

JAN 24 2013

A BILL FOR AN ACT

RELATING TO CHILD SUPPORT ENFORCEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 576D-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§576D-16 Duty of employers to report new hires to the**
4 **agency; civil penalties for failure to comply with reporting;**
5 **national new hire directory.** (a) Beginning October 1, 1998,
6 each employer in the State shall report to the agency within
7 twenty days of hire, the name, address, social security number,
8 and the date services for remuneration were first performed of
9 each new employee along with the name, federal identification
10 number, and address of the employer. Each report shall be made
11 on a W-4 form or its equivalent, and may be transmitted by first
12 class mail, magnetically, or electronically. If an employer is
13 transmitting reports to the agency magnetically or
14 electronically, the report shall be transmitted twice monthly
15 not less than twelve days nor more than sixteen days apart. The
16 agency shall maintain these reports as the state directory of
17 new hires.

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1 (b) Employers failing to report the information required
2 in subsection (a) shall be subject to a civil penalty of \$25 or,
3 if the failure is the result of a conspiracy between the
4 employer and the employee not to supply the required report or
5 to supply a false or incomplete report, a \$500 fine.

6 (c) Within three working days after the date information
7 is reported to the agency's state directory of new hires, the
8 agency shall furnish the information to the national directory
9 of new hires. The agency shall furnish extracts of the reports
10 required to the national directory of new hires on a quarterly
11 basis concerning the wages and compensation paid to individuals,
12 by such dates, in such format, and containing such information
13 as the United States Secretary of Health and Human Services
14 shall specify in regulations.

15 (d) For the purposes of this section, the term "new hire"
16 means an employee who has not previously been employed by the
17 employer or was previously employed by the employer but has been
18 separated from such prior employment for at least sixty
19 consecutive days."

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

S.B. NO. 1018

Report Title:

Child Support Enforcement

Description:

Adds the definition of "new hire" to the requirements for new hire reporting.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT.

PURPOSE: To add the definition of "new hire" to the requirement for new hire reporting.

MEANS: Amend section 576D-16, Hawaii Revised Statutes.

JUSTIFICATION: The Trade Adjustment Assistance Extension Act of 2011 (Public Law 112-40) amended section 453A(a) (2) of the Social Security Act by adding the definition of newly hired employee. This change went into effect April 21, 2012, and requires that the states comply with the new federal mandate.

Impact on the public: This measure would benefit the public by providing clarification to employers on the reporting of new hires and by helping to make the child support enforcement process more efficient.

Impact on the department and other agencies: If federal requirements are not met, eligibility for federal welfare funding and federal funding of child support enforcement programs may be jeopardized.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: ATG 500

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.