

SB 1550

THE STATE SENATE
Thursday, February 14, 2008

Senate Bill No. 1550
As Amended

SENATE BILL NO. 1550 - By: LASTER of the Senate and MILLER of the House.

[labor - New Hire Registry - certain reports - definitions - emergency]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 2001, Section 2-802, as amended by Section 21, Chapter 452, O.S.L. 2002 (40 O.S. Supp. 2007, Section 2-802), is amended to read as follows:

Section 2-802. REPORTS BY EMPLOYERS TO EMPLOYMENT SECURITY COMMISSION - NEW HIRE REGISTRY.

A. Employers and payors doing business in the State of Oklahoma shall report to the Oklahoma Employment Security Commission, ~~the~~ :

1. The hiring or employment of any person of any employee who resides or works in this state to whom the employer anticipates paying earnings;

2. The rehiring or returning to work of any employee who was laid off, furloughed, separated, granted a leave without pay or terminated from employment; or

3. The contracting for the performance of labor or services by any payee who works in this state if the payment for such labor or

1 service is reasonably expected to exceed Six Hundred Dollars
2 (\$600.00) in any twelve (12) month period.

3 B. Such report shall contain the employee's or payee's name,
4 address, social security number, date of employment or contract
5 which exceeds Six Hundred Dollars (\$600.00), state of employment,
6 along with the employer's or payor's name, address, and federal
7 identification number.

8 C. The For employers reporting the hiring or rehiring of an
9 employee, the report must be made within twenty (20) days of hiring
10 or rehiring, or twice monthly, not less than twelve (12) nor more
11 than sixteen (16) days apart if reported electronically or
12 magnetically. The report may be made by mailing a copy of the
13 employee's W-4 form, by submitting a fax transmission of the
14 employee's W-4 form, by submitting electronic media in a format that
15 can be used by the Commission, or by any other means authorized by
16 the Commission.

17 D. For a payor reporting a payee under paragraph 3 of
18 subsection A of this section, the report must be made within twenty
19 (20) days after the payor and payee enter into the agreement or
20 contract. The report shall be submitted in a format specified by
21 the Oklahoma Employment Security Commission. Reporting shall
22 commence by the state of Oklahoma, its agencies and its political

1 subdivisions on November 1, 2008. All other payors shall commence
2 reporting on November 1, 2009.

3 E. The Child Support Enforcement Division shall be the official
4 New Hire Registry for the State of Oklahoma and will obtain the new
5 hire information from the Oklahoma Employment Security Commission.

6 ~~E.~~ F. The Child Support Enforcement Division shall enter into
7 agreements with state agencies administering unemployment,
8 employment services, Workforce Investment Act programs, workers'
9 compensation, public assistance, Medicaid, food stamps, vocational
10 rehabilitation, and other programs specified by federal law or
11 regulation, to provide such information upon request.

12 ~~F.~~ G. Used in this section:

13 1. "Employee" means an individual who is an employee as defined
14 by the Internal Revenue Code of 1986, 26 U.S.C., Section 3401 et
15 seq. "Employee" does not mean an employee of a federal or state
16 agency performing intelligence or counterintelligence functions if
17 the head of such agency has determined that reporting with respect
18 to that employee could endanger the safety of the employee or
19 compromise an ongoing investigation or intelligence mission;

20 2. "Employer" means an individual or other entity who is an
21 employer as defined by the Internal Revenue Code of 1986, 26 U.S.C.,
22 Section 3401(d) and includes any governmental entity and any labor
23 organization; ~~and~~

1 3. "Labor organization" means an entity as defined by the
2 National Labor Relations Act, 29 U.S.C., Section 152(5) including,
3 but not limited to, any entity known as a "hiring hall" which is
4 used by the organization and an employer to carry out requirements
5 described in Section 8(f)(3) of the National Labor Relations Act, 29
6 U.S.C., Section 158(f)(3), of an agreement between the organization
7 and the employer;

8 4. "Payee" means a person who performs services for payment
9 that is not subject to income tax withholding and for whom the
10 person or entity making payment is required by the Internal Revenue
11 Service to complete a form 1099-misc; and

12 5. "Payor" means a person or entity for whom a person performs
13 or has performed any service for payment that is not subject to
14 income tax withholding and who is required by the Internal Revenue
15 Service to complete a form 1099-misc for the person who is providing
16 the service.

17 SECTION 2. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-11-08 -
22 DO PASS, As Amended and Coauthored.