



2015

ROLL CALL

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

MARYLAND BUSINESS FOR RESPONSIVE GOVERNMENT

2015 • VOLUME 30 • MBRG.ORG



Maryland Business for Responsive Government



Giving Credit Where Credit is Due – Finally

MBRG's mantra is "*a positive business climate is a non-partisan issue.*" Accordingly, *Roll Call* has offered more than a little criticism of the votes cast by members of the Maryland General Assembly throughout its 30 years of publication. We respectfully submit that it's all been justified. Our annual commentary is based on our objective analysis of how the bills passed and rejected in each preceding legislative session will affect Maryland's business climate. Year after year, the legislature had advanced bills that made Maryland less business-friendly and less economically competitive with surrounding states. Only infrequently, the legislature advanced good bills that helped Maryland businesses and jobs. But this year, we're singing a different tune by giving credit where credit is due...because we finally can.

In large part, the General Assembly acted to advance businesses and jobs in Maryland. Its behavior this year mirrored the voters' intent articulated just a few months earlier when they elected as Governor a businessman with no previous experience in elected office. The legislature deserves credit for their good actions in 2015. They avoided tax increases, exercised some restraint in further regulating businesses, and spoke publicly about the need to improve our business climate.

Governor Hogan deserves a significant heaping of credit, as well, for orchestrating a mandate-driven election by consistently advancing a disciplined, single-issue message of fiscal restraint and economic recovery. He pounded home the message that Marylanders are over-taxed, it's too hard to do business here, and that fiscal control and restraint are desperately needed. He channeled James Carville's "it's the economy, Stupid!" from the 1992 presidential campaign, although in a humbler and more rancor-free manner. *(Continued on Page 18)*

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 2014 A legislator's score for 2014, 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.

2015 %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 2015 MBRG % rating ranks in relation to other legislators' ratings. For example, a Senator with a percentile ranking of 78 has a 2015 MBRG rating greater than 78 percent of his or her fellow Senators during this time period.

Maryland Business for Responsive Government

MARYLAND SENATE VOTES

	SB 127	SB 146	SB 257	SB 458	SB 833	SB 863	HB 680	HB 939		MBRG 2015	MBRG 2014	2015 %tile	MBRG CUM %
	1	2	3	4	5	6	7	8					
Allegany, Garrett, & Washington Counties													
1 George C. Edwards (R) *	■	-	■	+	+	+	■	+		80%	75%	73	84%
Washington County													
2 Andrew A. Serafini (R) *	■	-	■	+	+	+	■	+		80%	90%	73	90%
Frederick County													
3 Ronald N. Young (D)	■	-	-	-	-	+	■	+		33%	29%	17	36%
Carroll & Frederick Counties													
4 Michael J. Hough (R) *	+	+	■	+	+	+	+	+		100%	83%	82	91%
Carroll County													
5 Justin D. Ready (R) *	+	-	■	+	+	+	+	+		86%	100%	80	98%
Baltimore County													
6 Johnny Ray Salling (R)	■	+	+	+	+	+	■	+		100%	-	82	-
Baltimore & Harford Counties													
7 J.B. Jennings (R) *	■	o	■	+	+	+	■	+		100%	79%	82	90%
Baltimore County													
8 Katherine A. Klausmeier (D)	■	-	■	+	-	+	■	+		60%	42%	54	60%
Carroll & Howard Counties													
9 Gail H. Bates (R) *	■	+	+	+	+	+	■	+		100%	100%	82	95%
Baltimore County													
10 Delores G. Kelley (D)	■	-	■	-	-	+	■	-		20%	8%	8	36%
11 Robert A. Zirkin (D)	+	-	■	-	-	+	-	+		43%	31%	43	39%
Baltimore & Howard Counties													
12 Edward J. Kasemeyer (D)	■	-	■	+	-	+	■	+		60%	23%	54	56%
Howard County													
13 Guy J. Guzzone (D)	■	-	■	-	-	+	■	+		40%	30%	23	33%
Montgomery County													
14 Karen S. Montgomery (D)	■	-	-	-	-	+	■	-		17%	21%	0	23%
15 Brian J. Feldman (D)	■	-	■	-	-	+	■	+		40%	33%	23	28%
16 Susan C. Lee (D)	+	-	■	-	-	+	-	+		43%	17%	43	22%
17 Cheryl C. Kagan (D)	■	-	-	-	-	+	■	-		17%	-	0	47%
18 Richard S. Madaleno, Jr. (D)	■	-	■	-	-	+	■	-		20%	8%	8	20%
19 Roger P. Manno (D)	■	-	■	-	-	+	■	-		20%	0%	8	18%
20 Jamie B. Raskin (D)	+	-	■	-	o	+	-	-		33%	15%	17	19%
Anne Arundel & Prince George's Counties													
21 James C. Rosapepe (D)	■	-	-	-	-	+	■	-		17%	21%	0	32%
Prince George's County													
22 Paul G. Pinsky (D)	■	-	-	-	-	+	■	-		17%	14%	0	26%
23 Douglas J.J. Peters (D)	■	-	■	-	-	+	■	+		40%	31%	23	33%
24 Joanne C. Benson (D)	■	-	■	-	-	+	■	+		40%	29%	23	34%

