

# JCBL Legislative Update | April 2022

## By Jeff Weist, Jefferson County Business Lobby

The Jefferson County Business Lobby (JCBL) — the united voice of JeffCo businesses at the Colorado State Capitol — has been busy analyzing and lobbying on several legislative proposals that may impact our county. The 2022 session will end on May 11 at midnight. This year, over 700 bills have been introduced so far, with more still to come in the final two weeks. Below is an update on some of the most important bills the JCBL is lobbying as we reach the home stretch.

JCBL and the business community previously opposed a bill (HB22-1216) that we believed could have effectively banned non-compete agreements used by companies to protect regarding trade secrets. That bill was postponed and a narrower revised bill (HB22-1317) makes changes to the existing statutory structure that still makes major changes to Colorado's non-compete law, but is a much-improved bill for businesses. Colorado currently has one of the most restrictive non-compete laws in the country, unless an employee is an executive or manager. The statute has been unevenly interpreted in Colorado courts. HB1317 instead creates a threshold for highly compensated employees (currently total compensation of about \$101,000), under which an employer cannot impose non-compete agreements, with certain exceptions.

The JCBL is also closely tracking (HB22-1355), which introduces a statewide recycling program to help address Colorado's poor recycling rate. Through this bill, the state will designate a non-profit organization to manage a recycling program funded by annual dues from any producers of recyclable content. Although many small businesses are exempt, the business community largely opposes the bill. The bill currently has several constitutional problems and privatizes what is properly a government function.

The business community also opposes a statewide building codes bill (HB22-1362) that requires local governments to update building energy codes to the most recent version from the international code-setting body. The bill gives the Governor's office new authority to craft building codes above and beyond the traditional code setting bodies. The business concern is the impact on affordable housing and the predictability for those building new homes.

The Colorado legislature has been working on a second bill (HB22-1363) the real estate community believes will impede metropolitan districts. Metropolitan districts are intended to help developers finance the infrastructure around new housing and commercial developments, rather than placing the burden on all taxpayers across the city. The Special Districts Association, home builders, and other business entities say this new bill will make it very expensive to create new metropolitan districts and maintain the existing ones. Construction groups are very opposed to this bill, as it will also have a negative impact on Colorado's already expensive housing market.

A positive development for businesses is a new workplace harassment bill (HB-1367). While many would like to see improvements made in this area of the law, JCBL believed earlier versions of this bill were too overreaching in creating excessive liability for employers. This new bill accomplishes three more modest changes, which are reasonable for businesses: the bill eliminates the exemption for domestic employees from the anti-discrimination act, it lengthens the amount of time to file a discrimination claim at the Colorado Civil Rights Division, and it increases the penalties for age discrimination to equal other forms of discrimination.

Another new bill introduced this week, (SB22-230) makes it easier for county government employees to conduct collective bargaining. As taxpayers who fund county governments and rely on county services to operate, businesses have an interest in keeping costs low and avoiding government employee strikes. JCBL and the business community support a bi-partisan bill (HB22-1026) presented as an alternative to last year's mandatory and controversial ETRP rulemaking. This bill creates a refundable income tax credit for businesses that provide alternative transportation options to employees, such as ridesharing. The bill passed its first committee but has not advanced past the appropriations committee.

All JCBL groups have opposed HB22-1218, a bill to require large new commercial and apartment buildings to build charging stations for electric vehicles and pre-wire for additional stations in the future. The bill is moving through the process, despite its conflicts with the previously mentioned statewide building code bill.

We are supportive of two workforce bills. HB22-1350 creates a sizable, flexible grant package to promote skill development through trade organizations, local governments, schools, and other entities. We expect this bill to pass. The other bill makes a modest investment in experiential learning and sets up a valuable structure to use in the long term.

Lastly, JCBL opposes a bill (SB22-161) dealing with wage theft. Collecting on these claims has traditionally been very hard to collect, which this bill sets out to solve. As introduced, however, the bill went far beyond trying to solve that legitimate problem. The bill has been significantly amended, however, and we are reviewing the latest changes.

The latest bill positions can be found at [arvadachamber.org/billtracker](http://arvadachamber.org/billtracker).

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**The Jefferson County Business Lobby advocates as the unified voice of 3,000 Jefferson County businesses for public policies that strengthen our business climate. The JCBL is a partnership comprised of the Arvada, Evergreen, Golden, West Metro, Westminster and Wheat Ridge Chambers of Commerce, the Jefferson County Economic Development Corporation, the Applewood and Wheat Ridge Business Associations, and the Alameda Connects BID. The JCBL meets for an update call on the fourth Thursday of each month during session.**