



2017

ROLL CALL

How Maryland's 188 Legislators Voted
on Bills Important to Business and Jobs

MARYLAND BUSINESS FOR RESPONSIVE GOVERNMENT

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Maryland Business for Responsive Government

Extreme Government: What it does not Mandate, it Bans

Mandates and bans are the antithesis of economic freedom and job growth:

- They are one-size-fits-all pronouncements that ignore or discount nuance, subtlety, variability, and compromise;
- They transfer all power away from the governed and into the hands of government;
- They assume a static, rather than dynamic, business and economic environment;
- They eliminate incentive; and
- They dampen the business climate, thereby stifling economic activity and job growth.



In short, mandates and bans are the hammer and business is the nail. They are legislative sticks when carrots would be more effective (not to mention, modest).

It is disturbing, therefore, that these seemingly countervailing approaches – two polar extremes on an otherwise broad spectrum - permeate the Maryland General Assembly year after year, and were dominant themes of the 2017 legislative session, in particular. The Maryland legislature grants itself an increasingly larger role in attempting to direct and manipulate our state's \$378 billion economy and control the rate at which jobs are created and destroyed. And it does so with little or no middle ground. It's all mandates and bans, leaving virtually no room for compromise or resolution of different experiences and perspectives.

Such legislative extremism is the epitome of political hubris considering that few Maryland legislators have ever signed the front of a paycheck or had any serious training in business and economics. How ironic that freedom, liberty, self-determination, and free-market principles have been relegated to mere idealistic constructs in a state that proved essential to the success of the American Revolution! (*continued on page 22*)

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 "right" vote, supporting MBRG's position for business and jobs.

- A "wrong" vote, opposing MBRG's position for business and jobs.

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 2016 A legislator's score for 2016, 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.

2017 %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 2017 MBRG % rating ranks in relation to other legislators' ratings. For example, a Senator with a percentile ranking of 78 has a 2017 MBRG rating greater than 78 percent of his or her fellow Senators during this time period.

Maryland Business for Responsive Government

MARYLAND SENATE VOTES

	SB111	SB230	SB230(A1)	SB230(A2)	SB230(A3)	SB230(A4)	SB317	SB319	SB404	SB468	SB484	SB921(2016)	SB971	HB1143	HB1325	MBRG 2017	2017 %tile	MBRG CUM %
Allegany, Garrett, & Washington Counties 1 George C. Edwards (R) *	+	+	+	+	+	+	+	+	■	■	+	+	+	■	+	100%	78	86%
Washington County 2 Andrew A. Serafini (R) *	+	+	+	+	+	+	+	+	■	■	+	0	+	■	+	100%	78	92%
Frederick County 3 Ronald N. Young (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	35%
Carroll & Frederick Counties 4 Michael J. Hough (R) *	+	+	+	+	+	+	+	+	■	■	+	+	+	■	+	100%	78	94%
Carroll County 5 Justin D. Ready (R) *	+	+	+	+	+	+	+	+	■	■	+	+	+	■	+	100%	78	98%
Baltimore County 6 Johnny Ray Salling (R)	+	+	+	+	+	+	+	+	■	■	+	+	+	■	+	100%	78	100%
Baltimore & Harford Counties 7 J.B. Jennings (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	78	91%
Baltimore County 8 Katherine A. Klausmeier (D)	+	+	+	+	+	+	+	+	+	+	-	-	+	-	-	80%	67	62%
Carroll & Howard Counties 9 Gail H. Bates (R) *	+	+	+	+	+	+	+	+	■	■	+	+	+	■	+	100%	78	96%
Baltimore County 10 Delores G. Kelley (D)	+	-	nv-	nv-	nv-	nv-	+	+	■	■	-	-	-	■	-	25%	4	35%
11 Robert A. Zirkin (D)	+	+	+	+	+	+	+	+	■	■	-	-	-	■	-	67%	63	41%
Baltimore & Howard Counties 12 Edward J. Kasemeyer (D)	+	-	-	-	-	+	+	+	■	■	-	-	-	■	-	33%	39	55%
Howard County 13 Guy J. Guzzone (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	32%
Montgomery County 14 Craig Zucker (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	25%
15 Brian J. Feldman (D)	+	-	-	-	-	-	+	+	+	+	-	-	-	-	-	33%	39	29%
16 Susan C. Lee (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	23%
17 Cheryl C. Kagan (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	43%
18 Richard S. Madaleno, Jr. (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	21%
19 Roger P. Manno (D)	+	-	-	-	-	-	-	+	■	■	-	-	-	■	-	17%	0	19%
20 William C. Smith, Jr. (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	29%
Anne Arundel & Prince George's Counties 21 James C. Rosapepe (D)	+	-	-	-	nv-	-	+	+	+	+	-	-	-	-	-	33%	39	32%
Prince George's County 22 Paul G. Pinsky (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	26%
23 Douglas J.J. Peters (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	33%
24 Joanne C. Benson (D)	+	-	-	-	-	-	+	+	nv	+	-	-	-	+	-	36%	52	34%
25 Ulysses Currie (D)	+	-	-	-	+	-	+	+	■	■	-	-	-	■	-	33%	39	45%
26 C. Anthony Muse (D)	+	-	-	-	-	-	+	+	■	■	-	-	+	■	-	33%	39	41%
Calvert, Charles, & Prince George's Counties 27 Thomas V. Mike Miller, Jr. (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	54%
Charles County 28 Thomas M. Middleton (D)	+	-	-	-	-	-	+	+	+	+	-	-	-	+	-	40%	56	54%
Calvert & St. Mary's Counties 29 Stephen M. Waugh (R)	+	+	+	+	+	+	+	+	■	■	+	+	+	■	+	100%	78	100%
Anne Arundel County 30 John C. Astle (D)	+	-	+	-	-	-	+	+	+	+	-	-	+	+	-	53%	60	65%
31 Bryan W. Simonaire (R) *	+	+	+	+	+	+	+	+	■	■	+	+	+	■	-	92%	71	91%
32 James E. DeGrange, Sr. (D)	+	+	+	+	+	+	+	+	■	■	+	-	+	■	-	83%	69	69%
33 Edward R. Reilly (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	-	93%	76	97%

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MARYLAND SENATE VOTES

	SB111	SB230	SB230(A1)	SB230(A2)	SB230(A3)	SB230(A4)	SB317	SB319	SB404	SB468	SB484	SB921(2016)	SB971	HB1143	HB1325	MBRG 2017	2017 %tile	MBRG CUM %
Harford County 34 Robert G. Cassilly (R)	+	+	+	+	+	+	+	+	■	■	+	+	+	■	-	92%	71	96%
Cecil & Harford Counties 35 Wayne Norman (R) *	+	+	+	+	+	+	+	+	■	■	+	+	+	■	o	100%	78	89%
Caroline, Cecil, Kent, & Queen Anne's Counties 36 Stephen S. Hershey, Jr. (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	78	93%
Caroline, Dorchester, Talbot & Wicomico Counties 37 Adelaide C. Eckardt (R) *	+	+	o	o	o	o	+	+	■	■	+	+	+	■	+	100%	78	88%
Somerset, Wicomico & Worcester Counties 38 James N. Mathias, Jr. (D)	+	-	-	-	-	+	+	+	+	-	-	-	+	-	-	47%	58	55%
Montgomery County 39 Nancy J. King (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	30%
Baltimore City 40 Barbara A. Robinson (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	24%
41 Nathaniel T. Oaks (D) †	+	-	-	-	-	-	+	+	+	+	-	-	-	-	-	36%	52	33%
Baltimore County 42 James Brochin (D)	+	+	+	-	+	+	+	+	■	■	+	-	+	■	-	75%	65	46%
Baltimore City 43 Joan Carter Conway (D)	o	-	-	-	-	-	+	+	■	■	-	-	-	■	-	18%	2	33%
Baltimore City and Baltimore County 44 Shirley Nathan-Pulliam (D)	+	-	-	+	nv-	nv-	+	+	■	■	-	-	-	■	-	33%	39	29%
Baltimore City 45 Nathaniel J. McFadden (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	42%
46 William C. Ferguson, IV (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	25%
Prince George's County 47 Victor R. Ramirez (D)	+	-	-	-	-	-	+	+	■	■	-	-	-	■	-	25%	4	22%

†Senator Oaks' minus (-) vote on SB921(2016) reflects his minus (-) vote on HB 1106(2016), which took place before he left the House of Delegates for the Senate.



