



# Legislative Newsletter



14305 E. Alamenda Ave., Ste. 300  
Aurora CO 80012  
Tel: 303-344-1500  
Fax: 303-344-1564  
[www.aurorachamber.org](http://www.aurorachamber.org)

**February 6, 2017**

*An up-to-date review of Colorado government and politics especially for the Aurora Chamber of Commerce.  
Compiled and edited by Axiom Strategies, Inc.*

"It is not the strongest species that survive, nor the most intelligent, but the most responsive to change." - Charles Darwin

## **Construction Litigation Reform Bills Continue to Trickle In**

*Summary from our General Counsel Erin Goff*

Two new construction defects/construction litigation reform bills were introduced in the Senate last week. SB 17-156, sponsored by Senator Owen Hill (R-Colorado Springs) and Representatives Cole Wist (R-Centennial) and Lori Saine (R-Dacono), is similar to SB 177 from 2015.

It contains a notice and vote requirement (informed consent) as well as a provisions concerning alternative dispute resolution. This bill is supported by the stakeholders in the Homeownership Opportunity Alliance and is considered part of the "construction defects package" coming from the bipartisan, bi-cameral coalition of legislators working on this issue. SB 17-155, sponsored by Senator Jack Tate (R-Centennial) and Representative Lori Saine, also part of this legislative "package," creates a statutory definition of "construction defect".

Additional bills are expected to be introduced this week. One of these will be a stand-alone "informed consent" bill, sponsored by Representatives Lori Saine and Alec Garnett (D-Denver). The other is a "right to repair" bill sponsored by Representative Tim Leonard (R-Evergreen).

The right to repair bill is not considered part of the "package," rather is being introduced by Representative Leonard on his own. Meanwhile SB 17-45, concerning the allocation costs in a construction defects claim, originally scheduled for hearing last Wednesday, is now rescheduled for this week.

This bill is expected to be heard along with a fairly significant amendment to change the approach in a manner that will allow the construction industry to drop their opposition.

## **Construction defect housing effort similar to past attempts that ended in failure**

*ColoradoPolitics.com*

The old adage goes, "If all you have is a hammer, everything looks like a nail."

As the state's construction defect reform battle wages on, the question is can stakeholders stop looking for problems and accept an assortment of tools to get the job done?

The most significant test has taken shape as a centerpiece proposal in the Colorado legislature that would require arbitration or mediation before filing a lawsuit over allegations of shoddy homebuilder construction.

The measure, Senate Bill 156, is nearly identical to discussions last year that were part of a failed attempt to curb defect lawsuits. Lawmakers have been working on the topic in an effort to spur housing development.

### **GOP senator defends health exchange measure**

*Grand Junction Sentinel*

While Democrats were rallying outside the statehouse Tuesday against repealing the federal Affordable Care Act, one Republican senator was trying to tell them that's not what he's trying to do.

Freshman Sen. Jim Smallwood, R-Parker, said his bill to do away with the state's health care exchange and referring Coloradans to the federally run exchange isn't about the controversial health care law at all.

It's about running an effective and efficient state government, and the state's health exchange, called Connect for Health Colorado, isn't, he said.

"If Connect for Health goes away, nobody's health insurance goes away, nobody's health coverage goes away, nobody's policies get changed, nobody's subsidies go away," Smallwood said. "It's simply a different market for them to purchase it on. The real impact is the taxpayer dollars - the tens of millions of dollars in taxpayer money that have been used to fund this."

### **Mirroring The Fight In DC, Colorado Wrestles With Its Health Insurance Future**

*Colorado Public Radio*

As the debate plays out nationally on the fate of the Affordable Care Act, the battle over Colorado's health care exchange, Connect for Health Colorado, has already begun. On the opening day of the legislative session, Republican state Senate President Kevin Grantham stated that repeal was long overdue.

"It is time for us to shed some of the dead weight of failed government policy," Grantham said in his opening day speech.

