



# MARYLAND BUSINESS FOR RESPONSIVE GOVERNMENT

2016 • VOLUME 31 • MBRG.ORG

# Maryland Business for Responsive Government

## The 2016 Legislative Session – Further Diminishing Maryland’s Brand



Few, if any, individual legislators consider themselves to be actively “anti-business” or working against the interests of business owners and their ability to employ. But, collectively, that is exactly the reputation that the Maryland legislature has earned. That is, in fact, Maryland’s brand as evidenced by a multitude of national rankings by various think tanks, non-profits, and surveys of business owners.

As entrepreneurs, entertainers, and everyone in the public eye can attest, brand is a powerful construct: it encompasses everything about how a product or person – or an entire state – is perceived in the market place. Whereas it takes years to build a positive brand, it can be shattered in mere minutes. Conversely, and unfortunately, it takes years to reverse the negative effects of a bad brand.

Moreover, when an individual or entity is engaged in a rebranding effort – trying to improve its reputation and show itself as a reliable, predictable brand - it needs to be an all-in initiative with consistent application of the principles that will improve that brand. In short, the effort can’t include starts and stops, and it can’t be unilateral in a trilateral system. The 2015 legislative session was a decent start to improving the brand with five bills that implemented recommendations from the Augustine Commission and relatively fewer bad-for-business bills than prior years; we gave credit where credit was due in last year’s edition of *Roll Call*.

But 2016 seemed to usher in a return to an unfortunate mindset of workplace intrusion, a paradigm in which the legislature places itself squarely in the middle of the employer-employee relationship. (*Continued on Page 20*)

### 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 2015** A legislator’s score for 2015, 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.

**2016 %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 2016 MBRG % rating ranks in relation to other legislators’ ratings. For example, a Senator with a percentile ranking of 78 has a 2016 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 389	SB 398	SB 481	SB 508	SB 712	SB 921	HB 422				
	1	2	3	4	5	6	7	MBRG 2016	MBRG 2015	2016 %tile	MBRG CUM %
Allegany, Garrett, & Washington Counties 1 George C. Edwards (R) *	+	■	+	+	■	+	+	100%	80%	71	84%
Washington County 2 Andrew A. Serafini (R) *	+	■	nv	+	■	+	+	100%	80%	71	90%
Frederick County 3 Ronald N. Young (D)	-	+	-	+	■	-	+	50%	33%	48	38%
Carroll & Frederick Counties 4 Michael J. Hough (R) *	+	■	+	+	+	+	+	100%	100%	71	92%
Carroll County 5 Justin D. Ready (R) *	+	■	+	+	+	+	+	100%	86%	71	98%
Baltimore County 6 Johnny Ray Salling (R)	+	+	+	+	■	+	+	100%	100%	71	100%
Baltimore & Harford Counties 7 J.B. Jennings (R) *	+	■	+	+	■	+	+	100%	100%	71	90%
Baltimore County 8 Katherine A. Klausmeier (D)	-	■	+	+	■	-	+	60%	60%	64	60%
Carroll & Howard Counties 9 Gail H. Bates (R) *	+	+	+	+	■	+	+	100%	100%	71	95%
Baltimore County 10 Delores G. Kelley (D)	-	■	-	+	■	nv	+	50%	20%	48	36%
11 Robert A. Zirkin (D)	-	■	-	+	+	-	+	50%	43%	48	39%
Baltimore & Howard Counties 12 Edward J. Kasemeyer (D)	-	■	-	+	■	-	+	40%	60%	15	56%
Howard County 13 Guy J. Guzzone (D)	-	■	-	+	■	-	+	40%	40%	15	33%
Montgomery County 14 Craig Zucker (D)	-	-	-	+	■	-	+	33%	43%	4	25%
15 Brian J. Feldman (D)	-	■	-	+	■	-	+	40%	40%	15	29%
16 Susan C. Lee (D)	-	■	-	+	+	-	+	50%	43%	48	23%
17 Cheryl C. Kagan (D)	-	-	-	+	■	-	+	33%	17%	4	46%
18 Richard S. Madaleno, Jr. (D)	-	■	-	+	■	-	+	40%	20%	15	21%
19 Roger P. Manno (D)	-	■	-	+	■	-	+	40%	20%	15	20%
20 Jamie B. Raskin (D)	-	■	-	+	-	-	+	33%	33%	4	20%
Anne Arundel & Prince George's Counties 21 James C. Rosapepe (D)	-	-	-	+	■	-	+	33%	17%	4	32%
Prince George's County 22 Paul G. Pinsky (D)	-	-	-	+	■	-	nv-	17%	17%	0	26%
23 Douglas J.J. Peters (D)	-	■	-	+	■	-	+	40%	40%	15	34%
24 Joanne C. Benson (D)	-	■	-	+	■	-	+	40%	40%	15	34%



# Maryland Business for Responsive Government

## MARYLAND SENATE VOTES

	SB 389	SB 398	SB 481	SB 508	SB 712	SB 921	HB 422		MBRG 2016	MBRG 2015	2016 %tile	MBRG CUM %
	1	2	3	4	5	6	7		2016	2015		
25 Ulysses Currie (D)	-	■	-	+	■	-	+		40%	40%	15	45%
26 C. Anthony Muse (D)	o	■	-	+	-	-	nv-		20%	43%	2	41%
Calvert, Charles, & Prince George's Counties												
27 Thomas V. Mike Miller, Jr. (D)	-	■	-	+	■	-	+		40%	60%	15	55%
Charles County												
28 Thomas M. Middleton (D)	-	■	-	+	■	-	+		40%	60%	15	55%
Calvert & St. Mary's Counties												
29 Stephen M. Waugh (R)	+	+	+	+	■	+	+		100%	100%	71	100%
Anne Arundel County												
30 John C. Astle (D)	-	■	-	+	■	-	+		40%	60%	15	66%
31 Bryan W. Simonaire (R) *	+	+	+	+	■	+	+		100%	67%	71	90%
32 James E. DeGrange, Sr. (D)	-	■	-	+	■	-	+		40%	60%	15	68%
33 Edward R. Reilly (R) *	+	■	+	+	■	+	+		100%	100%	71	98%
Harford County												
34 Robert G. Cassilly (R)	+	■	+	+	+	+	+		100%	100%	71	100%
Cecil & Harford Counties												
35 Wayne Norman (R) *	+	■	+	+	+	+	+		100%	83%	71	87%
Caroline, Cecil, Kent, & Queen Anne's Counties												
36 Stephen S. Hershey, Jr. (R) *	+	■	+	+	■	+	+		100%	100%	71	92%
Caroline, Dorchester, Talbot & Wicomico Counties												
37 Adelaide C. Eckardt (R) *	+	■	+	+	■	+	+		100%	100%	71	88%
Somerset, Wicomico & Worcester Counties												
38 James N. Mathias, Jr. (D)	+	■	+	+	■	-	+		80%	60%	66	56%
Montgomery County												
39 Nancy J. King (D)	-	■	-	+	■	-	+		40%	40%	15	30%
Baltimore City												
40 Catherine E. Pugh (D)	-	■	o	+	■	-	+		50%	40%	48	35%
41 Lisa A. Gladden (D)	o	■	o	o	-	o	o		INC	43%	INC	31%
Baltimore County												
42 James Brochin (D)	+	■	+	+	+	-	+		83%	71%	68	44%
Baltimore City												
43 Joan Carter Conway (D)	-	+	-	+	■	-	+		50%	50%	48	34%
Baltimore City and Baltimore County												
44 Shirley Nathan-Pulliam (D)	-	+	-	+	■	-	+		50%	33%	48	29%
Baltimore City												
45 Nathaniel J. McFadden (D)	-	■	-	+	■	-	+		40%	40%	15	43%
46 William C. Ferguson, IV (D)	-	■	-	+	■	-	+		40%	40%	15	26%
Prince George's County												
47 Victor R. Ramirez (D)	-	■	-	+	-	-	+		33%	29%	4	22%

