ROLL CALL
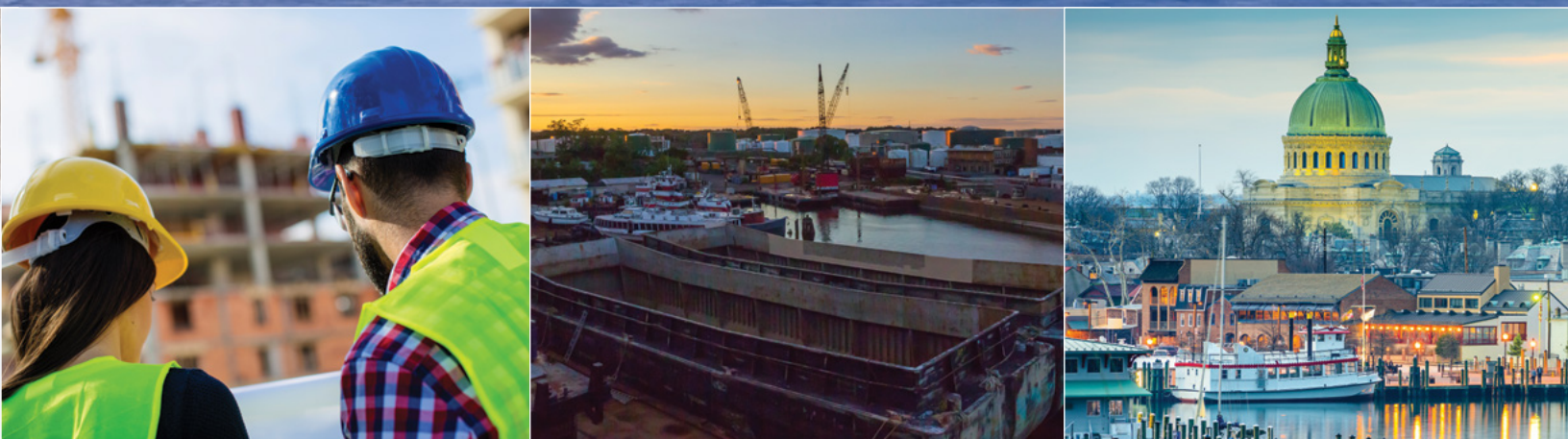# 2018

HOW MARYLAND'S 188 LEGISLATORS VOTED ON BILLS IMPORTANT TO BUSINESS AND JOBS

MARYLAND BUSINESS FOR RESPONSIVE GOVERNMENT

Cynics Say Your Vote Doesn't Really Count… They Might be Right

Consider two fundamental questions about Maryland politics:

1. Should Maryland voters be able to choose their representatives or should the elected officials (and their political parties) choose their voters?
2. Are Marylanders better off when: a) there's debate and compromise between the Governor and the Legislature; or b) when the legislative branch can make unilateral decisions with little or no regard for the executive branch?

Both of these questions bear upon the closely related concepts of legislators' "safe seats" and super-majority votes and were salient during this year's annual 90-day legislative session in Annapolis.

Why are safe seats and super majorities problematic? Because they strip away some of the most important tenets of our democracy: one-person-one-vote, accountability, and debate & compromise. We'll summarize safe seats and super-majority votes below, followed by an example using the mandatory paid sick leave bill as an illustration.

Safe Seats: Gerrymandering

It was a surprising exercise in candor when former Maryland Governor Martin O'Malley admitted in deposition - for a case currently before the U.S. Supreme Court - that he had intentionally manipulated Maryland's districts to favor his own political party. But the manipulation itself was not surprising, because politicians in both parties have been doing it throughout America for well over 200 years.

When Massachusetts Governor Elbridge Gerry redrew his state's districts in 1812, one of the Boston-area districts was so contorted and contrived that some thought it resembled a salamander, and the name gerrymander stuck. So too, did the practice. Google "Maryland U.S. District 3" and look at the accompanying map; District 3 is well known as one of the most incongruous, gerrymandered congressional districts in the country, and a federal judge said it looked like a pterodactyl with a broken leg. Other notable examples include such laughable contrivances as Pennsylvania's infamous Goofy Kicking Donald Duck district and Ohio's Lake Erie Monster district. Similar atrocities of politically-driven line drawing are omnipresent among Maryland's state legislative districts.

Although these districts are easy targets for poking fun, the ramifications are no laughing matter when you consider the clear purpose of gerrymandering: disenfranchising voters. A vote matters in an "in play" district and could mean the difference between a win and a loss. But a vote in a gerrymandered district is of little importance – if you're in the minority, your fruitless vote won't move the needle, and if you're in the majority, your extraneous vote is simply not needed. And that's the way the politicians want it. Until now.

Governor Hogan is on record supporting a different approach. Although he is currently the odds-on favorite to win re-election, and the next 10-year redistricting would happen during his second term, he has proposed an end to partisan redistricting in favor of an independent redistricting commission. We wholeheartedly support this approach. Maryland's voters are not well served when their elected officials – federal and state - can choose their voters and perpetually occupy "safe seats."

Super-Majority Votes: Veto Sustainability

If you can manipulate the voting districts, then you can manipulate the composition of the state legislature, creating over-representation by the majority party and under-representation by the minority. And when the majority can achieve a *super* majority, then it can do pretty much anything it wants, because if the Governor vetoes a bad piece of legislation, the super-majority legislature can simply override the veto.

In that case, there is no real debate. There is no deliberation. And there is no compromise.

MBRG RATING SYSTEM

* Legislators with stars next to their names served at least four years in the House or Senate and achieved an MBRG Cumulative Percentage (CUM %) of 70% or greater. Every four years, these legislators are recognized with *John Shaw Awards.*

\+ A vote supporting a pro-growth, pro-job economy.

\- A vote inhibiting a pro-growth, pro-job economy.

o Legislator excused from voting, resulting in no effect on a legislator's rating.

nvc As committee chairperson, legislator chose not to vote, resulting in no effect on a legislator's rating.

nv Legislator did not vote on a bill on which MBRG has taken a position of opposition, resulting in no change in the legislator's rating.

nv- Legislator did not vote on a bill on which MBRG has taken a position of support, resulting in the lowering of a legislator's rating. Therefore, a legislator is penalized when his or her vote could have helped to achieve a constitutional majority (24 of 47 votes in the Senate and 71 of 141 votes in the House) for the passage of a bill.

■ Legislator did not serve on the committee that voted the bill, resulting in no effect on the legislator's rating.

MBRG 2017 A legislator's score for 2017, provided for comparative purposes.

MBRG CUM % Cumulative percentage is based on a legislator's voting throughout his or her entire tenure in the General Assembly post 1982. The percentage is derived by dividing the total number of "+" votes by the number of bills on which the legislator voted plus the number of "nv-" marks. A short red dash (-) in this column means a legislator is a freshman and therefore has no cumulative record.

2018 %tile (Percentile) In order to compare a legislator's score with his or her colleagues, both Senate and House members have been ranked by percentiles. The percentile represents where a legislator's 2018 MBRG % rating ranks in relation to other legislators' ratings. For example, a Senator with a percentile ranking of 78 has a 2018 MBRG rating greater than 78 percent of his or her fellow Senators during this time period.

James E. (Ed) DeGrange, Sr. (D)
District 32
This Anne Arundel County Senator earned the highest cumulative score (69%) amongst all Democratic veterans in the Senate (minimum 4 years' service).

Johnny Ray Salling (R)
District 6
This Baltimore County Senator tied for the highest cumulative score (100%) amongst all Republican veterans in the Senate (minimum 4 years' service).

Stephen M. Waugh (R)
District 29
This Calvert & St. Mary's County Senator tied for the highest cumulative score (100%) amongst all Republican veterans in the Senate (minimum 4 years' service).

