a penalty of \$35 unless the Secretary waives the penalty for cause.

(2) An employing unit that submits a check or other negotiable instrument in payment of any penalty under this subsection which is returned for insufficient funds is subject to an additional penalty of \$25.

8-628.

(a) Except as provided in § 8-201.1 of this title and §§ 8-620 and [8-626] 8-607.2 of this subtitle, a contribution or reimbursement payment that is due and unpaid shall accrue interest at the rate of 1.5% per month or part of a month from the date on which it is due until the Secretary receives the contribution or payment in lieu of contributions and the interest.

(b) Notwithstanding subsection (a) of this section, except as provided in § 8-201.1 of this title, for any calendar year in which Table F is applicable under § 8-612(d)(6) of this subtitle, a contribution or reimbursement payment that is due and unpaid shall accrue interest at the rate of 0.5% per month or part of a month from the date on which it is due until the Secretary receives the contribution or payment in lieu of contributions and the interest.”.

On page 3, after line 1, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be construed to apply only prospectively to bills for contributions due on or after the effective date of this Act.”;

(Over)

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in line 2, strike “2.” and substitute “4.”; and in line 6, after “enacted.” insert “Section 2 of this Act shall remain effective through June 30, 2023, and, at the end of June 30, 2023, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.