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MARYLAND SENATE VOTES

	SB 127	SB 146	SB 257	SB 458	SB 833	SB 863	HB 680	HB 939	MBRG 2015	MBRG 2014	2015 %tile	MBRG CUM %
25 Ulysses Currie (D)	■	-	■	-	-	+	■	+	40%	31%	23	45%
26 C. Anthony Muse (D)	+	-	■	-	-	+	-	+	43%	38%	43	42%
Calvert, Charles, & Prince George's Counties												
27 Thomas V. Mike Miller, Jr. (D)	■	-	■	+	-	+	■	+	60%	25%	54	55%
Charles County												
28 Thomas M. Middleton (D)	■	-	■	+	-	+	■	+	60%	42%	54	55%
Calvert & St. Mary's Counties												
29 Stephen M. Waugh (R)	■	+	+	+	+	+	■	+	100%	-	82	-
Anne Arundel County												
30 John C. Astle (D)	■	-	■	+	-	+	■	+	60%	50%	54	66%
31 Bryan W. Simonaire (R) *	■	+	+	-	+	+	■	-	67%	86%	69	90%
32 James E. DeGrange, Sr. (D)	■	-	■	+	-	+	■	+	60%	42%	54	68%
33 Edward R. Reilly (R) *	■	+	■	+	+	+	■	+	100%	93%	82	98%
Harford County												
34 Robert G. Cassilly (R)	+	+	■	+	+	+	+	+	100%	-	82	-
Cecil & Harford Counties												
35 Wayne Norman (R) *	+	-	■	o	+	+	+	+	83%	91%	78	86%
Caroline, Cecil, Kent, & Queen Anne's Counties												
36 Stephen S. Hershey, Jr. (R) *	■	+	■	+	+	+	■	+	100%	77%	82	91%
Caroline, Dorchester, Talbot & Wicomico Counties												
37 Adelaide C. Eckardt (R) *	■	+	■	+	+	+	■	+	100%	90%	82	88%
Somerset, Wicomico & Worcester Counties												
38 James N. Mathias, Jr. (D)	■	-	■	+	-	+	■	+	60%	58%	54	55%
Montgomery County												
39 Nancy J. King (D)	■	-	■	-	-	+	■	+	40%	25%	23	30%
Baltimore City												
40 Catherine E. Pugh (D)	■	-	■	-	-	+	■	+	40%	33%	23	35%
41 Lisa A. Gladden (D)	-	-	■	-	-	+	+	+	43%	31%	43	31%
Baltimore County												
42 James Brochin (D)	+	+	■	-	+	+	+	-	71%	38%	71	42%
Baltimore City												
43 Joan Carter Conway (D)	■	-	-	+	-	+	■	+	50%	31%	52	33%
Baltimore City and Baltimore County												
44 Shirley Nathan-Pulliam (D)	■	-	-	-	-	+	■	+	33%	20%	17	29%
Baltimore City												
45 Nathaniel J. McFadden (D)	■	-	■	-	-	+	■	+	40%	23%	23	43%
46 William C. Ferguson, IV (D)	■	-	■	-	-	+	■	+	40%	21%	23	24%
Prince George's County												
47 Victor R. Ramirez (D)	-	-	■	-	-	+	-	+	29%	8%	15	21%

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

	HB 164	HB 249	HB 370	HB 449	HB 680	HB 817	HB 939	HB 1239	SB 146	SB 605	SB 863				
	1	2	3	4	5	6	7	8	9	10	11	MBRG 2015	MBRG 2014	2015 %tile	MBRG CUM%
Garrett & Allegany Counties															
1A Wendell R. Beitzel (R) *	+	■	■	+	-	■	+	+	-	■	+	71%	100%	64	84%
Allegany County															
1B Jason C. Buckel (R)	+	■	■	+	-	■	+	+	-	■	+	71%	-	64	-
Allegany & Washington Counties															
1C Michael W. McKay (R)	+	■	■	+	+	■	+	+	+	■	+	100%	-	76	-
Washington County															
2A Neil C. Parrott (R) *	+	■	■	+	+	+	+	+	+	+	+	100%	75%	76	94%
2A William J. Wivell (R)	+	■	■	+	+	■	+	+	+	■	+	100%	-	76	-
2B Brett R. Wilson (R)	+	■	■	+	+	+	+	+	+	+	+	100%	-	76	-
Frederick County															
3A Carol L. Krimm (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
3A Karen Lewis Young (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
3B William G. Folden (R)	+	■	■	+	+	■	+	-	+	■	+	86%	-	86	-
Carroll & Frederick Counties															
4 Kathryn L. Afzali (R) *	+	■	■	+	+	■	+	+	+	■	+	100%	100%	76	100%
4 Barrie S. Ciliberti (R) *	+	■	■	+	-	■	+	+	+	■	+	86%	-	68	80%
4 David E. Vogt III (R)	+	■	■	+	+	■	+	+	+	■	+	100%	-	76	-
Carroll County															
5 Susan W. Krebs (R) *	+	■	■	+	+	■	o	o	+	■	+	100%	100%	76	88%
5 April R. Rose (R)	+	■	■	+	-	■	+	+	+	■	+	86%	-	68	-
5 Haven N. Shoemaker, Jr. (R)	+	■	■	+	+	■	+	+	+	■	+	100%	-	76	-
Baltimore County															
6 Robin L. Grammer, Jr. (R)	+	■	■	+	+	■	-	+	+	■	+	86%	-	68	-
6 Robert B. Long (R)	+	■	■	+	+	■	+	+	+	■	+	100%	-	76	-
6 Richard W. Metzgar (R)	+	■	■	+	-	■	+	+	+	■	+	86%	-	68	-
Baltimore & Harford Counties															
7 Richard K. Impallaria (R) *	+	+	+	+	+	■	-	+	+	■	nv-	78%	92%	66	89%
7 Patrick L. McDonough (R) *	+	■	■	+	+	■	o	o	+	■	+	100%	100%	76	90%
7 Kathy Szeliga (R) *	+	■	■	+	+	■	+	+	+	■	+	100%	100%	76	100%
Baltimore County															
8 Eric M. Bromwell (D)	+	■	■	-	-	■	+	+	+	■	+	71%	70%	64	59%
8 John W.E. Cluster, Jr. (R) *	+	■	■	+	+	+	+	+	+	+	+	100%	92%	76	95%
8 Christian J. Miele (R)	+	■	■	+	-	■	+	+	+	■	+	86%	-	68	-
Carroll & Howard Counties															
9A Trent M. Kittleman (R)	+	■	■	+	-	+	+	+	+	+	+	89%	-	74	-
9A Warren E. Miller (R) *	+	+	+	+	+	■	+	+	+	■	+	100%	100%	76	97%
Howard County															
9B Robert L. Flanagan (R) *	+	■	■	-	-	■	+	+	+	■	+	71%	-	64	80%
Baltimore County															
10 Benjamin T. Brooks, Sr. (D)	+	-	+	-	-	■	+	-	-	■	+	44%	-	51	-
10 Jay Jalisi (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
10 Adrienne A. Jones (D)	+	■	■	-	-	■	+	-	-	■	+	43%	30%	10	29%
11 Shelly L. Hettleman (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
11 Dan K. Morhaim (D)	+	■	■	-	-	■	+	-	-	■	+	43%	30%	10	35%
11 Dana M. Stein (D)	+	■	■	-	-	■	+	-	-	■	+	43%	25%	10	28%

