

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3331

By: Miller

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5
6 AS INTRODUCED

7 An Act relating to labor; amending 40 O.S. 2001,
8 Section 2-802, as amended by Section 21, Chapter 452,
9 O.S.L. 2002 (40 O.S. Supp. 2007, Section 2-802),
10 which relates to reporting requirements of employers;
11 modifying requirements; adding definitions; and
12 providing an effective date.

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

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

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

19 A. Employers doing business in the State of Oklahoma shall
20 report to the Oklahoma Employment Security Commission, ~~the hiring or~~
21 ~~employment of any person who resides or works in this state to whom~~
22 ~~the employer anticipates paying earnings:~~

23 1. The hiring of any employee who resides or works in this
24 state;

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

4 3. The monetary payment for the performance of labor or
5 services to any payee who resides or works in this state if the
6 payment for such labor or services exceeds Six Hundred Dollars
7 (\$600.00) in any twelve-month period.

8 B. Such report shall contain the employee's or payee's name,
9 address, social security number, date of employment, state of
10 employment, along with the employer's or payor's name, address, and
11 federal identification number.

12 C. The report must be made within twenty (20) days of hiring or
13 performance of labor or services in excess of Six Hundred Dollars
14 (\$600.00), or twice monthly, not less than twelve (12) nor more than
15 sixteen (16) days apart if reported electronically or magnetically.
16 The report may be made by mailing a copy of the employee's W-4 form,
17 by submitting a fax transmission of the employee's W-4 form, by
18 submitting electronic media in a format that can be used by the
19 Commission, or by any other means authorized by the Commission.

20 D. The Child Support Enforcement Division shall be the official
21 New Hire Registry for the State of Oklahoma and will obtain the new
22 hire information from the Oklahoma Employment Security Commission.

23 E. The Child Support Enforcement Division shall enter into
24 agreements with state agencies administering unemployment,

1 employment services, Workforce Investment Act programs, workers'
2 compensation, public assistance, Medicaid, food stamps, vocational
3 rehabilitation, and other programs specified by federal law or
4 regulation, to provide such information upon request.

5 F. Used in this section:

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

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

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

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

5 5. "Payor" means a person or entity for whom a person performs
6 or has performed any service for payment that is not subject to
7 income tax withholding and who is required by the Internal Revenue
8 Service to complete a 1099-miscellaneous income form for the person
9 who is providing the service.

10 SECTION 2. This act shall become effective November 1, 2008.

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