\*\* Senator Lisa Gladden was absent due to illness for a significant amount of time during the 2016 Legislative Session. In those instances where she received an "o" designation, this was due to her absence.

# Maryland Business for Responsive Government

## MARYLAND HOUSE OF DELEGATES VOTES

	HB 27	HB 171	HB190	HB 422	HB 457	HB 580 (A)	HB 580	HB 862	HB 1003	HB1038	HB 1106	HB1254	HB1440	MBRG 2016	MBRG 2015	2016 %tile	MBRG CUM%
Garrett & Allegany Counties																	
1A Wendell R. Beitzel (R) *	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	71%	80	86%
Allegany County																	
1B Jason C. Buckel (R)	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	71%	80	88%
Allegany & Washington Counties																	
1C Michael W. McKay (R)	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	100%	80	100%
Washington County																	
2A Neil C. Parrott (R) *	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	100%	80	95%
2A William J. Wivell (R)	+	+	+	+	■	+	+	+	+	■	+	+	+	100%	100%	80	100%
2B Brett R. Wilson (R)	+	+	+	+	■	+	+	■	-	■	+	+	+	90%	100%	70	95%
Frederick County																	
3A Carol L. Krimm (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	35%
3A Karen Lewis Young (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	35%
3B William G. Folden (R)	+	+	+	+	■	+	+	+	+	■	+	+	+	100%	86%	80	94%
Carroll & Frederick Counties																	
4 Kathryn L. Afzali (R) *	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	100%	80	100%
4 Barrie S. Ciliberti (R) *	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	86%	80	84%
4 David E. Vogt III (R)	+	+	+	+	■	+	+	■	-	■	+	+	+	90%	100%	70	94%
Carroll County																	
5 Susan W. Krebs (R) *	+	+	+	+	■	+	+	■	+	■	+	o	+	100%	100%	80	89%
5 April R. Rose (R)	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	86%	80	94%
5 Haven N. Shoemaker, Jr. (R)	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	100%	80	100%
Baltimore County																	
6 Robin L. Grammer, Jr. (R)	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	86%	80	94%
6 Robert B. Long (R)	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	100%	80	100%
6 Richard W. Metzgar (R)	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	86%	80	94%
Baltimore & Harford Counties																	
7 Richard K. Impallaria (R) *	+	+	+	+	+	+	+	■	+	+	+	+	+	100%	78%	80	90%
7 Patrick L. McDonough (R) *	+	+	o	+	■	+	+	■	+	■	+	+	+	100%	100%	80	91%
7 Kathy Szeliga (R) *	+	+	+	+	■	o	+	+	-	■	+	+	+	90%	100%	70	98%
Baltimore County																	
8 Eric M. Bromwell (D)	+	+	+	nv-	■	+	+	■	-	■	-	+	o	67%	71%	64	59%
8 John W.E. Cluster, Jr. (R) *	+	+	+	+	■	+	+	■	-	■	+	+	+	90%	100%	70	95%
8 Christian J. Miele (R)	+	+	+	+	■	+	+	■	-	■	-	+	+	80%	86%	65	82%
Carroll & Howard Counties																	
9A Trent M. Kittleman (R)	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	89%	80	95%
9A Warren E. Miller (R) *	+	+	+	+	+	+	+	■	+	+	+	+	+	100%	100%	80	97%
Howard County																	
9B Robert L. Flanagan (R) *	+	+	+	+	■	+	+	+	-	■	-	+	+	82%	71%	66	81%
Baltimore County																	
10 Benjamin T. Brooks, Sr. (D)	-	+	-	+	-	-	-	■	-	-	-	+	-	25%	44%	6	33%
10 Jay Jalisi (D)	-	+	-	nv-	■	-	-	-	-	■	-	+	-	18%	43%	0	28%
10 Adrienne A. Jones (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	29%
11 Shelly L. Hettelman (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	35%
11 Dan K. Morhaim (D)	-	+	+	+	■	-	-	■	-	■	nv	o	-	38%	43%	57	35%
11 Dana M. Stein (D)	-	+	-	+	■	-	-	-	-	■	-	+	-	27%	43%	12	28%

