

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1348

5 By: Representative Lamoureux
6
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE EMPLOYERS TO TRANSMIT NEW HIRE
10 INFORMATION TO THE OFFICE OF CHILD SUPPORT
11 ENFORCEMENT; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO REQUIRE EMPLOYERS TO TRANSMIT
14 NEW HIRE INFORMATION TO THE OFFICE OF
15 CHILD SUPPORT ENFORCEMENT.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 11-10-902(b) through (f), concerning the
22 automated state registry of newly hired and returning employees, are amended
23 to read as follows:

24 (b)(1) On and after October 1, 1997, the Division of the State New
25 Hire Registry shall compile an automated state registry of newly hired and
26 returning employees.

27 (2) An employer shall report electronically or in any manner
28 authorized by the Arkansas Employment Security Department for inclusion in
29 the state registry whenever an employee is newly hired or returns to work.

30 (3) An employer shall include in each report the name, address,
31 and social security number of the employee and the name, address, and federal
32 taxpayer identification number of the employer.

33 (4) An employer shall make the report by submitting a copy of
34 Internal Revenue Service Form W-4 for the employee or, at the option of the
35 employer, an equivalent form. An employer may transmit the report by first
36 class mail, magnetically, or electronically. If an employer makes the report



1 by mail, the reporting date is that of the postmark. The report shall be
 2 received not later than twenty (20) days after the date the employer hires
 3 the employee or, in the case of an employer transmitting reports magnetically
 4 or electronically, by two (2) monthly transmissions, if necessary, not less
 5 than twelve (12) days nor more than sixteen (16) days apart.

6 (5) An employer that has employees employed in two (2) or more
 7 states and transmits reports magnetically or electronically may comply with
 8 the reporting requirements of this section by designating one (1) state in
 9 which the employer has employees and to which the employer will transmit the
 10 report required by this section. Any employer that transmits reports shall
 11 notify the Secretary of the Department of Health and Human Services in
 12 writing as to which state the employer designates for the purpose of sending
 13 reports.

14 (6)(A) An employer shall provide the same information required
 15 under this subsection (b) to be reported to the Arkansas Employment Security
 16 Department and simultaneously to the Office of Child Support Enforcement of
 17 the Revenue Division of the Department of Finance and Administration
 18 electronically or in any manner authorized by the Office of Child Support
 19 Enforcement.

20 (B) Within two (2) business days after receiving the data
 21 information regarding a newly hired employee, the Office of Child Support
 22 Enforcement of the Revenue Division of the Department of Finance and
 23 Administration shall transmit a notice to the employer directing the employer
 24 to withhold from the income of the employee an amount equal to the monthly or
 25 other periodic child support obligation, including any past due child support
 26 obligation, of the employee.

27 (C) The Office of Child Support Enforcement shall use
 28 information received pursuant to this subsection (b) of this section to
 29 locate individuals for purposes of establishing paternity and establishing,
 30 modifying, and enforcing child support obligations and may disclose that
 31 information to its agents under contract for purposes connected to the
 32 administration of the Title IV-D Child Support Program.

33 (c)(1) Information reported pursuant to this section shall be entered
 34 into the registry data base maintained by the Arkansas Employment Security
 35 Department or its designated contractor within five (5) business days of
 36 receipt from an employer. As used herein, "business day" means a day on

1 which state offices are open for regular business.

2 ~~(2) Within two (2) business days after the data information~~
 3 ~~regarding a newly hired employee is entered into the registry, the Office of~~
 4 ~~Child Support Enforcement of the Revenue Division of the Department of~~
 5 ~~Finance and Administration shall transmit a notice to the employer directing~~
 6 ~~the employer to withhold from the income of the employee an amount equal to~~
 7 ~~the monthly or other periodic child support obligation, including any past~~
 8 ~~due child support obligation, of the employee.~~

9 ~~(3)(2)~~ Within three (3) business days after the date information
 10 regarding a newly hired employee is entered into the registry, the Arkansas
 11 Employment Security Department or its designated contractor shall furnish the
 12 information to the National Registry of New Hires.

13 ~~(4)(3)~~ On a quarterly basis, the state registry shall furnish to
 14 the national registry extracts of reporting required to be made to the
 15 Secretary of Labor concerning the wages and unemployment compensation paid to
 16 individuals by such dates, in such format, and containing such information as
 17 the Secretary of the Department of Health and Human Services shall specify in
 18 regulations.

19 ~~(5)(4)(A)~~ The Department of Human Services shall have access to
 20 information reported by employers pursuant to this section for the purpose of
 21 verifying eligibility for programs pursuant to 42 U.S.C. § 1320B-7.

22 (B) The Arkansas Employment Security Department shall have
 23 access to information reported by employers pursuant to this section for
 24 purposes of administering the Arkansas Employment Security Department's
 25 programs.

26 (C) The Workers' Compensation Commission shall have access
 27 to information reported by employers pursuant to this section for purposes of
 28 administering the workers' compensation programs.

29 ~~(d)(1) Not later than May 1, 1998, the Arkansas Employment Security~~
 30 ~~Department shall directly or by contract conduct automated comparisons of the~~
 31 ~~social security numbers reported by employers and the social security numbers~~
 32 ~~appearing within records of the Office of Child Support Enforcement for cases~~
 33 ~~being enforced under the Title IV-D State Plan.~~

34 ~~(2) When an information comparison reveals a match with respect~~
 35 ~~to the social security number of an individual required to provide child~~
 36 ~~support under a support order, the registry shall immediately provide the~~

1 ~~Office of Child Support Enforcement with the name, address, and social~~
2 ~~security number of the employee to whom the social security number is~~
3 ~~assigned and the name, address, and federal employer identification number of~~
4 ~~the employer.~~

5 (e)(d) The Office of Child Support Enforcement shall use information
6 received pursuant to subsection (b) of this section to locate individuals for
7 purposes of establishing paternity and establishing, modifying, and enforcing
8 child support obligations and may disclose that information to its agents
9 under contract for purposes connected to the administration of the Title IV-D
10 Child Support Program.

11 (f)(e) All information gathered and maintained by the registry shall
12 be held confidential and be utilized solely for the purposes authorized in
13 this section. The information shall be considered an exception to the open
14 public record requirements of the Freedom of Information Act of 1967, § 25-
15 19-101 et seq.

16 (g)(f) To the maximum extent allowable, all expenses associated with
17 the development and operation of the registry shall be reimbursed through
18 available funding under the Title IV-D Child Support Program.

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