

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0084.01 Jason Gelender x4330

HOUSE BILL 16-1435

HOUSE SPONSORSHIP

Duran and Becker K., Arndt, Buckner, Court, Danielson, Esgar, Ginal, Hullinghorst, Kagan, Lebsack, Lontine, Melton, Moreno, Pabon, Pettersen, Primavera, Ryden, Salazar, Singer, Tyler, Winter, Young

SENATE SPONSORSHIP

Kefalas and Ulibarri,

House Committees

Health, Insurance, & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN EMPLOYMENT-RELATED PUBLIC**
102 **BENEFITS ENTERPRISE AS A GOVERNMENT-OWNED BUSINESS FOR**
103 **THE PURPOSE OF PROVIDING BUSINESS SERVICES THAT BENEFIT**
104 **LOW-WAGE EMPLOYERS BY IMPROVING PUBLICLY SUBSIDIZED**
105 **HEALTH CARE PROGRAM SERVICES FOR LOW-WAGE EMPLOYEES**
106 **AND THEIR FAMILIES, AND, IN CONNECTION THEREWITH,**
107 **AUTHORIZING THE ENTERPRISE TO FUND THE BUSINESS**
108 **SERVICES THAT IT PROVIDES BY IMPOSING, COLLECTING, AND**
109 **DISTRIBUTING AN EMPLOYMENT-RELATED PUBLIC BENEFITS FEE**
110 **ON LOW-WAGE EMPLOYERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

(not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill, known as the "Corporate Responsibility Act", creates the employment-related public benefits enterprise (enterprise) as a government-owned business and **type 1** agency within the department of health care policy and financing (HCPF). The enterprise has the business purpose of improving the health of the pool of workers for low-wage employment and their families and thereby benefitting low-wage employers by giving them access to a healthier pool of workers. The board of directors of the enterprise (board) consists of 7 members appointed by the governor: 2 who are representatives of employers; 2 who are representatives of organized labor; one who is employed and is receiving assistance under a state-subsidized health care assistance program; one who represents a nonprofit organization that provides health care services to low-income individuals; and one who represents a nonprofit organization that advocates in support of health care services for low-income individuals. Various powers of the enterprise are specified.

On and after January 1, 2017, the enterprise must impose an employment-related public benefits fee (fee) based on a per-hour worked basis for each employee of a low-wage employer that employs 250 or more employees in Colorado, but a low-wage employer may credit health care expenditures to or on behalf of a low-wage employee against the public benefits fee for each low-wage employee's hours. The enterprise must set the fee in an amount that is reasonably calculated to reflect the benefit received by such employers from the provision of state-subsidized health care program assistance to low-wage employees in the state and the costs to the state of providing that assistance but is neither less than 25 cents nor more than one dollar per hour worked. So long as the enterprise meets the constitutional requirements for enterprise status under the taxpayer's bill of rights, fee revenue does not count against the state fiscal year spending limit.

The employment-related public benefits fee fund (fund) is created in the state treasury, and all fee revenue and interest and income derived from the deposit and investment of the fund is credited to the fund. The enterprise may expend money from the fund to support and improve health care services provided to individuals who are eligible to receive services under the "Colorado Medical Assistance Act" and to defray its administrative expenses in implementing and administering provisions of the bill. It is prohibited to transfer money in the fund to any other state fund or department or agency of state government.

Employers are prohibited from taking various specified actions,

including the discharge of low-wage employees during a specified period following the implementation of the fee, for the purpose of avoiding or reducing their liability for the fee. Employers are prohibited from retaliating against employees for whistleblowing or taking various other specified actions relating to implementation or enforcement of the bill, such retaliation is defined as an unfair employment practice, and an employee retaliated against may file a complaint with the Colorado civil rights division. The attorney general and district attorneys are concurrently responsible for the enforcement of the "Corporate Responsibility Act".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 6 to article
3 1 of title 25.5 as follows:

PART 6

CORPORATE RESPONSIBILITY ACT

25.5-1-601. Short title. THE SHORT TITLE OF THIS PART 6 IS THE
"CORPORATE RESPONSIBILITY ACT".