# Maryland Business for Responsive Government

## MARYLAND HOUSE OF DELEGATES VOTES

		HB 27	HB 171	HB 190	HB 422	HB 457	HB 580 (A)	HB 580	HB 862	HB 1003	HB 1038	HB 1106	HB 1254	HB 1440	MBRG 2016	MBRG 2015	2016 %tile	MBRG CUM%
Baltimore & Howard Counties		1	2	3	4	5	6	7	8	9	10	11	12	13				
12	Eric D. Ebersole (D)	-	+	-	+	■	-	-	■	-	■	-	+	nv	33%	43%	49	38%
12	Terri L. Hill (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	35%
12	Clarence K. Lam (D)	-	+	-	+	■	-	-	-	-	■	-	+	-	27%	43%	12	33%
Howard County																		
13	Vanessa E. Atterbeary (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	33%	22	32%
13	Shane E. Pendergrass (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	31%
13	Frank S. Turner (D)	-	+	-	+	■	o	-	■	-	■	-	+	-	33%	43%	49	31%
Montgomery County																		
14	Anne R. Kaiser (D)	o	+	-	+	■	-	-	■	-	■	-	+	-	33%	43%	49	25%
14	Eric G. Luedtke (D)	-	+	o	+	■	-	-	■	-	■	-	+	-	33%	43%	49	22%
14	Pamela E. Queen (D)	-	o	-	+	■	-	-	■	-	■	-	+	-	22%	N/A	4	-
15	Kathleen M. Dumais (D)	-	+	-	+	■	-	-	■	nv	■	-	+	-	33%	56%	49	27%
15	David V. Fraser-Hidalgo (D)	-	+	-	+	■	-	-	-	-	■	-	+	-	27%	43%	12	23%
15	Aruna Miller (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	22%
16	C. William Frick (D)	-	+	-	+	■	-	-	■	-	-	-	+	-	25%	33%	6	22%
16	Ariana B. Kelly (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	27%
16	Marc A. Korman (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	25%
17	Kumar P. Barve (D)	-	+	-	+	■	-	-	-	-	■	-	+	-	27%	43%	12	38%
17	James W. Gilchrist (D)	-	+	-	+	■	-	-	-	-	■	-	+	-	27%	43%	12	25%
17	Andrew Platt (D)	-	+	-	+	■	-	-	■	-	■	-	-	-	20%	43%	1	29%
18	Alfred C. Carr, Jr. (D)	-	+	-	+	■	-	-	o	-	■	-	+	-	30%	43%	22	23%
18	Ana Sol Gutiérrez (D)	-	+	o	+	■	-	-	■	-	■	-	o	-	25%	67%	6	27%
18	Jeffrey D. Waldstreicher (D)	-	+	-	+	-	-	-	■	-	-	-	+	-	25%	33%	6	24%
19	Bonnie L. Cullison (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	23%
19	Benjamin F. Kramer (D)	-	+	-	+	-	-	-	■	-	-	-	+	-	25%	43%	6	30%
19	Marice L. Morales (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	33%	22	32%
20	Sheila E. Hixson (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	34%
20	David Moon (D)	-	+	-	+	■	-	-	■	-	■	-	-	-	20%	33%	1	26%
20	William C. Smith, Jr. (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	33%	22	32%
Anne Arundel & Prince George's Counties																		
21	Benjamin S. Barnes (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	23%
21	Barbara A. Frush (D)	-	+	-	+	■	-	-	-	-	■	-	+	-	27%	43%	12	29%
21	Joseline A. Peña-Melnik (D)	-	+	-	+	■	-	-	■	-	■	-	o	-	22%	50%	4	25%
Prince George's County																		
22	Tawanna P. Gaines (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	50%	22	26%
22	Anne Healey (D)	-	+	-	+	■	-	-	-	-	■	-	+	-	27%	43%	12	31%
22	Alonzo T. Washington (D)	-	+	-	+	■	-	-	■	-	■	-	-	-	20%	43%	1	24%
23A	Geraldine Valentino-Smith (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	44%	22	26%
23B	Marvin E. Holmes, Jr. (D)	-	+	-	+	■	-	-	-	-	■	-	+	-	27%	43%	12	28%
23B	Joseph F. Vallario, Jr. (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	37%
24	Erek L. Barron (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	35%
24	Carolyn J.B. Howard (D)	-	+	-	+	■	-	-	■	o	■	-	+	-	33%	43%	49	34%
24	Michael L. Vaughn (D)	-	+	-	+	-	-	-	■	-	-	-	+	o	27%	44%	12	33%
25	Angela M. Angel (D)	-	o	-	+	■	o	o	■	nv	-	nv	+	-	40%	50%	58	45%
25	Darryl Barnes (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	35%
25	Dereck E. Davis (D)	-	+	-	+	nvc	-	-	■	-	nvc	-	o	-	22%	43%	4	35%

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	HB 27	HB 171	HB 190	HB 422	HB 457	HB 580 (A)	HB 580	HB 862	HB 1003	HB 1038	HB 1106	HB 1254	HB 1440	MBRG 2016	MBRG 2015	2016 %tile	MBRG CUM%
26 Tony Knotts (D)	-	+	-	+	■	-	-	-	■	-	+	-	-	27%	43%	12	33%
26 Kriselda Valderrama (D)	-	+	-	+	-	-	-	■	-	-	+	-	-	25%	33%	6	25%
26 Jay Walker (D)	-	+	-	+	■	-	+	■	-	■	-	+	-	40%	43%	58	34%
Calvert & Prince George's Counties																	
27A Elizabeth G. (Susie) Proctor (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	N/A	22	30%
27B Michael A. Jackson (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	50%	22	38%
Calvert County																	
27C Mark N. Fisher (R) *	+	+	+	+	+	+	+	■	+	+	+	+	+	100%	100%	80	95%
Charles County																	
28 Sally Y. Jameson (D)	+	+	-	+	-	-	-	■	-	-	-	+	-	33%	44%	49	48%
28 Edith J. Patterson (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	35%
28 C.T. Wilson (D)	+	+	nv	+	-	-	-	■	-	-	-	+	-	36%	56%	57	32%
St. Mary's County																	
29A Matt Morgan (R)	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	100%	80	100%
29B Deborah C. Rey (R)	+	+	+	+	■	nv-	+	■	+	■	nv	+	+	89%	78%	67	83%
Calvert & St. Mary's Counties																	
29C Anthony J. O'Donnell (R) *	+	+	+	+	■	+	+	+	o	■	+	+	-	90%	100%	70	95%
Anne Arundel County																	
30A Michael E. Busch (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	46%
30A Herbert H. McMillan (R) *	+	+	o	+	■	+	+	■	-	■	+	+	+	89%	86%	67	82%
30B Seth A. Howard (R)	+	+	+	+	+	+	+	■	+	+	+	+	+	100%	78%	80	90%
31A Ned P. Carey (D)	-	+	+	+	+	-	+	■	-	-	+	+	-	58%	56%	62	57%
31B Nicholas R. Kipke (R) *	+	+	+	+	■	+	+	■	-	■	+	+	+	90%	100%	70	81%
31B Meagan C. Simonaire (R)	+	+	+	+	■	+	o	■	-	■	+	+	+	89%	100%	67	94%
32 Pamela G. Beidle (D)	-	+	+	+	■	+	+	+	-	■	-	+	-	64%	57%	63	48%
32 Mark S. Chang (D)	-	+	-	+	■	+	-	■	-	■	-	+	-	40%	57%	58	47%
32 Theodore J. Sophocleus (D)	-	+	-	+	■	+	-	■	-	■	-	+	-	40%	57%	58	57%
33 Michael E. Malone (R)	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	100%	80	100%
33 Tony McConkey (R) *	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	100%	80	87%
33 Sid A. Saab (R)	+	+	+	+	■	o	+	■	+	■	+	+	+	100%	100%	80	100%
Harford County																	
34A Glen Glass (R) *	+	+	+	+	■	+	+	■	+	■	+	+	-	90%	89%	70	93%
34A Mary Ann Lisanti (D)	-	+	-	+	-	-	+	■	-	-	-	+	-	33%	56%	49	43%
34B Susan K. McComas (R) *	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	100%	80	88%
Cecil County																	
35A Kevin B. Hornberger (R)	+	+	+	+	■	+	+	■	-	■	+	+	-	80%	100%	65	88%
Cecil & Harford Counties																	
35B Andrew P. Cassilly (R)	+	+	+	+	■	+	+	+	-	■	-	+	+	82%	86%	66	83%
35B Teresa E. Reilly (R)	+	+	+	+	■	+	+	■	-	■	+	+	+	90%	100%	70	94%
Caroline, Cecil, Kent, & Queen Anne's Counties																	
36 Steven J. Arentz (R)	o	+	+	+	o	+	+	■	+	+	+	+	-	90%	100%	70	93%
36 Jefferson L. Ghrist (R)	+	+	+	+	■	+	+	■	+	■	+	+	+	100%	100%	80	100%
36 Jay A. Jacobs (R) *	+	+	+	+	■	+	+	+	+	■	+	+	+	100%	100%	80	97%