MARYLAND SENATE VOTES

	HB 1 (2017)	SB 30	SB 134	SB 278	SB 304	SB 465	SB 572	SB 651 (EHEA)	SB 651 (FIN)	SB 853	MBRG 2018	MBRG 2017	2018 %tile	MBRG CUM %
	1	2	3	4	5	6	7	8	9	10				
Allegany, Garrett, & Washington Counties														
1 George C. Edwards (R) *	+	+	+	+	+	■	+	■	■	+	100%	100%	78	85%
Washington County														
2 Andrew A. Serafini (R) *	+	+	+	+	o	■	+	■	■	+	100%	100%	78	92%
Frederick County														
3 Ronald N. Young (D)	-	-	+	-	-	■	-	-	■	-	13%	25%	0	32%
Carroll & Frederick Counties														
4 Michael J. Hough (R) *	+	+	nv-	+	+	+	+	■	■	+	88%	100%	73	93%
Carroll County														
5 Justin D. Ready (R) *	+	+	+	+	+	+	+	■	■	+	100%	100%	78	99%
Baltimore County														
6 Johnny Ray Salling (R) *	+	+	o	+	+	■	+	+	■	+	100%	100%	78	100%
Baltimore & Harford Counties														
7 J.B. Jennings (R) *	+	+	+	+	+	■	+	■	+	+	100%	100%	78	92%
Baltimore County														
8 Katherine A. Klausmeier (D)	+	-	+	-	+	■	-	■	-	-	38%	80%	54	61%
Carroll & Howard Counties														
9 Gail H. Bates (R) *	+	+	+	+	+	■	+	+	■	+	100%	100%	78	96%
Baltimore County														
10 Delores G. Kelley (D)	-	+	+	-	-	+	-	■	■	-	38%	25%	54	35%
11 Robert A. Zirkin (D)	-	+	+	-	+	+	-	■	■	-	50%	67%	60	42%
Baltimore & Howard Counties														
12 Edward J. Kasemeyer (D)	-	+	+	-	+	■	-	■	■	nv	50%	33%	60	55%
Howard County														
13 Guy J. Guzzone (D)	-	-	+	-	+	■	-	■	■	-	29%	25%	41	32%
Montgomery County														
14 Craig Zucker (D)	-	-	+	-	-	■	-	-	■	-	13%	25%	0	23%
15 Brian J. Feldman (D)	-	-	+	-	+	■	-	■	-	-	25%	33%	28	29%
16 Susan C. Lee (D)	-	-	+	-	-	-	-	■	■	-	13%	25%	0	23%
17 Cheryl C. Kagan (D)	-	-	+	-	+	■	-	-	■	-	25%	25%	28	42%
18 Richard S. Madaleno, Jr. (D)	-	+	+	-	-	■	-	■	■	-	29%	25%	41	22%
19 Roger P. Manno (D)	-	-	+	-	-	■	-	■	■	-	14%	17%	17	19%
20 William C. Smith, Jr. (D)	-	-	+	-	-	-	-	■	■	-	13%	25%	0	26%
Anne Arundel & Prince George's Counties														
21 James C. Rosapepe (D)	-	-	+	-	+	■	-	■	-	-	25%	33%	28	32%
Prince George's County														
22 Paul G. Pinsky (D)	-	-	+	-	-	■	-	-	■	-	13%	25%	0	26%
23 Douglas J.J. Peters (D)	-	-	+	-	-	■	-	■	■	-	14%	25%	17	32%
24 Joanne C. Benson (D)	-	-	+	-	-	■	-	■	+	-	25%	36%	28	34%
25 Ulysses Currie (D)	-	-	+	-	+	■	-	■	■	-	29%	33%	41	45%
26 C. Anthony Muse (D)	-	-	+	o	-	-	-	■	■	-	14%	33%	17	40%
Calvert, Charles, & Prince George's Counties														
27 Thomas V. Mike Miller, Jr. (D)	-	-	+	-	+	■	-	■	■	-	29%	41%	41	53%
Charles County														
28 Thomas M. Middleton (D)	-	-	+	-	+	■	-	■	-	-	25%	40%	28	53%

MARYLAND SENATE VOTES

	HB 1 (2017)	SB 30	SB 134	SB 278	SB 304	SB 465	SB 572	SB 651 (EHEA)	SB 651 (FIN)	SB 853	MBRG 2018	MBRG 2017	2018 %tile	MBRG CUM %
	1	2	3	4	5	6	7	8	9	10				
Calvert & St. Mary's Counties														
29 Stephen M. Waugh (R) *	+	nv	+	+	+	■	+	+	■	+	100%	100%	78	100%
Anne Arundel County														
30 John C. Astle (D)	-	+	+	-	+	■	o	■	+	-	57%	53%	65	65%
31 Bryan W. Simonaire (R) *	+	+	+	+	+	■	+	+	■	+	100%	92%	78	91%
32 James E. DeGrange, Sr. (D)	+	+	+	-	+	■	-	■	■	nv	67%	83%	67	69%
33 Edward R. Reilly (R) *	+	+	+	+	+	■	+	■	-	+	88%	93%	73	96%
Harford County														
34 Robert G. Cassilly (R) *	+	+	+	+	+	+	+	■	■	+	100%	92%	78	97%
Cecil & Harford Counties														
35 Wayne Norman (R) *†	+	-	+	o	+	+	nv	■	■	+	83%	100%	71	88%
Caroline, Cecil, Kent, & Queen Anne's Counties														
36 Stephen S. Hershey, Jr. (R) *	+	+	+	+	+	■	+	■	+	+	100%	100%	78	94%
Caroline, Dorchester, Talbot & Wicomico Counties														
37 Adelaide C. Eckardt (R) *	+	+	+	+	+	■	+	■	■	+	100%	100%	78	89%
Somerset, Wicomico & Worcester Counties														
38 James N. Mathias, Jr. (D)	-	-	+	-	+	■	-	■	+	-	38%	47%	54	54%
Montgomery County														
39 Nancy J. King (D)	-	-	+	-	+	■	-	■	■	-	29%	25%	41	30%
Baltimore City														
40 Barbara A. Robinson (D)	-	-	+	-	-	■	-	-	■	-	13%	25%	0	23%
41 Nathaniel T. Oaks (D) ††	-	o	o	-	+	■	-	■	■	-	20%	36%	26	32%
Baltimore County														
42 James Brochin (D)	+	+	+	+	+	+	-	■	■	-	75%	75%	69	48%
Baltimore City														
43 Joan Carter Conway (D)	-	-	+	-	-	■	-	-	■	-	13%	18%	0	32%
Baltimore City and Baltimore County														
44 Shirley Nathan-Pulliam (D)	-	+	+	-	-	■	-	-	■	-	25%	33%	28	33%
Baltimore City														
45 Nathaniel J. McFadden (D)	-	-	+	-	-	■	-	■	■	-	14%	25%	17	42%
46 William C. Ferguson, IV (D)	-	+	+	-	-	■	-	■	■	-	29%	25%	41	26%
Prince George's County														
47 Victor R. Ramirez (D)	-	-	+	-	-	-	-	■	■	-	13%	25%	0	22%

† Senator Wayne Norman died during the 2018 General Assembly session and was replaced by his widow, Linda Norman. Her votes are included in his score.
† † Senator Nathaniel Oaks resigned from the Senate on March 29, 2018.

MARYLAND HOUSE OF DELEGATES VOTES

	HB 1 (2017)	HB 264	HB 272	HB 512	HB 546	HB 1243	HB 1390	HB 1539	HB 1654	SB 30	SB 134	SB 304	MBRG 2018	MBRG 2017	2018 %tile	MBRG CUM%
	1	2	3	4	5	6	7	8	9	10	11	12				
Garrett & Allegany Counties																
1A Wendell R. Beitzel (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	89%
Allegany County																
1B Jason C. Buckel (R) *	+	■	+	+	+	+	+	+	+	-	+	■	90%	100%	72	93%
Allegany & Washington Counties																
1C Michael W. McKay (R) *	+	■	+	+	+	+	+	+	+	+	+	■	100%	100%	75	100%
Washington County																
2A Neil C. Parrott (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	96%
2A William J. Wivell (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	92%	75	98%
2B Paul D. Corderman (R)	+	■	■	+	+	+	+	+	+	-	+	■	89%	-	66	-
Frederick County																
3A Carol L. Krimm (D)	-	■	■	-	-	-	-	-	+	+	+	■	22%	23%	35	28%
3A Karen Lewis Young (D)	-	■	■	-	-	-	-	-	+	+	+	■	22%	23%	35	28%
3B William G. Folden (R)*	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	98%
Carroll & Frederick Counties																
4 Kathryn L. Afzali (R) *	+	■	o	+	+	+	-	+	+	+	+	■	89%	100%	66	99%
4 Barrie S. Ciliberti (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	88%
4 David E. Vogt III (R) *	+	■	■	+	+	+	+	+	o	+	+	■	100%	100%	75	97%
Carroll County																
5 Susan W. Krebs (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	90%
5 April R. Rose (R) *	+	■	+	+	+	+	+	+	+	+	+	■	100%	100%	75	98%
5 Haven N. Shoemaker, Jr. (R) *	+	■	+	+	+	+	+	+	+	+	+	■	100%	100%	75	100%
Baltimore County																
6 Robin L. Grammer, Jr. (R) *	+	■	■	+	+	+	+	+	+	-	+	■	89%	100%	66	95%
6 Robert B. Long (R) *	+	■	+	+	+	+	+	+	+	+	+	■	100%	100%	75	100%
6 Richard W. Metzgar (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	97%
Baltimore & Harford Counties																
7 Richard K. Impallaria (R) *	+	+	■	+	-	+	+	+	-	+	+	+	82%	100%	66	90%
7 Patrick L. McDonough (R) *	+	■	+	+	+	+	+	+	-	+	+	■	89%	100%	66	91%
7 Kathy Szeliga (R) *	+	■	+	+	+	+	+	+	+	+	+	■	100%	100%	75	99%
Baltimore County																
8 Eric M. Bromwell (D)	+	■	■	-	-	-	-	-	-	+	+	■	33%	31%	62	55%
8 Joseph C. Cluster (R)	+	■	■	+	+	+	+	+	+	-	+	■	89%	100%	66	95%
8 Christian J. Miele (R) *	+	■	■	+	+	+	+	+	+	-	+	■	89%	92%	66	87%
Carroll & Howard Counties																
9A Trent M. Kittleman (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	98%
9A Warren E. Miller (R) *	+	+	■	+	+	+	+	+	+	+	+	+	100%	100%	75	97%
Howard County																
9B Robert L. Flanagan (R) *	+	■	■	+	+	+	+	+	-	+	+	■	89%	85%	66	81%
Baltimore County																
10 Benjamin T. Brooks, Sr. (D)	-	-	■	-	-	-	-	-	-	+	+	-	18%	25%	28	27%
10 Jay Jalisi (D)	-	■	■	-	-	-	-	+	-	+	+	■	33%	23%	62	28%
10 Adrienne A. Jones (D)	-	■	■	-	-	-	-	-	-	nv	+	■	13%	23%	23	28%
11 Shelly L. Hettleman (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	28%
11 Dan K. Morhaim (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	27%	35	34%
11 Dana M. Stein (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	27%
Baltimore & Howard Counties																
12 Eric D. Ebersole (D)	-	■	-	-	-	-	-	-	-	+	+	■	20%	23%	30	28%
12 Terri L. Hill (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	31%	35	31%
12 Clarence K. Lam (D)	-	■	■	o	o	-	-	-	-	+	+	■	29%	23%	57	29%
Howard County																
13 Vanessa E. Atterbeary (D)	-	■	■	-	-	-	-	+	-	-	+	■	22%	23%	35	27%
13 Shane E. Pendergrass (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	23%	8	30%
13 Frank S. Turner (D)	-	■	■	-	-	-	-	-	-	-	+	■	10%	23%	5	30%