To that end, a repeal bill, known as SB17-003, has been introduced in the GOP-controlled Senate. The bill's sponsor Sen. Jim Smallwood, R-Douglas County, said the ACA hasn't worked out as promised in Colorado. There are now "fewer insurance companies, fewer choices of physicians within those insurance companies," said Smallwood. "And the premiums for those plans have really skyrocketed."

### **Measure to reform regulations passes quickly through Colorado Senate**

*Denver Business Journal*

Just three weeks into the 2017 legislative session, Colorado state Senate Republicans on Wednesday passed their biggest effort this year at regulatory reform- although the bill faces skepticism and an uncertain road ahead in the House of Representatives.

## **Broadband office to seek faster rural internet service**

*Colorado Statesman*

Establishing a broadband office to help bring reliable, accessible and affordable internet access to rural Colorado won't cost state government very much in terms of ongoing costs, and the economic benefits could greatly help local communities and the state, according to officials in the governor's Office of Information Technology.

## **Senate President Kevin Grantham: Pot the 'cash cow' of Colorado**

*Canyon City Daily Record*

Colorado Senate President Kevin Grantham said marijuana tax has become the "cash cow" to fund projects in the state.

In 2016, Colorado earned about \$61 million in revenue from the state marijuana tax, he said.

That was part of the discussion at Saturday's Legislative Hour at the County Administration Building. Grantham, Rep. Jim Wilson and Rep. Clarice Navarro updated residents about the 2017 legislative session

## **State says pot-related ER visits are down**

*The Pueblo Chieftain*

Fewer people are showing up in Colorado emergency rooms with marijuana-related problems, according to the latest review by a state committee charged with tracking the impact of legalized pot.

The study released last week says that a survey of four medical billing codes revealed there was a 27 percent drop in ER patients with marijuana-related issues between 2014 and 2015.

Even so, Pueblo County had the most pot-related ER visits among all ages during that same period, with 2,529 cases.

All those numbers were collected by the Colorado Hospital Association and are in the newest report from the state's Retail Marijuana Public Health Advisory Committee.

## **Trump nominates Colorado's Neil Gorsuch for Supreme Court**

*Colorado Statesman*

President Donald Trump nominated Neil Gorsuch, a fast-rising conservative judge with a writer's flair, to the Supreme Court on Tuesday, a selection expected to spark a fierce fight with Democrats over a jurist who could shape America's legal landscape for decades to come.

At 49, Gorsuch is the youngest Supreme Court nominee in a quarter century. He's distinguished himself on the Denver-based 10th Circuit Court of Appeals with his clear, colloquial writing, advocacy for court review of government regulations, defense of religious freedom and skepticism toward law enforcement.

"Judge Gorsuch has outstanding legal skills, a brilliant mind, tremendous discipline and has earned bipartisan support," Trump said, announcing the nomination in his first televised address from the White House.

## **Gov. Hickenlooper appoints Kim Hunter Reed as Executive Director of the Colorado Department of Higher Education**

*Office of the Governor*

Gov. John Hickenlooper announced Wednesday, February 1st that Kim Hunter Reed, PhD., has been appointed executive director of the Colorado Department of Higher Education (DHE), effective Feb. 15, 2017.

"Kim's knowledge of best practices in higher education and her extensive experience in innovative ways to make college more accessible - as well as her focus on student success - will benefit all Coloradans," said Gov. Hickenlooper. "We are thrilled that such a dynamic national education leader will join our team and lead our post-secondary education efforts, and we know that her expertise will help ensure our ability to make a difference in the lives of our students and families."

Reed, a former Louisiana higher education official, most recently served in President Obama's administration as deputy under secretary at the U.S. Department of Education leading post-secondary diversity and inclusion work, supporting strong student and outcomes focused policies and aggressive national outreach efforts. She also led the White House Initiative on Historically Black Colleges and Universities (HBCUs). Prior to serving in the administration, Reed was a principal at HCM Strategists LLC, a public policy and advocacy consulting firm in Washington, D.C., focused on advancing effective solutions in health and education.