# Maryland Business for Responsive Government

## MARYLAND HOUSE OF DELEGATES VOTES

	HB 27	HB 171	HB 190	HB 422	HB 457	HB 580 (A)	HB 580	HB 862	HB 1003	HB 1038	HB 1106	HB 1254	HB 1440	MBRG 2016	MBRG 2015	2016 %tile	MBRG CUM%
Dorchester & Wicomico Counties																	
37A Sheree Sample-Hughes (D)	+	+	-	+	■	-	-	■	-	■	-	+	+	50%	43%	62	47%
Caroline, Dorchester, Talbot & Wicomico Counties																	
37B Christopher T. Adams (R)	+	+	+	+	+	+	+	■	+	+	+	+	+	100%	100%	80	100%
37B John F. Mautz IV (R)	+	+	+	+	+	+	+	■	-	+	+	+	+	92%	100%	78	95%
Somerset & Worcester Counties																	
38A Charles J. Otto (R) *	o	+	+	+	■	+	+	+	+	■	+	+	+	100%	100%	80	95%
Wicomico County																	
38B Carl L. Anderton, Jr. (R)	+	+	+	+	■	+	+	+	-	■	+	+	+	91%	100%	77	94%
Wicomico & Worcester Counties																	
38C Mary Beth Carozza (R)	+	+	+	+	■	+	+	■	-	■	+	+	+	90%	100%	70	94%
Montgomery County																	
39 Charles E. Barkley (D)	-	+	-	+	-	-	-	■	-	-	-	+	-	25%	33%	6	26%
39 Kirill Reznik (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	32%
39 A. Shane Robinson (D)	-	+	-	+	■	-	-	-	-	■	-	+	-	27%	43%	12	19%
Baltimore City																	
40 Frank M. Conaway, Jr. (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	33%	22	31%
40 Antonio L. Hayes (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	35%
40 Barbara A. Robinson (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	24%
41 Jill P. Carter (D)	o	nv-	o	+	■	o	-	■	o	■	-	+	o	40%	33%	58	24%
41 Nathaniel T. Oaks (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	33%
41 Samuel I. Rosenberg (D)	-	+	-	+	■	-	o	■	-	■	-	+	-	33%	33%	49	36%
Baltimore County																	
42A Stephen W. Lafferty (D)	-	+	-	+	■	-	-	-	-	■	-	+	-	27%	43%	12	26%
42B Susan L. M. Aumann (R) *	+	+	+	+	+	+	+	■	-	+	+	+	+	92%	100%	78	88%
42B Christopher R. West (R)	+	+	+	+	■	+	+	■	+	■	-	+	+	90%	100%	70	94%
Baltimore City																	
43 Curtis S. (Curt) Anderson (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	33%	22	31%
43 Maggie McIntosh (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	30%
43 Mary L. Washington (D)	-	+	-	+	■	o	-	■	-	■	-	+	-	33%	43%	49	34%
44A Keith E. Haynes (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	28%
Baltimore County																	
44B Charles E. Sydnor III (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	44%	22	37%
44B Patrick G. Young, Jr. (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	35%
Baltimore City																	
45 Talmadge Branch (D)	-	+	-	+	-	-	-	■	-	-	-	o	-	18%	33%	0	38%
45 Cheryl D. Glenn (D)	-	+	-	+	-	-	-	■	-	-	-	+	-	25%	33%	6	26%
45 Cory V. McCray (D)	-	+	-	+	■	-	-	-	-	■	-	+	-	27%	43%	12	33%
46 Luke Clippinger (D)	-	+	-	+	-	-	-	■	-	-	-	+	-	25%	33%	6	21%
46 Peter A. Hammen (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	36%
46 Brooke E. Lierman (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	43%	22	35%
Prince George's County																	
47A Diana M. Fennell (D)	o	+	-	+	■	-	-	■	-	■	-	+	-	33%	50%	49	40%
47A Jimmy Tarlau (D)	-	+	-	+	■	-	-	■	-	■	-	-	-	20%	43%	1	29%
47B Carlo Sanchez (D)	-	+	-	+	■	-	-	■	-	■	-	+	-	30%	N/A	22	-



## **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 scored 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 State Senate (minimum 4 years' service).



**Edward R. Reilly (R)**  
**District 33**

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

# 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

**T**o 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.

## 2016 SENATE VOTE DESCRIPTIONS

### **1 SB 389 – Birth and Death Certificates – Fee Reduction - Senate Floor Vote: Motion to Reject Two Committee Amendments**

*Senator Ready*

As introduced, SB 389 was entitled the “Fee, Surcharge, and Tax Reduction Act of 2016,” consisting of a series of reductions in dozens of business and employer fees throughout varied segments of the Maryland economy. It included fee reductions for: fishing licenses, contractors’ licenses, annual automobile registration, various meters and scales used throughout agriculture and industry, and environmental and natural resources permits, among others. But two amendments in the Senate Budget and Taxation Committee significantly altered the extent of the bill, stripping all but two fee reductions and changing the title of the bill to “Birth and Death Certificate – Fee Reduction.” As amended, SB 389 was no longer a pro-business bill that would reduce the cost of doing business in Maryland and thereby improve Maryland’s business climate. Senator Ready offered a floor motion to reject those two amendments.

