

VOTING RECORD

YOUR LEGISLATORS' VOTING RECORD ON SMALL BUSINESS ISSUES | 2022 EDITION

Votes by your state legislators on key small business issues are listed here. Although this Voting Record does not reflect all elements considered by a lawmaker when voting, nor does it represent a complete profile of a legislator, it can be a guide in evaluating your legislator's attitudes toward small business. Please thank those legislators who supported small business.

BOTH CHAMBERS

- 1. Concerning the Sustainability of the Transportation System in Colorado (2021-SB 21-260):** The Act creates new sources of dedicated funding and new state enterprises to preserve, improve, and expand existing transportation infrastructure; develops modernized infrastructure needed to support the widespread adoption of electric motor vehicles; and mitigates environmental and health impacts of transportation system use. **A "NO" vote supports the NFIB position.** Passed the Senate 20-15-0-0. Passed the House 41-24. Signed by the governor.
- 2. Management of Plastics Products (2021-HB21-1162):** The Act prohibits stores and retail food establishments from providing single-use plastic carryout bags to customers. The bill does not apply to retail food establishments that operate solely in Colorado and have three or fewer locations. **A "NO" vote supports the NFIB position.** Passed the House 40-23-2-0-0. Passed the Senate 20-14. Signed by the governor.
- 3. Additional Liability Under Respondeat Superior (2021-HB 21-1188):** The Act permits plaintiffs to assert direct negligence claims against employers or principal arising out of the same incident in which the employer or principal admits liability for the tortious actions of its employee or agent. **A "NO" supports the NFIB position.** Passed the House 40-23. Passed the Senate 20-15. Signed by the governor.
- 4. Overpayment of Workers' Compensation Benefits (2021-HB 21-1207):** The Act defines specific instances when "overpayments" of workers' compensation benefits are recoverable. The bill prohibits the director or an administrative law judge from reopening an award of benefits paid to a claimant due to an overpayment except in limited specific cases. The legislation could raise cost associated with Colorado's workers compensation program. **A "NO" vote supports the NFIB position.** Passed the House 39-24. Passed the Senate 20-15. Signed by the governor.
- 5. Insurance Premium Property Severance Tax (2021-HB 21-1312):** The bill increases the per schedule exemption for business' personal property from \$7,900 to \$50,000, adjusted for inflation, and the state is required to reimburse local governments for lost property tax revenue caused by the increase. **A "YES" vote supports the NFIB position.** Passed the House 37-24. Passed the Senate 20-15.
- 6. The SALT Parity Act (2022-SB22-124):** The SALT Parity Act, enacted in 2021, allows pass-through entities to elect to pay state income tax at the entity level, which allows the entity to claim an unlimited deduction at the federal level for state and local taxes paid. While this election reduces federal taxable income for the pass-through entity, it does not reduce or increase Colorado's taxable income under current law. **A "YES" vote supports the NFIB position.** Passed the Senate 33-0. Passed the House 62-3. Signed by the governor.
- 7. Wage Theft Employee Misclassification (2022-SB 22-161):** The bill updates and modifies laws pertaining to the payment of wages, employee misclassification, and workplace safety. **A "NO" vote supports the NFIB position.** Passed the Senate 20-15. Passed the House 41-24.
- 8. Sales Tax Destination Sourcing Rules Exception (2022-HB 22-1027):** The Act reduces both the individual and the corporate state income tax rates from 4.55% to 4.4%. The bill also exempts the rate reductions from the existing statutory requirements that tax expenditure legislation including a tax preference performance statement in a statutory legislative declaration and a repeal after a specified period of tax years. **A "YES" vote supports the NFIB position.** Passed the House 64-0.

Passed the Senate 33-0. Signed by the governor.

9. Damages in Class Actions Consumer Protection Act (2022-HB 22-1071): The Act states that in a class action under the Colorado Consumer Protection Act, a successful plaintiff may recover actual damages, injunctive relief allowed by law, and reasonable attorney fees and costs. **A “NO” vote supports the NFIB position.** Passed the House 34-28. Passed the Senate 19-15. Signed by the governor.