James E. DeGrange, Sr. (D)
District 32

This Anne Arundel County Senator rated the highest cumulative score (69%) amongst all Democratic veterans in the Senate (minimum 4 years' service in the State Senate).



Edward R. Reilly (R)
District 33

This Anne Arundel County Senator rated the highest cumulative score (97%) amongst all Republican veterans in the Senate (minimum 4 years' service in the State Senate).

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

	HB1	HB1(A1)	HB1(A2)	HB1(A3)	HB271	HB363	HB398	HB440	HB506	HB531	HB1106(2016)	HB1143	HB1146	HB1325	SB317	SB319	MBRG 2017	MBRG 2016	2017 %tile	MBRG CUM%
Garrett & Allegany Counties																				
1A Wendell R. Beitzel (R) *	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	88%
Allegany County																				
1B Jason C. Buckel (R) *	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	93%
Allegany & Washington Counties																				
1C Michael W. McKay (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	100%
Washington County																				
2A Neil C. Parrott (R) *	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	96%
2A William J. Wivell (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	-	+	+	92%	100%	67	97%
2B Brett R. Wilson (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	nv-	+	92%	90%	67	94%
Frederick County																				
3A Carol L. Krimm (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	30%	11	30%
3A Karen Lewis Young (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	30%	11	30%
3B William G. Folden (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	97%
Carroll & Frederick Counties																				
4 Kathryn L. Afzali (R) *	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	100%
4 Barrie S. Ciliberti (R) *	+	+	+	+	+	o	+	■	+	■	+	+	■	+	+	+	100%	100%	74	87%
4 David E. Vogt III (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	90%	74	97%
Carroll County																				
5 Susan W. Krebs (R) *	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	90%
5 April R. Rose (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	97%
5 Haven N. Shoemaker, Jr. (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	100%
Baltimore County																				
6 Robin L. Grammer, Jr. (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	97%
6 Robert B. Long (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	100%
6 Richard W. Metzgar (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	97%
Baltimore & Harford Counties																				
7 Richard K. Impallaria (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	74	91%
7 Patrick L. McDonough (R) *	+	+	+	+	o	+	+	■	o	■	+	+	■	+	+	+	100%	100%	74	91%
7 Kathy Szeliga (R) *	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	90%	74	99%
Baltimore County																				
8 Eric M. Bromwell (D)	+	nv-	nv-	nv-	-	+	-	■	-	■	-	-	■	-	+	+	31%	67%	60	57%
8 Joseph C. Cluster (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	-	74	-
8 Christian J. Miele (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	-	+	+	92%	80%	67	87%
Carroll & Howard Counties																				
9A Trent M. Kittleman (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	97%
9A Warren E. Miller (R) *	+	+	+	+	o	+	+	+	+	+	+	+	+	+	+	+	100%	100%	74	97%
Howard County																				
9B Robert L. Flanagan (R) *	+	+	+	nv-	+	+	+	■	+	■	+	+	■	-	+	+	85%	82%	65	81%
Baltimore County																				
10 Benjamin T. Brooks, Sr. (D)	-	-	-	-	-	+	-	-	-	-	-	-	+	-	+	+	25%	25%	50	30%
10 Jay Jalisi (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	18%	11	26%
10 Adrienne A. Jones (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	30%	11	28%
11 Shelly L. Hettelman (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	30%	11	30%
11 Dan K. Morhaim (D)	-	+	-	-	o	+	-	■	-	■	-	-	■	-	o	+	27%	38%	58	35%
11 Dana M. Stein (D)	-	nv-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	27%	11	28%
Baltimore & Howard Counties																				
12 Eric D. Ebersole (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	33%	11	31%
12 Terri L. Hill (D)	-	-	-	-	-	+	+	■	-	■	-	-	■	-	+	+	31%	30%	60	33%
12 Clarence K. Lam (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	27%	11	29%
Howard County																				
13 Vanessa E. Atterbeary (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	30%	11	28%
13 Shane E. Pendergrass (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	30%	11	31%
13 Frank S. Turner (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	33%	11	31%

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MARYLAND HOUSE OF DELEGATES VOTES

	HB1	HB1(A1)	HB1(A2)	HB1(A3)	HB271	HB363	HB398	HB440	HB506	HB531	HB1106(2016)	HB1143	HB1146	HB1325	SB317	SB319	MBRG 2017	MBRG 2016	2017 %tile	MBRG CUM%
Montgomery County																				
14 Anne R. Kaiser (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	33%	11	25%
14 Eric G. Luedtke (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	33%	11	22%
14 Pamela Queen (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	22%	11	23%
15 Kathleen M. Dumais (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	nv-	+		15%	33%	26	26%
15 David V. Fraser-Hidalgo (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	27%	11	23%
15 Aruna Miller (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	22%
16 C. William Frick (D)	-	-	-	-	+	-	-	-	-	-	-	-	-	+	+		19%	25%	5	21%
16 Ariana B. Kelly (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	26%
16 Marc A. Korman (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	25%
17 Kumar P. Barve (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	27%	11	37%
17 James W. Gilchrist (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	27%	11	25%
17 Andrew Platt (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	20%	11	27%
18 Alfred C. Carr, Jr. (D)	-	-	-	-	+	-	■	o	■	-	-	■	-	+	+		25%	30%	50	24%
18 Ana Sol Gutiérrez (D)	-	-	-	-	+	-	-	-	■	-	-	■	-	+	o		17%	25%	2	26%
18 Jeffrey D. Waldstreicher (D)	-	-	-	-	+	-	-	-	-	-	-	-	-	+	+		19%	25%	5	23%
19 Bonnie L. Cullison (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	23%
19 Benjamin F. Kramer (D)	-	-	-	-	+	-	-	-	-	-	-	-	-	+	+		19%	25%	5	29%
19 Marice L. Morales (D)	-	-	-	-	+	-	■	-	■	-	o	■	-	+	+		25%	30%	50	29%
20 Sheila E. Hixson (D)	-	-	-	-	o	+	■	-	■	-	-	■	-	+	+		25%	30%	50	34%
20 David Moon (D)	-	-	-	nv	+	-	■	-	■	-	-	■	-	nv-	+		17%	20%	2	23%
20 Jheanelle Wilkins (D)	-	-	nv-	-	+	-	■	-	■	-	-	■	-	+	+		23%	-	11	-
Anne Arundel & Prince George's Counties																				
21 Benjamin S. Barnes (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	23%
21 Barbara A. Frush (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	27%	11	29%
21 Joseline A. Peña-Melnyk (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	22%	11	25%
Prince George's County																				
22 Tawanna P. Gaines (D)	-	-	-	-	+	-	■	o	■	-	-	■	-	+	+		25%	30%	50	26%
22 Anne Healey (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	27%	11	31%
22 Alonzo T. Washington (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	20%	11	23%
23A Geraldine Valentino-Smith (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	o		17%	30%	2	25%
23B Marvin E. Holmes, Jr. (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	27%	11	27%
23B Joseph F. Vallario, Jr. (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	36%
24 Ereik L. Barron (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	30%
24 Carolyn J.B. Howard (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	33%	11	34%
24 Jazz Lewis (D)	-	-	-	-	+	-	■	-	■	o	-	■	-	+	+		25%	-	50	-
25 Angela M. Angel (D)	-	-	-	-	nv-	-	■	o	■	-	-	■	-	nv-	+		8%	40%	0	26%
25 Darryl Barnes (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	30%
25 Dereck E. Davis (D)	-	-	-	-	+	-	nvc	-	nvc	-	-	nvc	-	+	+		23%	22%	11	34%
26 Tony Knotts (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	27%	11	29%
26 Kriselda Valderrama (D)	-	-	-	-	+	-	-	-	-	-	-	-	-	+	+		19%	25%	5	24%
26 Jay Walker (D)	-	-	-	-	+	-	■	nv	■	-	-	■	o	+	+		27%	40%	58	33%
Charles & Prince George's Counties																				
27A Elizabeth G. Proctor (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	26%
Calvert & Prince George's Counties																				
27B Michael A. Jackson (D)	o	-	-	-	+	-	■	-	■	-	-	■	-	+	+		25%	30%	50	32%
Calvert County																				
27C Mark N. Fisher (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	o		100%	100%	74	96%
Charles County																				
28 Sally Y. Jameson (D)	-	-	-	-	+	-	-	-	-	-	-	+	-	+	+		25%	33%	50	46%
28 Edith J. Patterson (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	30%
28 C.T. Wilson (D)	+	nv-	nv-	nv-	nv	+	-	-	-	-	-	+	-	+	+		33%	36%	62	32%
St. Mary's County																				
29A Matt Morgan (R)	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+		100%	100%	74	100%
29B Deborah C. Rey (R)	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+		100%	89%	74	90%
Calvert & St. Mary's Counties																				
29C Gerald W. Clark (R)	+	o	o	o	+	+	+	■	-	■	+	+	■	+	+		90%	-	67	-