*A “+” indicates a vote in favor of the floor motion on SB 389 to remove the two Committee amendments and reflects MBRG’s support of bills that not only reduce the cost of doing business but also foster a stronger reputation for Maryland as a business-friendly state. Disagreeing with MBRG’s position, the Senate rejected the floor motion by a vote of 29-16 on March 23, 2016.*

### **2 SB 398- Reducing Environmental Degradation for the Underserved Through Community Engagement (The REDUCE ACT)**

*Senators Ramirez, Benson, Guzzone, Nathan-Pulliam, and Raskin*

Requires the Department of the Environment to compel an air quality permittee to estimate and report the number of diesel vehicle trips per day needed to service a construction site and the associated emissions from the diesel vehicle trips. SB 398 also requires the permittee to solicit input from the affected community and community advisory boards within 1 mile of the project site about the diesel trip routes and times, the impact on the road infrastructure, and traffic safety and vehicle idling policies.

*A “+” indicates a vote against SB 398 and reflects MBRG’s opposition to legislation that increases government’s involvement in the day-to-day operations of businesses, over and above the existing substantial allowances for public input under state, federal, and local standing laws. The legislation adds yet another layer of cost and delay that can effectively derail job-producing projects. Agreeing with MBRG’s opposition, the Senate Education, Health and Environmental Affairs Committee rejected SB 398, 7-4, on March 16, 2016.*

### **3 SB 481 – Senate Floor Amendment 193020 - Labor and Employment – Equal Pay for Equal Work**

*Senator Raskin*

Expands the Equal Pay for Equal Work law to prohibit discrimination based on gender identity. SB 481 prohibits employers from providing less favorable employment opportunities because of gender or gender identity, and further prohibits employers from adopting any policy that would prohibit employees from discussing wages and asking employers to: (1) disclose wages of other employees, and (2) provide reasons for a wage rate. If an employer is found in violation of any of these provisions, an employee will be entitled to injunctive relief, damages equal to the difference between wages paid to employees of differing gender or gender identity, and an additional equal amount as liquidated damages. Whereas the original text in the bill stipulated that an employer must knowingly violate one of these provisions to be subject to the damages, the Senate Floor Amendment changed the wording to “knew or reasonably should have known,” a vague and lower legal hurdle that invites litigation, benefits plaintiff lawyers, and puts employers at higher risk.

*A “+” vote indicates a vote against the Senate Floor Amendment and reflects MBRG’s opposition to the amendment, which expands the presumption of guilt for employers. In opposition to the intent of the Senate Finance Committee, which worked to protect employers within this bill, this floor amendment once again places businesses in jeopardy of facing costly lawsuits even if they inadvertently violate the law. Disagreeing with MBRG’s position, the Senate adopted the Raskin Floor Amendment, 28-16 on March 22, 2016.*



## 2016 SENATE VOTE DESCRIPTIONS

### **4 SB 508 – Civil Remedies for Shoplifting and Employee Theft** *Senator Ramirez*

As amended, SB 508 modifies statutory provisions governing the penalties for shoplifting and employee theft (SB 508, as introduced, repealed the entire civil penalty statute allowing merchants to demand civil penalties for shoplifting and employee theft). The amendments alter the content of, authorship of, and means of confirming compliance with merchants' demand letters. If the person suspected of shoplifting or employee theft prevails, he or she is entitled to court costs and reasonable attorney fees. If a merchant violates any of these provisions, it is liable for actual damages caused by the violation and reasonable court costs and attorney fees.

*A "+" vote indicates a vote for SB 508 and reflects MBRG's support of legislation that leaves intact a statute critical to the retail industry. This legislation was modeled after the Fair Debt Collections Act and made every attempt to reach a compromise between proponents and opponents, so as to avoid a full repeal of the civil penalty statute. Agreeing with MBRG's position, the Senate approved the amended version of SB 508, 46-0 on March 17, 2016.*

### **5 SB 712 – Criminal Procedure – Nonviolent Felonies – Stet, Shielding, and Expungement** *Senators Pugh, Benson, and Young*

Extends recently enacted laws that allow a person to petition a court to shield or expunge minor offenses from that person's court and police record to include the shielding or expungement of a nonviolent felony. SB 712 also authorizes a court to dispose of a charge for a nonviolent felony before a trial is held, if it finds that the disposition "is in the interest of justice," an arbitrary and vague standard. "Nonviolent felonies" are undefined in SB 712 or anywhere in Maryland law. However, unrefuted opposition testimony at the bill's public hearing indicated that they likely include crimes such as burglary, writing bad checks, credit card and identity fraud, felony theft, child pornography, narcotics distribution, and other offenses involving lack of honesty, knowledge of which is essential to an

employer's decision to hire a job applicant and a property owner's decision to rent to a tenant. SB 712 contains no provision ensuring that a shielded or expunged record shall remain accessible to certain employers who are subject to a statutory or contractual requirement to inquire into an applicant's record.

*A "+" vote indicates a vote against SB 712 and reflects MBRG's opposition to vague legislation that hinders employment by barring or interfering with an employer's ability – or in some cases an employer's legal duty -- to conduct a complete background check on prospective employees. SB 712 could deny child care providers access to an applicant's history of child pornography, and could deny property owners access to a prospective tenant's history of burglary, theft or drug dealing. Employers and property owners, not the General Assembly, are in the best position to determine whether a person charged with or convicted of certain crimes qualifies or is suitable for the type of employment or housing being offered. Agreeing with MBRG's position, the Senate Judicial Proceedings Committee rejected SB 712, 7-4, on March 3, 2016.*

### **6 SB 921 – Clean Energy Jobs – Renewable Energy Portfolio - Standard Revisions** *Senator Pugh*

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 \$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.

## 2016 SENATE VOTE DESCRIPTIONS

A “+” indicates a vote against SB 921 and reflects MBRG’s opposition to substantial energy cost increases created by artificial subsidies for an already-mature and growing 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 approved SB 921, 31-14, on April 6, 2016.

### **7** **HB 422 – Interest Rate on Tax Deficiencies and Refunds** *Delegate Fraser-Hidalgo, et al.*

Reduces the interest rate due for Maryland state tax deficiencies and refunds from the greater of 13 percent or three percentage points above the average prime rate of interest in the previous fiscal year to: the greater of 12% for calendar 2017, 11.5% for calendar 2018, 11% for calendar 2019, 10.5% for calendar 2020, 10% for calendar 2021, 9.5% for calendar 2022, and 9% for calendar 2023 and each year thereafter or three percentage points above the average prime rate of interest in the previous fiscal year. Maryland’s current interest rate for tax deficiencies and refunds is the third highest in the nation and significantly exceeds that charged by Maryland’s neighboring states. In connection with certain taxes, the interest rate for refunds to taxpayers has been lowered, leaving just the excessively high and confiscatory statutory interest rate to be imposed on taxpayers for tax deficiencies.