10. Repeal of Attorney Fees on Motions to Dismiss (2022-HB 22-1272): Under current law, a defendant may be awarded reasonable attorney fees in tort actions if the case is dismissed on motion of the defendant prior to trial. The bill states that a defendant may not be awarded reasonable attorney fees if the case is dismissed on motion prior to trial in a case in which the plaintiff brought non-frivolous claims based on good faith to challenge precedent or for a similar reason. **A “NO” vote supports the NFIB position.** Passed the House 37-25. Passed the Senate 19-15.

11. Restrictive Employment Agreements (2022-HB 22-1317): The bill would prohibit the use of “restrictive employment agreements” such as non-compete and non-disclosure agreements, unless the employee was classified as a highly paid worker and earning above

\$101,250 per year set by the Colorado Department of Labor. That threshold would preclude a business from having noncompetition restrictions against managers and professional staff who are well-paid, and not low-wage workers, but make less than that high amount—and against whom a business should be able to enforce the restrictions. The bill would make protection of customer private information and certain business practices difficult to maintain. **A “NO” vote supports the NFIB position.** Passed the House 40-21. Passed the Senate 20-15.

12. Producer Responsibility Program for Recycling (2022-House 22-1355): The Act creates the producer responsibility program for statewide recycling advisory board and instructs the Colorado Department of Public Health and Environment to implement and manage a recycling program beginning in 2023. Covered materials include packaging materials and paper products sold or distributed in the state. **A “NO” vote supports the NFIB position.** Passed the House 38-27-0. Passed the Senate 21-14. Signed by governor.

VOTING KEY

Y	=	Voted “Yes”	N/A	=	Not Enough Votes to Score (5 Required)
N	=	Voted “No”	^	=	Not In Office
*	=	Did Not Vote	%	=	Percentage of Votes Favorable to NFIB Position

SENATE VOTING RECORD

ISSUE NUMBER	DISTRICT	1	2	3	4	5	6	7	8	9	10	11	12	%
NFIB POSITION		N	N	N	N	Y	Y	N	Y	N	N	N	N	100%
Bridges, Jeff	26	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Buckner, Janet	28	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Coleman, James	33	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Cooke, John	13	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Coram, Don	6	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Danielson, Jesse	20	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	18%
Donovan, Kerry	5	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	33%
Fenberg, Stephen	18	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Fields, Rhonda	29	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Gardner, Bob	12	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Ginal, Joann	14	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	33%
Gonzales, Julie	34	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	18%
Hansen, Chris	31	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	18%

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SENATE VOTING RECORD (Cont'd)

ISSUE NUMBER	DISTRICT	1	2	3	4	5	6	7	8	9	10	11	12	%
NFIB POSITION		N	N	N	N	Y	Y	N	Y	N	N	N	N	100%
Hinrichsen, Nick*	3	*	*	*	*	*	Y	Y	*	Y	Y	Y	Y	17%
Hisey, Dennis	2	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Holbert, Chris	30	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Jaquez Lewis, Sonya	17	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Kirkmeyer, Barbara	23	N	N	N	N	N	Y	N	Y	*	N	N	N	91%
Kolker, Chris	27	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Lee, Pete	11	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Liston, Larry	10	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Lundeen, Paul	9	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Moreno, Dominick	21	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Petterson, Brittany	22	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Priola, Kevin	25	Y	N	N	N	N	Y	N	Y	N	N	N	Y	75%
Rankin, Bob	8	N	N	N	N	N	Y	N	Y	N	Y	N	N	83%
Rodriguez, Robert	32	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Scott, Ray	7	N	*	N	N	N	Y	N	Y	N	N	N	N	91%
Simpson, Cleave	35	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Smallwood, Jim	4	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Sonnenberg, Jerry	1	N	N	N	N	N	*	N	Y	N	*	N	N	90%
Story, Tammy	16	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Winter, Faith	24	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Woodward, Rob	15	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Zenzinger Rachel	19	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	42%