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

	HB1	HB1(A1)	HB1(A2)	HB1(A3)	HB271	HB363	HB398	HB440	HB506	HB531	HB1106(2016)	HB1143	HB1146	HB1325	SB317	SB319	MBRG 2017	MBRG 2016	2017 %tile	MBRG CUM%
Anne Arundel County																				
30A Michael E. Busch (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	o	+	17%	30%	2	45%
30A Herbert H. McMillan (R) *	+	+	+	+	+	+	-	■	+	■	+	+	■	-	+	+	85%	89%	65	83%
30B Seth A. Howard (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	74	95%
31A Ned P. Carey (D)	+	+	-	-	+	+	-	-	+	-	+	-	+	-	+	+	56%	58%	64	57%
31B Nicholas R. Kipke (R) *	+	+	+	+	+	o	+	■	+	■	+	+	■	+	+	+	100%	90%	74	83%
31B Meagan C. Simonaire (R)	+	+	+	+	+	+	-	■	+	■	+	+	■	+	+	+	92%	89%	67	93%
32 Pamela G. Beidle (D)	-	+	-	-	-	+	-	■	+	■	-	-	■	-	+	+	38%	64%	62	47%
32 Mark S. Chang (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	40%	11	37%
32 Theodore J. Sophocleus (D)	-	+	-	-	-	+	-	■	-	■	-	-	■	-	+	+	31%	40%	60	55%
33 Michael E. Malone (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	100%
33 Tony McConkey (R) *	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	88%
33 Sid A. Saab (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	100%
Harford County																				
34A Glen Glass (R) *	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	90%	74	94%
34A Mary Ann Lisanti (D)	-	-	-	-	-	+	-	-	-	-	-	-	o	-	nv-	+	13%	33%	0	31%
34B Susan K. McComas (R) *	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	89%
Cecil County																				
35A Kevin B. Hornberger (R)	+	+	+	+	+	+	+	■	-	■	+	+	■	+	+	+	92%	80%	67	90%
Cecil & Harford Counties																				
35B Andrew P. Cassilly (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	-	+	+	92%	82%	67	87%
35B Teresa E. Reilly (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	90%	74	97%
Caroline, Cecil, Kent, & Queen Anne's Counties																				
36 Steven J. Arentz (R) *	+	+	+	+	+	+	+	+	+	+	+	+	o	o	+	+	100%	90%	74	95%
36 Jefferson L. Christ (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	100%
36 Jay A. Jacobs (R) *	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	97%
Dorchester & Wicomico Counties																				
37A Sheree Sample-Hughes (D)	-	-	+	-	+	+	-	■	-	■	-	-	■	o	+	+	42%	50%	63	45%
Caroline, Dorchester, Talbot & Wicomico Counties																				
37B Christopher T. Adams (R)	+	+	+	+	+	+	+	o	+	+	+	+	o	+	+	+	100%	100%	74	100%
37B John F. Mautz IV (R)	+	+	+	+	+	+	-	+	+	+	+	+	+	o	+	+	93%	92%	72	94%
Somerset & Worcester Counties																				
38A Charles J. Otto (R) *	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	100%	74	96%
Wicomico County																				
38B Carl L. Anderton, Jr. (R)	+	+	+	+	+	+	-	■	+	■	+	nv	■	-	+	+	83%	91%	65	90%
Wicomico & Worcester Counties																				
38C Mary Beth Carozza (R)	+	+	+	+	+	+	+	■	+	■	+	+	■	+	+	+	100%	90%	74	97%
Montgomery County																				
39 Charles E. Barkley (D)	-	-	-	-	-	+	-	-	-	-	-	-	-	-	+	+	19%	25%	5	25%
39 Kirill Reznik (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	30%	11	31%
39 A. Shane Robinson (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	27%	11	20%
Baltimore City																				
40 Frank M. Conaway, Jr. (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	30%	11	30%
40 Antonio L. Hayes (D)	-	-	nv-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	30%	11	30%
40 Nick Mosby (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	-	11	23%
41 Bilal Ali (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	25%	-	50	25%
41 Angela Gibson (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	25%	-	50	25%
41 Samuel I. Rosenberg (D)	-	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+	23%	33%	11	35%