MARYLAND HOUSE OF DELEGATES VOTES

	HB 1 (2017)	HB 264	HB 272	HB 512	HB 546	HB 1243	HB 1390	HB 1539	HB 1654	SB 30	SB 134	SB 304	MBRG 2018	MBRG 2017	2018 %tile	MBRG CUM%
	1	2	3	4	5	6	7	8	9	10	11	12				
Montgomery County																
14 Anne R. Kaiser (D)	-	■	nvc	-	-	-	-	-	-	-	+	■	11%	23%	8	24%
14 Eric G. Luedtke (D)	-	■	-	-	-	-	-	-	-	+	+	■	20%	23%	30	22%
14 Pamela Queen (D)	-	■	■	-	-	-	-	-	-	nv	+	■	13%	23%	23	20%
15 Kathleen M. Dumais (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	15%	35	25%
15 David V. Fraser-Hidalgo (D)	-	■	■	-	-	-	-	o	o	o	o	■	0%	23%	0	21%
15 Aruna Miller (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	23%	8	21%
16 C. William Frick (D)	-	-	■	-	-	-	-	-	-	-	+	-	9%	19%	1	20%
16 Ariana B. Kelly (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	26%
16 Marc A. Korman (D)	-	■	-	-	-	-	-	o	-	-	+	■	13%	23%	23	24%
17 Kumar P. Barve (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	37%
17 James W. Gilchrist (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	25%
17 Andrew Platt (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	26%
18 Alfred C. Carr, Jr. (D)	-	■	■	-	-	o	o	-	-	+	+	■	29%	25%	57	24%
18 Ana Sol Gutiérrez (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	17%	8	25%
18 Jeffrey D. Waldstreicher (D)	-	-	■	-	-	-	-	-	-	-	+	-	9%	19%	1	22%
19 Bonnie L. Cullison (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	23%
19 Benjamin F. Kramer (D)	-	o	■	-	-	-	-	-	-	+	+	-	20%	19%	30	28%
19 Marice L. Morales (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	25%	35	28%
20 Sheila E. Hixson (D)	-	■	-	o	o	o	o	-	nv	+	+	■	40%	25%	64	34%
20 David Moon (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	17%	8	20%
20 Jheanelle Wilkins (D)	-	■	-	-	-	-	-	-	-	-	+	■	10%	23%	5	17%
Anne Arundel & Prince George's Counties																
21 Benjamin S. Barnes (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	23%	8	22%
21 Barbara A. Frush (D)	-	■	■	o	o	-	-	-	-	+	+	■	29%	23%	57	29%
21 Joseline A. Peña-Melnyk (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	24%
Prince George's County																
22 Tawanna P. Gaines (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	25%	35	25%
22 Anne Healey (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	30%
22 Alonzo T. Washington (D)	-	■	-	-	-	-	-	-	-	+	+	■	20%	23%	30	23%
23A Geraldine Valentino-Smith (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	17%	35	24%
23B Marvin E. Holmes, Jr. (D)	-	■	-	-	-	-	-	-	-	+	o	■	13%	23%	23	26%
23B Joseph F. Vallario, Jr. (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	23%	8	35%
24 Erek L. Barron (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	23%	8	26%
24 Carolyn J.B. Howard (D)	-	■	-	-	-	-	-	-	-	nv	+	■	11%	23%	8	33%
24 Jazz Lewis (D)	-	■	-	-	-	-	-	-	-	-	+	■	11%	25%	8	19%
25 Angela M. Angel (D)	-	■	■	o	o	-	-	-	-	+	+	■	29%	8%	57	27%
25 Darryl Barnes (D)	-	■	-	-	-	-	-	-	-	+	+	■	20%	23%	30	28%
25 Dereck E. Davis (D)	-	nvc	■	-	-	-	-	-	-	-	o	-	0%	23%	0	33%
26 Tony Knotts (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	23%	8	25%
26 Kriselda Valderrama (D)	-	-	■	-	-	-	-	-	-	nv	+	-	10%	19%	5	23%
26 Jay Walker (D)	-	■	o	-	-	-	-	-	-	nv	+	■	13%	27%	23	32%
Charles & Prince George's Counties																
27A Elizabeth G. Proctor (D)	-	■	■	-	-	-	-	-	-	o	+	■	13%	23%	23	23%
Calvert & Prince George's Counties																
27B Michael A. Jackson (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	25%	8	27%
Calvert County																
27C Mark N. Fisher (R) *	+	+	■	+	+	+	+	+	+	+	+	+	100%	100%	75	96%
Charles County																
28 Sally Y. Jameson (D)	-	-	■	-	-	-	-	+	-	nv	+	+	30%	25%	61	45%
28 Edith J. Patterson (D)	-	■	-	-	-	-	-	-	-	+	+	■	20%	23%	30	28%
28 C.T. Wilson (D)	o	-	■	-	-	-	-	-	-	nv	+	-	11%	33%	8	30%

MARYLAND HOUSE OF DELEGATES VOTES

	HB 1 (2017)	HB 264	HB 272	HB 512	HB 546	HB 1243	HB 1390	HB 1539	HB 1654	SB 30	SB 134	SB 304	MBRG 2018	MBRG 2017	2018 %tile	MBRG CUM%
	1	2	3	4	5	6	7	8	9	10	11	12				
St. Mary's County																
29A Matt Morgan (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	100%
29B Deborah C. Rey (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	93%
Calvert & St. Mary's Counties																
29C Gerald W. Clark (R)	+	■	■	+	+	+	+	+	+	+	+	■	100%	90%	75	95%
Anne Arundel County																
30A Michael E. Busch (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	17%	8	44%
30A Herbert H. McMillan (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	85%	75	84%
30B Seth A. Howard (R) *	+	+	■	-	+	+	+	+	nv	+	+	+	90%	100%	65	94%
31A Ned P. Carey (D)	+	-	■	-	-	-	-	-	-	+	+	+	36%	56%	63	52%
31B Nicholaus R. Kipke (R) *	+	■	■	+	+	+	+	+	nv	+	+	■	100%	100%	75	85%
31B Meagan C. Simonaire (R) *	+	■	o	o	o	o	o	+	+	+	nv-	■	80%	92%	65	91%
32 Pamela G. Beidle (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	38%	35	45%
32 Mark S. Chang (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	33%
32 Theodore J. Sophocleus (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	31%	35	54%
33 Michael E. Malone (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	100%
33 Tony McConkey (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	89%
33 Sid A. Saab (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	100%
Harford County																
34A Glen Glass (R) *	+	■	■	-	+	+	+	+	+	+	+	■	89%	100%	66	94%
34A Mary Ann Lisanti (D)	-	-	■	-	-	-	-	-	-	-	+	+	18%	13%	28	28%
34B Susan K. McComas (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	90%
Cecil County																
35A Kevin B. Hornberger (R) *	+	■	+	+	+	+	+	+	+	-	+	■	90%	92%	72	90%
Cecil & Harford Counties																
35B Andrew P. Cassilly (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	92%	75	90%
35B Teresa E. Reilly (R)*	+	■	+	+	+	+	+	+	+	-	+	■	90%	100%	72	95%
Caroline, Cecil, Kent, & Queen Anne's Counties																
36 Steven J. Arentz (R) *	+	+	■	+	+	+	+	+	+	+	+	+	100%	100%	75	96%
36 Jefferson L. Ghrist (R)*	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	100%
36 Jay A. Jacobs (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	98%
Dorchester & Wicomico Counties																
37A Sheree Sample-Hughes (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	42%	35	39%
Caroline, Dorcheester, Talbot & Wicomico Counties																
37B Christopher T. Adams (R) *	+	+	■	+	+	+	+	+	+	+	+	+	100%	100%	75	100%
37B John F. Mautz IV (R) *	+	o	■	+	+	+	+	+	+	+	+	+	100%	93%	75	96%
Somerset & Worcester Counties																
38A Charles J. Otto (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	96%
Wicomico County																
38B Carl L. Anderton, Jr. (R) *	+	■	■	+	+	+	+	+	nv	+	+	■	100%	83%	75	92%
Wicomico & Worcester Counties																
38C Mary Beth Carozza (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	100%	75	97%
Montgomery County																
39 Charles E. Barkley (D)	-	-	■	-	-	-	-	+	-	+	-	-	18%	19%	28	25%
39 Kirill Reznik (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	30%
39 A. Shane Robinson (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	20%
Baltimore City																
40 Frank M. Conaway, Jr. (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	23%	8	28%
40 Antonio L. Hayes (D)	-	■	■	-	-	-	-	-	o	+	+	■	25%	23%	57	29%
40 Nick Mosby (D)	-	■	o	o	o	-	-	-	-	+	+	■	29%	23%	57	25%