*Hinrichsen replaced Senator Garcia

HOUSE OF REPRESENTATIVES VOTING RECORD

ISSUE NUMBER	DISTRICT	1	2	3	4	5	6	7	8	9	10	11	12	%
NFIB POSITION		N	N	N	N	Y	Y	N	Y	N	N	N	N	100%
Amabile, Judy	13	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Bacon, Jennifer	7	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Baisley, Mark	39	N	*	N	N	N	Y	N	Y	N	N	N	N	91%
Benavidez, Adrienne	32	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	17%
Bernett, Tracey	12	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Bird, Shannon	35	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	42%
Bockenfeld, Rod	56	N	N	Y	Y	N	Y	N	Y	N	N	N	N	75%
Boesenecker, Andrew	53	Y	Y	*	*	Y	N	Y	Y	Y	Y	Y	Y	20%
Bradfield, Mary	21	N	N	N	N	N	Y	N	Y	N	N	*	N	91%
Caraveo, Yadira	31	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Carver, Terri	20	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Catlin, Marc	58	N	N	N	N	N	Y	N	Y	N	N	N	N	92%

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HOUSE OF REPRESENTATIVES VOTING RECORD (Cont'd)

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NFIB POSITION		N	N	N	N	Y	Y	N	Y	N	N	N	N	100%
Cutter, Lisa	25	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	27%
Daugherty, Lindsey	29	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Duran, Monica	24	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	18%
Esgar, Daneya	46	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	33%
Exum, Tony	17	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	18%
Froelich, Meg	3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Garnett, Alec	2	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Geitner, Tim	19	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Gonzales-Gutierrez, Serena	4	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Gray, Matt	33	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	18%
Hanks, Ron	60	N	N	N	N	N	Y	N	Y	Y	*	N	N	82%
Herod, Leslie	8	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	27%
Holtorf, Richard	64	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Hooton, Edie	10	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	*	Y	18%
Jodeh, Iman	41	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Kennedy, Chris	23	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Kipp, Cathy	52	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Larson, Colin	22	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Lindsay, Mandy*	42	*	*	*	*	*	Y	Y	Y	Y	Y	Y	Y	29%
Lontine, Susan	1	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Luck, Stephanie	47	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Lynch, Mike	49	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
McCluskie, Julie	61	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	33%
McCormick, Karen	11	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
McKean, Hugh	51	N	N	N	N	N	Y	N	Y	N	N	*	N	91%
McLachlan, Barbara	59	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	33%
Michaelson Jenet, Dafna	30	Y	Y	Y	Y	*	Y	Y	Y	*	Y	Y	Y	20%
Mullica, Kyle	34	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	N	36%
Neville, Patrick	45	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Ortiz, David	38	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Pelton, Rod	65	N	N	N	N	N	Y	N	Y	N	N	*	N	91%
Pico, Andres	16	N	*	N	N	N	Y	N	Y	N	N	N	N	91%
Ransom, Kim	44	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Rich, Janice	55	N	N	N	N	N	Y	N	Y	N	*	N	N	91%
Naquetta, Ricks	40	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	27%
Roberts, Dylan	26	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	33%
Sandridge, Shane	14	N	N	N	N	N	N	N	Y	N	N	N	N	83%

*Lindsay replaced Representative Jackson

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HOUSE OF REPRESENTATIVES VOTING RECORD (Cont'd)

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NFIB POSITION		N	N	N	N	Y	Y	N	Y	N	N	N	N	100%
Sirota, Emily	9	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	17%
Snyder, Marc	18	Y	Y	Y	N	Y	Y	Y	Y	N	Y	Y	N	50%
Soper, Matt	54	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Sullivan, Tom	37	Y	Y	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	27%
Tipper, Kerry	28	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	33%
Titone, Brianna	27	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	27%
Valdez, Alex	5	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	33%
Valdez, Donald	62	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Van Beber, Tonya	48	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Van Winkle, Kevin	43	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Weissman, Mike	36	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%
Will, Perry	57	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Williams, Dave	15	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Woodrow, Steven	6	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y	25%
Woog, Dan	63	N	N	N	N	N	Y	N	Y	N	N	N	N	92%
Young, Mary	50	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	25%