

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) **Bucher** offered the following:

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3 **Amendment to Senate Amendment (653330) (with title**
4 **amendment)**

5 On page 77, between line(s) 30 and 31, insert:

6 Section 22. Health care payroll assessment.--

7 (1) As used in this section, the term:

8 (a) "Agency" means the Agency for Health Care
9 Administration.

10 (b) "Employee" means any person who receives remuneration
11 from an employer for the performance of any work or service
12 while engaged in any employment under any appointment or
13 contract for hire or apprenticeship, express or implied, oral or
14 written, whether lawfully or unlawfully employed, and includes,
15 but is not limited to, aliens and minors.

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16 (c) "Employer" means every person or entity carrying on
17 any employment with 10,000 or more employees in this state. The
18 term "employer" does not include the state or the political
19 subdivisions in the state.

20 (d) "Entity" includes corporation and foreign corporation;
21 unincorporated association; business trust, estate, partnership,
22 trust, and two or more persons having a joint or common economic
23 interest.

24 (e) "Health insurance costs" means the amount paid by an
25 employer to provide health care or health insurance to employees
26 in this state to the extent the costs may be deductible by an
27 employer under federal tax law. Health insurance costs include
28 payments for medical care, prescription drugs, vision care,
29 dental care, and any other costs to provide health care to an
30 employee.

31 (f) "Secretary" means the secretary for Health Care
32 Administration.

33 (g) "Wages" means the money rate at which the service
34 rendered is recompensed under a contract of hiring and includes
35 only the wages earned and reported for federal income tax
36 purposes.

37 (2) Beginning January 1, 2007, and annually thereafter, an
38 employer must submit to the secretary on a form or in a manner
39 approved by the secretary:

40 (a) The number of employees of the employer in this state
41 as of 1 day in the year immediately preceding the previous
42 calendar year as determined by the employer on an annual basis.

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43 (b) The amount of money spent by the employer in the year
44 immediately preceding the previous calendar year on health
45 insurance costs in this state.

46 (c) The percentage of the payroll that was spent by the
47 employer in the year immediately preceding the previous calendar
48 year on health insurance costs in this state.

49
50
51 The information required shall be designated in a report signed
52 by the principal executive officer and include an affidavit
53 under penalty of perjury that the information required in this
54 section was reviewed by the principal executive officer and is
55 true to the best of the officer's knowledge, information and
56 belief.

57 (3) When calculating the percentage of payroll under this
58 section, an employer may exempt:

59 (a) Wages paid to any employee in excess of the median
60 household income in this state as published by the United States
61 Census Bureau; and

62 (b) Wages paid to an employee who is enrolled in or
63 eligible for Medicare.

64 (4) An employer who is organized as a not for profit
65 organization that does not spend up to 6 percent of the total
66 wages paid to employees in this state on health insurance costs
67 shall pay to the secretary an amount equal to the difference
68 between what the employer spends for health insurance costs and

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69 an amount equal to 6 percent of the total wages paid to
70 employees in this state.

71 (5) An employer who is not organized as a not for profit
72 organization and does not spend up to 8 percent of the total
73 wages paid to employees in this state on health insurance costs
74 shall pay to the secretary an amount equal to the difference
75 between what the employer spends for health insurance costs and
76 an amount equal to 8 percent of the total wages paid to
77 employees in this state.

78 (6) An employer may not deduct any payment made under
79 subsection (4) or subsection (5) from the wages of an employee.

80 (7) An employer must make payments required under this
81 section to the secretary on a periodic basis as adopted in a
82 rule by the agency.

83 (8) On or before March 15 of each year, the secretary
84 shall report to the Governor and to the Legislature:

85 (a) The name of each nonprofit and for profit employer
86 with 10,000 or more employees in this state;

87 (b) The employer's definition of a full-time employee;

88 (c) The number of full-time employees;

89 (d) The number of full-time employees eligible to receive
90 health insurance benefits;

91 (e) The number of full-time employees receiving health
92 insurance benefits from the employer;

93 (f) The source of health insurance benefits for those
94 full-time employees not receiving health benefits through an
95 employer subject to reporting under this section;

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96 (g) The number of part-time employees;

97 (h) The number of part-time employees eligible to receive
98 health insurance benefits;

99 (i) The number of part-time employees receiving health
100 insurance benefits from the employer; and

101 (j) The source of health insurance benefits for those
102 eligible part-time employees not receiving health benefits
103 through an employer subject to reporting under this section.

104 (9) On an annual basis, the secretary shall:

105 (a) Verify which nonprofit and for profit employer has
106 10,000 or more employees in this state; and

107 (b) Ensure that each nonprofit and for profit employer
108 with 10,000 or more employees in this state has reported as
109 required by this section.

110 (10)(a) If an employer fails to report to the secretary
111 the information that is required by subsection (2), the
112 secretary shall impose on the employer a civil fine of \$250 for
113 each day that the report is not filed with the secretary.

114 (b) If an employer fails to make a required payment to the
115 secretary which is required by subsection (7), the secretary
116 shall impose on the employer a civil fine of \$250,000.

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118 ===== T I T L E A M E N D M E N T =====

119 On page 82, line(s) 17, after the semicolon, insert:
120 creating the health care payroll assessment; providing
121 definitions; requiring employers with more than 10,000
122 employees in this state to provide specified information

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HOUSE AMENDMENT

Bill No. CS/CS/SB 838

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123 | to the secretary of the Health Care Administration;
124 | requiring employers who do not spend a specified amount on
125 | health insurance costs to pay the secretary an amount
126 | equal to the difference between what the employer pays and
127 | a percentage of the total payroll; requiring the secretary
128 | to submit certain reports to the Governor and the
129 | Legislature by a specified date; providing for penalties

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