MARYLAND HOUSE OF DELEGATES VOTES

	HB 1 (2017)	HB 264	HB 272	HB 512	HB 546	HB 1243	HB 1390	HB 1539	HB 1654	SB 30	SB 134	SB 304	MBRG 2018	MBRG 2017	2018 %tile	MBRG CUM%
	1	2	3	4	5	6	7	8	9	10	11	12				
Baltimore City																
41 Bilal Ali (D)	-	■	-	-	-	-	-	-	nv	-	+	■	11%	25%	8	19%
41 Angela Gibson (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	25%	35	24%
41 Samuel I. Rosenberg (D)	-	■	-	-	-	-	-	-	-	+	+	■	22%	23%	35	35%
Baltimore County																
42A Stephen W. Lafferty (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	23%	8	25%
42B Susan L. M. Aumann (R) *	+	+	■	+	+	+	-	+	+	+	+	+	91%	94%	75	89%
42B Christopher R. West (R) *	+	■	■	+	+	+	+	+	+	+	+	■	100%	92%	75	95%
Baltimore City																
43 Curtis S. Anderson (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	23%	8	30%
43 Maggie McIntosh (D)	-	■	■	-	-	-	-	-	nv	-	+	■	13%	25%	23	29%
43 Mary L. Washington (D)	-	■	-	-	-	-	-	-	-	+	+	■	20%	23%	30	32%
44A Keith E. Haynes (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	23%	8	26%
Baltimore County																
44B Charles E. Sydnor III (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	29%
44B Patrick G. Young, Jr. (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	28%
Baltimore City																
45 Talmadge Branch (D)	-	-	■	-	-	-	-	-	nv	+	-		10%	13%	5	35%
45 Cheryl D. Glenn (D)	-	-	■	-	-	-	-	-	-	-	+	-	9%	19%	1	23%
45 Cory V. McCray (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	28%
46 Luke Clippinger (D)	-	-	■	-	-	-	-	-	-	-	+	-	9%	19%	1	19%
46 Robbyn Lewis (D)	-	■	■	-	-	-	-	-	-	+	+	■	22%	23%	35	23%
46 Brooke E. Lierman (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	23%	8	26%
Prince George's County																
47A Diana M. Fennell (D)	-	-	■	-	-	-	-	-	-	-	+	-	9%	20%	1	24%
47A Jimmy Tarlau (D)	-	■	-	-	-	-	-	-	-	-	+	■	10%	23%	5	23%
47B Carlo Sanchez (D)	-	■	■	-	-	-	-	-	-	-	+	■	11%	23%	8	22%

Eric Bromwell (D)
District 8
This Baltimore County Delegate earned the highest cumulative score (55%) amongst all Democratic veterans in the House (minimum 4 years' service).

Christopher T. Adams (R)
Disctrict 37B
This Caroline, Dorchester, Talbot & Wicomico County Delegate tied for the highest cumulative score (100%) amongst all Republican veterans in the House (minimum 4 year's service).

Jefferson L. Ghrist (R)
District 36
This Caroline, Cecil, Kent & Queen Anne's County Delegate tied for the highest cumulative score (100%) amongst all Republican veterans in the House (minimum 4 year's service).

Robert B. (Bob) Long (R)
District 6
This Baltimore County Delegate tied for the highest cumulative score (100%) amongst all Republican veterans in the House (minimum 4 year's service)

Matt Morgan (R)
District 29A
This St. Mary's County Delegate tied for the highest cumulative score (100%) amongst all Republican veterans in the House (minimum 4 year's service)

Michael E. Malone (R)
District 33
This Anne Arundel County Delegate tied for the highest cumulative score (100%) amongst all Republican veterans in the House (minimum 4 year's service)

Sid A. Saab (R)
District 33
This Anne Arundel County Delegate tied for the highest cumulative score (100%) amongst all Republican veterans in the House (minimum 4 year's service)

Michael W. McKay (R)
District 1C
This Allegany and Washington County Delegate tied for the highest cumulative score (100%) amongst all Republican veterans in the House (minimum 4 year's service)

Haven N. Shoemaker, Jr. (R)
District 5
This Carroll County Delegate tied for the highest cumulative score (100%) amongst all Republican veterans in the House (minimum 4 year's service)

A Message to our Legislators

Before introducing or voting on legislation, we encourage legislators to consider the following questions:

1. **Will the legislation increase or decrease the cost of doing business in Maryland?** If the answer is "increase", will the added costs of the legislation and subsequent regulations exceed the added benefit to Maryland's residents?

2. Will the legislation and subsequent regulations be more or less stringent than, or contradictory to, federal law and regulations; or **will it give Maryland a competitive advantage or disadvantage with other states**?

3. **Will the legislation encourage or discourage companies from adding new jobs or keeping current jobs in Maryland?**

4. **Will the legislation encourage or discourage individuals and businesses from investing and growing?**

5. Will the legislation **promote or impede the competitive market** by removing or imposing legal, economic and/or regulatory burdens, taxes, or costs?

6. **Is there another way to solve the problem** or address the issue without legislation; or is there existing legislation addressing the matter?

7. **Will introducing the bill send a positive or negative message about Maryland's business climate?** ○

How the Votes are Selected

To determine an accurate picture of the Maryland legislature's attitudes toward business, jobs, economic growth, and investment in the state, MBRG's State Advisory Council selects recorded votes from the last regular General Assembly session that have practical or philosophical importance to the widest possible range of Maryland businesses, trade associations, and chambers of commerce.

In order to arrive at the most accurate measure of the legislature's position on business matters, we include votes from different stages of the legislative process: final (third reader votes), committee votes, votes on amendments and critical motions, and votes on gubernatorial nominations. We may at times omit a particular piece of legislation due to lack of strong consensus in the business community.

Although this evaluation process summarizes a legislative system that involves weeks of debate, amendment, and compromise, voting records remain the best indicators of a legislator's inclination. MBRG neither gives pass/fail

scores nor expressly or implicitly endorses or rejects any incumbent on the basis of certain selected votes. A complete evaluation of a legislator's support for business should be made by examining committee and floor votes and considering unrecorded matters such as performance on subcommittees, communication with business representatives, and service to constituent businesses.

Roll Call is intended to improve the understanding by elected and appointed officials of the effect of public policy on business and the economy, and the willingness and ability of businesses to create jobs, invest, and prosper in Maryland. It is our belief that a positive business climate is critical to all other social progress. ○

The Meaning of "Business Friendly"

The following are elements of a positive business and employment climate that have been identified by MBRG business leaders. MBRG urges Maryland's elected and appointed officials to strive for a balanced public policy approach that includes the consideration of the impact of new laws and regulations on the state's business climate. The following attributes of "business friendly" public policy would have significant, measurable, and positive impact on all citizens in the state.

Fiscal Responsibility

• A budget process that limits new spending and prohibits unfunded mandates that inevitably result in new taxes, fees or surcharges.
• A tax structure that is focused on attracting and retaining private jobs and investment in Maryland.
• A stable, consistent investment program to maintain and upgrade critical infrastructure and education needs.

