SUPREME COURT, STATE OF COLORADO Two East 14th Avenue Denver, CO 80203	FILED IN THE SUPREME COURT JUN 03 2008 OF THE STATE OF COLORADO SUSAN J. FESTAG, CLERK
ORIGINAL PROCEEDING PURSUANT TO § 1-40-107(2), C.R.S. (2007)	
IN THE MATTER OF THE TITLE, BALLOT TITLE AND SUBMISSION CLAUSE FOR 2007-2008, #92 ("Employer Responsibility for Health Insurance") **Petitioner:** JOSEPH B. BLAKE, Objector, v. **Respondents:** ERNEST L. DURAN, JR. and IRENE GOODELL, Proponents, and **Title Board:** WILLIAM A. HOBBS, DANIEL L. CARTIN, and DANIEL DOMENICO.	▲ FOR COURT USE ONLY ▲
Attorneys for Proponents: Michael J. Belo, No. 8198 Eugene M. Sprague, No. 7680 BERENBAUM, WEINSHIENK & EASON, P.C. Address: 370 17th Street, Suite 4800 Denver, Colorado 80202 Phone Number: (303) 825-0800 FAX Number: (303) 629-7610 E-mail: mbelo@bw-legal.com esprague@bw-legal.com	Case No. 08SA178

OPENING BRIEF OF PROPONENTS

TABLE OF CONTENTS

TABLE OF AUTHORITIES

STATE CASES

STATE STATUTES

Ernest L. Duran, Jr., and Irene Goodell, the Proponents of Proposed Initiative 2007-2008 #92, submit this Opening Brief in response to the Petition for Review of Final Action of Ballot Title Setting Board Concerning Proposed Initiative 2007-2008 #92 ("Employer Responsibility for Health Insurance"), filed by the Petitioner, Joseph B. Blake.[1]

I. Introduction

Petitioner, as Objector, brought this original proceeding under C.R.S. § 1-40-107(2), to challenge the action of the ballot title setting board ("Title Board" or "Board"), which set the title, ballot title and submission clause (collectively "title") for proposed Ballot Initiative 2007-2008 #92 (unofficially captioned by legislative staff as "Employer Responsibility for Health Insurance"). Initiative #92 seeks to amend the Colorado Constitution by requiring employers with twenty or more employees to provide major medical health care coverage to employees. It would allow an employer to provide such coverage directly through an insurance carrier or by acting as a self-insurer or indirectly by paying premiums to a health insurance authority to be created pursuant to the Initiative.

---

[1] The Petition for Review refers incorrectly to the initiative as "Employer Responsibility for Heath [sic] Insurance." The Petition incorrectly lists Daniel Cartin and Daniel Domenico as members of the Title Board for this initiative. The Title Board herein consisted of William Hobbs, Sharon Eubanks, and Jeffrey Blue.

Petitioner contends that the Initiative violates the single subject requirement of article V, section 1(5.5) of the Colorado Constitution and that the title is misleading, confusing, unclear, and fails to reflect the Initiative's true meaning and intent. The Proponents respond that, as the Title Board held initially and reiterated upon Petitioner's motion for rehearing to the Board, the Initiative covers a single subject of requiring employers to provide health care coverage and accompanying provisions directly related to implementation of that requirement. Moreover, the title set by the Board accurately and clearly captures the true meaning of the Initiative and its significant provisions.

II. Facts and Procedural History

Initiative #92 proposes to amend article XVIII of the Colorado Constitution by requiring employers with twenty or more employees to provide major medical health care coverage to their employees.[2] It applies to employers, excluding the state and its political subdivisions, who regularly employ twenty or more employees in Colorado. Employers may provide such coverage directly through an insurance carrier or by acting as a self-insurer, or indirectly by paying premiums to a health insurance authority ("authority") created pursuant to the Initiative to administer the provision of such coverage. The authority would not provide such

[2] A copy of the Initiative as submitted to the Title Board is attached for reference as Appendix 1.

indirect coverage itself, but would contract with carriers to provide coverage. The measure states that employees shall not be required to pay more than 20 percent of the premium for such coverage for themselves or more than 30 percent of the premium for coverage for their dependents. The costs of administering the authority and health care coverage provided through the authority would be financed by premiums paid by employers who do not provide coverage directly to their employees and, if necessary, such revenue sources other than the state general fund as determined by the general assembly. The Initiative directs the general assembly to enact such laws as are necessary to implement the measure and sets the effective date of the measure no later than November 1, 2009.