8 **25.5-1-602. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY HEREBY FINDS AND DECLARES THAT IT IS THE POLICY OF THIS
10 STATE:

15 (b) BECAUSE THE STATE INCURS SIGNIFICANT COSTS RELATED TO
16 LABOR PRACTICES THAT ARE SUBSTANTIALLY MORE LIKELY TO LEAVE
17 EMPLOYEES IN NEED OF STATE-SUBSIDIZED HEALTH CARE, TO ENSURE
18 THAT THOSE EMPLOYERS THAT TEND TO ENJOY THE AGGREGATE BENEFITS
19 OF THE PROVISION OF PUBLICLY SUBSIDIZED HEALTH CARE ASSISTANCE
20 PROGRAM SERVICES TO WORKING FAMILIES CONTRIBUTE A FAIR PORTION

1 OF THE COSTS OF ADMINISTERING, IMPROVING, AND EXPANDING THOSE
2 PROGRAMS.

3 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

4 (a) IN EXCHANGE FOR PAYMENT OF THE EMPLOYMENT-RELATED
5 PUBLIC BENEFITS FEE AS REQUIRED BY THIS PART 6, THE EMPLOYERS
6 PAYING THE FEE RECEIVE A BUSINESS SERVICE PROVIDED BY A
7 GOVERNMENT-OWNED BUSINESS, THE EMPLOYMENT-RELATED PUBLIC
8 BENEFITS ENTERPRISE CREATED IN SECTION 25.5-1-604 (1) (a), IN THE
9 FORM OF THE BENEFITS OF AN EMPLOYMENT POOL COMPRISED OF
10 WORKERS WHO ARE MORE LIKELY TO:

11 (I) PERFORM THEIR EMPLOYMENT DUTIES WITHOUT IMPAIRMENT
12 FROM HEALTH-RELATED ISSUES; AND

13 (II) REQUIRE FEWER SICK DAYS DUE TO PERSONAL AND FAMILY
14 HEALTH-RELATED ISSUES;

15 (b) IT IS NECESSARY, APPROPRIATE, AND IN THE BEST INTEREST OF
16 THE STATE TO CREATE THE EMPLOYMENT-RELATED PUBLIC BENEFITS
17 ENTERPRISE AS A GOVERNMENT-OWNED BUSINESS WITHIN THE
18 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND TO
19 AUTHORIZE THE ENTERPRISE TO IMPOSE, COLLECT, AND DISTRIBUTE THE
20 FEE; AND

21 (c) SO LONG AS THE ENTERPRISE RETAINS AUTHORITY TO ISSUE
22 REVENUE BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS ANNUAL
23 REVENUE IN GRANTS FROM ALL COLORADO STATE AND LOCAL
24 GOVERNMENTS COMBINED, IT IS NOT SUBJECT TO ANY PROVISIONS OF
25 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION AND ITS REVENUES
26 ARE NOT INCLUDED IN STATE FISCAL YEAR SPENDING, AS DEFINED IN
27 SECTION 24-77-102 (17), C.R.S.

1 **25.5-1-603. Definitions.** AS USED IN THIS PART 6, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE
4 EMPLOYMENT-RELATED PUBLIC BENEFITS ENTERPRISE.

5 (2) "EMPLOY" MEANS TO SUFFER OR PERMIT TO WORK BUT DOES
6 NOT INCLUDE VOLUNTARY OR DONATED SERVICES PERFORMED FOR NO
7 COMPENSATION OR WITHOUT EXPECTATION OR CONTEMPLATION OF
8 COMPENSATION AS THE ADEQUATE CONSIDERATION FOR THE SERVICES
9 PERFORMED FOR A PUBLIC EMPLOYER, FOR A RELIGIOUS, CHARITABLE,
10 EDUCATIONAL, PUBLIC SERVICE, OR SIMILAR NONPROFIT CORPORATION,
11 ORGANIZATION, OR INSTITUTION FOR COMMUNITY SERVICE OR FOR
12 RELIGIOUS OR HUMANITARIAN REASONS, OR FOR SERVICES PERFORMED BY
13 GENERAL OR PUBLIC ASSISTANCE RECIPIENTS AS PART OF ANY WORK
14 TRAINING PROGRAM ADMINISTERED UNDER STATE OR FEDERAL
15 ASSISTANCE LAWS.

16 (3) "EMPLOYEE" HAS THE SAME MEANING AS IN SECTION 8-1-101
17 (6), C.R.S.