Regulations

• A regulatory process that does not interfere with the free market's economic forces and upholds existing contracts to give businesses and institutions the confidence to continue bringing jobs and investment to Maryland.
• A regulatory framework that is fair, clear, and updated to take advantage of changes in technology and market forces.
• A regulatory structure that does not exceed federal standards and ensures that the costs of rules and regulations - which are often passed on to the public - are justifiable and consistent with public benefit.

Employer - Employee Relations

• A market based wage and benefit structure that reflects changes in the U.S. economy and ensures that all workers are compensated based on performance and value in the marketplace.
• A workers compensation, unemployment, and health insurance system that yields benefits consistent with the reasonable needs of the beneficiary.
• A labor environment that allows every worker free choice concerning union affiliation.

Civil Liability and Business Law

• A predictable, consistent legal system that treats all parties and resolves all disputes in civil actions fairly, efficiently, and within reasonable time periods.

• A system of clearly written statutory and common laws that protects businesses and other defendants from frivolous or unwarranted lawsuits, imposes reasonable limits and standards for the award of damages for liability, and encourages growth in investment, jobs, and the economy.

Social Responsibility

• A business climate that promotes a strong commitment to corporate and social responsibility, including charitable contributions, volunteer initiatives and other activities to advance development of Maryland and its communities. ○

A Word About MBRG

MBRG's purpose is to inform Maryland's business community, elected officials, and the general public about the political and economic environment needed to foster economic development and job creation in Maryland.

Annual evaluations of the voting records of Maryland's state and federal legislators enable MBRG and its members to hold politicians accountable for the state's economic well-being like no other organization.

MBRG is a statewide, nonpartisan political research and education organization supported by corporations, trade associations, chambers of commerce, and individuals.

2018 SENATE VOTE DESCRIPTIONS

1 **HB 1 (2017) – VETO OVERRIDE - Labor and Employment – Maryland Healthy Working Families Act**
Delegate Clippinger, et al.

Requires an employer with more than 14 employees to provide *paid* sick and safe leave to employees, at a rate of one hour of paid sick and safe leave for every 30 hours worked, up to a maximum amount of 5 days (40 hours) of paid sick and safe leave per year. Employers with 14 or fewer employees must provide *unpaid* sick and safe leave, which is earned at the same rate and maximum amount.

Among other provisions of the bill that impose economic and administrative burdens on Maryland employers, HB 1 (2017): (1) allows Montgomery County's paid sick and safe leave to be grandfathered (thus allowing for two paid sick and safe leave regimes (state and local) in Montgomery County, thereby creating profound compliance and record-keeping challenges for employers operating both in the County and elsewhere in the state; (2) requires employers to provide paid sick and safe leave not only to full-time workers, but also to temporary, part time, and seasonal workers who work as few as 107 calendar days per year or 24 hours in a 2-week period; (3) allows employees to carry over up to 40 hours of paid sick and safe leave from one year to the next, and to use up to 72 hours of accrued leave in any calendar year (an amount that is 32 hours more than one can earn in a year); (4) exempts from the paid sick and safe leave mandate various persons, including those under the age of 18, working less than 12 hours per week, employed in certain agricultural, health care or human services sectors, temporary services workers, and construction workers covered by collective bargaining agreements; and (5) imposes up to 10 different disproportionately severe sanctions on employers who violate these requirements, including possible treble and punitive damages, as well as a legal presumption that employers have violated state law for failing to keep accurate records or refusing to allow inspection of its employee records, regardless of whether violations are unintentional, inadvertent or otherwise inconsequential.

A "+" indicates a vote to sustain the Governor's veto of HB 1 (2017) and reflects MBRG's opposition to an onerous and burdensome mandated benefit that will cause reduced employment, increased costs of doing business in the state, unreasonable expansion of liability for employers, and a disproportionately adverse impact on small businesses.

Among other deficiencies in the bill, HB 1 (2017) arbitrarily exempts a class of unionized construction workers from the mandate, fails to account for the needs of seasonal employers, and recklessly allows for the simultaneous imposition of two conflicting laws in the same area of the state, Montgomery County. Disagreeing with MBRG's position, the Senate overrode the Governor's veto of HB 1 (2017), 30-17, on January 12, 2018.

2 **SB 30 –Health Care Malpractice Qualified Expert – Limitation of Testimony in Personal Injury Claims - Repeal**
Senator Ramirez

Repeals a long-standing state law that prohibits professional witnesses from testifying in medical malpractice cases. Under current law, expert witnesses may not devote annually more than 20% of their professional time to activities that directly involve testimony in these cases. The so-called "20% Rule" ensures that parties must use practicing medical professionals rather than witnesses whose main source of income is derived from testifying in personal injury cases. SB 30's repeal of the 20% Rule, according to the Maryland Health Services Cost Review Commission, would increase the practice of defensive medicine, frivolous claims, and health care costs through increased malpractice costs.

A "+" vote indicates a vote against the repeal of the 20% Rule and reflects MBRG's opposition to unnecessary health care cost increases for health care providers, businesses providing health care insurance coverage, and employees. Disagreeing with MBRG's position, the Senate approved SB 30, 24-21, (on a vote on third reading and final passage, after adoption of the conference committee report), on April 9, 2018.

2018 SENATE VOTE DESCRIPTIONS

3 SB 134 – Small Business Relief Tax Credit
Administration (Governor Hogan)

As originally introduced on behalf of the Governor, this legislation sought to provide up to $100 million per year in tax credits to small businesses (50 or less employees) that offered their employees paid time off in accordance with the requirements of HB 1 (2017), paid sick and safe leave legislation (see Senate Vote 1 on Page 13). SB 134 also offered at least one other specified employer-sponsored benefit, such as paid time off, transportation fringes, dependent care assistance, educational assistance and health saving account (HSA) contributions. The tax credit provided would have been the lesser of $1,000 per qualified employee or the total cost of benefits accrued by the employee.

As amended and passed by the General Assembly, SB 134 established that a business of 14 or fewer employees that provides paid sick leave would be eligible for a refundable tax credit of $500 per eligible employee whose earnings are equal to or less than 250% of the federal poverty guidelines (currently $30,350 per year). The maximum available tax credit for all claimants combined was reduced by 95% to $5 million per year.

A "+" indicates a vote for SB 134 and reflects MBRG's support for providing business – especially small business – with resources needed to comply with the substantial costs associated with HB 1 (2017). Agreeing with MBRG's position, the Senate passed SB 134, 44-0, on April 9, 2018

4 SB 278 – Prevailing Wage - Tax Increment Financing Developments - Application
Senator Feldman, et.al.

Expands the current prevailing wage law to apply to construction projects that are: (1) located in a tax increment financing (TIF) district; and (2) built using proceeds from local government bonds. SB 278 applies if a local government authorizes the payment of prevailing wages for the relevant construction project. Expanding prevailing wage increases construction project costs, complicates the bid process, and potentially increases the tax burden for businesses in those districts.

A "+" vote indicates a vote against SB 278 and reflects MBRG's opposition to measures that slow economic growth, add unnecessary costs to development projects, and introduce additional risk into the bid process for developers. Disagreeing with MBRG's position, the Senate passed SB 278 31-14, on March 15, 2018.

5 SB 304 – Maryland Healthy Working Families Act – Delay of Effective Date
Senator Middleton, et al.

Delays the effective date of the paid sick and safe leave law (HB 1 of 2017) in Maryland from February 11, 2018 to July 1, 2018. By delaying the effective date, SB 304 would give employers nearly 6 months, instead of 30 days, to prepare for complying with the new law, which contained a comprehensive, complex regime of paid (and unpaid) sick leave requirements for all Maryland employers, as well as disproportionately punitive penalties for violations by employers. The 30-day time period contrasts sharply with the original time period for compliance first approved by the General Assembly when HB 1 of 2017 was first enacted by the General Assembly in April of 2017. That enactment contained an effective date of January 1, 2018, allowing employers 8-9 months to prepare for compliance, consistent with the General Assembly's long practice of allowing adequate time for affected parties to ensure compliance with intricate new laws. January 1, 2018 proved not to be the effective date of HB 1 because the bill was vetoed by the Governor on May 25, 2017, followed by a veto override on January 12, 2018.

A "+" vote indicates a vote for SB 304 and reflects MBRG's opposition to an unreasonably short time allowance for Maryland employers to prepare to comply with a new law. In the circumstance of HB 1, a mere 30 days to comply is extreme and egregious, given the complexity of the paid sick leave statutory regime and the disproportionate severity of sanctions for violations. The effect of such premature enforcement of a complicated new law is especially onerous for small businesses, which have limited resources to devote to compliance. Agreeing with MBRG's position, the Senate approved SB 304, 29-17, on February 8, 2018.

2018 SENATE VOTE DESCRIPTIONS

6 SB 465 – Civil Actions –Motor Vehicle Accidents Involving Pedestrians or Nonmotorized Vehicles – Comparative Negligence
Senator Lee, et al.