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		HB 164	HB 249	HB 370	HB 449	HB 680	HB 817	HB 939	HB 1239	SB 146	SB 605	SB 863				
		1	2	3	4	5	6	7	8	9	10	11	MBRG 2015	MBRG 2014	2015 %tile	MBRG CUM%
Baltimore & Howard Counties																
12	Eric D. Ebersole (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
12	Terri L. Hill (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
12	Clarence K. Lam (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
Howard County																
13	Vanessa E. Atterbeary (D)	+	■	■	-	-	-	+	-	-	-	+	33%	-	0	-
13	Shane E. Pendergrass (D)	+	■	■	-	-	■	+	-	-	■	+	43%	30%	10	31%
13	Frank S. Turner (D)	+	■	■	-	-	■	+	-	-	■	+	43%	33%	10	31%
Montgomery County																
14	Anne R. Kaiser (D)	+	■	■	-	-	■	+	-	-	■	+	43%	30%	10	25%
14	Eric G. Luedtke (D)	+	■	■	-	-	■	+	-	-	■	+	43%	20%	10	20%
14	Craig J. Zucker (D)	+	■	■	-	-	■	+	-	-	■	+	43%	30%	10	23%
15	Kathleen M. Dumais (D)	+	■	■	-	-	-	+	-	+	+	+	56%	25%	58	26%
15	David V. Fraser-Hidalgo (D)	+	■	■	-	-	■	+	-	-	■	+	43%	8%	10	21%
15	Aruna Miller (D)	+	■	■	-	-	■	+	-	-	■	+	43%	20%	10	20%
16	C. William Frick (D)	+	-	-	-	-	■	+	-	-	■	+	33%	20%	0	21%
16	Ariana B. Kelly (D)	+	■	■	-	-	■	+	-	-	■	+	43%	22%	10	26%
16	Marc A. Korman (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
17	Kumar P. Barve (D)	+	■	■	-	-	■	+	-	-	■	+	43%	30%	10	38%
17	James W. Gilchrist (D)	+	■	■	-	-	■	+	-	-	■	+	43%	25%	10	25%
17	Andrew Platt (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
18	Alfred C. Carr, Jr. (D)	+	■	■	-	-	■	+	-	-	■	+	43%	0%	10	23%
18	Ana Sol Gutiérrez (D)	+	■	■	-	0	■	+	-	+	■	+	67%	10%	63	27%
18	Jeffrey D. Waldstreicher (D)	+	-	-	-	-	■	+	-	-	■	+	33%	17%	0	24%
19	Bonnie L. Cullison (D)	+	■	■	-	-	■	+	-	-	■	+	43%	20%	10	21%
19	Benjamin F. Kramer (D)	+	0	0	-	-	■	+	-	-	■	+	43%	23%	10	31%
19	Marice L. Morales (D)	+	■	■	-	-	-	+	-	-	-	+	33%	-	0	-
20	Sheila E. Hixson (D)	+	■	■	-	-	■	+	-	-	■	+	43%	20%	10	34%
20	David Moon (D)	+	■	■	-	-	-	+	-	-	-	+	33%	-	0	-
20	William C. Smith, Jr. (D)	+	■	■	-	-	-	+	-	-	-	+	33%	-	0	-
Anne Arundel & Prince George's Counties																
21	Benjamin S. Barnes (D)	+	■	■	-	-	■	+	-	-	■	+	43%	25%	10	22%
21	Barbara A. Frush (D)	+	■	■	-	-	■	+	-	-	■	+	43%	33%	10	29%
21	Joseline A. Peña-Melnik (D)	+	■	■	-	-	■	+	-	nv	■	+	50%	22%	54	25%
Prince George's County																
22	Tawanna P. Gaines (D)	+	■	■	-	nv	■	+	-	-	■	+	50%	33%	54	25%
22	Anne Healey (D)	+	■	■	-	-	■	+	-	-	■	+	43%	17%	10	31%
22	Alonzo T. Washington (D)	+	■	■	-	-	■	+	-	-	■	+	43%	10%	10	25%
23A	Geraldine Valentino-Smith (D)	+	■	■	-	-	-	+	-	-	+	+	44%	27%	51	26%
23B	Marvin E. Holmes, Jr. (D)	+	■	■	-	-	■	+	-	-	■	+	43%	27%	10	28%
23B	Joseph F. Vallario, Jr. (D)	+	■	■	-	-	nvc	+	-	-	nvc	+	43%	30%	10	37%
24	Erek L. Barron (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
24	Carolyn J.B. Howard (D)	+	■	■	-	-	■	+	-	-	■	+	43%	20%	10	35%
24	Michael L. Vaughn (D)	+	-	+	-	-	■	+	-	-	■	+	44%	31%	51	34%
25	Angela M. Angel (D)	+	■	■	nv	-	■	+	-	-	■	+	50%	-	54	-
25	Darryl Barnes (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
25	Dereck E. Davis (D)	+	nvc	nvc	-	-	■	+	-	-	■	+	43%	30%	10	36%

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	1	2	3	4	5	6	7	8	9	10	11					
26 Tony Knotts (D)	+	■	■	-	-	■	+	-	-	■	+		43%	-	10	-
26 Kriselda Valderrama (D)	+	-	-	-	-	■	+	-	-	■	+		33%	25%	0	25%
26 Jay Walker (D)	+	■	■	-	-	■	+	-	-	■	+		43%	25%	10	33%
Calvert & Prince George's Counties																
27A James E. Proctor, Jr. (D)	o	■	■	o	o	■	o	o	o	■	o		N/A	30%	N/A	37%
27B Michael A. Jackson (D)	+	■	■	-	-	■	+	-	nv	■	+		50%	-	54	-
Calvert County																
27C Mark N. Fisher (R) *	+	+	+	+	+	■	+	+	+	■	+		100%	100%	76	94%
Charles County																
28 Sally Y. Jameson (D)	+	-	+	-	-	■	+	-	-	■	+		44%	42%	51	49%
28 Edith J. Patterson (D)	+	■	■	-	-	■	+	-	-	■	+		43%	-	10	-
28 C.T. Wilson (D)	+	-	+	-	-	■	+	+	-	■	+		56%	33%	58	31%
St. Mary's County																
29A Matt Morgan (R)	+	■	■	+	+	■	+	+	+	■	+		100%	-	76	-
29B Deborah C. Rey (R)	+	■	■	+	+	-	-	+	+	+	+		78%	-	66	-
Calvert & St. Mary's Counties																
29C Anthony J. O'Donnell (R) *	+	■	■	+	+	■	+	+	+	■	+		100%	100%	76	95%
Anne Arundel County																
30A Michael E. Busch (D)	+	■	■	-	-	■	+	-	-	■	+		43%	30%	10	47%
30A Herbert H. McMillan (R) *	+	■	■	-	+	■	+	+	+	■	+		86%	82%	68	82%
30B Seth A. Howard (R)	+	+	+	-	+	■	+	+	-	■	+		78%	-	66	-
31A Ned P. Carey (D)	+	-	-	-	-	■	+	+	+	■	+		56%	-	58	-
31B Nicholas R. Kipke (R) *	+	■	■	o	+	■	+	+	+	■	+		100%	100%	76	80%
31B Meagan C. Simonaire (R)	+	■	■	+	+	■	+	+	+	■	+		100%	-	76	-
32 Pamela G. Beidle (D)	+	■	■	-	-	■	+	-	+	■	+		57%	36%	61	46%
32 Mark S. Chang (D)	+	■	■	-	-	■	+	+	-	■	+		57%	-	61	-
32 Theodore J. Sophocleus (D)	+	■	■	-	-	■	+	-	+	■	+		57%	44%	61	58%
33 Michael E. Malone (R)	+	■	■	+	+	+	+	+	+	+	+		100%	-	76	-
33 Tony McConkey (R) *	+	■	■	+	+	■	+	+	+	■	+		100%	100%	76	86%
33 Sid A. Saab (R)	+	■	■	+	+	■	+	+	+	■	+		100%	-	76	-
Harford County																
34A Glen Glass (R) *	+	■	■	+	-	+	+	+	+	+	+		89%	82%	74	94%
34A Mary Ann Lisanti (D)	+	-	+	-	-	■	+	+	-	■	+		56%	-	58	-
34B Susan K. McComas (R) *	+	■	■	+	+	+	+	+	+	+	+		100%	92%	76	87%
Cecil County																
35A Kevin B. Hornberger (R)	+	■	■	+	+	■	+	+	+	■	+		100%	-	76	-
Cecil & Harford Counties																
35B Andrew P. Cassilly (R)	+	■	■	-	+	■	+	+	+	■	+		86%	-	68	-
35B Teresa E. Reilly (R)	+	■	■	+	+	■	+	+	+	■	+		100%	-	76	-
Caroline, Cecil, Kent, & Queen Anne's Counties																
36 Steven J. Arentz (R)	+	o	+	+	+	■	+	+	+	■	+		100%	90%	76	94%
36 Jefferson L. Ghrist (R)	+	■	■	+	+	■	+	+	+	■	+		100%	-	76	-
36 Jay A. Jacobs (R) *	+	■	■	+	+	■	+	+	+	■	+		100%	92%	76	96%