On May 7, 2008, the Title Board found that the Initiative contained a single subject and set the title. Petitioner, Joseph Blake, filed a motion for rehearing, alleging that the Initiative does not contain a single subject and that the title failed to express the Initiative's true intent and meaning. On May 21, 2008, the Title Board rejected the Petitioner's contentions and denied the motion for rehearing.[3]

III. Analysis and Argument

The single subject requirement is contained in article V, section 1(5.5) of the Colorado Constitution, which provides, in pertinent part: "No measure shall be

[3] A copy of the title, ballot title and submission clause is attached for reference as Appendix 2.

proposed by petition containing more than one subject, which shall be clearly expressed in its title." This Court has interpreted and applied this requirement in numerous cases, including most recently *In the Matter of the Title, Ballot Title and Submission Clause 2007-2008 #61*, Case No. 08SA89, 2008 Colo. LEXIS 454 (Colo. May 16, 2008), and *In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62*, Case No. 08SA90, 2008 Colo. LEXIS 455 (Colo. May 16, 2008).

An initiative violates the single subject requirement when it (1) relates to more than one subject and (2) has at least two separate and distinct purposes that are not dependent upon or connected with each other. *In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62*, 2008 Colo. LEXIS 455, at *8; *In the Matter of the Title, Ballot Title and Submission Clause for 2005-2006 #74*, 136 P.3d 237, 239 (Colo. 2006). If the initiative tends to achieve or to carry out one general object or purpose, it constitutes a single subject. *In the Matter of the Title, Ballot Title and Submission Clause 2007-2008 #61*, 2008 Colo. LEXIS 454, at *7. Although an initiative may contain several purposes, they must be interrelated. *In the Matter of the Title and Ballot Title and Submission Clause for 2005-2006 #55*, 138 P.3d 273, 278 (Colo. 2006).

The purpose of the single subject requirement is twofold. First, it ensures that each initiative depends upon its own merits for passage, which prevents the proponents from "joining multiple subjects into a single initiative in the hope of attracting support from various factions which may have different or conflicting interests." *In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62*, 2008 Colo. LEXIS 455, at *9 – 10 (internal citation omitted). Second, it guards against "surreptitious measures . . . [so as] to prevent surprise and fraud from being practiced upon voters." *Id.* (citation omitted). Thus, an initiative may not hide purposes unrelated to its central theme, a rule that avoids the practice of enticing voters to support a measure because of popular or favorable provisions, while not realizing that less favorable provisions are buried in the measure. *In the Matter of the Title and Ballot Title and Submission Clause for 2005-2006 #55*, 138 P.3d at 277.

The Court construes the single subject requirement liberally to avoid imposing undue restrictions on the initiative process. *In the Matter of the Title, Ballot Title and Submission Clause 2007-2008 #61*, 2008 Colo. LEXIS 454, at *8. Moreover, the Court's review of Title Board actions is limited and deferential.

> **Our review of actions taken by the Title Board is of a limited scope.** For example, we "will not rewrite the titles or submission clause for the Board, and we will reverse the Board's action in preparing them only if they contain a material and significant

> omission, misstatement, or misrepresentation." **This prohibition requires us to engage all legitimate presumptions in favor of the propriety of the Title Board's actions when reviewing proposed initiatives.** Therefore, when determining whether a proposed initiative comports with the single-subject/clear title requirement, we may "not address the merits of a proposed initiative, nor [may] we interpret its language or predict its application if adopted by the electorate." **Our inquiry is limited to determining whether the constitutional prohibition against multiple subjects and unclear titles has been violated.**

In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62, 2008 Colo. LEXIS 455, at *14 – 15 (citations omitted) (emphasis added).

With these well-established principles in mind, we turn to an examination of the Petitioner's challenges to the initiative.

1. The health care coverage initiative contains a single, clearly defined subject, and its other provisions are closely related to its subject.

The subject of Initiative #92 can be summed up in one sentence: Employers with twenty or more employees shall provide employees with health care coverage, either directly or indirectly. The remaining provisions of the Initiative relate inextricably to the implementation of this requirement. Employers could provide such coverage directly through an insurance carrier or indirectly by paying premiums to a health insurance authority set up for that purpose. The authority would not provide health care coverage directly, but would contract with carriers to provide it. Employees would not be required to pay more than 20 percent for self-

only coverage or more than 30 percent for dependent coverage. The authority would be funded by the premiums paid by employers who do not provide coverage directly to employees. The general assembly would be prohibited from appropriating moneys from the general fund to finance the costs of administering the authority or of the health care coverage mandated by the Initiative, but would not be precluded, if necessary, from using other sources of revenue. The effective date of the measure would be delayed until the general assembly has the opportunity to enact appropriate legislation implementing it, but would not be delayed beyond November 1, 2009.

