

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 (with title amendment)**

4 On page 80, between line(s) 4 and 5, insert:

5 Section 12. Health care payroll assessment.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(g) The number of part-time employees;

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

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

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

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

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

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

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

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

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

On page 4, line(s) 18, after the semicolon, insert:
creating the health care payroll assessment; providing definitions; requiring employers with more than 10,000 employees in this state to provide specified information

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HOUSE AMENDMENT

Bill No. CS/CS/SB 838

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

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