

(II) INCLUDE AN AFFIDAVIT UNDER PENALTY OF PERJURY THAT THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION:

1. WAS REVIEWED BY THE SIGNING OFFICER; AND

2. ~~WAS BASED ON THE OFFICER'S KNOWLEDGE AND DOES NOT CONTAIN ANY UNTRUE STATEMENT OF A MATERIAL FACT OR OMIT A MATERIAL FACT NECESSARY TO MAKE THE STATEMENT MADE NOT MISLEADING~~ IS TRUE TO THE BEST OF THE SIGNING OFFICER'S KNOWLEDGE, INFORMATION, AND BELIEF.

(B) WHEN CALCULATING THE PERCENTAGE OF PAYROLL UNDER SUBSECTION ~~(A)(1)(II)~~ (A)(1)(III) OF THIS SECTION, AN EMPLOYER MAY EXEMPT:

(1) WAGES PAID TO ANY EMPLOYEE ~~BEYOND THE AMOUNT TAXABLE FOR FEDERAL SOCIAL SECURITY (FICA) PURPOSES~~ IN EXCESS OF THE MEDIAN HOUSEHOLD INCOME IN THE STATE AS PUBLISHED BY THE UNITED STATES CENSUS BUREAU; AND

(2) WAGES PAID TO AN EMPLOYEE WHO IS ENROLLED IN OR ELIGIBLE FOR MEDICARE.

8.5-104.

(A) AN EMPLOYER THAT IS ORGANIZED AS A NONPROFIT ORGANIZATION THAT DOES NOT SPEND UP TO 6% OF THE TOTAL WAGES PAID TO EMPLOYEES IN THE STATE ON HEALTH INSURANCE COSTS SHALL PAY TO THE SECRETARY AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN WHAT THE EMPLOYER SPENDS FOR HEALTH INSURANCE COSTS AND AN AMOUNT EQUAL TO 6% OF THE TOTAL WAGES PAID TO EMPLOYEES IN THE STATE.

(B) AN EMPLOYER THAT IS NOT ORGANIZED AS A NONPROFIT ORGANIZATION AND DOES NOT SPEND UP TO 8% OF THE TOTAL WAGES PAID TO EMPLOYEES IN THE STATE ON HEALTH INSURANCE COSTS SHALL PAY TO THE SECRETARY AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN WHAT THE EMPLOYER SPENDS FOR HEALTH INSURANCE COSTS AND AN AMOUNT EQUAL TO 8% OF THE TOTAL WAGES PAID TO EMPLOYEES IN THE STATE.

(C) AN EMPLOYER MAY NOT DEDUCT ANY PAYMENT MADE UNDER SUBSECTION (A) OR (B) OF THIS SECTION FROM THE WAGES OF AN EMPLOYEE.

(D) AN EMPLOYER SHALL MAKE THE PAYMENT REQUIRED UNDER THIS SECTION TO THE SECRETARY ON A PERIODIC BASIS AS DETERMINED BY THE SECRETARY.

8.5-105.

(A) FAILURE TO REPORT IN ACCORDANCE WITH § 8.5-103 OF THIS TITLE OR SHALL RESULT IN THE IMPOSITION BY THE SECRETARY OF A CIVIL PENALTY OF \$250 FOR EACH DAY THAT THE REPORT IS NOT TIMELY FILED.

(B) FAILURE TO MAKE THE PAYMENT REQUIRED UNDER § 8.5-104 OF THIS TITLE SHALL RESULT IN THE IMPOSITION BY THE SECRETARY OF A CIVIL PENALTY OF \$250,000.