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

	HB1	HB1(A1)	HB1(A2)	HB1(A3)	HB271	HB363	HB398	HB440	HB506	HB531	HB1106(2016)	HB1143	HB1146	HB1325	SB317	SB319	MBRG 2017	MBRG 2016	2017 %tile	MBRG CUM%
Baltimore County																				
42A Stephen W. Lafferty (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	27%	11	26%
42B Susan L. M. Aumann (R) *	+	+	+	+	+	+	+	+	+	+	+	+	-	+	+		94%	92%	73	89%
42B Christopher R. West (R)	+	+	+	+	+	+	■	+	■	+	+	■	-	+	+		92%	90%	67	93%
Baltimore City																				
43 Curtis S. Anderson (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	31%
43 Maggie McIntosh (D)	-	-	-	-	+	-	■	0	■	-	-	■	-	+	+		25%	30%	50	29%
43 Mary L. Washington (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	33%	11	33%
44A Keith E. Haynes (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	27%
Baltimore County																				
44B Charles E. Sydnor III (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	31%
44B Patrick G. Young, Jr. (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	30%
Baltimore City																				
45 Talmadge Branch (D)	-	-	-	-	0	-	-	-	-	-	-	-	-	+	+		13%	18%	0	36%
45 Cheryl D. Glenn (D)	-	-	-	-	+	-	-	-	-	-	-	-	-	+	+		19%	25%	5	25%
45 Cory V. McCray (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	27%	11	29%
46 Luke Clippinger (D)	-	-	-	-	+	-	-	-	-	-	-	-	-	+	+		19%	25%	5	21%
46 Robbyn Lewis (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	-	11	23%
46 Brooke E. Lierman (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	30%
Prince George's County																				
47A Diana M. Fennell (D)	-	-	-	-	+	-	-	-	-	-	-	0	-	+	+		20%	33%	10	30%
47B Jimmy Tarlau (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	20%	11	27%
47B Carlo Sanchez (D)	-	-	-	-	+	-	■	-	■	-	-	■	-	+	+		23%	30%	11	26%



Eric Bromwell (D)
District 8

This Baltimore County Delegate scored the highest cumulative rating (57%) amongst all Democratic veterans in the House (minimum 4 years' service).



Kathryn L. Afzali (R)
District 4

This Carroll & Frederick County Delegate scored the highest cumulative rating (100%) amongst all Republican veterans in the House (minimum 4 years' service).

Maryland Business for Responsive Government

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. 🗳️

Maryland Business for Responsive Government

The Meaning of “Business Friendly”

The following are elements of a positive business 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.

2017 SENATE VOTE DESCRIPTIONS

1 SB 111 - Recordation and Transfer Taxes - Exemptions - Property Conveyed from Sole Proprietorship to Limited Liability Company *Senator McFadden*

Exempts small, sole proprietors from recordation and transfer taxes when they transfer real property from a sole proprietorship to a limited liability company (LLC), if the sole member of the LLC is identical to the converting sole proprietor, and subject to compliance with other specified conditions.

A “+” vote indicates a vote for SB 111 and reflects MBRG’s support for reduced taxes, fees and regulations for small business. Agreeing with MBRG’s position, the Senate approved SB 111, 46-0, on February 13, 2017.

2 SB 230 – Labor and Employment – Maryland Healthy Working Families Act *Senator Middleton, 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, SB 230: (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 against SB 230 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, SB 230 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 sick leave benefit laws on the same area of the state, Montgomery County. Disagreeing with MBRG’s position, the Senate approved SB 230, 29-18, on March 16, 2017.

3 SB 230(A1) - Senate Floor Amendment 283323/1- Labor and Employment - Maryland Healthy Working Families Act *Senator Ready*

See Senate Vote 2 for a description of SB 230. SB 230 exempts union construction workers from the paid safe and sick leave mandate. This amendment would have removed the exemption. The carve-out of one industry and the exemption of such a small part of that industry (13%) means that non-union contractors will have to abide by this new law while union contractors are exempted, thus placing non-union contractors at a competitive disadvantage as they will have to incorporate the costs of SB 230 into future bids.

A “+” vote indicates a vote for the Floor Amendment and reflects MBRG’s support for fair and open competition in the procurement process without regard to labor affiliation. This exemption harms Maryland’s business climate and non-unionized construction businesses, leaving other industries to

2017 SENATE VOTE DESCRIPTIONS

wonder if their unionized competitors will be given preferential treatment by the State. Disagreeing with MBRG's position, the Senate rejected Senator Ready's Floor Amendment, 27-18, on March 10, 2017.

4 SB 230(A2) – Senate Floor Amendment 223624/1 – Labor and Employment – Maryland Healthy Working Families Act *Senator Norman*

See Senate Vote 2 on page 11 for a description of SB 230. The Floor Amendment removes the onerous enforcement and sanction provisions of the bill and substitutes provisions consistent with the enforcement and sanction provisions already enacted under Maryland law for similar varieties of employee leave.

As introduced, SB 230 authorized the Commissioner of Labor to receive complaints, conduct mediation, and in the case of violations issue an order requiring employers to pay up to full monetary value of any unpaid leave, actual economic damages, and reasonable attorney's fees. This authority is consistent with the Commissioner's authority to enforce all other labor and employment laws on employee leave. However, SB 230 contained additional sanctions for violations not found anywhere else in Maryland law, including:

(1) Commissioner authority to impose both a penalty of three times the employee's wage and a civil penalty up to \$1,000 per violation; (2) employees can bring a civil action to enforce a Commissioner-imposed penalty and obtain mandatory (non-discretionary) treble damages, punitive damages, legal counsel fees and costs, injunctive relief, and any other relief a court wishes to impose; and (3) presumption of employer liability (requiring employers to bear the evidentiary burden of proving no violation).

A "+" vote indicates a vote for the Floor Amendment and reflects MBRG's opposition to onerous employer sanctions, which would create unreasonable expansion of liability for employers. The imposition of employer

sanctions not imposed anywhere else under Maryland labor laws, and with no track record demonstrating that employers would fail to comply, is disproportionately burdensome on employers. The severity of these sanctions is especially unjustified because employer violations, if they occur at all, would typically be inadvertent or unintentional record-keeping errors. Disagreeing with MBRG's position, the Senate rejected Senator Norman's Floor Amendment, 28-17, on March 10, 2017.

5 SB230(A3) – Floor Amendment 923327/1 - Labor and Employment - Maryland Healthy Families Act *Senator Simonaire*

See Senate Vote 2 on page 11 for a description of SB 230. The Floor Amendment would have increased from 12 to 25 the minimum hours worked per week for an employee to be eligible for paid sick and safe leave benefits.

Among the many provisions of the bill that impose economic, administrative, and liability burdens on Maryland employers, SB 230 allows part-time employees working 12 hours per week -- less than three hours per day -- to accrue 20 hours of mandated paid sick and safe leave per year. Scheduling, calculating, tracking, and recording these benefit hours for part-time employees who work so few hours per week is burdensome and costly to manage, especially for small employers. If mistakes or omissions occur in this record-keeping, these small employers are exposed to unreasonable expansion of liabilities including severe sanctions, civil penalties, and enforcement action.

A "+" indicates a vote for the Floor Amendment and reflects MBRG's support of reasonable policies that exempt employees who work very few hours, thereby limiting the burdens imposed by mandated paid sick and safe leave. Disagreeing with MBRG's position, the Senate rejected Senator Simonaire's Floor Amendment, 25-18, on March 10, 2017.

2017 SENATE VOTE DESCRIPTIONS

6 SB 230(A4) - Senate Floor Amendment 903527/1 - Maryland Healthy Working Families Act

Senator Hershey

See Senate vote 2 on Page 11 for a description of SB 230. Under SB 230, as amended, employees are required to work more than 106 days (equivalent to the number of days between Memorial Day and Labor Day) before mandating that employers provide sick and safe leave, thereby including summer employees in the mandate. The Senate Floor Amendment sought to extend that number to a much more reasonable and workable 120 days, reflecting the period of time most seasonal employees work.

A “+” indicates a vote for the Floor Amendment, and reflects MBRG’s opposition to inadequate recognition of the needs of employers engaged in seasonal businesses. The 106-day exemption was inadequate because it failed to address the entire period of employment for thousands of seasonal workers, including training time, and places the employer in a position of being short-staffed during one of the busiest and most critical times of the year (the two weeks leading up to Labor Day), threatening a premature close of the seasonal business and resulting impact on their business. Disagreeing with MBRG’s position, the Senate rejected Senator Hershey’s Floor Amendment, 25-19, on March 10, 2017.

