

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4  
5 By: Representative Dale  
6 By: Senator B. Pierce  
7

# A Bill

HOUSE BILL 1259

## For An Act To Be Entitled

9 AN ACT TO AMEND THE DEFINITIONS OF "EMPLOYEE" AND  
10 "EMPLOYER" UNDER THE DIVISION OF STATE NEW HIRE  
11 REGISTRY; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 TO AMEND THE DEFINITIONS OF "EMPLOYEE"  
16 AND "EMPLOYER" UNDER THE DIVISION OF  
17 STATE NEW HIRE REGISTRY.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code § 11-10-902(a)(2) and (3), concerning  
23 definitions under the Division of State New Hire Registry, is amended to read  
24 as follows:

25 (2) "Employee" means an individual who is an employee;

26 (A) ~~as~~ As defined in Chapter 24 of the Internal Revenue  
27 Code of 1986 but does not include an employee of a federal or state agency  
28 performing intelligence or counterintelligence operations if the head of the  
29 agency has determined that reporting pursuant to subsection (b) of this  
30 section could endanger the safety of the employee or could compromise an  
31 ongoing operation or investigation; or

32 (B) Working as an independent contractor for an employer.

33 (3) "Employer" means an employer;

34 (A) ~~as~~ As that term is defined in § 3401(d) of the  
35 Internal Revenue Code of 1986 and includes any labor organization and any  
36 governmental entity; ~~and~~ or



1                   (B) Who reports money paid to an independent contract  
2 employee on a 1099-MISC form to the Internal Revenue Service; and

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4           SECTION 2. Arkansas Code § 11-10-902(b)(4), concerning reporting  
5 requirements for the State New Hire Registry, is amended to read as follows:

6                   (4) An employer shall make the report by submitting a copy of  
7 Internal Revenue Service Form W-4 or 1099-MISC for the employee or an  
8 equivalent form. An employer may transmit the report by first class mail,  
9 magnetically, or electronically. If an employer makes the report by mail, the  
10 reporting date is that of the postmark. The report shall be received not  
11 later than twenty (20) days after the date the employer hires the employee  
12 or, in the case of an employer transmitting reports magnetically or  
13 electronically, by two (2) monthly transmissions, if necessary, not less than  
14 twelve (12) days nor more than sixteen (16) days apart.