A “+” indicates a vote for HB 422 and reflects MBRG’s support for tax relief and for bringing the state’s interest rate for tax deficiencies and refunds more in line with those of other states by 2023, thus making for a more competitive economic environment. Agreeing with MBRG’s position, the Senate approved HB 422, 44-0, on April 8, 2016.

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### *Did you know?*

*Caroline County has the legislators with the highest average cumulative score, with an average of 95%. Montgomery County has the least responsive delegation with an average cumulative score of 27%.*

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## 2016 HOUSE VOTE DESCRIPTIONS

### **1** **HB 27 – Education – Community Colleges – Collective Bargaining** *Delegate Haynes, et al.*

Expands the collective bargaining process for local community college and Baltimore City Community College (BCCC) employees including full-time faculty, part-time faculty, and staff, but excluding officers, supervisory or confidential employees, and student assistants. HB 27 repeals the current authorization for collective bargaining rights for BCCC and the Community College of Baltimore County, Montgomery College, and Prince George's College, and encompasses all of these institutions within the new statewide authorization in HB 27. This expansion of collective bargaining will indisputably increase costs for community colleges and their employees.

*A “+” vote indicates a vote against HB 27 and reflects MBRG’s opposition to forced unionization and mandated increased costs on community colleges and their employees. These unnecessary costs will disrupt the operations of community colleges and reduce the value of services provided to both students and Maryland employers, who rely on community colleges for workforce training. Disagreeing with MBRG’s position, the House of Delegates approved HB 27, 84-52, on March 4, 2016.*

### **2** **HB 171 - Judgments – Appeals - Supersedeas Bond** *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 \$5 million or the amount of the judgment if the appellant is a small business or nonprofit organization with not more than 250 full-time employees. Appeal bonds are necessary to postpone the collection of an adverse judgment until after an appeal is exhausted. Prior to 2015, Maryland law required an appealing defendant to post a bond for greater than the full amount of the judgment in most circumstances, which imposed a financial burden that may prevent defendants from vindicating their legal rights in the

appellate courts, thus denying access to justice. In 2015, the General Assembly passed HB 164, which requires an appellant to post a supersedeas bond for the lesser of \$100 million or the amount of the judgment, in order to stay a judgment on appeal; however, an important and necessary provision for small businesses was amended out after unanimously passing the House of Delegates. HB 171 seeks to revive the small business provision necessary to allow fair and equitable access to justice for businesses with 250 or fewer full-time employees.

*A “+” indicates a vote for HB 171 and reflects MBRG’s support for a reform to the state’s legal liability system that ensures that small business defendants are not denied appeal rights due to the excessive cost of appeal bonds. Agreeing with MBRG’s position, the House approved HB 171, 138-0, on February 25, 2016.*

### **3** **HB 190 – Civil Remedies for Shoplifting and Employee Theft** *Delegate Lierman*

Repeals all current law provisions establishing liability to a merchant for civil penalties and damages for shoplifting and employee theft. HB 190 eliminates 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 190 would have no impact on the separate system of criminal law sanctions against shoplifting and employee theft.

*A “+” indicates a vote against HB 190 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 190 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 leaves merchants with no way to recover their losses. Disagreeing with MBRG’s position, the House approved HB 190, 83-52 on March 14, 2016.*

## 2016 HOUSE VOTE DESCRIPTIONS

### **4** **HB 422 – Interest Rate on Tax Deficiencies and Refunds** *Delegate Fraser-Hidalgo, et al.*

For a description of HB 422, see Senate Vote 7 on page 14.

*A “+” indicates a vote for HB 422 and reflects MBRG’s support for tax relief and for bringing the state’s interest rate for tax deficiencies and refunds more in line with those of other states by 2023, thus making for a more competitive economic environment. Agreeing with MBRG’s position, the House of Delegates approved HB 422, 139-0, on April 9, 2016.*

### **5** **HB 457 Corporations and Associations - Filing Fees – Reductions** *Speaker, by Request-Administration & Del. Adams, et al.*

Reduces annual business filing fees by \$50 per year, over a 4 year period, from \$300 to \$100. These cost savings would help employers, and especially small businesses, to start and invest in their businesses. Reducing barriers to starting and growing a business will improve Maryland’s business climate.

*A “+” indicates a vote in favor of HB 457 and reflects MBRG’s support of bills that not only reduce the cost of doing business but also foster a stronger reputation for Maryland as a business-friendly state. Disagreeing with MBRG’s position, the Economic Matters Committee rejected HB 457, 13-8, on March 4, 2016.*

### **6** **HB 580 – Floor Amendment 323925 – Labor and Employment – Maryland Healthy Working Families Act** *Delegate Kipke*

See House Vote 7 on page 17 for a description of HB 580. The Floor Amendment reduces the paid sick and safe leave benefit from a maximum of seven to five days per year, increases the exemption from paid sick and safe leave for employers of less than 15 employees to employers of less than 50 employees, and removes or modifies each of the more onerous elements of the paid

sick and safe leave mandate listed in the description of HB 580 including: (1) preempts the Montgomery County paid sick and safe leave law (so as to eliminate the compliance and record-keeping challenges for employers created by two different paid leave regimes applying in the same state); (2) requires that employees must work more than just 8 hours per week to qualify for paid sick and safe leave (by setting the minimum work threshold at 30 hours per week) and exempts employers from having to provide paid sick and safe leave to all temporary, part-time, and seasonal workers (including Ocean City and student summer workers) by requiring employees to work at least 120 days per year; (3) limits the ability of employees to carry over paid sick and safe leave from one year to the next, and to use not more than 40 hours of accrued leave in any calendar year (the same amount one can earn in a year); (4) removes the exemption for construction workers covered by collective bargaining agreements (an arbitrary and unjustified exemption favoring unionized over non-union workers and employers); and (5) eliminates treble and punitive damages imposed against employers for violations (these mandatory and disproportionate sanctions, among seven different sanctions included in HB 580, have no place in workplace regulation where violations are typically inadvertent or unintentional).

