

SENATE BILL No. 198

By Committee on Judiciary

2-11

1 AN ACT concerning the department of labor; relating to the state directory
2 of new hires; amending K.S.A. 2014 Supp. 75-5742 and 75-5743 and
3 repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 75-5742 is hereby amended to read as
7 follows: 75-5742.(a) The department of labor is hereby designated as the
8 agency to collect the new hires information required by the personal
9 responsibility and work opportunity act of 1996. The secretary of labor
10 shall contract with the secretary for children and families to provide the
11 information needed to be in compliance with the personal responsibility
12 and work opportunity act of 1996.

13 (b) The state directory of new hires shall receive, retain and, to the
14 extent permitted by federal law, make information reported to the directory
15 available pursuant to subsection (c).

16 (c) Except as otherwise permitted by federal law, any agency
17 receiving information from the state directory of new hires shall handle the
18 information as confidential information for use in administering the
19 programs for which it was received. The state directory of new hires shall
20 make information available:

21 (1) Upon implementation of the national directory of new hires, to the
22 national directory; and

23 (2) to the secretary for children and families for use in administering
24 an eligibility verification system and, not later than May 1, 1998, the title
25 IV-D program.

26 (d) Any employer who reports electronically or magnetically and is
27 required to report newly hired employees *or contractors* to more than one
28 state may elect to transmit all such reports to one state by complying with
29 the requirements of title IV-D.

30 (e) Beginning July 1, 1999, the secretary of labor shall annually
31 delete information about individuals contained in the new hires directory if
32 the information is at least two years old. Nothing in this subsection shall
33 be construed as requiring the secretary of labor to delete information
34 needed to administer the employment security or workers compensation
35 programs.

36 Sec. 2. K.S.A. 2014 Supp. 75-5743 is hereby amended to read as

1 follows: 75-5743. (a) All employers and labor organizations doing
2 business in this state shall submit information concerning each new
3 employee *or contractor* to the secretary of labor within 20 business days
4 of the hiring, rehiring or return to work of the newly hired employee *or*
5 *contractor*; or within 20 business days from the date the newly hired
6 employee *or contractor* first receives wages or other compensation from
7 the employer. The information shall include the newly hired employee's *or*
8 *contractor's* name, address, social security number and the date services
9 for remuneration were first performed by the newly hired employee *or*
10 *contractor* and the employer's name, address, federal tax identification
11 number and any other information as may be required by section 453A of
12 the social security act, 42 U.S.C. § 653a.

13 (b) For purposes of this section, ~~the term:~~

14 (1) *"Contractor" means a natural person who performs labor in this*
15 *state to whom a payor of income makes payments which are not subject to*
16 *tax withholding and for whom the payor of income is required by the*
17 *internal revenue service to report in box 7 of such payor's form 1099-*
18 *MISC, as such form existed for tax year 2014, and as revised thereafter by*
19 *the internal revenue service.*

20 (2) *"Employee" means a natural person who performs labor in this*
21 *state and is employed by an employer in this state for compensation and*
22 *for whom the employer withholds federal or state tax liabilities from the*
23 *employee's compensation.*

24 (3) *"Newly hired contractor" means a natural person who has not*
25 *previously received compensation for labor performed from the employer;*
26 *or previously received compensation from the employer; but has not*
27 *performed labor for at least 60 consecutive days.*

28 (4) *"Newly hired employee" means an employee who has not*
29 *previously been employed by the employer, or was previously employed*
30 *by the employer, but has been separated from such prior employment for at*
31 *least 60 consecutive days.*

32 (c) The Kansas department for children and families shall have access
33 to such information to match the employee's social security number with
34 title IV-D cases.

35 Sec. 3. K.S.A. 2014 Supp. 75-5742 and 75-5743 are hereby repealed.

36 Sec. 4. This act shall take effect and be in force from and after its
37 publication in the statute book.