

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2118

1 AN ACT TO AMEND SECTION 43-19-46, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF EMPLOYERS REQUIRED TO REPORT NEW HIRES
3 TO THE DEPARTMENT OF HUMAN SERVICES; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 43-19-46, Mississippi Code of 1972, is
6 amended as follows:

7 43-19-46. (1) Each employer paying wages, salary or
8 commission and doing business in Mississippi shall report to the
9 Directory of New Hires within the Mississippi Department of Human
10 Services:

11 (a) The hiring of any person who resides or works in
12 this state to whom the employer anticipates paying wages, salary
13 or commission; and

14 (b) The hiring or return to work of any employee who
15 was laid off, furloughed, separated, granted leave without pay or
16 was terminated from employment.

17 (2) Employers shall report, by mailing or by other means
18 authorized by the Department of Human Services, a copy of the
19 employee's W-4 form or its equivalent which will result in timely
20 reporting. Each employer shall submit reports within fifteen (15)
21 days of the hiring, rehiring or return to work of the employee.
22 The report shall contain:

23 (a) The employee's name, address, social security
24 number and the date of birth;

25 (b) The employer's name, address, and federal and state
26 withholding tax identification numbers; and

27 (c) The date upon which the employee began or resumed
28 employment, or is scheduled to begin or otherwise resume
29 employment.

30 (3) The department shall retain the information, which shall
31 be forwarded to the federal registry of new hires.

32 (4) The Department of Human Services may operate the
33 program, may enter into a mutual agreement with the Mississippi
34 Department of Employment Security or the State Tax Commission, or
35 both, for the operation of the Directory of New Hires Program, or
36 the Department of Human Services may contract for such service, in
37 which case the department shall maintain administrative control of
38 the program.

39 (5) In cases in which an employer fails to report
40 information, as required by this section, an administratively
41 levied civil penalty in an amount not to exceed Five Hundred
42 Dollars (\$500.00) shall apply if the failure is the result of a
43 conspiracy between the employer and employee to not supply the
44 required report or to supply a false or incomplete report. The
45 penalty shall otherwise not exceed Twenty-five Dollars (\$25.00).
46 Appeal shall be as provided in Section 43-19-58.

47 (6) This section shall stand repealed on July 1, 2010.

48 **SECTION 2.** This act shall take effect and be in force from
49 and after July 1, 2007.