

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1550

By: Laster

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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 reports by employers to the
11 Employment Security Commission and the New Hire
12 Registry; modifying and adding requirements for
13 certain reporting to the Commission relating to
14 certain rehiring or returning to work of employees
15 and the contracting for certain performance of labor
16 or services; modifying certain information to be
17 reported; providing for when certain reports are to
18 be made; providing for format of certain report;
19 providing dates for commencement of reporting by
20 certain entities; adding definitions; and declaring
21 an emergency.

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

23 SECTION 1. AMENDATORY 40 O.S. 2001, Section 2-802, as
24 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 1. The hiring ~~or employment of any person~~ of any employee who
2 resides or works in this state ~~to whom the employer anticipates~~
3 ~~paying earnings.~~;

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

7 3. The contracting for the performance of labor or services by
8 any payee who works in this state if the payment for such labor or
9 service is reasonably expected to exceed Six Hundred Dollars
10 (\$600.00) in any twelve (12) month period.

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

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

1 D. For a payor reporting a payee under paragraph 3 of
2 subsection A of this section, the report must be made within twenty
3 (20) days after the payor and payee enter into the agreement or
4 contract. The report shall be submitted in a format specified by
5 the Oklahoma Employment Security Commission. Reporting shall
6 commence by the state of Oklahoma, its agencies and its political
7 subdivisions on November 1, 2008. All other payors shall commence
8 reporting on November 1, 2009.

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

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

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

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

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

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

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

18 5. "Payor" means a person or entity for whom a person performs
19 or has performed any service for payment that is not subject to
20 income tax withholding and who is required by the Internal Revenue
21 Service to complete a form 1099-misc for the person who is providing
22 the service.

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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