7 SB 317 - More Jobs for Marylanders Act of 2017

*President, by Request-Administration, and Senator
Bates, et al.*

Authorizes certain manufacturers to claim: (1) a 10-year income tax credit based on the number of jobs created at a qualifying facility; (2) a State property tax credit equal to 100% of the tax imposed on the facility’s real property; (3) a sales and use tax refund for specified purchases; and (4) exemption from paying corporate filing fees. In addition, SB 317 allows manufacturing businesses throughout the State to claim increased expensing amounts under the State income tax by conforming State law to the maximum aggregate costs of

expensing allowed under the Internal Revenue Code (IRC) and to claim any bonus depreciation amounts provided under the IRC. SB 317 also establishes an income tax credit for a business that employs an eligible apprentice; creates Workforce Development Sequence Scholarships for eligible community college students; sets specified vocational goals for high school students; and requires State agencies to analyze and report specified information on registered apprenticeship programs.

A “+” vote indicates a vote for SB 317 and reflects MBRG’s support for the use of tax incentives that will materially increase economic activity and improve Maryland’s business climate. This program will also increase employment opportunities, create and promote effective workforce training programs, and support existing and new manufacturing activity. Agreeing with MBRG’s position, the Senate approved SB 317, 46 – 1, on April 4, 2017.

8 SB 319 - Pathways in Technology Early College High (P-TECH) School Act of 2017

*President, by Request – Administration and
Senator Bates, et al.*

Alters the existing P-TECH School Program. P-TECH Schools are public secondary schools selected by the Maryland State Department of Education that partner with both a college and an industry partner. SB 319 enhances provisions and increases funding for P-TECH and establishes a system of funding for the program beginning in FY 2019.

A “+” vote indicates a vote for SB 319 and reflects MBRG’s support for effective workforce development and job training programs. Agreeing with MBRG’s position, the Senate approved SB 319, 47-0, on April 2, 2017.

2017 SENATE VOTE DESCRIPTIONS

9 SB 404 – Labor and Employment – Equal Pay – Job Announcement and Salary History Information Disclosures

Senator Lee, et al.

Prohibits employers with 15 or more employees from requesting salary and benefits history of prospective employees or screening those applicants based on that history. SB 404 also stipulates that 1) an employer may not prohibit employees from inquiring about, discussing, or disclosing their own or other employees' wages, and 2) an employer must include the minimum rate of pay in a job announcement and may not pay less than that amount once the position is announced. The bill prescribes civil penalties up to \$600 per applicant or employee for whom the employer is not in compliance. Various laws and policies already exist at the federal and state levels to ensure equal pay and redress discrimination.

A "+" vote indicates a vote against SB 404 and reflects MBRG's opposition to workplace restrictions that limit employers' discretion and ability to vet prospective employees properly and efficiently. SB 404 supposes that salary histories inhibit a woman's opportunity to earn a fair salary if low past salaries can influence future earnings, and unreasonably implies that a woman is incapable of negotiating her own salary or explaining why a past salary is no longer applicable or determinant of her current/future compensation. Notwithstanding the amendments, this bill complicates hiring negotiations, eliminates a time-tested screening tool for both employer and applicant to determine a reasonable fit for the position, and places Maryland employers at a competitive disadvantage as compared to employers in other states. Agreeing with MBRG's position, the Senate Finance Committee rejected SB 404, 10-0, on March 21, 2017.

10 SB 468 – Labor and Employment – Non-Compete and Conflict of Interest Clauses

Senator Astle

Renders null and void a non-compete or conflict of interest provision in an employment contract that restricts an employee, who earns equal to or less than \$15 per hour or \$31,200 per year, from engaging in employment with a new employer or becoming self-employed in the same or similar business or trade. Under current law, employers and employees are reasonably protected by allowances for restrictive covenants in those instances where employees provide unique services, or to prevent an employer's loss of trade secrets, customer lists, or unfair solicitation of existing customers. SB 468 eliminates those allowances, creating a significant workplace restriction.

A "+" vote indicates a vote against SB 468 and reflects MBRG's opposition to workplace restrictions that diminish reasonable protections for employers seeking to prevent loss of intellectual property and current business activity. Such a restriction would place Maryland's business climate at a competitive disadvantage and harm many Maryland employers. Agreeing with MBRG's position, the Senate Finance Committee rejected SB 468, 11-0, on February 22, 2017.

11 SB 484 – Maryland Transit Administration – Farebox Recovery Rate – Repeal

Senator Madaleno, et al.

Repeals the requirement that the Maryland Transit Administration (MTA) recover at least 35% of its total operating costs from fares and other operating revenues derived from its services in the Baltimore region, as well as other railroad services under its control. The removal of a minimum recovery rate may allow for mass transit projects to: 1) operate at unacceptably inefficient levels; and 2) consume more of the State's transportation funds, leaving less funding for road, highway, and bridge construction, which are key drivers of economic development.

2017 SENATE VOTE DESCRIPTIONS

A “+” indicates a vote against SB 484 and reflects MBRG’s opposition to eliminating the requirement that public transportation projects, which require significant subsidies, be reasonably cost effective. While the TTF revenues may not be affected, a farebox recovery rate measure is still needed to enable MTA to ensure that specific transit services are needed if they are to be continued. Removal of minimum recovery rates may allow public transportation costs to proliferate inefficiently, and thus may reduce the funds available for road and bridge construction work for local Maryland businesses and employees. Disagreeing with MBRG’s position, the Senate passed SB 484, 30-17, on March 16, 2017.

12 SB 921 (2016) - Veto Override – Clean Energy Jobs – Renewable Energy Portfolio - Standard Revisions

Senator Pugh, et al.

Governor Hogan vetoed SB 921 on May 27, 2016. Accelerates the annual percentage requirements for the production of certain forms of renewable energy to meet the State’s renewable energy portfolio standard (RPS) from 20% by 2022 to 25% by 2020. Maryland’s current RPS, enacted in 2004, requires all utilities and competitive retail suppliers to sell an ever-increasing minimum percentage of renewable energy at the retail level each year. SB 921 accelerates these increasing percentages, making Maryland’s RPS requirement the fourth highest in the nation by the year 2020. Because renewable energy is more expensive to produce than conventional energy, by 2020 alone SB 921 is projected to increase the cost to all Maryland energy consumers by a magnitude of between \$50 million - \$200 million per year, depending on renewable energy credit prices in a given year. Another provision in SB 921, creating significant additional energy cost increases to Maryland energy consumers by requiring utilities to enter into long-term contracts with generators of renewable energy facilities, was amended out of the bill.

A “+” indicates a vote to sustain the Governor’s veto of SB 921 and reflects MBRG’s opposition to substantial energy cost increases created by artificial subsidies for an already-mature renewable energy industry. Rather than letting markets work freely to provide the lowest cost energy choices to consumers, Maryland subsidizes renewable energy at considerable cost to energy consumers. SB 921 unnecessarily intensifies this subsidy and thereby imposes even higher energy costs on consumers. Every Maryland business is a consumer of energy. Disagreeing with MBRG’s position, the Senate overrode the Governor’s veto of SB 921, 32-13, on February 2, 2017.