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

	HB 164	HB 249	HB 370	HB 449	HB 680	HB 817	HB 939	HB 1239	SB 146	SB 605	SB 863	MBRG 2015	MBRG 2014	2015 %tile	MBRG CUM%
	1	2	3	4	5	6	7	8	9	10	11				
Dorchester & Wicomico Counties															
37A Sheree Sample-Hughes (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
Caroline, Dorcheester, Talbot & Wicomico Counties															
37B Christopher T. Adams (R)	+	+	+	+	+	■	+	+	+	■	+	100%	-	76	-
37B John F. Mautz IV (R)	+	+	+	+	+	■	+	+	+	■	+	100%	-	76	-
Somerset & Worcester Counties															
38A Charles J. Otto (R) *	+	■	■	+	+	■	+	+	+	■	+	100%	92%	76	94%
Wicomico County															
38B Carl L. Anderton, Jr. (R)	+	■	■	+	+	■	+	+	+	■	+	100%	-	76	-
Wicomico & Worcester Counties															
38C Mary Beth Carozza (R)	+	■	■	+	+	■	+	+	+	■	+	100%	-	76	-
Montgomery County															
39 Charles E. Barkley (D)	+	-	-	-	-	■	+	-	-	■	+	33%	31%	0	26%
39 Kirill Reznik (D)	+	■	■	-	-	■	+	-	-	■	+	43%	30%	10	32%
39 A. Shane Robinson (D)	+	■	■	-	-	■	+	-	-	■	+	43%	0%	10	17%
Baltimore City															
40 Frank M. Conaway, Jr. (D)	+	■	■	-	-	-	+	-	-	-	+	33%	25%	0	31%
40 Antonio L. Hayes (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
40 Barbara A. Robinson (D)	+	■	■	-	-	■	+	-	-	■	+	43%	20%	10	23%
41 Jill P. Carter (D)	+	■	■	-	-	-	+	-	-	-	+	33%	9%	0	24%
41 Nathaniel T. Oaks (D)	+	■	■	-	-	■	+	-	-	■	+	43%	30%	10	34%
41 Samuel I. Rosenberg (D)	+	■	■	-	-	-	+	-	-	-	+	33%	18%	0	36%
Baltimore County															
42A Stephen W. Lafferty (D)	+	■	■	-	-	■	+	-	-	■	+	43%	17%	10	26%
42B Susan L. M. Aumann (R) *	o	+	+	+	+	■	+	+	o	■	o	100%	100%	76	88%
42B Christopher R. West (R)	+	■	■	+	+	■	+	+	+	■	+	100%	-	76	-
Baltimore City															
43 Curtis S. Anderson (D)	+	■	■	-	-	-	+	-	-	-	+	33%	25%	0	31%
43 Maggie McIntosh (D)	+	■	■	-	-	■	+	-	-	■	+	43%	33%	10	30%
43 Mary L. Washington (D)	+	■	■	-	-	■	+	-	-	■	+	43%	20%	10	34%
44A Keith E. Haynes (D)	+	■	■	-	-	■	+	-	-	■	+	43%	20%	10	28%
Baltimore County															
44B Charles E. Sydnor III (D)	+	■	■	-	-	-	+	-	-	+	+	44%	-	51	-
44B Patrick G. Young, Jr. (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
Baltimore City															
45 Talmadge Branch (D)	+	-	-	-	-	■	+	-	-	■	+	33%	33%	0	39%
45 Cheryl D. Glenn (D)	+	-	-	-	-	■	+	-	-	■	+	33%	25%	0	26%
45 Cory V. McCray (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
46 Luke Clippinger (D)	+	-	-	-	-	■	+	-	-	■	+	33%	25%	0	20%
46 Peter A. Hammen (D)	+	■	■	-	-	■	+	-	-	■	+	43%	30%	10	36%
46 Brooke E. Lierman (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
Prince George's County															
47A Diana M. Fennell (D)	+	■	■	-	nv	■	+	-	-	■	+	50%	-	54	-
47B Jimmy Tarlau (D)	+	■	■	-	-	■	+	-	-	■	+	43%	-	10	-
47B William A. Campos (D)	+	■	■	-	-	-	o	o	-	+	+	43%	-	10	-

Maryland Business for Responsive Government



Eric Bromwell (D)
District 8

This Baltimore County Delegate scored the highest cumulative rating (59) amongst all Democratic veterans in the House (minimum 4 years' service).



Kathryn L. Afzali (R)
District 4

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



Kathy Szeliga (R)
District 7

This Baltimore and Harford County delegate tied for the highest cumulative rating (100) amongst all Republican veterans in the House (minimum 4 years' service).



