HOUSE DOCKET, NO. 424 FILED ON: 1/14/2011

HOUSE . . . . . No. 334

The Commonwealth of Massachusetts

PRESENTED BY:

John D. Keenan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to Massachusetts artists..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael O. Moore	☐ *[District]* ☐
Sarah K. Peake	*4th Barnstable*
Denise Provost	*27th Middlesex*
Angelo J. Puppolo, Jr.	*12th Hampden*
John D. Keenan	*7th Essex*

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By Mr. Keenan of Salem, a petition (accompanied by bill, House, No. 334) of Michael O. Moore and others for legislation to provide access for certain workers, including artists, for health care insurance. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1078* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to Massachusetts artists..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Summary. Chapter 58 of the Acts of 2006, An Act Providing Access to Affordable, Quality, Accountable Health Care, Providing Access to Affordable, Quality, Accountable Health Care, is hereby amended to improve access to affordable health insurance for self-employed people, independent contractors, working artists, part-time workers, and workers who work part-time jobs and engage in a self-employed enterprise, also known as combined income individuals. This Act will increase eligibility for the Insurance Partnership for both employers and individuals; require small employers to offer a Section 125 Cafeteria Plan; provide the self-employed more support in accessing the most affordable insurance option; and require an in-depth analysis of combined income individuals to determine the impact on their eligibility for assistance.

SECTION 2. Employer Eligibility for the Insurance Partnership. Section 9C of Chapter 118E, subsection 1, is hereby amended by replacing subsection (iv) after the word 65 with the following language:— (iv) the division will amend existing regulation 130 CMR 650.000 to make eligible those employers that have provided employees with access to health insurance six-months prior to their application to the Insurance Partnership, provided the employer meets all other existing eligibility requirements under Chapter 118E, Section 9C.

SECTION 3. Simplify the Use of Pre-Tax Dollars for Small Business Employees. Any employer with the equivalent total of five full-time employees, as defined in the provisions of

19 Chapter 58, must establish a Section 125 cafeteria plan; and, further comply with the Health
20 Insurance Responsibility Disclosure provisions of Chapter 58. Section 2 of Chapter 151F is
21 hereby amended by changing "10" to "5 or more" after the words "more than." Section 6c of
22 Chapter 118G is hereby amended to insert the following language after the words "every
23 employer" "with 5 employees or more."

24 SECTION 4. Definition of "Eligible Employee". Section 9C of Chapter 118E, subsection
25 1 (as amended by 2006, 58, Sec. 19) under the definition of "Eligible Employee", is hereby
26 amended by striking subsection (iv) in its entirety.

27 SECTION 5. Section 9C of Chapter 118E, subsection 1 (as amended by 2006, 58, Sec.
28 19) under the definition of "Eligible Employee", subsection (v), is hereby amended to change the
29 words "300 per cent of the Federal Poverty Level" to "400 per cent of the Federal Poverty
30 Level" after the words "does not exceed."

31 SECTION 6. Determining "Income" for Combined Part-Time and Self-Employed
32 Individuals. The Department of Revenue is hereby directed to conduct a study of individuals
33 filing tax returns with multiple sources of income including part-time employment and income
34 from independent contractors and self-employment. The Department of Revenue will also assess
35 the methodology for calculating Adjusted Gross Income for such individuals in order to
36 promulgate regulations that accurately reflects their income, giving special consideration to the
37 expenses associated with the creation of art, learning new skills associated with professional
38 work, inventing new products or processes for commercial purposes, or other professional
39 pursuits from which the individual does not derive a majority or any of their overall income. The
40 Department of Revenue will report their findings to the Joint Committee on Health Care
41 Financing, the Connector Board, the Joint Committee on Tourism, Arts, and Cultural
42 Development and the House and Senate Committees on Ways and Means no later than 120 days
43 after enactment by the General Court.

44 SECTION 7. Eliminating the Self-employment Penalty. Amend Section 9C of chapter
45 118E, subsection 1, by adding the following language after the words "eligible employer":—
46 nothing in this section shall exclude a self-employed single individual or self employed husband
47 and wife from eligibility for programs under Chapter 118H, provided that all other eligibility
48 criteria have been met in accordance with the definitions in Chapter 118E as amended.