

Requested by HOUSE COMMITTEE ON REVENUE (at the request of the Oregon Health Authority)

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2269**

1 On page 1 of the printed A-engrossed bill, delete lines 9 through 13 and
2 insert:

3 “(d) Is not an exempt employee.

4 “(2) ‘Covered employer’ means an employer, other than a public employer,
5 who has at least 50 exempt employees and covered employees, as prescribed
6 by the Department of Consumer and Business Services by rule under section
7 2 (2)(b) of this 2019 Act.

8 “(3) ‘Exempt employee’ means an employee whose hours are exempt from
9 the calculation of the required health expenditure as prescribed by the de-
10 partment by rule under section 2 (3) of this 2019 Act.

11 “(4) ‘Health care’ means:

12 “(a) Medical care, services or goods that qualify as tax deductible medical
13 care expenses under section 213 of the Internal Revenue Code; or

14 “(b) Medical care, services or goods that have substantially the same
15 purpose as expenses that are deductible under section 213 of the Internal
16 Revenue Code.”.

17 In line 14, delete “(4)” and insert “(5)”.

18 On page 2, line 1, delete “(5)(a)” and insert “(6)(a)”.

19 In line 20, after “include” insert a colon, begin a new paragraph and in-
20 sert “(A)”.

21 In line 21, delete the period and insert “; or

1 “(B) An expenditure on health care made by a covered employer that is
2 retained by the employer or may be recovered by or returned to the
3 employer.”.

4 In line 22, delete “(6)” and insert “(7)”.

5 In line 25, delete “(7)” and insert “(8)”.

6 In line 28, delete “(8)” and insert “(9)”.

7 In line 29, delete “(9)” and insert “(10)”.

8 On page 3, delete lines 11 through 13 and insert:

9 “(a) The health care access contribution and the methodology for calcu-
10 lating the health care access contribution for a covered employer that fails
11 to make payments that satisfy the employer’s required health care expendi-
12 ture and the manner in which the department collects the health care access
13 contribution;”.

14 In line 18, delete “management or supervisory employees,” and insert
15 “employees who voluntarily waive their right to a health care contribution,
16 management or supervisory employees”.

17 In line 26, after “expenditure” insert “for each covered employee”.

18 Delete lines 33 through 35 and insert:

19 “(6) A covered employer shall post at each workplace where a covered
20 employee works a notice developed and made available by the Bureau of
21 Labor and Industries that explains the requirements imposed on employers
22 by the Employer Participation Program and the employees’ rights under the
23 program. The notice must be posted in areas commonly frequented by em-
24 ployees and where other employment-related notices are posted.

25 “(7) If the department adopts rules under subsection (3)(c) of this section
26 allowing covered employees to voluntarily waive their rights to health care
27 access contributions, the rules must prohibit a covered employer from com-
28 pelling, coercing or otherwise requiring a covered employee to waive the
29 employee’s right to a health care access contribution.”.

30 In line 36, delete “(7)” and insert “(8)”.

1 On page 4, line 2, delete “but may not prescribe” and insert “and”.

2 Delete lines 4 and 5 and insert:

3 “(4) A covered employer shall allow the Department of Revenue, or an
4 authorized representative of the department, reasonable access to the records
5 documenting health care expenditures, required health care expenditures and
6 other records necessary to conduct an investigation for the purpose of car-
7 rying out the department’s duties and powers under this section and section
8 4 of this 2019 Act.”.

9 In line 9, after the period, delete the rest of the line and lines 10 and 11.

10 In line 24, delete “(1)”.

11 In line 29, delete the period and delete lines 30 through 38 and insert
12 “and to the Oregon Health Authority as follows:

13 “(1) A percentage, as determined by the department, of the moneys in the
14 Health Care Access Fund are appropriated to the department to provide fi-
15 nancial assistance, as prescribed by the department under section 2 of this
16 2019 Act, to any individual whose employer paid a health care access con-
17 tribution on behalf of the individual, to pay the cost of premiums or other
18 out-of-pocket costs for a qualified health plan purchased through the health
19 insurance exchange; and

20 “(2) Remaining moneys in the Health Care Access Fund are appropriated
21 to and shall be transferred to the Oregon Health Authority Fund established
22 in ORS 413.101 to be expended by the Oregon Health Authority to provide
23 medical assistance under ORS chapter 414.

24 **“SECTION 6. The Commissioner of the Bureau of Labor and In-**
25 **dustries shall enforce compliance with the provisions of section 2 (6)**
26 **and (7) of this 2019 Act with the powers established in ORS chapter**
27 **653.”.**

28 In line 39, delete “6” and insert “7”.

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