

House Bill 1339

By: Representatives Orrock of the 58th, Jenkins of the 8th, Watson of the 91st, Porter of the 143rd, Borders of the 175th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,
2 relating to medical assistance generally, so as to require employers to annually report to the
3 commissioner of community health information regarding employees and health care
4 coverage; to provide for definitions; to provide for funds to be paid to the state by employers
5 that do not spend a certain percentage of wages on health care benefits for their employees;
6 to provide for penalties; to provide for powers, duties, and authority of the commissioner of
7 community health; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to
12 medical assistance generally, is amended by striking the "Reserved" designation of Code
13 Section 49-4-156, and inserting in its place a new Code Section 49-4-156 to read as follows:
14 "49-4-156.

15 (a) As used in this Code section, the term:

16 (1) 'Employee' means any individual employed full time or part time by an employer.

17 (2) 'Employer' means any person or entity that employs 10,000 or more employees in this
18 state, but shall not include the federal government, a state government, or any political
19 subdivision thereof.

20 (3) 'Health insurance costs' means the amount paid by an employer to provide health care
21 or health insurance to employees in this state to the extent the costs may be deductible by
22 an employer under federal tax law. This term shall include payments for medical care,
23 prescription drugs, vision care, medical savings accounts, and any other costs to provide
24 health care for its employees.

25 (4) 'Wages' shall have the same meaning as in Code Section 34-8-49, as amended.

1 (b) On January 1, 2008, and annually thereafter, each employer shall submit on a form and
2 in a manner approved by the commissioner:

3 (1) As of January 1, 2007, and annually thereafter:

4 (A) The number of its full-time and part-time employees in this state;

5 (B) The number of its full-time and part-time employees in this state eligible to receive
6 health care coverage through the employer;

7 (C) The number of its full-time and part-time employees in this state receiving health
8 care coverage through the employer; and

9 (D) The source of health care coverage for those eligible full-time and part-time
10 employees in this state not receiving health care coverage through the employer;

11 (2) The amount spent by the employer in calendar year 2007, and annually thereafter, on
12 health insurance costs for its employees in this state; and

13 (3) The percentage of payroll that was spent by the employer in calendar year 2007, and
14 annually thereafter, on health insurance costs for its employees in this state. When
15 calculating the percentage of payroll, an employer may exempt:

16 (A) Wages paid to any employee in excess of the median household income in the state
17 as published by the United States Department of Commerce, Bureau of the Census; and

18 (B) Wages paid to an employee who is enrolled in or eligible for medicare.

19 (c) The form required in subsection (b) of this Code section shall:

20 (1) Be signed by the principal executive officer of the employer or his or her designee;
21 and

22 (2) Include an affidavit under penalty of perjury that the information on the form:

23 (A) Was reviewed by the principal executive officer or his or her designee; and

24 (B) Is true to the best of the principal executive officer's or designee's knowledge,
25 information, and belief.

26 (d)(1) An employer that is organized as a nonprofit organization that does not spend up
27 to 6 percent of the total wages paid to employees in this state on health insurance costs
28 shall pay to the commissioner an amount equal to the difference between what the
29 employer spends for health insurance costs and an amount equal to 6 percent of the total
30 wages paid to employees in this state.

31 (2) An employer that is not organized as a nonprofit organization and does not spend up
32 to 8 percent of the total wages paid to employees in this state on health insurance costs
33 shall pay to the commissioner an amount equal to the difference between what the
34 employer spends for health insurance costs and an amount equal to 8 percent of the total
35 wages paid to employees in this state.

36 (3) An employer may not deduct any payment made under paragraph (1) or (2) of this
37 subsection from the wages of an employee.

1 (4) An employer shall make the payment required under this subsection to the
2 commissioner on a periodic basis as determined by the commissioner.

3 (e)(1) Failure of an employer to report in accordance with subsections (b) and (c) of this
4 Code section shall result in the imposition by the commissioner of a civil penalty of
5 \$250.00 for each day that the report is not timely filed.

6 (2) Failure of an employer to make the payment required under subsection (d) of this
7 Code section shall result in the imposition by the commissioner of a civil penalty of
8 \$250,000.00.

9 (f) On or before March 15, 2008, and annually thereafter, the commissioner shall submit
10 a report to the Governor and the General Assembly containing:

11 (1) The name of each nonprofit and for profit employer with 10,000 or more employees
12 in this state;

13 (2) Each employer's definition of full-time employee and part-time employee;

14 (3) The number of full-time employees of each employer;

15 (4) The number of full-time employees of each employer eligible to receive health care
16 coverage through the employer;

17 (5) The number of full-time employees of each employer receiving health care coverage
18 through the employer;

19 (6) The source of health care coverage for those eligible full-time employees not
20 receiving health care coverage through the employer;

21 (7) The number of part-time employees of each employer;

22 (8) The number of part-time employees of each employer eligible to receive health care
23 coverage through the employer;

24 (9) The number of part-time employees of each employer receiving health care coverage
25 through the employer; and

26 (10) The source of health care coverage for those eligible part-time employees not
27 receiving health care coverage through the employer.

28 (g) The commissioner shall:

29 (1) On an annual basis, based on the information reported under subsections (b) and (c)
30 of this Code section:

31 (A) Verify which employers have 10,000 or more employees in this state; and

32 (B) Ensure that all employers with 10,000 or more employees in this state have made
33 the report required under subsections (b) and (c) of this Code section;

34 (2) Adopt rules and regulations to implement the provisions of this Code section; and

35 (3) Deposit the revenue from the payroll assessment into the general treasury."

1 **SECTION 2.**

2 All laws and parts of laws in conflict with this Act are repealed.