Petitioner derives five allegedly separate subjects from Initiative #92. He appears to be superficially parsing the Initiative into its constituent provisions, and then claiming that they are separate subjects. In his motion for rehearing before the Title Board, Petitioner contended that the Initiative contains the following subjects: (1) Every employer with twenty or more employees must provide major medical health care coverage for its employees or dependents; (2) the state would establish a health insurance authority to provide an indirect means for employers to provide health insurance; (3) the authority would administer the provisions of the Initiative; (4) the Initiative is predicated upon the employer's responsibility to provide health care coverage, but the general assembly would not be precluded

from using sources other than the general fund to finance the costs of administering the authority or providing the health care coverage; and (5) the general assembly must enact laws necessary for implementation of the Initiative, including defining terms that are not defined in the measure. (Motion for Rehearing, attached to Petition for Review, at 3 - 4.)

As the Court said in *In re Proposed Initiative for 1997-1998 #74*, 962 P.2d 927, 929 (Colo. 1998), quoted favorably in *In the Matter of the Title, Ballot Title and Submission Clause 2007-2008 #61*, 2008 Colo. LEXIS 454, at *8 - 9, "Multiple ideas might well be parsed from even the simplest proposal by applying ever more exacting levels of analytic abstraction until an initiative measure has been broken into pieces. Such analysis, however, is neither required by the single subject requirement nor compatible with the right to propose initiatives guaranteed by Colorado's constitution."

Petitioner claims that Initiative #92 is similar to the measure rejected by the Court in *In the Matter of the Title, Ballot Title, Submission Clause, and Summary Adopted April 5, 1995, by the Title Board Pertaining to a Proposed Initiative "Public Rights in Waters II,"* 898 P.2d 1076 (Colo. 1995) (hereinafter "*Waters II*"). (Motion for Rehearing, at 4 – 5.) The measure considered in *Waters II* contained two separate and distinct subjects, however, that were neither

explicitly nor implicitly connected with each other: (1) the measure decreed a "strong public trust doctrine" regarding the public's right and ownership in Colorado waters, and (2) it contained provisions requiring elections to change the boundaries of water conservation districts and to elect directors of districts. The Court held: "No necessary connection exists between the two district election requirements paragraphs and the two public trust water rights paragraphs." *Id.* at 1080. Neither the proponents of the initiative nor the terms of the initiative itself demonstrated the relationship of the district election changes to the public trust doctrine. The Court concluded: "Thus, the very terms of the initiative fail to connect the election paragraphs with the water rights paragraphs." The common characteristic that the provisions all involved "water" was too broad and general to constitute a single subject. *Id.*

The present health care initiative is not remotely comparable to the flawed measure considered in *Waters II.* Here, all provisions of the Initiative relate specifically to the overarching purpose that qualifying employers must provide health care coverage to their employees, either directly or indirectly. The Initiative provides a mechanism—the health insurance authority—to administer its requirements and implement the employer's option to provide such coverage indirectly. It provides for funding of the authority through the premiums paid by

employers who do not provide health coverage directly to their employees. Unlike the measure in *Waters II,* there is a "necessary connection" between creation of the authority and the provision of health care coverage to employees.

This Court has made clear that "mere implementation or enforcement details directly tied to the initiative's single subject will not, in and of themselves, constitute a separate subject." *In the Matter of the Title, Ballot Title and Submission Clause, and Summary for 2005-2006 #73*, 135 P.3d 736, 739 (Colo. 2006); *In the Matter of the Title, Ballot Title and Submission Clause for 2005-2006 #74*, 136 P.3d at 239. Here, every provision of the Initiative is tied directly to the subject of requiring employers to provide health care coverage: They can provide it directly through a carrier or indirectly through the authority; the authority would not provide such coverage itself, but would contract with carriers to do so; and the authority would be funded by premiums paid by employers who provide such coverage indirectly. In this respect, the Initiative is analogous to, but simpler and more straightforward than, the "just cause" initiative considered in *In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62*, 2008 Colo. LEXIS 455. There, the Court readily disposed of a challenge by the same Objector, Joseph Blake, holding that "each provision relates to creating, implementing, or enforcing a just cause standard in the employment setting." *Id.*

In summary, Initiative #93 complies with the single subject requirement. Therefore, the Court should affirm the Title Board's finding on this issue.

