

# ROLL CALL

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

**JANUARY 19, 2020**

Start of COVID-19 outbreak in the U.S.

**FEBRUARY 2020**

Maryland unemployment rate is 3.3%

**MARCH 16, 2020**

Governor Hogan declares State of Emergency

**MARCH 17, 2020**

Maryland General Assembly Passes  
\$32B Kirwan Bill

**MARCH 23, 2020**

All non-essential businesses closed

**MARCH 30, 2020**

Governor Hogan issues Stay-at-Home order

**APRIL 2020**

Maryland unemployment rate triples to 10.1%

**MAY 7, 2020**

Governor Hogan vetoes Kirwan Bill and many others  
that would raise taxes during a recession.

“They are pushing the **largest tax increase in history** that would destroy everything we’ve done for five years. It would **destroy our economy**. This one tax increase is higher than all 43 of the [former Gov. Martin] O’Malley tax increases added together.”

– Lawrence J. Hogan Jr.  
Governor of Maryland

## Business Owners: Keep Your Eye on Annapolis

Business owners need to keep a very close watch on what is happening in the Maryland legislature. Following each recent session of the General Assembly, we have faced a new set of mandates and bans that increased our tax and regulatory burdens, and affected how we hire & manage our employees.



In that vein, there are some important new laws that took effect on October 1 that can affect your business. We summarize them below and provide the bill number so you can read the legislation for yourself at [www.mgaleg.maryland.gov](http://www.mgaleg.maryland.gov) \*

### Effective October 1

- The Maryland Healthy Working Families Act, which most businesses refer to as the “paid leave” bill, has been expanded to include the ward or guardian of an employee or their spouse. This brings to 25 the types of individuals someone can claim as a family member, when taking time off from work to care for that family member. HB 880.
- Employers are now banned from using wage history in screening a potential employee or determining their wage. We are also mandated to provide the wage range for a given job. HB 123.
- If you have at least 50 employees and have been in business in Maryland for a year or more, you must now notify all employees at least 60 days in advance of a reduction in operations. Current law required a 90-day notice, but the new bill significantly expands the list of people/entities you must notify to include labor unions, elected officials, and part-timers, and sets a \$10,000 per day fine for violations – a tough penalty for someone going out of business or downsizing! HB 1018.

### Not Yet in Effect

To say that 2020 has been an *unusual* year would be the understatement of the century. But it was also unusual for the General Assembly, because the normal 90-day session was cut short, with many bad-for-business and bad-for-employment bills not getting a final vote. These non-votes give business a brief reprieve but will likely be re-visited in 2021.

- In an effort described by one proponent as “decoupling from the federal tax provisions and clawing back any unjust funding to corporations” (emphasis added), the legislature considered multiple bills to strip away tax incentives for our most economically depressed regions like Baltimore City, where we desperately need to grow jobs. HB 565 is one of several 2020 bills that terminate or weaken a variety of tax credit programs originally designed to foster economic expansion and job growth in Maryland.

The bill creates a one-year moratorium on designating or expanding certain enterprise zones and focus areas; strips the incentive, for business entities enrolling in a Regional Institution Strategic Enterprise Zone (RISE) after July 1, 2020, of refunding the sales and use tax paid in the preceding year; reduces by nearly half (\$9M to \$5M) the aggregate amount of tax credits available from Governor Hogan’s More Jobs for Marylanders Program; repeals portions of the biotechnology tax credit; accelerates the termination of the Cybersecurity Investment Incentive Tax Credit; and terminates the research and development (R&D) tax credit following calendar year 2020. HB 565 was passed in a party-line vote in the House of Delegates and did not get a vote in the Senate prior to the premature adjournment.

(Continued on page 25)

# Maryland Free Enterprise Foundation

## Senate Vote Key

1	SB 397	Sales and Use Tax and Personal Property Tax - Exemptions - Data Centers
2	SB 780	Labor and Employment – Economic Stabilization Act – Revisions
3	SB 839(Veto)	Labor and Employment – Criminal Record Screening Practices (Ban the Box)
4	HB 123	Labor and Employment – Wage History and Wage Range
5	HB 126	Peace Orders – Workplace Violence)
6	HB 209	Plastic Bag Reduction Act
7	HB 722	Labor and Employment – Occupational Safety and Health – Heat Stress Standards
8	HB 732	Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax
9	HB 880	Maryland Healthy Working Families Act - Family Member – Definition
10	HB 932	21st Century Economy Fairness Act
11	HB 1300	Blueprint for Maryland's Future – Implementation