18 (4) "EMPLOYER" MEANS:

19 (a) THE STATE, EACH COUNTY, CITY AND COUNTY, CITY, TOWN,
20 AND IRRIGATION AND SCHOOL DISTRICT THEREIN, AND ALL PUBLIC
21 INSTITUTIONS AND ADMINISTRATIVE BOARDS THEREOF, HAVING FOUR OR
22 MORE EMPLOYEES; AND

23 (b) EVERY PERSON, ASSOCIATION OF PERSONS, FIRM, AND PRIVATE
24 CORPORATION, INCLUDING ANY PUBLIC SERVICE CORPORATION, MANAGER,
25 PERSONAL REPRESENTATIVE, ASSIGNEE, TRUSTEE, AND RECEIVER, WHO
26 HAS FOUR OR MORE INDIVIDUALS REGULARLY ENGAGED IN THE SAME
27 BUSINESS OR EMPLOYMENT, IN SERVICE UNDER ANY EXPRESSED OR

1 IMPLIED CONTRACT OF HIRE.

2 (5) "EMPLOYMENT-RELATED PUBLIC BENEFITS FEE" OR "FEE"
3 MEANS THE FEE IMPOSED BY THE EMPLOYMENT-RELATED PUBLIC BENEFITS
4 ENTERPRISE PURSUANT TO SECTION 25.5-1-605 (1).

5 (6) "ENTERPRISE" MEANS THE EMPLOYMENT-RELATED PUBLIC
6 BENEFITS ENTERPRISE CREATED IN SECTION 25.5-1-604 (1) (a).

7 (7) "FUND" MEANS THE EMPLOYMENT-RELATED PUBLIC BENEFITS
8 FEE FUND CREATED IN SECTION 25.5-1-605 (2).

9 (8) "LOW-WAGE EMPLOYEE" MEANS AN EMPLOYEE WHO EARNS A
10 REGULAR RATE OF PAY OF LESS THAN TWELVE DOLLARS PER HOUR.

11 (9) "LOW-WAGE EMPLOYER" MEANS AN EMPLOYER THAT PAYS
12 SOME OR ALL OF ITS EMPLOYEES A REGULAR RATE OF PAY THAT IS LESS
13 THAN TWELVE DOLLARS PER HOUR.

14 **25.5-1-604. Employment-related public benefits enterprise -**
15 **creation - board - powers and duties.** (1) (a) THE
16 EMPLOYMENT-RELATED PUBLIC BENEFITS ENTERPRISE IS HEREBY CREATED
17 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE STATE DEPARTMENT.
18 THE ENTERPRISE SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES
19 AS IF THE SAME WERE TRANSFERRED TO THE STATE DEPARTMENT BY A
20 **TYPE 1 TRANSFER**, AS DEFINED IN SECTION 24-1-105, C.R.S.

21 (b) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
22 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
23 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
24 THAN TEN PERCENT OF ITS TOTAL REVENUES FROM ALL COLORADO STATE
25 AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN
26 ENTERPRISE PURSUANT TO THIS PARAGRAPH (b), THE ENTERPRISE IS NOT
27 SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE

1 CONSTITUTION.

2 (c) (I) THE BUSINESS PURPOSE OF THE ENTERPRISE IS TO IMPROVE
3 THE HEALTH OF THE POOL OF WORKERS FOR LOW-WAGE EMPLOYMENT AND
4 THEIR FAMILIES AND THEREBY BENEFIT LOW-WAGE EMPLOYERS BY GIVING
5 THEM ACCESS TO A POOL OF WORKERS WHO ARE MORE LIKELY TO:

6 (A) PERFORM THEIR EMPLOYMENT DUTIES WITHOUT IMPAIRMENT
7 FROM HEALTH-RELATED ISSUES; AND

8 (B) REQUIRE FEWER SICK DAYS DUE TO PERSONAL AND FAMILY
9 HEALTH-RELATED ISSUES.