2. The title set by the Title Board clearly and accurately captures the purpose and provisions of the Initiative.

The Court employs a deferential standard in reviewing the title set by the Board:

> While titles must be fair, clear, accurate, and complete, the Title Board is not required to set out every detail of an initiative. In addition, the Title Board may not speculate as to the measure's efficacy, or its practical or legal effects. We give great deference to the Title Board in the exercise of its drafting authority, and will reverse the Title Board's decision only if the titles are insufficient, unfair or misleading.

In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62, 2008 Colo. LEXIS 455, at *19.

The Title Board set the ballot title and submission clause for the initiative as follows:

> Shall there be an amendment to the Colorado Constitution concerning health care coverage for employees, and, in connection therewith, requiring employers that regularly employ twenty or more employees to provide major medical health care coverage to their employees; excluding the state and its political subdivisions from the definition of "employer"; allowing an employer to provide such health care coverage either directly through a carrier, company, or organization or acting as a self insurer, or indirectly by paying premiums to a health insurance authority to be created pursuant to this measure that will contract with health insurance carriers, companies, and organizations

> to provide coverage to employees; providing that employees shall not be required to pay more than twenty percent of the premium for such coverage for themselves and more than thirty percent of such coverage for the employees' dependents; financing the costs of administering the health insurance authority and health care coverage provided through the authority with premiums paid by employers to the authority and, if necessary, such revenue sources other than the state general fund as determined by the general assembly; directing the general assembly to enact such laws as are necessary to implement the measure; and setting the effective date of the measure to be no later than November 1, 2009?

Before the Title Board, Petitioner claimed that the title is misleading, unfair, and unclear. (Motion for Rehearing, at 6 - 7.) Petitioner alleged a list of purported defects marked by its redundancy and restatement of the same grounds several times. He claimed that the title does not state (1) that terms such as "major medical health care coverage" will be defined by the general assembly; (2) that the effective date would be delayed until the assembly enacts appropriate legislation to implement the Initiative; (3) [again] that "major medical health care coverage" is not defined and will be defined by the assembly; (4) that the authority will administer the provisions of health care coverage; (5) that the scope of the authority must be defined by the assembly; (6) that the assembly is allegedly required to find a source of revenue to pay for coverage if employers cannot meet the obligations imposed by the Initiative; (7) [again] that the authority will administer the program; (8) whether nonprofit corporations would be covered; and

(9) [again] that the state government would allegedly be ultimately liable to finance the costs of administering the program and providing insurance.

Petitioner's attack on the title is reminiscent of his attack on the title of the just cause initiative in *In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62*, 2008 Colo. LEXIS 455, at *18 - 19. Petitioner erroneously contends that the Title Board must spell out every detail of the Initiative, *e.g.*, that the general assembly, as part of its enactment of appropriate legislation, must define terms such as "major medical health care coverage" or that the effective date will be delayed until the assembly enacts such legislation. In this respect, the title concisely expresses the key points that the Initiative would be "directing the general assembly to enact such laws as are necessary to implement the measure; and setting the effective date of the measure to be no later than November 1, 2009."

Petitioner engages in speculation about whether nonprofit corporations would be covered and then asserts that the title is defective because it does not expressly refer to them. Petitioner also engages in speculation that the state would ultimately be liable for health insurance coverage, and then claims the title is defective because it does not express this speculative conclusion. The title accurately and succinctly summarizes, however, that the Initiative proposes

"financing the costs of administering the health insurance authority and health care coverage provided through the authority with premiums paid by employers to the authority and, if necessary, such revenue sources other than the state general fund as determined by the general assembly."

Petitioner's argument herein, like his similar contentions in *In the Matter of the Title, Ballot Title, and Submission Clause for 2007-2008 #62*, "boils down to a desire to have the titles state possible or speculative outcomes should the Initiative pass . . . . [T]he Title Board is neither obligated nor authorized to construe the future legal effects of an initiative as part of the ballot title." *Id.* at *20.

The Court recently disposed of a similar contention that an initiative failed to inform voters of a purported effect of the initiative argued by the opponents:

> [I]t is not our role to rephrase the language adopted by the Board to obtain the most precise and exact title. Rather, we will uphold the Board's choice of language if it "clearly and concisely reflects the central features of the initiative." Accordingly, the Board is not required to provide explanations of the measure or discuss its every possible effect. Therefore, **we will reject the Board's language only if is so inaccurate as to clearly mislead the electorate.**

In the Matter of the Title, Ballot Title and Submission Clause 2007-2008 #61, 2008 Colo. LEXIS 454, at *14 – 15 (citations omitted) (emphasis added).