*A “+” vote indicates a vote for the Floor Amendment and reflects MBRG’s opposition to the most onerous provisions of HB 580, which if allowed to remain in the legislation, would cause reduced employment, increased cost of doing business in the state, unreasonable expansion of liability for employers, and disproportionately adverse impact on small businesses. HB 580 would have a devastating effect on many employers and jobs in Maryland, and especially on small businesses that have virtually no prospect for achieving compliance with a paid sick and safe leave mandate. The provisions contained in the Floor Amendment begin to diminish the adverse impact of the legislation. Disagreeing with MBRG’s position, the House of Delegates rejected the Floor Amendment, 83-51, on April 4, 2016.*



## 2016 HOUSE VOTE DESCRIPTIONS

### **7** **HB 580 – Labor and Employment – Maryland Healthy Working Families Act** *Delegate Clippinger, et al.*

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 the many other provisions of the bill that impose economic and administrative burdens on Maryland employers, HB 580: (1) allows Montgomery County's paid sick and safe leave to be grandfathered (thus allowing for two paid sick and safe leave regimes in overlapping areas of the state, thereby creating compliance and record-keeping challenges for employers operating both in Montgomery 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 little as 8 hours per week; (3) allows employees to carry over 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); (4) exempts from the paid sick and safe leave mandate agricultural workers (notwithstanding the inclusion of seasonal workers) and construction workers covered by collective bargaining agreements; and (5) imposes a total of up to seven different disproportionately severe sanctions on employers who violate these requirements, including treble and punitive damages (these two forms of damages are mandatory, such that the courts are required to impose them upon employers, regardless of whether violations are unintentional, inadvertent or otherwise inconsequential).

*A “+” indicates a vote against HB 580 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.* Disagreeing with MBRG’s position, the House of Delegates approved HB 580, 84-54, on April 5, 2016.

### **8** **HB 862 – Maryland Redeemable Beverage Container Recycling Refund and Litter Reduction Act** *Delegates Frush, et al.*

Imposes a 5¢ beverage container deposit fee on containers made of glass, aluminum, or plastic. Requires consumers to bring containers back to retail establishments or redemption centers for a refund, and requires retailers to establish systems to track, store, and dispose of recycled materials. HB 862 creates an inefficient and antiquated recycling program that undermines existing local government recycling efforts.

*A “+” indicates a vote against HB 862 and reflects MBRG’s opposition to imposing administrative collection and remittal burdens on businesses and creating a regressive and unnecessary fee on consumers that targets only a small segment of the waste stream.* Disagreeing with MBRG’s position, the House Environment and Transportation Committee approved HB 862, 13-10, on March 18, 2016.

### **9** **HB 1003 – Labor and Employment – Equal Pay for Equal Work** *Delegate Valderrama*

Expands the Equal Pay for Equal Work law to prohibit discrimination based on gender identity. Employers are also prohibited from providing less favorable employment opportunities because of gender or gender identity. Employers are now prohibited from adopting any policy that would prohibit employees from discussing wages and asking employers to 1) disclose wages of other employees and 2) provide reasons for a wage rate. If an employer is found in violation of any of these provisions, an employee is entitled to injunctive relief, damages equal to the difference between wages paid to employees of differing gender or gender identity, and an additional equal amount as liquidated damages.

## 2016 HOUSE VOTE DESCRIPTIONS

A “+” vote indicates a vote against HB 1003 and reflects MBRG’s opposition to legislation that places a presumption of guilt on employers who are accused of discriminating against an employee because of gender or gender identity. This bill promotes the use of litigation against employers and ultimately increases litigation costs and places a massive burden on business owners who inadvertently violate the law. Disagreeing with MBRG’s position, the House approved HB 1003, 103-33 on April 9, 2016.

### **10** **HB 1038 – Labor and Employment- Labor Organizations – Right to Work** *Delegates 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 1038 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 26 states with Right to Work laws on the books, including Virginia, which puts Maryland at a significant disadvantage when courting new manufacturing businesses as well as retaining and growing current Maryland-based businesses.

A “+” indicates a vote in support of HB 1038 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 increasingly 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 1038, 14-8, on March 9, 2016.

### **11** **HB 1106 - Clean Energy Jobs - Renewable Energy Portfolio - Standard Revisions** *Delegate Frick*

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. HB 1106 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 HB 1106 is projected to increase the cost of energy to all Maryland consumers by a magnitude of \$50 million - \$200 million per year, depending on renewable energy credit prices in a given year. Another provision in the companion bill to HB 1106 (SB 921), creating significant additional energy cost increases to Maryland businesses and jobs by requiring utilities to enter into long-term contracts with generators of renewable energy facilities, was amended out of SB 921 and never included in HB 1106.

A “+” indicates a vote against HB 1106 and reflects MBRG’s opposition to substantial energy cost increases created by artificial subsidies for an already-mature and growing 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 approved HB 1106, 92-46, on April 11, 2016.

## 2016 HOUSE VOTE DESCRIPTIONS

### **12** **HB 1254 Corporate Income Tax - Federal Repatriation Holiday**

*Speaker, by Request Maryland Economic Development & Business Climate Commission; Del. Beitzel, et al.*

Provides a subtraction modification under the Maryland corporate income tax for specified dividends included in federal taxable income as a result of a specified repatriation holiday enacted by federal legislation. HB 1254 requires the Comptroller to provide for the administration of this legislation if specified federal legislation is enacted. This would be applicable to all taxable years beginning after December 31, 2015. By allowing this subtraction modification, Maryland would become a more favorable state in which these foreign corporations may decide to invest dividend payment if the federal tax law allows for such a repatriation holiday.

*A “+” indicates a vote in favor of HB 1254 and reflects MBRG’s support of bills that foster a stronger reputation for Maryland as a business-friendly state. Agreeing with MBRG’s position, the House approved HB 1254, 131-4, on March 19, 2016*

### **13** **HB 1440 – Labor and Employment – Non-Compete and Conflict of Interest Clauses** *Delegates Carr and Hornberger*

Renders void and unenforceable any employment contract provision that restricts an employee, who is paid less than \$15 per hour or less than \$31,200 per year, from engaging in employment with a new employer or to become 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. HB 1440 eliminates those allowances, thereby creating a significant workplace restriction not imposed in any other state.