## House Vote Key

1	HB 123	Labor and Employment – Wage History and Wage Range
2	HB 126	Peace Orders – Workplace Violence
3	HB 163	Labor and Employment-Labor Organizations-Right to Work
4	HB 209	Plastic Bag Reduction Act
5	HB 224	Opportunity Zone Tax Deduction Reform Act of 2020
6	HB 368	Maryland Transit Administration - Funding (Transit Safety and Investment Act)
7	HB 473	Income Tax – Pass-Through Entities, Throwback Rule, and Combined Reporting
8	HB 565	Income Tax – Business and Economic Development Tax Credits – Termination, Alteration, and Evaluation
9	HB 712	Labor and Employment – Leave with Pay – Bereavement Leave (Family Bereavement Act)
10	HB 722	Labor and Employment – Occupational Safety and Health – Heat Stress Standards
11	HB 732	Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax
12	HB 869	Corporate Income Tax – Rate Reduction
13	HB 880	Maryland Healthy Working Families Act - Family Member – Definition
14	HB 932	21st Century Economy Fairness Act
15	HB 1021	Labor and Employment - Maryland Healthy Working Families Act - Seasonal Temporary Workers
16	HB 1030	Employers of Ex-Offenders – Liability for Negligent Hiring or Inadequate Supervision – Immunity
17	HB 1300	Blueprint for Maryland's Future – Implementation
18	SB 397	Sales and Use Tax and Personal Property Tax - Exemptions - Data Centers
19	SB 780	Labor and Employment – Economic Stabilization Act – Revisions
20	SB 839(Veto)	Labor and Employment – Criminal Record Screening Practices (Ban the Box)

# Maryland Free Enterprise Foundation

## MARYLAND FREE RATING SYSTEM

**\*** Legislators with stars next to their names served at least four years in the House or Senate and achieved a Maryland Free Cumulative Percentage of 70% or greater.

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

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

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

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

**nv** Legislator did not vote on a bill on which Maryland Free 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 Maryland Free 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.

**2019 SCORE** A legislator's score for 2019, provided for comparative purposes

**CUMULATIVE** Cumulative percentage is based on a legislator's votes 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.



**Katherine Klausmeier (D)  
District 8**

This Baltimore County Senator earned the highest cumulative score (59%) amongst all Democratic veterans in the Senate (minimum 4 years' service).



**Justin Ready (R)  
District 5**

This Carroll County Senator earned the highest cumulative score (94%) amongst all Republican veterans in the Senate (minimum 4 years' service).