13 SB 971 – Procurement – Nondiscrimination Clauses and State Policy Prohibiting Discrimination

(Senate 2nd Reader Vote)

Senator Kagan

As passed by the Senate Education, Health and Environmental Affairs Committee, SB 971 would have required the Maryland Commission on Civil Rights (MCCR) to investigate a complaint against a state contractor regarding the formation or composition of the contractor’s board of directors on the basis of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, disability or other unlawful use of characteristics. SB 971 was significantly amended on third reader to remove the requirement for an MCCR investigation but added uncoded language to require the MCCR, in conjunction with the Department of Commerce, “to study strategies for increasing diversity on boards of directors of for-profit and nonprofit entities in Maryland.”

A “+” vote indicates a vote against the second reader version of SB 971 and reflects MBRG’s opposition to unreasonable government intrusion into the management of private sector organizations. Disagreeing with MBRG’s position, the Senate approved SB 971 on second reader, 27-18, on March 17, 2017.

2017 SENATE VOTE DESCRIPTIONS

14 **HB 1143 – The Maryland Paystub Transparency Act** *Delegate Lierman, et al.*

As amended in the House, HB 1143 requires all employers to submit, in writing, specific information to every employee within 30 days of hire. Among other required disclosures, employers must provide details on the employee's calculated pay (e.g. salary, hourly, commission, etc.), and the employer's name, phone number, and physical address of the employer's main office or principal place of business, are some examples mandated upon employers to disclose. In addition, HB 1143 requires an employer, upon written request by an employee, to provide a breakdown on how the employee's wages were calculated for one or more pay periods.

A "+" vote indicates a vote against HB 1143 and reflects MBRG's opposition to duplicative and unreasonable workplace regulation. Any Maryland employer in compliance with existing law is already providing the information required in HB 1143. Agreeing with MBRG's position, the Senate Finance Committee rejected HB 1143, 8-3, on April 6, 2017.

15 **HB 1325 – Oil and Natural Gas – Hydraulic Fracturing -- Prohibition** *Delegate Fraser-Hidalgo, et al.*

Prohibits hydraulic fracturing of a well for the exploration or production of oil or natural gas in the State. Previously, regulations were published in 2015 and 2016 that would implement the expert report of the Marcellus Shale Safe Drilling Initiative Advisory Commission, which concluded, after years of research and testing, that hydraulic fracturing could be conducted safely in the State. Those 2015 regulations were withdrawn and the 2016 regulations were suspended. Prior legislation enacted in 2015 called for the postponement of further regulations and a delay of permits for hydraulic fracturing until October of 2017.

Maryland depends year-round on natural gas that is safely produced in neighboring states by hydraulic fracturing, and since 2006 natural gas use in Maryland has increased by 18 percent as the price of natural gas for residential consumers fell 26 percent

A "+" vote indicates a vote against HB 1325 and reflects MBRG's opposition to undue restriction on the growing need for U.S. energy self-sufficiency and cost savings, and on much-needed economic development and job creation in Western Maryland. HB 1325 serves only to perpetuate the State's unwarranted moratorium on hydraulic fracturing achieved through needless delay of regulations and permits. Disagreeing with MBRG's position, the Senate approved HB 1325, 36-10, on March 27, 2017.

Did you know?

Senator DeGrange (District 32) improved his score the most among Senators in 2017, scoring 83% in 2017 versus 40% in 2016. Over half (57%) of Maryland Senators scored lower in 2017 than in 2016.

2017 HOUSE VOTE DESCRIPTIONS

1 HB 1 – Labor and Employment – Maryland Healthy Working Families Act *Delegate Clippinger, et al.*

As introduced in the House, HB 1 requires an employer with 15 or more 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 7 days (56 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 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.

HB 1 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 little 91 calendar days per year or 16 hours in a 2-week period. The bill allows employees to carry over up to 56 hours of paid sick and safe leave from one year to the next, and to use up to 80 hours of accrued leave in any calendar year (an amount that is 24 hours more than one can earn in a year).

Various persons, including those under the age of 18, working less than 8 hours per week, employed in the agricultural sector, and construction workers covered by collective bargaining agreements are exempted from the paid sick and safe leave.

HB 1 also imposes up to 10 different disproportionately severe sanctions on employers who violate these requirements, including mandatory treble and punitive damages (courts have no discretion and must award these damages), as well as a rebuttable 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 against HB 1 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 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 sick leave benefit laws on the same area of the state, Montgomery County. Disagreeing with MBRG's position, the House of Delegates approved HB 1, 88-51, on March 3, 2017.

2 HB 1(A1)- House Floor Amendment 143223/1 - Maryland Healthy Working Families Act *Delegate Carozza*

See House Vote 1 for a description of HB 1. Under HB 1 as amended, employees are required to work more than 106 days (equivalent to the number of days between Memorial Day and Labor Day) before mandating that employers provide sick and safe leave, thereby including summer employees in the mandate. The House Floor Amendment sought to extend that number to a much more reasonable and workable 120 days, reflecting the period of time most seasonal employees work.

A “+” indicates a vote in favor of the House Floor Amendment, and reflects MBRG's opposition to inadequate recognition of the needs of employers engaged in seasonal businesses. The 106-day exemption was inadequate because it failed to address the entire period of employment for thousands of seasonal workers, including training time, and places the employer in a position of being short-staffed during one of the busiest and most critical times of the year (the two weeks leading up to Labor Day), threatening a premature close of the seasonal business and resulting impact on their business. Disagreeing with MBRG's position, the House of Delegates rejected Delegate Carozza's Floor Amendment, 84-53, on March 10, 2017.

2017 HOUSE VOTE DESCRIPTIONS

3 **HB 1(A2) - Floor Amendment 373125/1 – Maryland Healthy Working Families Act** *Delegate Jacobs*

See House Vote 1 on page 17 for a description of HB 1.
See Senate Vote 3 on page 11 for a description of the floor amendment.

A “+” vote indicates a vote for the House Floor Amendment and reflects MBRG’s support for fair and open competition in the procurement process without regard to labor affiliation. This exemption harms Maryland’s business climate and non-unionized construction businesses, leaving other industries to wonder if their unionized competitors will be given preferential treatment by the State. Disagreeing with MBRG’s position, the House rejected Delegate Jacob’s Floor Amendment, 85-50, on March 1, 2017.

4 **HB 1(A3) – House Floor Amendment 543829/1 – Labor and Employment – Maryland Healthy Working Families Act** *Delegate Malone*

See House Vote 1 on page 17 for a description of HB 1.
See Senate vote 4 on page 12 for a description of the floor amendment

A “+” vote indicates a vote for the House Floor Amendment and reflects MBRG’s opposition to onerous employer sanctions, which would create unreasonable expansion of liability for employers. The imposition of employer sanctions not imposed anywhere else under Maryland labor laws, and with no track record demonstrating that employers would fail to comply, is disproportionately burdensome on employers. The severity of these sanctions is especially unjustified because employer violations, if they occur at all, would typically be inadvertent or unintentional record-keeping errors. Disagreeing with MBRG’s position, the House of Delegates rejected Delegate Malone’s Floor Amendment, 89-48, on March 1, 2017.

5 **HB 271 – Maryland Transit Administration – Farebox Recovery Rate – Repeal** *Delegate Lierman, et al*

See Senate Vote 11 on page 14 for a description of HB 271.