Bifurcates Maryland's tort system for auto accidents, whereby the rights of a plaintiff and a defendant would vary depending on the kind of "vehicle" used at the time of the accident. Under SB 465, a plaintiff who was a pedestrian or rode a bicycle, play vehicle, or other nonmotorized vehicle would not be subject to the current doctrine of *contributory* negligence (where contributory negligence by the plaintiff bars recovery) and instead would be able to sue under the theory of *comparative* negligence (plaintiff may recover even if substantially negligent). If enacted, SB 465 would have placed all Maryland motorists (including commercial vehicles) and insurers in a position where current defenses to an auto tort claim would no longer be available.

A "+" indicates a vote against SB 465 and reflects MBRG's opposition to comparative negligence as a standard for finding fault in tort cases. SB 465 would have created an unworkable dual system that would have resulted in unequal treatment of plaintiffs and defendants, especially business defendants. Agreeing with MBRG's position, the Senate Judicial Proceedings Committee defeated SB 465, 7-4, on February 8, 2018.

7 SB 572 – Prevailing Wage – Public Works Contracts – Suits by Employees
Delegate Morales

Authorizes an employee under a public works contract who is paid less than the appropriate prevailing wage to sue to recover the difference in wages paid without first filing a complaint with the Commissioner of Labor and Industry. A determination by the Commissioner that a contractor is required to make restitution does not preclude the employee from a private cause of action including double or treble damages, and reasonable counsel fees and costs. Contractors and subcontractors are jointly and individually liable for violations of the subcontractor's obligations under SB 572.

A "+" indicates a vote against SB 572 and reflects MBRG's opposition to bills that expand employer liability and circumvent wage appeals processes that are working appropriately. Under current law, an employee must first file a complaint with the commissioner for an employer's failure to pay the prevailing wage, and if an employer found to be in violation fails to comply with the Commissioner's order, only then can the employee sue the employer. SB 572 would short-circuit that process unnecessarily, increasing employer liability, making contractors liable for the acts of subcontractors, encouraging litigation, and raising the costs of construction projects. Disagreeing with MBRG's position, the Senate approved SB 572, 32-13, on March 19, 2018.

8 SB 651 - Environment - Expanded Polystyrene Food Service Products – Prohibition
Senator Kagan, et al.

Prohibits the sale of polystyrene (Styrofoam) food products (such as food containers, plates, hot and cold beverage cups, meat and vegetable trays, and egg cartons) in Maryland, and also prohibits a food service business from selling or providing food in certain expanded polystyrene food service products. SB 651 also allows a local government, county, or municipality to enact its own, more stringent legislation regulating polystyrene.

A "+" indicates a vote against SB 651 and reflects MBRG's opposition to: 1) significantly increasing the cost of disposable foodservice products, without any measurable environmental or health benefit; and 2) allowing for the enactment by state and local governments of multiple, differing standards throughout the state. SB 651 was jointly referred to two Senate committees. Disagreeing with MBRG's position, the Senate Education, Health, and Environmental Affairs Committee approved SB 651, 7-4, on March 8, 2018. Agreeing with MBRG's position, the Senate Finance Committee rejected SB 651, 5-5, on March 16, 2018.

2018 SENATE VOTE DESCRIPTIONS

9 SB 853 – Labor and Employment – General Contractor Liability for Unpaid Wages
Senator Klausmeier, et al.

Makes a general contractor (GC) jointly and individually liable for a subcontractor's failure to pay its employees in accordance with the wage payment and collection law. SB 853 makes an employer legally responsible for another separate employer's failure to comply with Maryland wage law. SB 853 produces several consequences. First, Maryland law holds employers liable for treble damages (three times the wages owed) plus reasonable attorneys' fees and other costs; SB 853 extends this liability to an entity with which the GC may have no contractual relationship. Second, a GC is unlikely to have access to a subcontractor's time and attendance records, severely limiting the GC's ability to defend against a claim. Finally, SB 853 will raise the cost of construction projects in Maryland and limit the entry and growth of new contractors to the marketplace, because GCs will be compelled to require of subcontractors substantially larger bonds to cover three times the wages, costs, and attorneys' fees associated with a construction project.

A "+" indicates a vote against SB 853 and reflects MBRG's opposition to holding GCs legally responsible for the payroll practices of other employers, even those with whom they have no contractual relationship. SB 853 unnecessarily increases liability and costs for GCs, unduly restricts their legal rights, and discourages growth in the construction industry. Disagreeing with MBRG's position, the Senate passed SB 853, 31-14, on March 28, 2018.

Did you know?

The two districts with the greatest cumulative score gap between Delegates and Senators are:

District 8: Senator Klausmeier
61% Cumulative Score
79% average Delegate Score
-18% Gap

District 38: Senator Mathias
54% Cumulative Score
95% average Delegate Score
-41% Gap

2018 HOUSE VOTE DESCRIPTIONS

1 **HB 1 (2017) – VETO OVERRIDE - Labor and Employment – Maryland Healthy Working Families Act**
Delegate Clippinger, et al.

Governor Hogan vetoed HB 1 (2017) on May 25, 2017. See Senate Vote 1 on Page 13 for a description of HB 1 (2017).

A "+" indicates a vote to sustain the Governor's veto and reflects MBRG's opposition to an onerous and burdensome mandated benefit that will cause reduced employment, increased costs of doing business in the state, unreasonable expansion of liability for employers, and a disproportionately adverse impact on small businesses. Among other deficiencies in the bill, HB 1 (2017) arbitrarily exempts a class of unionized construction workers from the mandate, fails to account for the needs of seasonal employers, and recklessly allows for the simultaneous imposition of two conflicting laws on the same area of the state, Montgomery County. Disagreeing with MBRG's position, the House of Delegates overrode the Governor's veto of HB 1 (2017), 88-52, on January 11, 2018.

2 **HB 264 Labor and Employment-Labor Organizations-Right to Work**
Delegate W. Miller, et al.

Prohibits an employer from requiring, as a condition of employment, that an employee or prospective employee join or remain a member of a labor organization. HB 264 provides that an employee who refuses to join the union shall not be required to pay dues, fees or other charges to the union. There are currently 28 states with Right to Work laws on the books, including Virginia and West Virginia, which puts Maryland at a significant disadvantage when courting new manufacturing businesses as well as retaining current Maryland-based businesses.

A "+" indicates a vote in support of HB 264 and reflects MBRG's support for permitting each worker in a unionized workplace to decide whether or not to join the union. By rejecting "Right to Work," Maryland becomes less competitive with other states, and limits its chances of retaining and attracting new manufacturing businesses and jobs. Disagreeing with MBRG's position, the House Economic Matters Committee rejected HB 264, 13-7, on February 14, 2018.

3 **HB 272 –Sales and Use Tax Rate Reduction**
Delegate Cluster, et al.

Reduces the State sales and use tax from 6% to 5% (excluding alcoholic beverages). If enacted, HB 272 would allow Maryland businesses to compete more effectively with businesses in neighboring states, and retain and grow jobs in Maryland, while simultaneously increasing the purchasing power of Maryland consumers.

A "+" vote indicates a vote for HB 272 and reflects MBRG's support for lower taxes and improving Maryland's competitiveness with surrounding states. Disagreeing with MBRG's position, the House Ways and Means Committee rejected HB 272, 12-6, on February 23, 2018.

4 **HB 512 – Labor and Employment – Wage History Information**
Delegate K. Young, et al

Prohibits an employer with at least 15 employees from relying on wage history information to screen or make salary offers to prospective employees. Employers are subject to onerous civil penalties, actual damages, liquidated damages, special damages, and legal fees for violations of the requirements in HB 512.

A "+" vote indicates a vote against HB 512, and reflects MBRG's opposition to policies that discourage employment by requiring employers to make hiring decisions with inadequate and incomplete information. Employers must retain their ability to gather all possible information concerning background and qualification of a prospective employee. Knowing an applicant's salary history is not only a valid measure of proper compensation, it is also a strong indicator of previous job performance. HB 512 intrudes upon the screening, interviewing, and salary negotiation process between employers and employees. These constraints, together with the excessive and disproportionate penalties for noncompliance, will force employers to set salaries artificially low to comply with this legislation, and thus will limit growth and job opportunity for Maryland employees. Disagreeing with MBRG's position, the House approved HB 512, 88-47, on March 19, 2018.

2018 HOUSE VOTE DESCRIPTIONS

5 **HB 546 – Prevailing Wage - Tax Increment Financing Developments - Application**
Delegate Davis, et al.

See Senate Vote 4 on Page 14 for a description of HB 546.

A "+" vote indicates a vote against HB 546 and reflects MBRG's opposition to measures that slow economic growth, add unnecessary costs to development projects, and introduce additional risk into the bid process for developers. Disagreeing with MBRG's position, the House passed HB 546 87-48, on March 19, 2018.

