

**SUPREME COURT OF COLORADO**

2 East 14<sup>th</sup> Avenue 4<sup>th</sup> Floor  
Denver, Colorado 80203

ORIGINAL PROCEEDING PURSUANT TO  
§ 1-40-107(2), C.R.S. (2007)  
Appeal from the Ballot Title Setting Board

IN THE MATTER OF THE TITLE, BALLOT TITLE  
AND SUBMISSION CLAUSE FOR 2007-2008, #92

**Petitioner:**

JOSEPH B. BLAKE,  
Objector,

v.

**Respondents:**

ERNEST DURAN, JR. and BRADLEY JOHNSON  
Proponents,

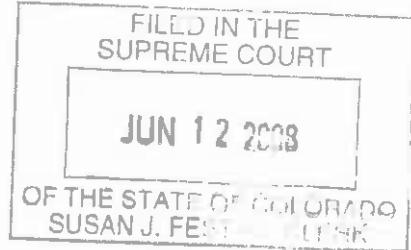
and

**Title Board:**

WILLIAM A. HOBBS, DANIEL L. CARTIN, and  
GEOFFREY BLUE.

**Attorneys for Petitioner:**

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Case No. 08SA178

**PETITIONER'S ANSWER BRIEF TO TITLE BOARD'S OPENING BRIEF**

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Joseph B. Blake, by and through his attorneys, Fairfield and Woods, P.C., hereby files this Answer Brief to the Title Board's Opening Brief for Proposed Initiative 2007-2008 #92 (unofficially captioned by legislative staff for tracking purposes, "Employer Responsibility for Health Insurance") (hereinafter "Initiative").

## ARGUMENT

### **Establishment of a Government Subsidized Mandatory Health Care System Violates the Single Subject Requirement.**

One does not need to "thinly parse" the measure to see that the measure's own terms make it clear that the ultimate burden of mandated health insurance does not fall on the employer, but rather on the government. This follows because the Initiative grants the General Assembly the power to use sources of revenue (other than the General Fund) to pay for the costs of administering the Authority or providing the mandatory major health care coverage mandated by this section.

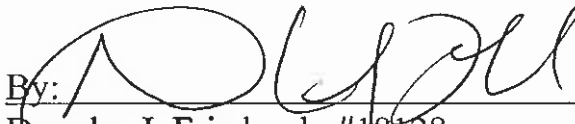
Thus, as a separate and distinct purpose, the government subsidized program will need to use government funds to pay for administrative costs, employers' and employees' share of costs. If, in fact, the measure only required covered employers to be responsible for major medical health care coverage, the buck would not stop at the government's door. In that case, the true intent and purpose would be to provide health care coverage to employees of companies with more than twenty employees. That is

not, however, the purpose or subject framed by either the proponents or the Title Board.

The measure also creates a super-agency with administrative, procedural, regulatory, contractual, and other substantive powers and responsibilities that are too broad to be characterized as a single subject or purpose. This super-agency does more than merely implement the indirect health care system it sets out to do. It requires it to administer the program and provide health insurance in the event the employer cannot or if the employers' contributions are insufficient to cover the costs of the program.

Respectfully submitted this 12th day of June, 2008.

FAIRFIELD AND WOODS, P.C.

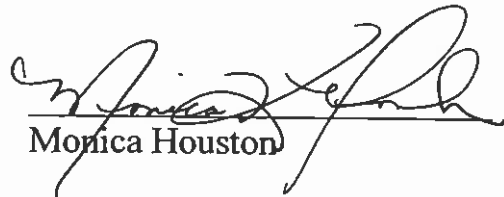
By:   
Douglas J. Friednash, #18128  
John M. Tanner, #16233  
Susan F. Fisher, #33174

## CERTIFICATE OF SERVICE

I hereby certify that on the 12<sup>th</sup> day of June, 2008, a true and correct copy of the foregoing **PETITIONER'S ANSWER BRIEF TO TITLE BOARD'S OPENING BRIEF** was hand delivered to the following:

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