A “+” indicates a vote against HB 271 and reflects MBRG’s opposition to eliminating the requirement that public transportation projects, which require significant subsidies, be reasonably cost effective. While the TTF revenues may not be affected, a farebox recovery rate measure is still needed to enable MTA to ensure that specific transit services are needed if they are to be continued. Removal of minimum recovery rates may allow public transportation costs to proliferate inefficiently, and thus may reduce the funds available for road and bridge construction work for local Maryland businesses and employees. Disagreeing with MBRG’s position, the House passed HB 271, 85-50, on March 12, 2017.

6 **HB 363 - Recordation and Transfer Taxes - Exemptions - Property Conveyed from Sole Proprietorship to Limited Liability Company** *Delegate A. Miller, et al.*

See Senate Vote 1 on page 11 for a description of HB 363.

A “+” vote indicates a vote for HB 363 and reflects MBRG’s support for reduced taxes, fees and regulations for small business. Agreeing with MBRG’s position, the Senate approved HB 363, 137-0, on March 7, 2017.

7 **HB 398 – Labor and Employment – Salary History Information Disclosures** *Delegates K. Young, et al.*

See Senate Vote 9 on page 14 for a description of HB 398.

2017 HOUSE VOTE DESCRIPTIONS

A “+” vote indicates a vote against HB 398 and reflects MBRG’s opposition to workplace restrictions that limit employers’ discretion and ability to vet prospective employees properly and efficiently. HB 398 was introduced as an “equal pay for equal work” bill (but that term was later removed from the title), theorizing that salary histories inhibit a woman’s opportunity to earn a fair salary if low past salaries can influence future earnings. HB 398 unreasonably implies that a woman is incapable of negotiating her own salary or explaining why a past salary is no longer applicable or determinant of her current/future compensation. Notwithstanding the amendments, this bill complicates hiring negotiations, eliminates a time-tested screening tool for both employer and applicant to determine a reasonable fit for the position, and places Maryland employers at a competitive disadvantage as compared to employers in other states. Disagreeing with MBRG’s position, the House of Delegates approved HB 398, 94-47, on March 12, 2017.

8 HB 440 – Employers of Ex-Offenders – Liability for Negligent Hiring or Inadequate Supervision – Immunity *Delegate Cassilly, et al.*

Establishes that employers engaged in a business, industry, profession, trade or other enterprise in Maryland may not be held liable for negligently hiring or failing to adequately supervise an employee on the grounds that the employee had received probation before judgment for an offense, or had been convicted of an offense, so long as the employee had completed his or her term of imprisonment or probation, or been released on parole. HB 440 limits this immunity to those whose employment was in the manufacturing industry, shipping and receiving industry (excluding work requiring the operation of a motor vehicle on a public roadway), warehousing industry, construction of new structures, or rehabilitation or demolition of unoccupied structures. Enacting this legislation would offer ex-offenders a second chance and a higher likelihood of success, while providing employers the necessary assurances of legal protections

A “+” indicates a vote in favor of HB 440 and reflects MBRG’s support of facilitating employment – and a productive return to society – for former offenders, while providing employers protection from excessive liability. Disagreeing with MBRG’s position, the House Economic Matters Committee rejected HB 440, 14-7, on March 7, 2017.

9 HB 506 – Labor and Employment – Non-Compete and Conflict of Interest Clauses *Delegate Carr, et al.*

See Senate Vote 10 on page 14 for a description of HB 506.

A “+” vote indicates a vote against HB 506 and reflects MBRG’s opposition to workplace restrictions that diminish reasonable protections for employers seeking to prevent loss of intellectual property and current business activity. Such a restriction would place Maryland’s business climate at a competitive disadvantage and harm many Maryland employers, including those who compete with out-of-state businesses. Disagreeing with MBRG’s position, the House of Delegates approved HB 506, 86-49, on February 24, 2017.

10 HB 531 - 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 531 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.

2017 HOUSE VOTE DESCRIPTIONS

A “+” indicates a vote in support of HB 531 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 531, 14-8, on February 17, 2017.

11 **HB 1106 (2016) - Veto Override – Clean Energy Jobs – Renewable Energy Portfolio Standard Revisions**

Delegate Frick, et al.

See Senate Vote 12 on page 15 for a description of HB 1106.

A “+” indicates a vote to sustain the Governor’s veto of HB 1106 and reflects MBRG’s opposition to substantial energy cost increases created by artificial subsidies for an already-mature renewable energy industry. Rather than letting markets work freely to provide the lowest cost energy choices to consumers, Maryland subsidizes renewable energy at considerable cost to energy consumers. HB 1106 unnecessarily intensifies this subsidy and thereby imposes even higher energy costs on consumers. Every Maryland business is a consumer of energy. Disagreeing with MBRG’s position, the House of Delegates overrode Governor Hogan’s veto of HB 1106, 88-51, on January 31, 2017.

12 **HB 1143 – The Maryland Paystub Transparency Act**

Delegate Lierman, et al.

See Senate Vote 14 on page 16 for a description of HB 1143.

A “+” vote indicates a vote against HB 1143 and reflects MBRG’s opposition to duplicative and unreasonable workplace regulation. Any Maryland employer in compliance with existing law is already providing the information required in HB 1143. Disagreeing with

MBRG’s position, the House of Delegates approved HB 1143, 90-49, on March 15, 2017.

13 **HB 1146- General Contractor Liability for Nonpayment of Wages**

Delegate McCray, et al.

Makes the general contractor jointly and severally liable for violations of the wage payment and collection law by subcontractors. HB 1146 is punitive in nature and would require the general contractor to be responsible for violations by subcontractors and the subcontractors’ subcontractors, over whom he has no direct control. There are already several levels of due process in the statute to enable an employee to collect wages due him or her. Under current law, administrative remedies are available to employees through the Labor Commissioner’s office. The Commissioner can recommend the matter to the District Court for enforcement and the court can award up to three times the amount of wages owed, counsel fees, and other costs.

A “+” vote indicates a vote against HB 1146 and reflects MBRG’s opposition to excessive and needless government intrusion into labor/management issues which are already sufficiently addressed by current law. Agreeing with MBRG’s position, the House Economic Matters Committee rejected HB 1146, 10-8, on March 13, 2017.

14 **HB 1325 – Oil and Natural Gas – Hydraulic Fracturing -- Prohibition**

Delegate Fraser-Hidalgo, et al.

See Senate Vote 15 on page 16 for a description of HB 1325.

A “+” vote indicates a vote against HB 1325 and reflects MBRG’s opposition to undue restriction on the growing need for U.S. energy self-sufficiency and cost savings, and on much-needed economic development and job creation in Western Maryland. HB 1325 serves only to perpetuate the State’s unwarranted moratorium on hydraulic fracturing achieved through needless delay of regulations and permits. Disagreeing with MBRG’s position, the House approved HB 1325, 97-40, on March 1, 2017.

2017 HOUSE VOTE DESCRIPTIONS

15 **SB 317 - More Jobs for Marylanders Act of 2017**
President, by Request-Administration, and Senator Bates, et al.

See Senate Vote 7 on page 13 for a description of SB 317.

A “+” vote indicates a vote for SB 317 and reflects MBRG’s support for the use of tax incentives that will materially increase economic activity and improve Maryland’s business climate. This program will also increase employment opportunities, create and promote effective workforce training programs, and support existing and new manufacturing activity. Agreeing with MBRG’s position, the House of Delegates approved SB 317, 134 – 0, on April 5, 2017.



Baltimore County Delegate Christian Miele (District 8) tied for the most improved score in the House of Delegates, improving from 80% in 2016 to 92% in 2017.

16 **SB 319 - Pathways in Technology Early College High (P-TECH) School Act of 2017**
President, By Request – Administration, and Senator Bates, et al.