10 (II) TO ALLOW THE ENTERPRISE TO ACCOMPLISH ITS BUSINESS
11 PURPOSE AND FULLY EXERCISE ITS POWERS AND DUTIES THROUGH ITS
12 BOARD, THE ENTERPRISE:

13 (A) SHALL IMPOSE AN EMPLOYMENT-RELATED PUBLIC BENEFITS
14 FEE AS AUTHORIZED IN SECTION 25.5-1-605 (1); AND

15 (B) MAY ISSUE REVENUE BONDS PAYABLE FROM THE REVENUES
16 AND OTHER AVAILABLE MONEYS OF THE ENTERPRISE PLEDGED FOR THEIR
17 REPAYMENT. THE ENTERPRISE MAY ISSUE REVENUE BONDS PURSUANT TO
18 A RESOLUTION OF THE ENTERPRISE BOARD. ENTERPRISE REVENUE BONDS
19 ARE PAYABLE SOLELY FROM MONEYS IN THE EMPLOYMENT-RELATED
20 PUBLIC BENEFITS FEE FUND, DO NOT CREATE AN INDEBTEDNESS OF THE
21 STATE WITHIN THE MEANING OF ANY PROVISION OF THE STATE
22 CONSTITUTION OR THE LAWS OF THE STATE OF COLORADO CONCERNING OR
23 LIMITING THE CREATION OF INDEBTEDNESS BY THE STATE OF COLORADO,
24 AND DO NOT CONSTITUTE A MULTIPLE FISCAL-YEAR DIRECT OR INDIRECT
25 DEBT OR OTHER FINANCIAL OBLIGATION OF THE STATE WITHIN THE
26 MEANING OF SECTION 20 (4) OF ARTICLE X OF THE STATE CONSTITUTION.

27 (2) (a) THE BOARD OF DIRECTORS OF THE ENTERPRISE CONSISTS OF

1 SEVEN MEMBERS APPOINTED BY THE GOVERNOR, WHO SHALL MAKE INITIAL
2 APPOINTMENTS NO LATER THAN SEPTEMBER 1, 2016, AS FOLLOWS:

3 (I) TWO REPRESENTATIVES OF EMPLOYERS IN THIS STATE;
4 (II) TWO REPRESENTATIVES OF ORGANIZED LABOR;
5 (III) ONE INDIVIDUAL WHO IS EMPLOYED AND IS RECEIVING
6 ASSISTANCE UNDER A STATE-SUBSIDIZED HEALTH CARE ASSISTANCE
7 PROGRAM;

8 (IV) ONE MEMBER WHO REPRESENTS A NONPROFIT ORGANIZATION
9 THAT PROVIDES HEALTH CARE SERVICES TO LOW-INCOME INDIVIDUALS;
10 AND

11 (V) ONE MEMBER WHO REPRESENTS A NONPROFIT ORGANIZATION
12 THAT ADVOCATES IN SUPPORT OF HEALTH CARE SERVICES FOR
13 LOW-INCOME INDIVIDUALS.

14 (b) THE MEMBERS OF THE BOARD APPOINTED BY THE GOVERNOR
15 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SERVE FOUR-YEAR
16 TERMS; EXCEPT THAT ONE OF THE MEMBERS INITIALLY APPOINTED
17 PURSUANT TO SUBPARAGRAPH (I) OF SAID PARAGRAPH (a), ONE OF THE
18 MEMBERS INITIALLY APPOINTED PURSUANT TO SUBPARAGRAPH (II) OF SAID
19 PARAGRAPH (a), AND THE MEMBER INITIALLY APPOINTED PURSUANT TO
20 SUBPARAGRAPH (IV) OF SAID PARAGRAPH (a) SHALL SERVE TWO-YEAR
21 TERMS.

22 (c) MEMBERS OF THE BOARD SERVE WITHOUT COMPENSATION BUT
23 ARE ENTITLED TO REIMBURSEMENT OF ACTUAL AND NECESSARY EXPENSES
24 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

25 (3) IN ADDITION TO ANY OTHER POWERS AND DUTIES SPECIFIED IN
26 LAW, THE BOARD HAS THE FOLLOWING POWERS AND DUTIES:

27 (a) TO ADVISE THE STATE DEPARTMENT, THE DEPARTMENT OF

1 HUMAN SERVICES, AND THE DEPARTMENT OF LABOR AND EMPLOYMENT
2 WITH RESPECT TO MATTERS RELATED TO THE IMPLEMENTATION OF THIS
3 PART 6, PUBLIC ASSISTANCE UTILIZATION BY EMPLOYED COLORADANS,
4 AND RELIANCE OF LARGE BUSINESSES ON STATE-SUBSIDIZED HEALTH CARE
5 PROGRAMS;