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

This Anne Arundel County Senator scored the highest cumulative rating (68) 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 tied for the highest cumulative score (98) amongst all Republican veterans in the Senate (minimum 4 years' service in the State Senate).

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 sessions 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 businesses 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 always 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.

2015 SENATE VOTE DESCRIPTIONS

1 SB 127 – Health Care Malpractice – Certificate and Report of Qualified Expert - Objection *Senator Gladden*

Requires a party to file objections within 14 days after the opposing party files a certificate of qualified expert and an accompanying report with the Director of the Health Care Alternative Dispute Resolution Office. After a finding that the certificate or report is legally insufficient, SB 127 provides the filing party with an additional 30 days to file a legally sufficient certificate and report.

A “+” indicates a vote against SB 127 and reflects MBRG’s opposition to legislation that erodes civil liability protections in medical malpractice cases by effectively removing a defendant’s right to challenge an insufficient certificate of qualified expert and report after the defendant has conducted discovery on the expert. This bill would have promoted non-meritorious claims, resulting in an overall increase in litigation costs, and ultimately an increase in health care costs. Agreeing with MBRG’s position, the Senate Judicial Proceedings Committee rejected SB 127, 9-2, on February 19, 2015.

2 SB 146 – Prelitigation Discovery – Insurance Coverage – Prerequisites for Disclosure *Senator Zirkin*

Allows a plaintiff to force a defendant insurer to disclose its policyholder’s limits before a lawsuit is filed. SB 146 will focus the amount demanded in the lawsuit on the insurance coverage available rather than the plaintiff’s injuries. In 2011, the General Assembly created a more equitable policy by adopting the Virginia precedent, requiring the plaintiff to demonstrate to the defendant insurer at least \$12,500 in medical bills and lost wages before the disclosure of policy limits is required. SB 146 erodes this equitable policy.

A “+” indicates a vote against SB 146 and reflects MBRG’s opposition to legislation that creates an uneven playing field in the civil courts, especially when more equitable alternatives already exist, and that focuses the plaintiff’s case on the defendant insurer’s coverage limits, rather than the plaintiff’s injuries and damages.

Disagreeing with MBRG’s position, the Senate passed SB 146, 36-10, on March 13, 2015 at 11:26 am.

3 SB 257 – Agriculture – Nutrient Management – Phosphorus Management Tool *Senators Pinsky, Conway, Feldman, Ferguson, Guzzone, Kagan, Lee, Madaleno, Manno, Montgomery, Nathan-Pulliam, Ramirez, Raskin, Rosapepe, and Young*

Codifies into Maryland law technical provisions of the phosphorus management tool (PMT) regulations that the prior Administration attempted to promulgate. These regulations were never implemented, despite four attempts during 2012-2014, because they were rejected by the General Assembly’s Administrative, executive, and Legislative Review Committee on the grounds that they would have created adverse economic impact on farmers and small businesses. SB 257 would have locked into law the PMT phase-in schedule and management restrictions of phosphorus, regardless of economic impact or scientific updates.

A “+” indicates a vote against SB 257 and reflects MBRG’s opposition to legislation that unduly harms agricultural businesses and landowners, and that locks into statute requirements that may need to be updated as science, water quality, economic conditions, and management practices evolve. Maintaining technical requirements in an area subject to significant change is best done by the rulemaking process through regulations, rather than by legislation. Disagreeing with MBRG’s position, the Senate Education, Health, and Environmental Affairs committee approved SB 257 on March 13, 2015. The bill was later re-referred to the committee, where it received no further action.

4 SB 458 – Civil Actions – Hydraulic Fracturing Liability Act *Senators Zirkin, Raskin, Currie, Ferguson, Guzzone, Kagan, Kelley, Madaleno, Montgomery, Muse, Nathan-Pulliam, Pinsky, Ramirez, and Young (Senate Floor Amendment offered by Senator Edwards)*

Imposes an onerous system of enhanced legal liability (strict liability) on certain parties that are involved in the exploration, extraction, storage, treatment, and delivery of all natural gas produced by hydraulic fracturing and

2015 SENATE VOTE DESCRIPTIONS

any chemical component or waste therefrom. SB 458 also presumes these parties to be negligent for any injury, death or property loss arising in the area in which the party is permitted to operate, regardless of actual negligence. SB 458 further authorizes the imposition of treble damages in the case of gross negligence and requires extraordinary minimum amounts and durations of insurance coverage for hydraulic fracturing activities. The Senate Floor Amendment would have eliminated the system of strict liability for these activities by striking definitional language referring to hydraulic fracturing as an “ultrahazardous and abnormally dangerous” activity, thus allowing normal liability standards to apply.

A “+” vote indicates a vote for the Senate Floor Amendment and reflects MBRG’s opposition to legislation that, unlike the laws of any other state in the nation, singles out the natural gas industry with automatic increased legal liability. The effect of strict liability would be to impose an actual ban on hydraulic fracturing. The Senate Floor Amendment would have removed strict liability and thereby instituted a system whereby liability under law would be related to some form of proven negligence. Disagreeing with MBRG’s position, the Senate rejected the amendment, 26-20, on March 19, 2015 at 1:05 pm.

5 SB 833 – Procurement – Prevailing Wage Rate Law – Penalties and Liquidated Damages *Senator Benson*

Increases the amount of liquidated damages, from \$20 to \$250 per employee per day, payable to public bodies when a contractor knowingly pays a laborer or employee of a contractor less than the prevailing wage on an eligible public works project. Prevailing wage uses a “union model” of worker classification, which has proven to be a very difficult model for contractors to interpret when determining the proper classification for a given laborer or employee. Classifications often change from day to day, and contractors face considerable difficulty achieving 100% compliance with the correct classifications. SB 833 provides no definition of “knowingly” and no defenses for contractors to prove that they acted in good faith, thus exposing all contractors to unwarranted penalties.

A “+” indicates a vote against SB 833 and reflects MBRG’s opposition to legislation that subjects contractors to onerous financial penalties for failure to comply with complex classification requirements, and that sets vague and undefined standards for when such severe penalties will apply. The effect of SB 833 is that employers, despite acting in good faith, could be exposed to penalties more than 12 times larger than under current law. Disagreeing with MBRG’s position, the Senate approved SB 833, 31-15 on April 11, 2015 at 12:09 pm.

