

Amendment 56
Employer Responsibility for Health Insurance

1 **Ballot Title:** An amendment to the Colorado Constitution concerning health care
2 coverage for employees, and, in connection therewith, requiring employers that regularly
3 employ twenty or more employees to provide major medical health care coverage to
4 their employees; excluding the state and its political subdivisions from the definition of
5 "employer"; allowing an employer to provide such health care coverage either directly
6 through a carrier, company, or organization or acting as a self-insurer, or indirectly by
7 paying premiums to a health insurance authority to be created pursuant to this measure
8 that will contract with health insurance carriers, companies, and organizations to provide
9 coverage to employees; providing that employees shall not be required to pay more than
10 twenty percent of the premium for such coverage for themselves and more than thirty
11 percent of such coverage for the employees' dependents; financing the costs of
12 administering the health insurance authority and health care coverage provided through
13 the authority with premiums paid by employers to the authority and, if necessary, such
14 revenue sources other than the state general fund as determined by the general assembly;
15 directing the general assembly to enact such laws as are necessary to implement the
16 measure; and setting the effective date of the measure to be no later than November 1,
17 2009.

18 **Text of Proposal:**

19 *Be it Enacted by the People of the State of Colorado:*

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

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

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

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

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

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

27 (6) THE GENERAL ASSEMBLY SHALL ENACT SUCH LAWS AS ARE NECESSARY TO
28 IMPLEMENT THE REQUIREMENT FOR HEALTH CARE COVERAGE PROVIDED IN THIS
29 SECTION; TO DEFINE TERMS THAT ARE NOT DEFINED IN THIS SECTION, INCLUDING THE
30 REQUIRED COMPONENTS OF HEALTH CARE COVERAGE; AND TO PROVIDE FOR THE
31 ADMINISTRATION OF THE AUTHORITY.

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