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APR 25 2008

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Proposed Initiative #92
Final Text

Be it Enacted by the People of the State of Colorado

LEGISLATIVE BRANCH
GOVERNMENT OF COLORADO
LEGISLATIVE COUNCIL
LEGISLATIVE CLERK
LEGISLATIVE SERVICE CENTER
1000 EAST COLLEGE AVENUE
DENVER, COLORADO 80202
STATE OF COLORADO

Article XVIII of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 16. Employers to provide health care coverage. (1) EVERY EMPLOYER IN THE STATE OF COLORADO THAT EMPLOYS TWENTY OR MORE EMPLOYEES SHALL PROVIDE, DIRECTLY OR INDIRECTLY, MAJOR MEDICAL HEALTH CARE COVERAGE, REFERRED TO IN THIS SECTION AS "HEALTH CARE COVERAGE," FOR ITS EMPLOYEES AND THEIR DEPENDENTS.

(2) THE STATE OF COLORADO SHALL ESTABLISH A HEALTH INSURANCE AUTHORITY, REFERRED TO IN THIS SECTION AS THE "AUTHORITY," TO ADMINISTER THE PROVISION OF SUCH HEALTH CARE COVERAGE. EMPLOYERS THAT DO NOT DIRECTLY PROVIDE HEALTH CARE COVERAGE FOR EMPLOYEES AND THEIR DEPENDENTS SHALL PAY PREMIUMS TO THE AUTHORITY, WHICH SHALL NOT PROVIDE SUCH HEALTH CARE COVERAGE ITSELF BUT SHALL HAVE THE POWER TO CONTRACT WITH HEALTH INSURANCE CARRIERS, COMPANIES, AND ORGANIZATIONS TO PROVIDE HEALTH CARE COVERAGE.

(3) THE GENERAL ASSEMBLY SHALL NOT APPROPRIATE MONEYS FROM THE GENERAL FUND TO PAY COSTS OF ADMINISTERING THE AUTHORITY OR COSTS OF THE HEALTH CARE COVERAGE MANDATED BY THIS SECTION. THE AUTHORITY SHALL BE FUNDED BY THE PREMIUMS PAID TO IT BY EMPLOYERS WHO DO NOT PROVIDE HEALTH CARE COVERAGE DIRECTLY, AS DEFINED IN THIS SECTION. THE GENERAL ASSEMBLY SHALL NOT BE PRECLUDED FROM USING OTHER SOURCES OF REVENUE, IF NECESSARY, TO PAY FOR THE COSTS OF ADMINISTERING THE AUTHORITY OR PROVIDING THE HEALTH CARE COVERAGE MANDATED BY THIS SECTION.

(4) AN EMPLOYER SHALL BE DEEMED TO PROVIDE HEALTH CARE COVERAGE "DIRECTLY" BY OFFERING HEALTH CARE COVERAGE IN COMPLIANCE WITH THIS SECTION TO ITS EMPLOYEES THROUGH A HEALTH INSURANCE CARRIER, COMPANY, OR ORGANIZATION OR BY ACTING AS A SELF-INSURER. TO COMPLY WITH THIS SECTION, THE HEALTH CARE COVERAGE OFFERED OR PROVIDED BY THE EMPLOYER SHALL NOT REQUIRE THE EMPLOYEE TO PAY MORE THAN TWENTY PERCENT OF THE PREMIUM COST OF SUCH COVERAGE FOR THE EMPLOYEE AND SHALL NOT REQUIRE THE EMPLOYEE TO PAY MORE THAN THIRTY PERCENT OF THE PREMIUM COST OF COVERAGE FOR DEPENDENTS OF THE EMPLOYEE. IN THE ALTERNATIVE, AN EMPLOYER SHALL PROVIDE HEALTH CARE COVERAGE "INDIRECTLY" BY PAYING PREMIUMS TO THE AUTHORITY IN SUCH AMOUNTS AS ARE DETERMINED BY THE AUTHORITY TO FULFILL THE REQUIREMENTS OF THIS SECTION.

(5) AS USED IN THIS SECTION, "EMPLOYER" MEANS ANY INDIVIDUAL, PERSON, FIRM, PARTNERSHIP, ASSOCIATION, CORPORATION, LIMITED LIABILITY COMPANY, COMPANY, OR OTHER ENTITY THAT REGULARLY EMPLOYS TWENTY OR MORE EMPLOYEES IN THE STATE OF COLORADO, INCLUDING A RECEIVER OR OTHER PERSON ACTING ON BEHALF OF THE EMPLOYER. THE TERM DOES NOT INCLUDE THE STATE OR ANY POLITICAL SUBDIVISION THEREOF.

(6) THE GENERAL ASSEMBLY SHALL ENACT SUCH LAWS AS ARE NECESSARY TO IMPLEMENT THE REQUIREMENT FOR HEALTH CARE COVERAGE PROVIDED IN THIS SECTION; TO DEFINE TERMS THAT

ARE NOT DEFINED IN THIS SECTION, INCLUDING THE REQUIRED COMPONENTS OF HEALTH CARE COVERAGE; AND TO PROVIDE FOR THE ADMINISTRATION OF THE AUTHORITY.

(7) THE EFFECTIVE DATE OF THIS SECTION SHALL BE DELAYED UNTIL THE GENERAL ASSEMBLY HAS AN OPPORTUNITY TO ENACT APPROPRIATE LEGISLATION TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION. THE EFFECTIVE DATE, IN ANY EVENT, SHALL NOT BE DELAYED BEYOND NOVEMBER 1, 2009.



Berenbaum, Weinshienk & Eason P. C. Attorneys at Law

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**ELECTIONS
SECRETARY OF STATE
VIA HAND DELIVERY**

April 25, 2008

Mike Coffman
Colorado Secretary of State
1700 Broadway, Suite 270
Denver, CO 80290

Re: Proposed Initiative Measure 2007-2008 #92 concerning employer responsibility for health insurance

Dear Mr. Coffman:

On behalf of the proponents, I am submitting the attached initiative for the Title Board hearing which I understand is scheduled to take place on Wednesday, May 7, 2008. I will plan to be available then. In accordance with requirements, I am submitting (1) the original typed draft submitted to the Legislative Council for a review and comment hearing, (2) an amended typed draft with changes highlighted, and (3) a final typed draft for printing of the proposed initiative.

The proponents of this initiative are Ernest L. Duran, Jr., and Irene Goodell. Their addresses and other information are as follows:

Ernest L. Duran, Jr., President
United Food & Commercial Workers, Local 7
7760 West 38th Avenue, Suite 400
Wheat Ridge, CO 80033
Telephone: (303) 425-0897
E-mail: eduran@ufcw7.com

Irene Goodell
2873 Calkins Place
Broomfield, CO 80020
Telephone: (303) 465-5392
E-mail: irinagood@msn.com

Please direct all correspondence related to this initiative to me. Thanks for your cooperation and consideration.

Sincerely,

BERENBAUM, WEINSHIENK & EASON, P.C.

Michael J. Belo

MJB:PBA

Enclosure: Proposed Initiative Measure 2007-2008 #92

cc: Ernest L. Duran, Jr.
Irene Goodell