6 SB 863 – Watershed Protection and Restoration Programs - Revisions

Senators Miller, Astle, Bates, Benson, Brochin, Cassily, Conway, Currie, DeGrange, Eckardt, Edwards, Guzzone, Hershey, Hough, Jennings, Kasemeyer, King Klausmeier, Madaleno, Mathias, Middleton, Montgomery, Nathan-Pulliam, Peter, Pugh, Raskin, Ready, Salling, Serafini, Waugh, Zirkin, Simonaire, Young, and Rosapepe

Repeals a 2012 state law requirement that 9 of the largest counties and Baltimore City collect a stormwater remediation fee from business and property owners, subject to several conditions including that the local subdivision must allocate funds for local watershed protection and restoration. SB 863 also authorizes, but does not mandate, these subdivisions to collect a stormwater remediation fee. If the subdivision chooses to impose a stormwater remediation fee, the fee shall be imposed upon all property classifications, and not disproportionately upon commercial property owners. The effect of SB 863 is to allow each affected subdivision to determine for itself whether to impose a stormwater remediation fee, or use local budget monies to implement stormwater remediation plans.

A “+” indicates a vote for SB 863 and reflects MBRG’s support for repealing the stormwater remediation fee structure so that the 10 affected subdivisions could have more flexibility in determining how to obtain the necessary funding to implement local stormwater remediation plans, instead of imposing the State and local government’s 2012 confiscatory fee structure on business and property owners. Furthermore, SB 863 provides that any fee must not be disproportionately imposed on commercial property owners. Agreeing with MBRG’s position, the Senate approved SB 863, 47-0, on April 13, 2015 at 10:30 pm.

2015 SENATE VOTE DESCRIPTIONS

7 **HB 680 – Evidence – Conviction for Traffic Offense – Admissibility in Civil Proceeding** *Delegate Moon*

Allows evidence of a conviction for a traffic offense to be admitted as evidence in a civil proceeding to prove a fact that: a) is at issue in the civil proceeding and b) was essential to sustain the conviction for the traffic offense. In cases involving a traffic accident, for example, the fact that the defendant received a citation from an officer at the scene is normally inadmissible as evidence. The Courts of Maryland have not allowed such convictions as evidence in related civil proceedings on the grounds that they have little probative value and are inherently prejudicial.

A “+” indicates a vote against HB 680 and reflects MBRG’s opposition to legislation that creates an uneven playing field in the civil courts against both Maryland businesses and their employees by allowing the introduction of evidence that is of little probative value and is inherently prejudicial against the defendant. Agreeing with MBRG’s position, the Senate Judicial Proceedings Committee defeated HB 680, 5-6, on April 7, 2015.

8 **HB 939 – Proposed Regulations – Determination of Impact on Small Business** *The Speaker (By Request - Maryland Economic Development and Business Climate Commission) and*

Delegates Beitzel, Davis, Jones, Adams, Arentz, Aumann, Barkley, Barron, Branch, Brooks, Carey, Clippinger, Cullison, Fisher, Frick, Glenn, Hammen, Hayes, Hill, S. Howard, Jameson, Kelly, Kipke, Kramer, Krebs, Lisanti, Mautz, McDonough, McMillan, Miele, W. Miller, Morgan, Morhaim, Oaks, Pendergrass, Reznik, Rose, Saab, Sample-Hughes, Valderrama, Vaughn, Waldstreicher, C. Wilson, and K. Young (Senate Floor Amendment offered by Senator Madaleno)

HB 939 creates the Advisory Council on the Impact of Regulations on Small Businesses within the Department of Business and Economic Development. This Council will review proposed regulations to analyze whether they contain a significant impact on any small business in Maryland. HB 939 authorizes the Advisory Council to submit its findings to the General Assembly’s Joint Committee on Administrative, Executive, and Legislative Review (AELR), consult with the promulgating unit to address any concerns, and

testify on behalf of the Council regarding its findings. The Senate Floor Amendment would have allowed the Council to perform the small business impact analysis but would have removed the Council’s authority to submit its analysis to the policy makers on the General Assembly’s AELR Committee, consult with the unit promulgating the regulations, testify on behalf of the Council, and otherwise act on the analysis to ensure that the impacts on small businesses are addressed.

A “+” indicates a vote against the Senate Floor Amendment and reflects MBRG’s opposition to that Amendment, which would have removed a crucial component of the HB 939 reforms allowing the Council to act on the analysis and ensure that the impacts on small businesses are made known to the policy makers on the General Assembly’s AELR Committee. Agreeing with MBRG’s position, the Senate rejected the amendment, 37-10 on March 31, 2015 at 10:51 am.

Did you know?

Only 15% of members of the General Assembly are business owners, whereas 21% are attorneys and 19% are full-time legislators.

22% of members of the General Assembly have a cumulative MBRG score of 30% or below. 58% have a cumulative score below 50%.

2015 HOUSE VOTE DESCRIPTIONS

1 HB 164 - Judgments – Appeals – Supersedeas Bonds *Delegate Dumais*

Limits the amount of an appeal bond that must be posted in a civil action to stay the enforcement of a judgment to the lesser of \$100 million or the amount of the judgment. HB 164 also places a limit on a similar appeal bond that must be posted by a small business to the lesser of \$1 million or the amount of the judgment. Appeal bonds are necessary to postpone the collection of an adverse judgment until after an appeal is exhausted. Current law requires an appealing defendant to post a bond for greater than the full amount of the judgment in most circumstances, which imposes a financial burden that may prevent defendants from vindicating their legal rights in the appellate courts, thus denying access to justice. HB 164 imposes a reasonable limit on the size of appeal bonds, consistent with the law in the majority of other states, to ensure protection of appeal rights for defendants.

A “+” indicates a vote for HB 164 and reflects MBRG’s support for a reform to the state’s legal liability system that ensures that business defendants, and especially small business defendants, are not denied their appeal rights by unaffordable appeal bond requirements. HB 164 also makes Maryland law competitive with the laws of a majority of other states. Agreeing with MBRG’s position, the House approved HB 164, 139-0, on April 10, 2015 at 11:02 am.

2 HB 249 – Labor and Employment – Labor Organizations – Right to Work *Delegates W. Miller, Adams, Arentz, Aumann, Beitzel, Fisher, Folden, Hornberger, S. Howard, Impallaria, Kipke, Kittleman, McComas, McConkey, McMillan, Saab, Szeliga, West, and B. Wilson*

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 249 provides that an employee who refuses to join the union shall not be required to pay dues, fees or other charges to the union. 25 states have now enacted right-to-work laws.

A “+” indicates a vote in support of HB 249 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 249, 13- 7, on March 6, 2015.

3 HB 370 – Prevailing Wage – Payment for Apprenticeship Programs *Delegates McCray, Anderson, Barkley, B. Barnes, Branch, Brooks, Clippinger, Davis, Frick, Glenn, Jalisi, Lafferty, Lam, Moon, Morales, Platt, Snyder, Tarlau, Waldstreicher, A. Washington, Zucker*

Requires all contractors working on state public works projects to pay the entire cost of the apprenticeship program offered to employees working on the project. The effect of HB 370 is that a contractor would have to pay a full four years of tuition, up front, not knowing whether the employee would ever complete the program or remain employed by the contractor.