6 (b) TO STUDY AND MONITOR THE CAUSE OF, EFFECTS OF, AND
7 SOLUTIONS FOR LARGE BUSINESSES PAYING LOW WAGES TO WORKING
8 COLORADANS AND THE IMPACT OF THOSE LOW WAGES ON WORKING
9 COLORADANS' NEED TO UTILIZE STATE-SUBSIDIZED HEALTH CARE
10 PROGRAMS;

11 (c) TO IDENTIFY THE BENEFITS RECEIVED BY EMPLOYERS FROM THE
12 PROVISION OF STATE-SUBSIDIZED HEALTH CARE PROGRAM SERVICES TO
13 THE COLORADO WORK FORCE;

14 (d) TO MAKE RECOMMENDATIONS FOR LEGISLATION AND AGENCY
15 PROPOSALS AND ACTIONS;

16 (e) TO FOSTER COMMUNICATION BETWEEN WORKING COLORADANS
17 WHO PROVIDE OR RECEIVE STATE-SUBSIDIZED HEALTH CARE PROGRAM
18 SERVICES, EMPLOYERS, AND STATE AGENCIES FOR THE PURPOSE OF
19 IMPROVING THE QUALITY OF STATE-SUBSIDIZED HEALTH CARE PROGRAMS
20 THAT SERVE LOWER-INCOME COLORADANS;

21 (f) TO ADVISE THE EXECUTIVE DIRECTOR AND OTHER INTERESTED
22 STATE AGENCIES AND OFFICIALS REGARDING POLICIES AND PROCEDURES
23 RELATED TO STATE-SUBSIDIZED HEALTH CARE PROGRAM UTILIZATION BY
24 EMPLOYED COLORADANS AND THE IMPACT OF PUBLIC ASSISTANCE
25 PROGRAMS ON WORK FORCE QUALITY AND STABILITY;

26 (g) TO PREPARE AND MAKE PUBLICLY AVAILABLE ON THE WEBSITE
27 OF THE STATE DEPARTMENT AN ANNUAL REPORT;

5 (i) TO ENTER INTO AGREEMENTS WITH THE STATE DEPARTMENT TO
6 THE EXTENT NECESSARY TO COLLECT AND EXPEND EMPLOYMENT-RELATED
7 PUBLIC BENEFIT FEE REVENUE;

15 (k) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF
16 TITLE 24, C.R.S., TO ESTABLISH THE AMOUNT OF THE FEE TO BE IMPOSED
17 PURSUANT TO SECTION 25.5-1-605 AND THE ADMINISTRATIVE PROCESS BY
18 WHICH IT WILL IMPOSE AND COLLECT THE FEE;

22 (m) TO ADOPT AND AMEND OR REPEAL POLICIES FOR THE
23 REGULATION OF ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS
24 CONSISTENT WITH THIS PART 6 AND TO EXERCISE SUCH OTHER POWERS
25 AND DUTIES AS ARE NECESSARY AND PROPER FOR THE IMPLEMENTATION
26 OF THIS PART 6

25.5-1-605. Employment-related public benefits fee - fund

1 **created.** (1) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF
2 THIS SUBSECTION (1), ON AND AFTER JANUARY 1, 2017, THE
3 EMPLOYMENT-RELATED PUBLIC BENEFITS ENTERPRISE SHALL IMPOSE AN
4 EMPLOYMENT-RELATED PUBLIC BENEFITS FEE ON A PER LOW-WAGE
5 EMPLOYEE HOUR WORKED BASIS ON EACH LOW-WAGE EMPLOYER THAT
6 EMPLOYS TWO HUNDRED FIFTY OR MORE EMPLOYEES IN COLORADO. THE
7 ENTERPRISE SHALL SET THE FEE IN AN AMOUNT THAT IS REASONABLY
8 CALCULATED TO REFLECT THE BENEFIT RECEIVED BY SUCH EMPLOYERS
9 FROM THE PROVISION OF STATE-SUBSIDIZED HEALTH CARE PROGRAM
10 ASSISTANCE TO LOW-WAGE EMPLOYEES IN THE STATE AND THE COST OF
11 PROVIDING THAT ASSISTANCE AND IS NEITHER LESS THAN TWENTY-FIVE
12 CENTS NOR MORE THAN ONE DOLLAR PER HOUR WORKED BY EACH
13 LOW-WAGE EMPLOYEE WHO IS EMPLOYED BY SUCH AN EMPLOYER. AN
14 EMPLOYER SHALL PAY THE FEE PURSUANT TO THE ADMINISTRATIVE
15 PROCESS ESTABLISHED BY THE ENTERPRISE BY RULE PURSUANT TO
16 SECTION 25.5-1-604.