*A “+” vote indicates a vote against HB 1440 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 1440, 90-47, on March 13, 2016.*

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### *Did you know?*

*Over two-thirds (67%) of second-year members of the House of Delegates had lower MBRG scores in 2016 than in 2015.*

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# Maryland Business for Responsive Government

*(Continued from Page 2)*

## A Bias Toward Workplace Intrusion

Who is best suited to decide which applicants should be hired - employers or lawmakers? Who is best suited to determine wage rates and eligibility for paid time off? Who is best suited to determine employees' schedules? Who is most incentivized to keep their workforce healthy, happy, and engaged? The answers should be simple, yet the legislature has made it clear that it believes lawmakers know best, not employers. Business owners and other employers, it would appear, cannot be trusted to do the right thing. Consider a sampling of the higher-profile bills introduced but not passed this year:

- HB 580: Maryland Healthy Working Families Act
- SB 623 / HB 197: Maryland Pay Stub Transparency Act of 2016
- SB 664/HB 1175: Fair Scheduling, Wages, and Benefits Act
- HB 1372: Payment of Wages - Minimum Wage and Repeal of Tip Credit
- HB 401: Equal Pay for Equal Work

HB 580, also known as the "paid leave" act, was poised for passage as it made it out of the House of Delegates, but the legislative session ended before the Senate was able to hold a vote. The other bills did not make it out of their respective committees. Collectively, these bills would force employers to include the minimum salary in an open job announcement, relinquish the tip credit currently applied to the wages of tipped employees, provide employees with their schedules 21 days in advance or be fined – and be fined for changing the schedule with less than 21-days-notice, incur significant record-keeping and notification costs with a myriad of new payroll requirements, and give employees nearly unlimited ability to take paid "sick and safe" leave without verification of need.

Why worry about bills that were ultimately not voted upon? Two important reasons.

First, they will undoubtedly be reintroduced, and they just might pass. These bills have been making their way through the states with reputations for being unfriendly to business, so it is a given that they won't simply go away. They are part of a national trend in states that view business either as: 1) an adversary that must be

controlled and cannot be trusted to do the "right" thing, 2) a seemingly never-ending source of funding that will never go away, regardless of how much it is burdened by ever-increasing regulations and taxes, or 3) an easy target for self-preservation and grandstanding by legislators who can claim that they "stood up to" business, in favor of "working families", "the children", or some other carve-out of our society designed to polarize and pit us against each other.

Of course, none of these views is correct. Businesses overwhelmingly are incentivized to take good care of their employees and minimize turnover, but legislation actually makes that increasingly difficult with each passing year. And businesses certainly do have a tax-and-regulate threshold, a breaking point at which they pack up shop and head south for the winter. And spring. And summer. And fall. Finally, unquestionably, it is not an either/or case of business-versus-working families or business-versus-education or business-versus-good healthcare. That, in fact, is ludicrous, and a thriving business climate has been shown time and again to improve all aspects of an economy.

Second, the mere introduction of bad bills annually – even if they don't yet get a vote - validates the negative brand image that Maryland is bad for business. As we stated above, key components of a positive brand have to do with predictability and reliability. Employers are necessarily on edge. They cannot relax, secure in the knowledge that they know what the rules will be next year so they can simply focus on growing their businesses. They have to watch Annapolis constantly and wonder when this other shoe will drop. What will happen if just one legislator is added or removed from a committee and that changes the dynamic next year, thereby opening the door for passage of one of these terrible bills?

Employers also need predictability in the legal system. Year after year, legislation is introduced that may seem only minimally relevant to business owners, but the impact, if passed, would cause an increase in liability costs and subsequently, a business' insurance costs. For example, SB 574/HB 869 – Civil Actions – Noneconomic Damages – Catastrophic Injury, sought to triple the maximum amount of noneconomic damages (damages for pain and suffering) which may be recovered in personal injury and wrongful death actions when a catastrophic injury, as broadly defined by the plaintiffs' bar, is alleged to have occurred. If passed, this legislation would have



# Maryland Business for Responsive Government

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led to unpredictability in the liability insurance market and increased the premiums that businesses must pay for this type of insurance. Bills that negatively impact civil liability laws are bad for business, yet they are introduced year after year in the General Assembly.

## Tightening the Vise – A Little More Each Year

Of the bills passed this session, there is a combination of laws that increase the cost of doing business, restrict employers' ability to recover assets from employees who steal from them, and limit business owners' ability to prevent former employees from walking away with trade secrets and competing against their former company. A sampling includes:

- HB 1003: Equal Pay for Equal Work
- HB 190: Civil Penalties for Shoplifting and Employee Theft - Repeal
- HB 1440: Non-compete and Conflict of Interest Clauses

These bills are included in the scoring in Roll Call, and the explanations of why they are bad for business – and therefore the economy – or simply why they are redundant and unnecessary are included with the bill write-ups.

It is interesting that the names of the worst bills seem to be inversely proportional to their consequences; the nicer the bill sounds, the more deleterious its effects. Who could be against the so-called “Healthy Working Families Act”, for example? Doesn't everyone want Maryland's families to be healthy? And working? Of course we do. But if you understand that the economic effects of a bill will have the exact opposite effect of its stated, intended purpose, then you must oppose it.

Another way the vise is further tightened each year is in the set-up of long-term commissions and task forces that have limited definition and no expiration dates. This year, as part of the equal-pay-for-equal-work series of bills, HB 1004, established an Equal Pay Commission. The problem? Of the 13 members designated, just three represent business. Such an unbalanced commission is all-but-guaranteed to make recommendations that do not support a positive business climate

## What Can You Do to Help?

The answer is simple. Use Roll Call and communicate with your legislators. Each lawmaker receives an objective, transparent score of 0 to 100% based on their ACTUAL votes on business-related bills or amendments. If your legislators scored a failing grade, hold them accountable. Refuse to support their fundraisers. Demand that they account for their votes.

All too often, lawmakers say “gosh, we never really heard from business on this bill, so we assumed it was not a big issue for you.” Of course, most business owners don't have an entire day available to spend in Annapolis and we can't send entire busloads of paid activists to demonstrate on Lawyer's Mall the way unions and other activist groups can.

And when lawmakers do hear loud and clear from businesses, the typical refrain is “oh, you're just overstating that. We don't believe that this bill will be bad for business or as bad as you say it will.” Hold them accountable. Challenge them on the fact that the vast majority of Maryland legislators have never owned a business, never had to make a payroll, never had to comply with the ever-increasing myriad of laws and regulations. In fact, a large percentage of legislators and the activists behind many of these bills have either 1) no private-sector experience as an employer, or 2) never taken the time to truly understand how business actually works.

Spend some time reading Roll Call and understanding it. Call your legislators. Ask them why pro-business bills that would boost the economy and help to change Maryland's brand never seem to make it to the House or Senate floor for an up or down vote. SB 846, for example, which would have gradually reduced the corporate income tax from 8.25% to 7% and was recommended by the bipartisan Augustine Commission, never even got a committee vote. Ask them why.

And then support the Maryland Business Leadership Political Action Committee ([www.mbrg.org/mbl-pac](http://www.mbrg.org/mbl-pac)) to help elect pro-business legislators from both sides of the political aisle. 🍷

# Maryland Business for Responsive Government



**MBRG**

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## Maryland Business for Responsive Government Membership Application

**YES!** I want to help MBRG and *Roll Call* improve 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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