SENATE BILL NO. 2380

AN ACT TO AMEND SECTION 71-5-351, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR QUARTERLY PAYMENTS OF UNEMPLOYMENT COMPENSATION CONTRIBUTIONS BY EMPLOYERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 71-5-351, Mississippi Code of 1972, is amended as follows:

71-5-351. Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter. Such contributions shall become due and be paid by each employer to the commission for the fund each calendar quarter next succeeding each calendar quarter in which the contributions accrue. The commission may extend the due date of such contributions if the due date falls on a Saturday, Sunday or state or federal holiday. Such contributions shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ.

For purposes of payment of contributions on remuneration paid to individuals, if two (2) or more related corporations concurrently employ the same individual and compensate such individual through a common paymaster which is one (1) of such corporations, each such corporation shall be considered to have paid as remuneration to such individual only the amounts actually disbursed by it to such individual and shall not be considered to have paid as remuneration to such individual such amounts actually disbursed to such individual by another of such corporations.

In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to One-half Cent.
(1/2¢) or more, in which case it shall be increased to One Cent (1¢).

For the purposes of this section and Section 71-5-353, taxable wages shall not include that part of remuneration which, after remuneration equal to Seven Thousand Dollars ($7,000.00) has been paid in a calendar year to an individual by an employer or his predecessor with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year unless that part of the remuneration is subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state employment fund. For the purposes of this subsection, the term "employment" shall include service constituting employment under any unemployment compensation law of another state.

Provided, however, that, absent evidence of willful or fraudulent attempt to avoid taxation, the effective date of liability of an employer or assessment of liability for covered employment against an employer shall not occur for any period preceding the three (3) calendar years before the date of registration or assessment, unless said three-year limitations period is waived by the employer.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.