Reed has extensive higher education and government experience. She chaired Louisiana's higher education transition team in 2015 and has served as Louisiana's state policy director. Reed previously served as chief of staff for the Louisiana Board of Regents and executive vice president of the University of Louisiana System. Prior to those roles, she served on the faculty at Southern University in Baton Rouge and was executive assistant to the president and interim vice president of student affairs at Southeastern Louisiana University in Hammond.

Reed received a doctorate in public policy from Southern University, as well as a master's of public administration and a bachelor's degree in broadcast journalism from Louisiana State University. "I am grateful to the Governor for the opportunity to continue serving as an advocate for education and champion for students in such a dynamic state," said Reed. "I look forward to collaborating with this talented team, education leaders and diverse stakeholders as we focus on strengthening outcomes and advancing talent development in Colorado."

Diane Duffy has served as the interim executive director of DHE since November 2016, and will continue to serve the department as its chief operating officer.

"We are grateful for Diane's work in serving as the interim director of DHE," said Gov. Hickenlooper.

"It's obvious she cares deeply about education in Colorado, and we appreciate her stepping in and ensuring operations continued to run smooth. We look forward to her continuing as the department's chief operating officer."

## **Gov. Hickenlooper Announces Boards and Commission Appointments**

*Office of the Governor*

The Discovery Project Steering Committee was created to develop, enhance and maintain a statewide discovery sharing system to create more predictable state costs associated with criminal discovery.

For a term expiring July 1, 2017:

- Brittny Beth Lewton, JD of Sterling, to serve as a district attorney from a rural judicial district, and occasioned by the resignation of Thom Kirk LeDoux of Canon City, appointed.

The Sickle-Cell Anemia Advisory Committee uses the existing staff and facilities of the University of Colorado School of Medicine to establish programs and conduct research for the care and treatment of persons suffering from sickle-cell anemia. The Board is composed of eleven members representing hospitals, voluntary agencies interested in sickle-cell anemia, medical specialists in sickle-cell anemia patient care, and the general public.

For terms expiring January 31, 2021:

- Lee Francis Allen, Jr. of Aurora, to serve as a representative of a voluntary agency interested in sickle-cell anemia, reappointed;
- Carol Susan Walton, MS, CGC of Arvada, to serve as a medical specialist in sickle-cell anemia patient care, reappointed.

The eHealth Commission supports the implementation of the state's Health IT strategy and interoperability objectives by setting goals for Health IT programs and creating a process for developing common policies and technical solutions.

For a term expiring February 1, 2019:

- Tania E. Zeigler of Denver, to serve as a member with expertise in digital health, and occasioned by the resignation of Mary Anne Leach of Castle Rock, appointed;

For terms expiring February 1, 2020:

- Ann Elizabeth Boyer, MD, MPH&TM of Denver, to serve as a consumer engaged in health care, appointed;
- William Adam Brown of Denver, to serve as a representative of health insurance providers, appointed;
- Jonathan Gottsegen of Denver, to serve as the designee of the Governor's Office of Information Technology, appointed;
- Christopher Stewart Wells of Denver, to serve as the designee of the Department of Public Health and Environment, reappointed;
- Herbert K. Wilson, Jr. of Westminster, to serve as the designee of the Department of Human Services, reappointed.

The State Board of Nursing examines and licenses registered and practical nurses. It approves nursing programs and standards, and investigates complaints filed against nurses.

For a term expiring July 1, 2017:

- Carolyn Lucey Sanders, RN, PhD, NEA-BC, FACHE of Greenwood Village, a licensed professional nurse engaged in nursing service administration, and occasioned by the resignation of Matthew Paul Fogel of Aurora, appointed;

for a term expiring July 1, 2018:

- Kimberly Anne Allegretti of Englewood, a member of the public, and occasioned by the resignation of Jacque Nichols Riordan of Denver, appointed;

for a term expiring July 1, 2019:

- Chrissy Roberts, LPN of Denver, to serve as a licensed practical nurse, and occasioned by the resignation of Theresa Louise Lindsey, RN, BSN of Westminster, appointed.

## **Calculator**

**Days Left to Sine Die: 93**

**House Bills Introduced: 150**

**Senate Bills Introduced: 176**

**Dead Bills: 13**