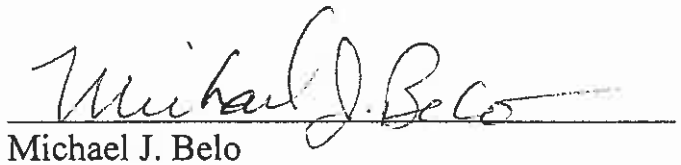
Here, the title accurately and concisely but comprehensively reflects the central features of the Initiative. Therefore, the title set by the Board correctly and fairly expresses the true intent and meaning of Initiative #92.

IV. Conclusion

The Title Board was correct in finding that Initiative #92 contains a single subject. The title set by the Board accurately expresses the subject and true meaning of the Initiative. Therefore, the Proponents request the Court to affirm the action of the Title Board.

DATED this 3rd day of June, 2008.

BERENBAUM, WEINSHIENK & EASON, P.C.



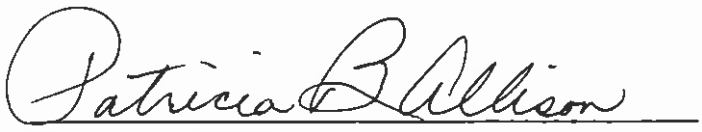
Michael J. Belo
Eugene M. Sprague

Attorneys for Proponents

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2008, a true and correct copy of the foregoing document was served via hand delivery upon the Petitioner's attorneys at the following address:

Douglas J. Friednash, Esq.
John M. Tanner, Esq.
Susan F. Fisher, Esq.
FAIRFIELD AND WOODS, P.C.
1700 Lincoln Street, Suite 2400
Denver, CO 80203
Phone: (303) 830-2400
Facsimile: (303) 830-1033



Patricia B. Allison
Legal Assistant to Michael J. Belo, Esq.

Proposed Initiative #92 Final Text

Be it Enacted by the People of the 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.

Ballot Title Setting Board

Proposed Initiative 2007-2008 #92[1]

The title as designated and fixed by the Board is as follows:

An amendment to the Colorado Constitution concerning health care coverage for employees, and, in connection therewith, requiring employers that regularly employ twenty or more employees to provide major medical health care coverage to their employees; excluding the state and its political subdivisions from the definition of "employer"; allowing an employer to provide such health care coverage either directly through a carrier, company, or organization or acting as a self-insurer, or indirectly by paying premiums to a health insurance authority to be created pursuant to this measure that will contract with health insurance carriers, companies, and organizations to provide coverage to employees; providing that employees shall not be required to pay more than twenty percent of the premium for such coverage for themselves and more than thirty percent of such coverage for the employees' dependents; financing the costs of administering the health insurance authority and health care coverage provided through the authority with premiums paid by employers to the authority and, if necessary, such revenue sources other than the state general fund as determined by the general assembly; directing the general assembly to enact such laws as are necessary to implement the measure; and setting the effective date of the measure to be no later than November 1, 2009.

The ballot title and submission clause as designated and fixed by the Board is as follows:

Shall there be an amendment to the Colorado Constitution concerning health care coverage for employees, and, in connection therewith, requiring employers that regularly employ twenty or more employees to provide major medical health care coverage to their employees; excluding the state and its political subdivisions from the definition of "employer"; allowing an employer to provide such health care coverage either directly through a carrier, company, or organization or acting as a self-insurer, or indirectly by paying premiums to a health insurance authority to be created pursuant to this measure that will contract with health insurance carriers, companies, and organizations to provide coverage to employees; providing that employees shall not be required to pay more than twenty percent of the premium for such coverage for themselves and more than thirty percent of such coverage for the employees' dependents; financing the costs of administering the health insurance authority and health care coverage provided through the authority with premiums paid by employers to the authority and, if necessary, such revenue sources other than the state general fund as determined by the general assembly; directing the general assembly to enact such laws as are necessary to implement the measure; and setting the effective date of the measure to be no later than November 1, 2009?

---

[1] Unofficially captioned **"Employer Responsibility for Health Insurance"** by legislative staff for tracking purposes. Such caption is not part of the titles set by the Board.

Hearing May 7, 2008:
Single subject approved; staff draft amended; titles set.
Hearing adjourned 3:21 p.m.

Hearing May 21, 2008:
Motion for Rehearing denied.
Hearing adjourned 2:03 p.m.