17 (b) A LOW-WAGE EMPLOYER MAY CREDIT HEALTH CARE
18 EXPENDITURES TO OR ON BEHALF OF A LOW-WAGE EMPLOYEE AGAINST
19 THE PUBLIC BENEFITS FEE FOR EACH LOW-WAGE EMPLOYEE'S HOURS.

20 (2) THE EMPLOYMENT-RELATED PUBLIC BENEFITS ENTERPRISE
21 SHALL DEPOSIT ALL FEE REVENUES INTO THE EMPLOYMENT-RELATED
22 PUBLIC BENEFITS FEE FUND, WHICH IS CREATED IN THE STATE TREASURY.
23 ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT
24 OF THE FUND IS CREDITED TO THE FUND. ALL MONEY IN THE FUND
25 REMAINS IN THE FUND UNTIL EXPENDED BY THE ENTERPRISE. THE
26 ENTERPRISE MAY EXPEND MONEY FROM THE FUND TO SUPPORT AND
27 IMPROVE HEALTH CARE SERVICES PROVIDED TO INDIVIDUALS WHO ARE

1 ELIGIBLE TO RECEIVE SERVICES UNDER THE "COLORADO MEDICAL
2 ASSISTANCE ACT", ARTICLES 4 TO 6 OF THIS TITLE, AND TO DEFRAY ITS
3 ADMINISTRATIVE EXPENSES IN IMPLEMENTING AND ADMINISTERING THIS
4 PART 6. MONEY IN THE FUND SHALL NOT BE TRANSFERRED TO ANY OTHER
5 STATE FUND OR DEPARTMENT OR AGENCY OF STATE GOVERNMENT.

6 **25.5-1-606. Employer compliance requirements.** (1) A
7 LOW-WAGE EMPLOYER OR AGENT OF A LOW-WAGE EMPLOYER IS
8 PROHIBITED FROM WILLFULLY REFUSING TO PAY THE FEE OR OTHERWISE
9 FAILING:

10 (a) TO PAY THE FULL AMOUNT OF ANY FEES IMPOSED ON THE
11 EMPLOYER; OR

12 (b) TO FURNISH ANY REPORT OR INFORMATION REQUIRED BY THE
13 ENTERPRISE OR THE DEPARTMENT OF LABOR AND EMPLOYMENT IN ORDER
14 TO IMPLEMENT AND ENFORCE THIS PART 6.

15 (2) A LOW-WAGE EMPLOYER SHALL NOT DEDUCT ALL OR ANY
16 PORTION OF THE FEES IMPOSED ON THE EMPLOYER FROM THE WAGES OR
17 SALARY OF A LOW-WAGE EMPLOYEE OR ANY OTHER EMPLOYEE.

18 (3) NO LOW-WAGE EMPLOYER OR OTHER PERSON SHALL
19 WILLFULLY MAKE A FALSE STATEMENT OR MISREPRESENTATION IN ORDER
20 TO LOWER OR ELIMINATE THE FEES.

21 (4) A LOW-WAGE EMPLOYER MAY NOT, DIRECTLY OR THROUGH
22 ANY OFFICER, AGENT, EMPLOYEE, OR FRANCHISEE, DISCHARGE A
23 LOW-WAGE EMPLOYEE WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE
24 OF THIS SUBSECTION (4), ABSENT GOOD CAUSE, TO AVOID PAYING THE
25 FEES. ANY ADVERSE ACTION RESULTING IN THE DISCHARGE OF A
26 LOW-WAGE EMPLOYEE RAISES A REBUTTABLE PRESUMPTION THAT THE
27 ADVERSE ACTION WAS TAKEN TO AVOID PAYING THE FEES.