6 **HB 1243 – Prevailing Wage – Public Works Contracts – Suits by Employees**
Delegate Morales

See Senate Vote 7 on Page 15 for a description on HB 1243.

A "+" indicates a vote against SB 572 and reflects MBRG's opposition to bills that expand employer liability and circumvent wage appeals processes that are working appropriately. Under current law, an employee must first file a complaint with the commissioner for an employer's failure to pay the prevailing wage, and if an employer found to be in violation fails to comply with the Commissioner's order, only then can the employee sue the employer. SB 572 would short-circuit that process unnecessarily, increasing employer liability, making contractors liable for the acts of subcontractors, encouraging litigation, and raising the costs of construction projects. Disagreeing with MBRG's position, the House approved HB 1243, 89-49, on March 19, 2018.

7 **HB 1390 – Development Rights and Responsibilities Agreements – Enhanced Public Benefits**
Delegate Lafferty, et. al.

Alters the usefulness of the Development Rights and Responsibility Agreement (DRRA) for land owners and developers in all Maryland local jurisdictions except Montgomery and Prince George's Counties. A DRRA, entered into by a local governing body and a land owner, is designed to provide certainty and predictability in the conditions under which development of a property may proceed. HB 1390, as amended in the House, requires developers to provide even more public benefits (open space, transportation facilities, traffic improvements, infrastructure, etc.) to proposed development projects than already required under current law. If enacted, HB 1390 would also allow anyone, including those who lack legal standing to appeal the development approval, to file a lawsuit against a DRRA, thus expanding the risk of litigation over development projects.

A "+" vote indicates a vote against HB 1390 and reflects MBRG's opposition to policies that create unnecessary additional costs for land owners and developers, as well as unwarranted appeal rights that help opponents to block or delay development through litigation. Disagreeing with MBRG's position, the House approved HB 1390, 91-47, on March 19, 2018.

8 **HB 1539 – Labor and Employment – General Contractor Liability for Unpaid Wages**
Delegate Lisanti, et al.

See Senate Vote 9 on page 16 for a description of HB 1539.

A "+" indicates a vote against HB 1539 and reflects MBRG's opposition to holding GCs legally responsible for the payroll practices of other employers, even those with whom they have no contractual relationship. HB 1539 unnecessarily increases liability and costs for GCs, unduly restricts their legal rights, and discourages growth in the construction industry. Disagreeing with MBRG's position, the House passed HB 1539, 87-53, on March 27, 2018.

2018 HOUSE VOTE DESCRIPTIONS

9 HB 1654 – Commercial Law – Internet Privacy and Net Neutrality
Delegate Frick, et al.

Regulates the internet at the state level by imposing requirements on the use, disclosure, sale, provision and protection of consumer data. HB 1654 also prohibits the use of state funds to procure services from internet service providers, but not from other handlers of consumer data, that block certain content or internet traffic, or engage in commercial traffic preferencing. If enacted, HB 1654 would be preempted by and inconsistent with federal law and regulation, and is the first attempt in the nation at a comprehensive state law on regulating data management.

A "+" vote indicates a vote against HB 1654 and reflects MBRG's opposition to discriminatory state-level regulation of an inherently national and international activity, which will discourage investment and jobs in the Maryland broadband industry. Such state level regulation, potentially leading to 50 different sets of laws governing the internet and inconsistency with federal requirements, is wholly unworkable for handlers of consumer data. If Maryland is the first state to enact such a law, the state creates a competitive disadvantage for its broadband industry and an adverse impact on its business climate. Disagreeing with MBRG's position, the House approved HB 1654, 86-46, on April 4, 2018.

10 SB 30 – Health Care Malpractice Qualified Expert – Limitation of Testimony in Personal Injury Claims - Repeal
Senator Ramirez

See Senate Vote 2 on Page 13 for a description of SB 30.

A "+" vote indicates a vote against the repeal of the 20% Rule and reflects MBRG's opposition to unnecessary health care cost increases for health care providers, businesses providing health care insurance coverage, and employees. Agreeing with MBRG's position, the House rejected SB 30, 89-41, (on a vote on third reading and final passage, after adoption of the conference committee report), on April 9, 2018.

11 SB 134 – Small Business Relief Tax Credit
Administration (Governor Hogan)

See Senate Vote 3 on Page 14 for a description of SB 134.

A "+" indicates a vote for SB 134 and reflects MBRG's support for providing business – especially small business – with resources needed to comply with the substantial costs associated with HB 1 (2017). Agreeing with MBRG's position, the House passed SB 134, 137-0 on April 6, 2018.

12 SB 304 – Maryland Healthy Working Families Act – Delay of Effective Date
Senator Middleton, et al.

Senate Vote 5 on Page 14 for a description of SB 304.

A "+" vote indicates a vote for SB 304 and reflects MBRG's opposition to an unreasonably short time allowance for Maryland employers to prepare to comply with a new law. In the circumstance of HB 1, a mere 30 days to comply is extreme and egregious, given the complexity of the paid sick leave statutory regime and the disproportionate severity of sanctions for violations. The effect of such premature enforcement of a complicated new law is especially onerous for small businesses with limited resources available to devote to compliance. Disagreeing with MBRG's position, the House Economic Matters Committee rejected SB 304, 12-11, on February 15, 2018.

Did you know?

Only 37% of all delegates have an MBRG cumulative rating over 50%. 61% have a rating below 40%, and over 25% have a rating 25% or lower.

(Continued from Page 2)

Example: Maryland Healthy Working Families Act

Let's put this discussion in perspective using the example of the Healthy Working Families Act. The bill followed a familiar pattern.

2016: The Maryland Healthy Working Families Act, also known as the Paid Leave Bill, was passed by the House of Delegates in 2016, but was known to be a problematic bill with many negative consequences for the state's business climate and job growth/retention. It subsequently died in the Senate on the last day of the legislative session. A comprehensive amendment to make the bill less problematic was proposed by pro-business legislators in the House, but roundly rejected along party lines. MBRG scored both the House bill and the amendment in the 2016 Roll Call, which scores all 188 Maryland legislators on their pro-business/pro-job votes.

2017: Last year, the leaders of the state legislature made passage of the sick leave bill a top priority, and it was ceremoniously considered as the first bill in the House that year, HB 1. In spite of significant opposition from employers throughout the state, including virtually every business group, the bill was passed by both the House and Senate, and then vetoed by Governor Hogan. Of a whopping 27 amendments that sought to lessen the negative effects of the bill, just two were adopted, and only one of those was significant. The others were, again, roundly rejected along party lines. MBRG scored the bill, as well as four important amendments in the Senate and three in the House, in the 2017 Roll Call.

2018: At the beginning of the 2018 legislative session, the legislature overturned the Governor's veto in a largely party-line vote. In addition, Senator Mac Middleton introduced an important amendment that would have delayed the effective date of the Paid Leave Bill to allow businesses enough time to prepare to comply with this very onerous bill. Although that amendment passed the Senate, it was rejected by a House committee in a largely party-line vote. MBRG scored that veto-override, as well as the amendment, in this year's Roll Call.

Overlooked in the three-year saga of the paid leave bill was a compromise bill put forth by the Governor. Although we won't go into the details here, Governor Hogan's bill addressed many of the worst components of the now-current law. Moreover, it was truly a compromise bill because many in his party were adamantly opposed to mandating an employee benefit. But he persisted with a practical, commonsense approach to the clear problem of employees who need paid time off due to illness. Unfortunately, his bill was never voted, and it didn't even receive a public hearing in the Senate. It was simply disregarded, and the legislature unilaterally passed its version of the bill.

But what if the setting were just slightly different? What if we didn't have gerrymandered voting districts? What if, instead of a super majority, there was simply a majority in the legislature? How would that have changed the paid leave bill?

We think we know the answers: The Governor's bill would have been considered and heartily debated, and the serious concerns of employers would have been heard. Ideas on solving this problem would have been placed into competition with one another, with the best ideas winning out. Instead of ending up with a new law that many employers have testified will cost jobs, we would have seen the enactment of a compromise bill, even if the concessions were minor.

What can you do?

Please spend some time looking at Roll Call and asking yourself if your elected officials are voting in your best interest.

If the Supreme Court fixes the gerrymandering problem, we can look forward to a new political environment characterized by more debate, deliberation, and compromise. If the court fails to act, however, we still have ample opportunity in the next gubernatorial term. If Governor Hogan is re-elected, we already know that he will advance a bill to establish a non-partisan redistricting commission. He did just that in each of the last three years, but each year the bill was either ignored by the legislature and not even voted (2016), or rejected on a party-line vote (2017) or largely party-line vote (2018). Is this pattern starting to sound familiar?