See Senate Vote 8 on page 13 for a description of SB 319.

A “+” vote indicates a vote for SB 319 and reflects MBRG’s support for effective workforce development and job training programs. Agreeing with MBRG’s position, the House approved SB 319, 138-0, on April 1, 2017.



Cecil County Delegate Kevin Hornberger (District 35A) tied for the most improved score in the House of Delegates, improving from 80% in 2016 to 92% in 2017.

Did you know?

The average House score in 2017 was 50%, but 108 out of 141 Delegates scored either 100% (37 delegates) or less than 25% (71 delegates).

Maryland Business for Responsive Government

(Continued from Page 2)

Recent Mandates & Bans

Political extremism routinely ignores facts, data, science, and common sense. For example, during the 2015 legislative session when Maryland's minimum wage was broadly increased, the legislature had access to an empirical and nonpartisan economic study by distinguished George Mason University Economist, Dr. Stephen Fuller. Because President Obama was also pushing for a national increase, the nonpartisan Congressional Budget Office also produced a study. Both of these examinations revealed that arbitrary increases in the minimum wage actually hurt the very people they purport to help because of job losses. But the legislature passed the mandate anyway.

2017's version of that story is the ban on hydraulic fracturing ("fracking") for the exploration and development of oil and natural gas resources. Former Governor Martin O'Malley's own commission determined, after years of investigation, that fracking could be performed safely in Maryland – as it is in Pennsylvania. But the legislature banned it anyway.

Virtually every affected employer and business group in the state opposed mandated paid leave in the Sick and Safe Leave bill. Yet an overwhelming majority of our Delegates and Senators roundly rejected amendment after amendment that sought to lessen the burdens imposed on employers by this deleterious mandate; each amendment would have allowed passage of a paid leave bill, but would have made it less damaging to Maryland's job environment. Adopting a middle ground, Governor Hogan proposed his own common sense version of the bill that would have been less burdensome on a greater number of small businesses, exempting employers with less than 50 employees and offering an incentive – a carrot instead of a stick – of tax credits to small businesses who provide the benefit. Of the 23 Republican amendments (plus four amendments by Democratic Senator Jim Brochin) that sought to lessen the negative impacts on businesses, only two were adopted. Only one of those was significant - Senator Hershey's amendment to reduce to 40 hours the amount of sick leave that can be carried into a subsequent year. There were ample ways to deliver a paid leave bill with less damage to Maryland employers. But those ways were never seriously considered, and the legislature passed the mandate anyway.

Recent Trends

Incrementalism

Many of the most significant job-killing bills in recent years have followed a similar pattern. When introduced, they are labelled with titles such as "sick and safe leave" and "fair scheduling." In the first year or two, they often don't even get a committee vote. Progressively, however, in subsequent years, they receive a floor vote in the House only to be killed in Senate committee. That is where some very bad bills have languished in recent years, and we are sincerely thankful for those committee leaders and members of the Senate for preventing those bills from making it to the chamber floor where they would likely pass. Unfortunately, with time, the bills ultimately gain enough traction to gain passage.

Because of this phenomenon, we are very concerned about the future adoption of several pieces of bad policy, including:

- Passing of the Fair Scheduling Act;
- Making general contractors liable for the pay that their subcontractors owe their own employees;
- Allowing the state to determine whether a contractor's board of directors – and the boards of its subcontractors – are sufficiently "diverse";
- Preventing employers from inquiring about salary history from prospective employees;
- Forcing employers to post the minimum salary on job announcements; and many more.

Guilty until Proven Innocent

- Last year's HB 1003, Equal Pay for Equal Work bill introduced a presumption of guilt on the part of the employer.
- This year's HB 1, the Safe and Sick Leave legislation, also places the burden of proof on the employer – business owners that have made mistakes or other errors in their record keeping for paid sick and safe leave benefits have to prove that they did comply with the law, rather than the state having to prove that they did not.
- HB 1 also authorizes punitive and treble damages against employers in the event an employer wishes to appeal beyond an arbitrary 3-year time limit an adverse decision by the Labor Commissioner, allowing the courts to award extraordinary

Maryland Business for Responsive Government

damages that could wipe out small businesses for violations that are typically inadvertent or unintentional errors in record keeping.

Changing or Vague Legal Standards

- 2015's SB 458, Civil Actions – Hydraulic Fracturing Liability Act, which – unlike the laws of any other state – singled out the natural gas industry with automatic, increased legal liability.
- 2016's Equal Pay for Equal Work bill introduced a new legal standard that paved the way for increased employer liability by changing the word “knowingly” in the criteria for determining noncompliance with the law to “knew or reasonably should have known,” which is a vague, subjective standard.

Lost Opportunities

Each year, good bills that would improve Maryland's business climate are introduced and summarily rejected, either by failing to receive a hearing or by being voted down along party lines. One such example from this year would have addressed a liability issue faced by employers who hire ex-felons. The legislature has made such hiring a key goal in recent years, going so far as to mandate the shielding or expungement of portions of the criminal records of ex-felons. The result of those laws, of course, is that employers now have less ability to control who occupies their workplaces and interacts with their other employees and customers. 2017 legislation introduced by Senator Cassilly (SB 55) and by Delegate Cassily in the House (HB 440) would have provided immunity from liability for employers who hire ex-felons. Unfortunately, the bill failed in a party-line vote in the House Economic Matters Committee. This is yet another example of the legislature choosing a stick (mandated expungements that keep employers in the dark) vs. a carrot (incentivizing businesses to hire ex-felons by limiting the legal liability of doing so).

Delegate Warren Miller's Right to Work bill, introduced each year, would undoubtedly increase employment opportunities in Maryland by allowing us to join a rapidly-growing list of now 28 states that do not require forced unionism. But that bill was voted down on party lines.

Although not enacted, HB 317 – Labor and Employment – Wages and Benefits – Preemption of Local Authority, proved to be a positive highlight of the 2017 legislative session. Now that the State is enacting minimum wage, employee leave, and other wage and benefit mandates (with which MBRG strongly disagrees), the bill would have prohibited a county or municipality from enacting its own separate wage and benefit laws on or after January 1, 2017. The bill attempted to address the potential emerging problem of employers faced with complying with a patchwork of state and local wage and benefit laws simultaneously. HB 317 was the first recognition by some members of the General Assembly that state law should preempt local workplace regulation laws, so as to avoid the unworkable circumstance of two or more separate laws applying to the same business activity.

When those laws are in conflict or otherwise inconsistent with each other, compliance may be highly burdensome or even impossible for Maryland employers. MBRG's appreciation for the initiative and foresight of the bill's sponsor, Delegate Dereck Davis, and other supporters of this legislation is exceeded only by its disappointment that the bill did not receive a vote. Thoughtful, forward-looking legislation designed to solve a serious emerging problem for Maryland employers deserves consideration and an up-or-down vote, regardless of the expected outcome of the vote or criticisms from advocates of legally mandated wages and benefits.

Mandates and bans have consequences, as do all one-size-fits-all applications in our modern world. The more the legislature employs these extreme approaches, the more common sense flees the statehouse. And the more businesses flee across our southern border. 🌐

Maryland Business for Responsive Government



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GOVERNMENT

Maryland Business for Responsive Government Membership Application

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Title _____

Organization _____

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Phone _____

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

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All MBRG members receive:

- ★ Member rates to MBRG events
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- ★ Access to top business leaders
- ★ Opportunity to change Maryland's business climate!

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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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