

HOUSE No.

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 bill:

An Act relative to Massachusetts artists.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John D. Keenan	7th Essex
John A. Hart, Jr.	First Suffolk
William Lantigua	16th Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3936 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:

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

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

16 SECTION 3. Simplify the Use of Pre-Tax Dollars for Small Business Employees. Any employer
17 with the equivalent total of five full-time employees, as defined in the provisions of Chapter 58,
18 must establish a Section 125 cafeteria plan; and, further comply with the Health Insurance
19 Responsibility Disclosure provisions of Chapter 58. Section 2 of Chapter 151F is hereby amended
20 by changing “10” to “5 or more” after the words “more than.” Section 6c of Chapter 118G is hereby
21 amended to insert the following language after the words “every employer” “with 5 employees or
22 more.”

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

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

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

42 SECTION 7. Eliminating the Self-employment Penalty. Amend Section 9C of chapter 118E, subsection
43 1, by adding the following language after the words “eligible employer”:— nothing in this section shall
44 exclude a self-employed single individual or self employed husband and wife from eligibility for
45 programs under Chapter 118H, provided that all other eligibility criteria have been met in accordance
46 with the definitions in Chapter 118E as amended.