If you think Maryland would be better off without partisan manipulation of our voting districts, talk to your elected officials and ask them to make it non-partisan. It really is not complicated, unless they choose to make it so. ✿

2018 Senate Retirements:
Do They Portend a Worsening Business Climate in 2019 and Beyond?

The 2018 elections will bring significant change to the Maryland legislature because 11 Senators (fully 23% of the Senate) are not running for re-election. In 8 of those 11 districts, a current or former Delegate is running to replace that Senator. Because MBRG carefully tracks the business- and economy-related votes of all 188 state legislators in Maryland, we have ample data to evaluate the likely net change (by percentage points) to the voting pattern if the Delegate is elected.

The following table shows that the net change could be significant with four of the districts experiencing double-digit declines (red) based on the respective lawmakers' cumulative MBRG scores over their entire tenure in the legislature. We used the cumulative score, rather than the score from any single year, because it is a more accurate, long-term measure that is less affected by short-term aberrations.

With two of the districts experiencing double digit increases (green) in pro-business scores, it is an overall net loss of two districts (four decreasing and two increasing), wherein electing the sitting Delegate would likely result in votes that are consistently in opposition to pro-growth, pro-jobs policy.

District	Senator	Senator's MBRG Score	Delegate	Delegate's MBRG Score	Net Change
12	Kasemeyer	55%	Lam	29%	-26%
18	Madaleno	21%	Waldstreicher	22%	+1%
19	Manno	19%	Kramer	28%	+9%
25	Currie	45%	Angel	25%	-20%
26	Muse	41%	NA	NA	NA
30	Astle	65%	George	89%	+24%
32	DeGrange	69%	Beidle	45%	-24%
35	Norman	89%	NA	NA	NA
41	Oaks	33%	Carter	24%	-9%
42	Brochin	46%	West	95%	+49%
47	Ramirez	22%	NA	NA	NA

This net change in overall voting tendency could be even more problematic considering the recent trends and patterns in the House of Delegates and the Senate. In recent years, multiple pieces of legislation that are collectively job destroyers, rather than job creators, have been introduced in the House, then passed on the House floor. Fortunately for Maryland's employers and employees, some of these bills either stall in a Senate committee or are voted down by committee members who take a thoughtful view of the legislation's full effects. Several of the retiring Senators are key members of the important committees that vet these House-approved bills and prevent them from achieving a floor vote in the Senate. If more of these ill-advised bills are passed because the Senate has become collectively less concerned about the bills' negative effects on Maryland's economy and job creation/growth/sustainability, then our business climate – as well as our job market - will decline. ☢

Suggested Reading

Although these might not be examples of traditional "beach reading", the following three books adroitly articulate why a positive business climate is of critical importance to a thriving state economy, so we highly recommend them for summer reading lists. We are convinced that an understanding, particularly among legislators, of the lessons within these publications will help produce an ever-strengthening economy and pro-job climate in Maryland.

In each case, the authors use actual data from all 50 states to clearly demonstrate the policies that either strengthen or diminish a state economy. The first two descriptions below are taken directly from their respective websites. The third is our own summary.

Wealth of States
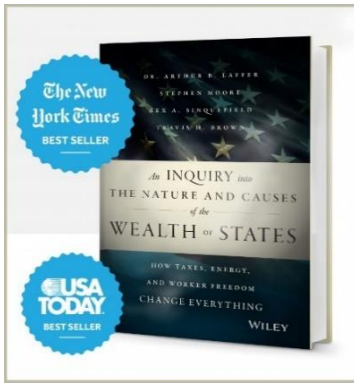
An Inquiry into the Nature and Causes of the Wealth of States is a detailed and critical look into the tax and regulatory policies across the 50 states and the subsequent economic growth or malaise that follows from these state policy choices. In short, the authors conclude you can't tax a state into prosperity, nor can a poor person spend himself into wealth. Along the same lines, if you tax rich people and give the money to poor people, sooner or later you'll have lots and lots of poor people and no rich people. Based on their detailed quantitative analysis with graphical evidence and colorful anecdotes sprinkled throughout, the authors' detailed exposition evaluates the impact state and local government policies have on a state's relative performance and lays down a roadmap to sound economic policies that lead to growth and prosperity.

Some of the most important variables examined in-depth include:

- Personal and corporate income tax rates

- Total tax burden as a percentage of personal income

- Estate and inheritance taxes

- Right-to-work laws

Visit www.wealthofstates.com to order.

Rich States, Poor States
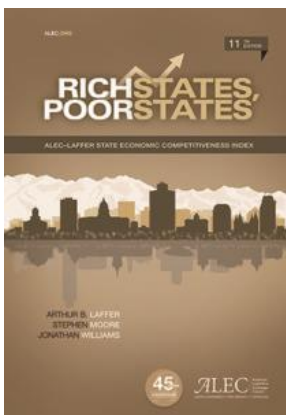
Rich States, Poor States examines the latest trends in state economic growth. The data ranks the 2018 economic outlook of states using 15 equally weighted policy variables, including various tax rates, regulatory burdens and labor policies. The eleventh edition examines trends over the last few decades that have helped or hurt states' economies.

Used by state lawmakers across America since 2008, Rich States, Poor States: ALEC-Laffer State Economic Competitiveness Index, is authored by White House Advisor and economist Dr. Arthur B. Laffer, White House Advisor and Economist Stephen Moore, and Jonathan Williams, Vice President of the American Legislative Exchange Council Center for State Fiscal Reform.

Visit www.richstatespoorstates.com to purchase a hard *copy or download for free.*
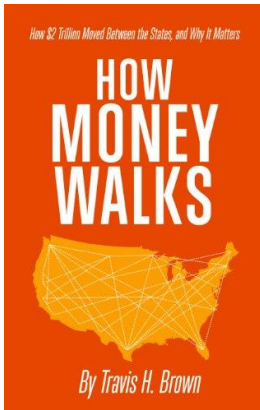
How Money Walks

Although we recommend the book, there is a wealth of free information on the website, where legislators can see that Maryland loses a net $13.4 billion in annual AGI as money "walks" to other states. The site even includes county-level data, where we can see that Baltimore, Montgomery, and Prince George's Counties are net losers, whereas Howard, Carroll, and Frederick Counties, among others, are net gainers.

The interactive maps, which are derived from actual IRS data, clearly demonstrate a mass migration of wealth from high-tax states (and counties) to low-tax states (and counties).

Visit www.howmoneywalks.com to explore the information.

MBRG Scores by County Delegation

County	MBRG 2018	MBRG 2017	2018 %tile	MBRG CUM%
Greater than 70% MBRG CUM%				
Allegany	98%	100%	75	92%
Calvert	68%	70%	55	74%
Caroline	100%	99%	76	96%
Carroll	98%	100%	75	96%
Cecil	95%	98%	74	94%
Dorchester	81%	84%	66	81%
Frederick	67%	71%	54	70%
Harford	86%	91%	68	87%
Kent	100%	100%	76	97%
Queen Anne's	100%	100%	76	97%
Somerset	69%	73%	65	75%
St. Mary's	100%	98%	76	97%
Talbot	100%	98%	76	95%
Washington	98%	98%	75	94%
Wicomico	80%	81%	67	81%
Worcester	79%	77%	68	81%
Between 70%-40% MBRG CUM%				
Anne Arundel	63%	67%	56	70%
Baltimore County	55%	58%	54	58%
Howard	48%	49%	47	53%
Less Than 40% MBRG CUM%				
Baltimore City	17%	24%	21	28%
Charles	21%	28%	31	38%
Montgomery	18%	23%	24	25%
Prince George's	16%	24%	20	29%

Did you know?

Greatest score gaps among delegates in multi-member districts
(MBRG Cumulative Score)

District 8
Delegate Bromwell	*55%*
Delegate Cluster	*95%*
Delegate Miele	*87%*

District 30A
Speaker Busch	*44%*
Delegate McMillan	*84%*

District 34A
Delegate Glass	*94%*
Delegate Lisanti	*23%*

Maryland Business for Responsive Government

Maryland Business for Responsive Government
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YES! I want to help MBRG and *Roll Call* improve Maryland's business climate.

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Title_____

Organization_____

Address_____

_____

City_____ State____ Zip Code_____

Phone_____

Please provide the e-mail addresses for those who are interested in receiving important information from MBRG:

E-Mail_____

E-Mail_____

E-Mail_____

All MBRG members receive:

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- ✦ Notification of *Roll Call* publication
- ✦ Copies of *Roll Call*
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We recognize that among businesses there are many variables in choosing a membership level. Please consider your company's annual gross revenues for guidance on an appropriate membership level. The recommended levels are:

Over $50 million	Trustee
$10 to $50 million	Chairman
$5 to $10 million	President
$1 to $5 million	Leadership

I am interested in joining at the following annual level:

☐ **Trustee Level ($15,000 per year)**
   ✦ Invitation to join Board of Directors

☐ **Chairman ($10,000 per year)**
   ✦ Consideration for Board of Directors

☐ **President ($5,000 per year)**

☐ **Leadership ($1,000 per year)**

If you could change one thing about Maryland, what would it be?

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