

Amendment 2 to CB 119250 – Technical Amendments (Chair Bagshaw)

On page 6, after line 16, amend the subsection as shown below:

" 2. Tax. Any fractional FTE remaining after the determination of FTE employees under subsection 5.37.030.C.1 shall be rounded up to the nearest whole number. Once the number of FTE employees is thus determined, that number shall be multiplied by \$125 to determine the quarterly employee hours tax. ~~Once the FTE alternative method is used, it must be used for all future reporting periods, unless a change is approved by the Director.~~"

On page 6, beginning on line 1, amend the subsection as shown below:

B. Each violation of or failure to comply with the provisions of this Chapter 5.55, or Chapters 5.32, 5.35, ~~5.37~~, 5.37, 5.38, 5.40, 5.45, 5.46, 5.48, 5.50, 5.52, or 5.53 shall constitute a separate offense. Except as provided in subsection 5.55.220.C, any person who commits an act defined in subsection 5.55.220.A is guilty of a gross misdemeanor, punishable in accordance with Section 12A.02.070. The provisions of Chapters 12A.02 and 12A.04 apply to the offenses defined in subsection 5.55.220.A, except that liability is absolute and none of the mental states described in Section 12A.04.030 need be proved.

Renumber sections and correct any internal references accordingly.

Effect: This amendment would make two changes:

1. Allow businesses to change from one method of calculating the number of FTEs to an alternative method more than one time. The approach is consistent with the approach generally employed by the Director of the Department of Finance and Administrative Services during the 2007 to 2009 Employee Hours Tax.
2. Delete the second reference to SMC 5.37 that had erroneously been included in the bill.