A “+” indicates a vote against HB 370 and reflects MBRG’s opposition to undue requirements that impose costs on contractors that may prove to be unnecessary, and that deter employment and enrollment of employees in apprenticeship programs. Agreeing with MBRG, the House Economic Matters Committee rejected HB 370, 13-8, on March 17, 2015.

4 HB 449 – Environment – Hydraulic Fracturing – Protect Our Health and Communities *Delegates Fraser-Hidalgo, S. Robinson, Anderson, Angel, Atterbeary, Barkley, B. Barnes, Beidle, Carr, Cullison, Ebersole, Frush, Gutierrez, Healey, Hettelman, Hill, Hixson, Holmes, C. Howard, Kelly, Lam, Lierman, Luedtke, A. Miller, Moon, Morales, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Platt, Reznik, B. Robinson, Smith, Turner, Valderrama, Waldstreicher, A. Washington, M. Washington, C. Wilson, and K. Young*

Imposes a two-and-one-half year moratorium on issuing a permit or reviewing an application for a permit to authorize hydraulic fracturing for oil or natural gas. HB 449 requires that a panel of experts be assembled to study the public health and environmental impacts of hydraulic fracturing and whether it can be done with no detrimental impact. These impacts have already been

2015 HOUSE VOTE DESCRIPTIONS

studied extensively during the past five years (2009-2014). The prior studies resulted in a December, 2014 conclusion by the prior administration (Maryland Departments of Natural Resources and the Environment) that, provided all best practices are followed and enforced, the risks of extracting natural gas from the Marcellus Shale in Western Maryland by hydraulic fracturing can be managed to an acceptable level.

A “+” vote indicates a vote against HB 449 and reflects MBRG’s opposition to undue restriction on the growing need for U.S. energy self-sufficiency, and on positive much-needed economic development and job creation benefits for Western Maryland. The studies required in HB 449 duplicate previous studies and serve only to perpetuate the State’s unwarranted moratorium on hydraulic fracturing. Disagreeing with MBRG’s position, the House approved HB 449, 93-45, on March 24, 2015 at 11:13 am.

5 HB 680 - Evidence – Conviction for Traffic Offense – Admissibility in Civil Proceeding *Delegate Moon*

See Senate Vote 7 on Page 14 for a description of HB 680.

A “+” indicates a vote against HB 680 and reflects MBRG’s opposition to legislation that creates an uneven playing field in the civil courts against both Maryland businesses and their employees by allowing the introduction of evidence that is of little probative value and is inherently prejudicial against the defendant. Disagreeing with MBRG’s position, the House approved HB 680, 96-41, on March 19, 2015 at 6:50 pm.

6 HB 817 – Health Care Malpractice – Limitation on Noneconomic Damages *Delegates McComas, Adams, Arentz, Beitzel, Cassilly, Cluster, Ghrist, Hornberger, Impallaria, Kipke, Kittleman, Krebs, Long, Mautz, Metzgar, W. Miller, Morhaim, Otto, and B. Wilson*

Reduces the current cap on awards for noneconomic (“pain and suffering”) damages relating to personal injury arising from a medical injury to \$500,000 for a

cause of action arising on or after October 1, 2015, and repeals the \$15,000 noneconomic damages cap escalator. *A “+” indicates a vote for HB 817 and reflects MBRG’s support for legislation that reduces health care costs by limiting awards for pain and suffering from medical liability lawsuits. Disagreeing with MBRG’s position, the House Judiciary Committee rejected HB 817, 13-7, on March 17, 2015.*

7 HB 939 – Proposed Regulations – Determination of Impact on Small Business

The Speaker (By Request - Maryland Economic Development and Business Climate Commission) and Delegates Beitzel, Davis, Jones, Adams, Arentz, Aumann, Barkley, Barron, Branch, Brooks, Carey, Clippinger, Cullison, Fisher, Frick, Glenn, Hammen, Hayes, Hill, S. Howard, Jameson, Kelly, Kipke, Kramer, Krebs, Lisanti, Mautz, McDonough, McMillan, Miele, W. Miller, Morgan, Morhaim, Oaks, Pendergrass, Reznik, Rose, Saab, Sample-Hughes, Valderrama, Vaughn, Waldstreicher, C. Wilson, and K. Young

Creates the Advisory Council on the Impact of Regulations on Small Businesses within the Department of Business and Economic Development. This Council will review proposed regulations to analyze whether they contain a significant impact on any small business in Maryland. HB 939 authorizes the Advisory Council to submit its findings to the General Assembly’s Joint Committee on Administrative, Executive, and Legislative Review (AELR), consult with the promulgating unit to address any concerns, and testify on behalf of the Council regarding its findings.

A “+” indicates a vote for HB 939 and reflects MBRG’s support for substantive analysis by an expert body of the impact of proposed regulations on small businesses in Maryland, and for the delivery of that analysis to the policy makers on the General Assembly’s AELR Committee. Such analysis has not previously been conducted or submitted to policymakers on a formal or systematic basis, making HB 939 a meaningful, beneficial reform to Maryland’s business climate and an enhancement to the voice of business in the regulatory process. Agreeing with MBRG’s position, the House approved HB 939, 134 – 3, on March 20, 2015 at 7:02 pm.

2015 HOUSE VOTE DESCRIPTIONS

8 **HB 1239 – Civil Penalties for Shoplifting and Employee Theft - Repeal**
Delegates Lierman, Vallario, Dumais, Anderson, Atterbeary, Barron, Morales, Rosenberg, Smith, Sydnor, and Valentino-Smith

Repeals all current law provisions establishing liability to a merchant for civil penalties and damages for shoplifting and employee theft. HB 1239 would eliminate the ability of a merchant to impose a civil penalty against shoplifters and employees who steal from their employers. This ability is an important tool merchants have used to discourage theft and recover their damages arising from theft. HB 1239 would have no impact on the separate system of criminal law sanctions against shoplifting and employee theft.

A “+” indicates a vote against HB 1239 and reflects MBRG’s opposition to the elimination of a merchant’s ability to combat shoplifting and employee theft. By eliminating one of the two ways that the law discourages these activities, HB 1239 greatly diminishes the ability of merchants to protect themselves from losses arising from shoplifting and employee theft. Reliance upon only criminal laws serves to punish offenders but leave merchants with no way to recover their losses. Disagreeing with MBRG’s position, the House approved HB 1239, 85-52, on March 20, 2015 at 7:37 pm.