1 **25.5-1-607. Retaliation against employees prohibited.** (1) AN
2 EMPLOYER OR AGENT OF AN EMPLOYER IS PROHIBITED FROM DISCHARGING
3 AN EMPLOYEE OR OTHERWISE DISCRIMINATING AGAINST AN EMPLOYEE
4 WITH RESPECT TO THE EMPLOYEE'S COMPENSATION, TERMS, CONDITIONS,
5 OR PRIVILEGES OF EMPLOYMENT BECAUSE THE EMPLOYEE OR ANY PERSON
6 ACTING PURSUANT TO A REQUEST OF THE EMPLOYEE:

7 (a) PROVIDED INFORMATION RELATING TO A POTENTIAL VIOLATION
8 OF THIS PART 6 TO THE ENTERPRISE, THE STATE DEPARTMENT, THE
9 DEPARTMENT OF LABOR AND EMPLOYMENT, OR ANY OTHER PERSON;

10 (b) SERVES OR HAS SERVED AS A MEMBER OF THE BOARD;

11 (c) COMMUNICATED OR COOPERATED WITH A STATE AGENCY OR
12 THE ENTERPRISE;

13 (d) REQUESTED THAT THE ENTERPRISE, THE STATE DEPARTMENT,
14 THE DEPARTMENT OF LABOR AND EMPLOYMENT, OR ANY OTHER STATE
15 AGENCY OR PERSON INVESTIGATE AN ALLEGED VIOLATION OF THIS PART
16 6;

17 (e) CAUSED ANY PROCEEDINGS TO BE INSTITUTED PURSUANT TO
18 THIS PART 6; OR

19 (f) TESTIFIED OR IS SCHEDULED TO TESTIFY IN A PROCEEDING OR
20 HEARING RELATING TO A VIOLATION OF THIS PART 6.

21 (2) A VIOLATION OF THIS SECTION IS AN UNFAIR EMPLOYMENT
22 PRACTICE, AS DEFINED IN SECTION 24-34-401 (8), C.R.S.

23 (3) AN EMPLOYEE ALLEGING TO HAVE BEEN RETALIATED AGAINST
24 MAY, WITHIN NINETY DAYS AFTER HAVING REASONABLE CAUSE TO
25 BELIEVE THAT THE VIOLATION HAS OCCURRED, FILE A COMPLAINT WITH
26 THE COLORADO CIVIL RIGHTS DIVISION CREATED IN SECTION 24-34-302,
27 C.R.S., WHICH SHALL PROCESS THE COMPLAINT AS SPECIFIED IN PARTS 3

1 AND 4 OF ARTICLE 34 OF TITLE 24, C.R.S.

2 (4) THE PROTECTION PROVIDED BY THIS SECTION APPLIES TO ANY
3 PERSON WHO MISTAKENLY, BUT IN GOOD FAITH, ALLEGES A VIOLATION OF
4 ANY PROVISION OF THIS PART 6.

5 **25.5-1-608. Attorney general and district attorneys**
6 **concurrently responsible for enforcement.** THE ATTORNEY GENERAL
7 AND THE DISTRICT ATTORNEYS OF THE SEVERAL JUDICIAL DISTRICTS OF
8 THE STATE ARE CONCURRENTLY RESPONSIBLE FOR THE ENFORCEMENT OF
9 THIS PART 6. UNTIL THE COLORADO SUPREME COURT ADOPTS A VENUE
10 PROVISION RELATING TO THIS ARTICLE, ACTIONS INSTITUTED PURSUANT TO
11 THIS ARTICLE MAY BE BROUGHT IN THE COUNTY WHERE AN ALLEGED
12 VIOLATION OF THIS PART 6 OCCURRED OR WHERE ANY PORTION OF A
13 TRANSACTION INVOLVING AN ALLEGED VIOLATION OF THIS PART 6
14 OCCURRED, OR IN THE COUNTY WHERE THE PRINCIPAL PLACE OF BUSINESS
15 OF ANY DEFENDANT IS LOCATED, OR IN THE COUNTY IN WHICH ANY
16 DEFENDANT RESIDES.

17 **SECTION 2.** In Colorado Revised Statutes, 24-1-119.5, **add (9)**
18 as follows:

19 **24-1-119.5. Department of health care policy and financing -**
20 **creation.** (9) THE EMPLOYMENT-RELATED PUBLIC BENEFITS ENTERPRISE
21 SHALL EXERCISE ITS POWERS AND PERFORM THE DUTIES AND FUNCTIONS
22 SPECIFIED BY PART 6 OF ARTICLE 1 OF TITLE 25.5, C.R.S., UNDER THE
23 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING AND THE
24 EXECUTIVE DIRECTOR THEREOF AS IF THE SAME WERE TRANSFERRED TO
25 THE DEPARTMENT BY A **TYPE 1** TRANSFER.

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, and safety.