9 **SB 146 - Prelitigation Discovery – Insurance Coverage – Prerequisites for Disclosure**
Senator Zirkin

See Senate Vote 2 on Page 12 for a description of SB 146.

A “+” indicates a vote against SB 146 and reflects MBRG’s opposition to legislation that creates an uneven playing field in the civil courts, especially when more equitable alternatives already exist, and that focuses the plaintiff’s case on the defendant insurer’s coverage limits, rather than the plaintiff’s injuries and damages. Disagreeing with MBRG’s position, the House passed SB 146, 85-52, on April 13, 2015 at 3:24 pm.

10 **SB 605 – Aggressive Drunk Driving – Punitive Damages**
Senator Raskin

Allows a party to recover punitive damages, in addition to compensatory damages, from a person who causes personal injury or wrongful death while driving at an elevated intoxication level of nearly twice the legal limit. SB 605 would allow punitive damages even if the defendant was not convicted of drunk driving. By lowering the standard for the award of punitive damages in this circumstance, the bill sets a precedent for lowering the “actual malice” standard for punitive damages for torts involving all other types of activities. Weakening Maryland’s stringent punitive damages standard impedes competition with neighboring states and has little or no impact on combating drunk driving, a problem better addressed by criminal laws than by civil liability expansion.

A “+” indicates a vote against SB 605 and reflects MBRG’s opposition to legislation that expands liability and weakens Maryland’s appropriately stringent standard for awarding punitive damages. Agreeing with MBRG’s position, the House Judiciary Committee rejected SB 605, 12-8, on April 13, 2015.

11 **SB 863 – Watershed Protection and Restoration Programs - Revisions**
Senators Miller, Astle, Bates, Benson, Brochin, Cassily, Conway, Currie, DeGrange, Eckardt, Edwards, Guzzone, Hershey, Hough, Jennings, Kasemeyer, King Klausmeier, Madaleno, Mathias, Middleton, Montgomery, Nathan-Pulliam, Peter, Pugh, Raskin, Ready, Salling, Serafini, Waugh, Zirkin, Simonaire, Young, and Rosapepe

See Senate Vote 6 on Page 13 for a description of SB 863.

A “+” indicates a vote for SB 863 and reflects MBRG’s support for repealing the stormwater remediation fee structure so that the 10 affected subdivisions could have more flexibility in determining how to obtain the necessary funding to implement local stormwater remediation plans, instead of imposing the State and local government’s 2012 confiscatory fee structure on business and property owners. Furthermore, SB 863 provides that any fee must not be disproportionately imposed on commercial property owners. Agreeing with MBRG’s position, the House approved SB 863, 138-1, on April 13, 2015 at 9:39 pm.

Maryland Business for Responsive Government

(Continued from Page 2)

Why does Governor Hogan's election message get some of the credit for a renewed sense of restraint in the legislature? Because it set an important tone, and its singular message of fiscal restraint and economic recovery reflected the clear mandate from the voters. He wasn't elected because of a winning smile, slick elocution, or Hollywood connections; he was elected to put Maryland's fiscal house and economy in order. Period.

Cognizant of the collective voter temperament, the legislature moderated itself and exercised restraint as it rejected a flurry of anti-business legislation proposed by some of its members. Many such bills attempted to insert the state into the employer-employee relationship with various one-size-fits-all mandates. Examples include a sick and safe leave bill that would have mandated paid leave; a bill requiring participation in a retirement savings and trust; legislation to make employers automatically liable for employees' bad behavior; a bill requiring employers to post employee schedules 21 days in advance and face financial consequences for changes; and a bill mandating overtime pay to all employees regardless of exemption status or company size. Many such bills rightfully died in committee and should NOT be resuscitated in future legislative sessions. As MBRG has said for the past 30 years, the mere introduction of such bills sends a profoundly negative signal about the state's business climate.

Of particular note are the so-called shielding, expungement, and Second Chance bills that have been introduced this year - and previously - that are designed to shield employees' past bad behavior from current or future employers. MBRG and other pro-business organizations have vehemently opposed such policy, arguing that employers should have access to all such information, because employers, not the government, are in the best position to judge the fitness of potential employees. This year, however, the legislature moderated these proposals somewhat and removed the most onerous aspect of these bills by exempting crimes and misdemeanors of dishonesty as shieldable convictions. The legislature should be commended for hearing and responding to these concerns of employers.

Finally, we thank the legislature - in particular the Senate President and Speaker of the House - for convening the Augustine Commission to examine ways to improve Maryland's business climate. One of the five

bills (HB 939) introduced in response to the Augustine Commission's insightful findings is included in this year's *Roll Call* in acknowledgement of the bill's effective approach in addressing regulations that affect businesses. We are encouraged that HB 939 received near unanimous support. We look forward with great anticipation to the next phase of the Commission, which will address taxation's effect (arguably the most important factor) on business and jobs in Maryland.

As encouraged as we are with the apparent change in mindset among the legislature, we remain very cautious, for one data point does not establish a trend line. Moreover, despite the victories articulated above, many bad bills were passed and good bills rejected this session that will result in continued negative economic ramifications. For example: we still don't have Right to Work; we're continuing to ban fracking in economically-deprived Western Maryland despite the scientific findings of the prior Administration that fracking can be implemented safely; we have laid the groundwork for easier, larger-damage suits against businesses in the future; small businesses were inappropriately removed from the protections afforded under the appeal bond cap legislation enacted this session (HB 164); and all businesses, especially small businesses, continue to pay a confiscatory tax on their "personal" property.

The true test of whether we've turned a corner in favor of reasonable fiscal policy and economic recovery, and whether we will truly rebuild our national reputation, rests squarely in the hands of the General Assembly. Will the legislature continue to work with this Governor? Will it keep up the momentum and earnestly pursue tax and regulatory reform to make us more competitive with nearby states? Will it build upon recent increases in new jobs? We've given "credit where credit is due;" now we will employ another well-used idiom and "wait and see."

Maryland Business for Responsive Government

Maryland Business for Responsive Government Membership Form



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

Name _____

Title _____

Organization _____

Address _____

City _____ State _____ Zip Code _____

Phone _____

E-Mail _____

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
Less than 1 million	Benefactor

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)**

☐ **Benefactor (\$500 per year)**

All MBRG members receive:

- ★ Member rates to MBRG events
- ★ Notification of *Roll Call* publication
- ★ Copies of *Roll Call*
- ★ Access to top business leaders
- ★ Opportunity to change Maryland's business climate!

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

Please make all checks payable to MBRG and mail to: MBRG, 6310 Stevens Forest Rd., Suite 110, Columbia, MD 21046

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