## MARYLAND SENATE VOTES

	SB 397	SB 780	SB 839	HB 123	HB 126	HB 209	HB 722	HB 732	HB 880	HB 932	HB 1300	2020 SCORE	2019 SCORE	CUMU- LATIVE
Allegany, Garrett, & Washington Counties 1 George C. Edwards (R) *	+	-	+	+	■	■	-	+	-	+	-	56%	83%	84%
Washington County 2 Andrew A. Serafini (R) *	+	-	+	+	■	■	-	+	-	-	-	44%	91%	88%
Frederick County 3 Ronald N. Young (D)	+	-	-	-	+	■	-	-	-	-	-	20%	27%	30%
Carroll & Frederick Counties 4 Michael J. Hough (R) *	+	-	+	+	-	■	-	+	-	+	-	50%	92%	89%
Carroll County 5 Justin D. Ready (R) *	+	-	+	+	+	■	-	+	-	+	+	70%	85%	94%
Baltimore County 6 Johnny Ray Salling (R) *	+	-	+	+	■	■	-	+	-	+	-	56%	92%	91%
Baltimore & Harford Counties 7 J.B. Jennings (R) *	+	-	+	+	■	+	-	+	-	+	-	60%	92%	90%
Baltimore County 8 Katherine A. Klausmeier (D)	+	-	-	-	■	+	-	+	-	+	-	40%	31%	59%
Carroll & Howard Counties 9 Katie Fry Hester (D)	+	+	-	-	■	■	-	-	-	-	-	22%	23%	23%
Baltimore County 10 Delores G. Kelley (D)	+	-	-	-	■	-	-	-	-	-	-	10%	33%	35%
Baltimore County 11 Shelly L. Hettelman (D)	+	-	-	-	+	■	-	-	-	-	-	20%	15%	24%
Baltimore & Howard Counties 12 Clarence K. Lam (D)	+	-	-	-	■	■	-	-	-	-	-	11%	27%	26%
Howard County 13 Guy J. Guzzone (D)	+	-	-	-	■	■	-	-	-	-	-	11%	23%	30%
Montgomery County 14 Craig Zucker (D)	+	-	-	-	■	■	-	-	-	-	-	11%	23%	22%
15 Brian J. Feldman (D)	+	-	-	-	■	-	-	-	-	-	-	10%	23%	27%
16 Susan C. Lee (D)	+	-	-	-	+	■	-	-	-	-	-	20%	23%	23%
17 Cheryl C. Kagan (D)	+	-	-	-	■	■	-	-	-	-	-	11%	21%	38%
18 Jeff Waldstreicher (D)	+	-	-	-	+	■	-	-	-	-	-	20%	25%	22%
19 Benjamin F. Kramer (D)	+	-	-	-	■	-	-	-	-	-	-	10%	25%	27%
20 William C. Smith, Jr. (D)	+	-	-	-	+	■	-	-	-	-	-	20%	0%	22%
Anne Arundel & Prince George's Counties 21 James C. Rosapepe (D)	+	-	-	-	■	■	-	-	-	-	-	11%	23%	31%
Prince George's County 22 Paul G. Pinsky (D)	o	o	-	o	■	■	-	o	o	o	-	0%	14%	25%
23 Douglas J.J. Peters (D)	+	-	-	-	■	■	-	-	-	-	-	11%	25%	30%
24 Joanne C. Benson (D)	+	-	-	-	■	-	-	-	-	-	-	10%	25%	33%
25 Melony G. Griffith (D)	+	-	-	-	■	■	-	-	-	-	-	11%	23%	28%
26 Obie Patterson (D)	+	-	-	-	■	■	-	-	-	-	-	11%	20%	29%
Calvert, Charles, & Prince George's Counties 27 Thomas V. Mike Miller, Jr. (D) **	o	o	-	o	■	■	o	o	o	o	o	0%	27%	52%
Charles County 28 Arthur Ellis (D)	+	-	-	-	■	■	-	-	-	-	-	11%	21%	17%

## MARYLAND SENATE VOTES

	SB 397	SB 780	SB 839	HB 123	HB 126	HB 209	HB 722	HB 732	HB 880	HB 932	HB 1300	2020 SCORE	2019 SCORE	CUMU- LATIVE
Calvert & St. Mary's Counties 29 John D. Bailey (R)	+	-	+	+	■	■	-	+	-	+	+	67%	93%	83%
Anne Arundel County 30 Sarah K. Elfreth (D)	+	-	-	-	■	■	-	-	-	-	-	11%	23%	18%
31 Bryan W. Simonaire (R) *	+	-	+	+	■	■	-	+	-	+	+	67%	73%	88%
32 Pamela G. Beidle (D)	+	-	-	-	■	-	-	-	-	-	-	10%	31%	41%
33 Edward R. Reilly (R) *	+	-	+	+	■	-	-	+	-	+	+	60%	75%	90%
Harford County 34 Robert G. Cassilly (R) *	+	-	+	+	+	■	-	+	-	+	+	70%	92%	91%
Cecil & Harford Counties 35 Jason C. Gallion (R)	+	-	+	+	■	■	-	+	-	+	+	67%	100%	88%
Caroline, Cecil, Kent, & Queen Anne's Counties 36 Stephen S. Hershey, Jr. (R) *	+	-	+	+	■	+	-	+	-	+	+	70%	85%	91%
Caroline, Dorchester, Talbot & Wicomico Counties 37 Adelaide C. Eckardt (R) *	+	-	+	-	■	■	-	+	-	+	-	44%	85%	87%
Somerset, Wicomico & Worcester Counties 38 Mary Beth Carozza (R) *	+	-	+	+	■	■	-	+	-	+	+	67%	80%	89%
Montgomery County 39 Nancy J. King (D)	+	-	-	-	■	■	-	-	-	-	-	11%	23%	28%
Baltimore City 40 Antonio L. Hayes (D)	+	-	-	-	■	-	-	-	-	-	-	10%	23%	25%
41 Jill P. Carter (D)	+	-	-	-	+	■	-	-	-	-	-	20%	23%	23%
Baltimore County 42 Christopher R. West (R) *	+	+	+	+	+	■	-	+	-	+	+	80%	77%	89%
Baltimore City 43 Mary L. Washington (D)	+	-	-	-	■	■	-	-	-	-	-	11%	23%	31%
Baltimore City and Baltimore County 44 Charles E. Sydnor III (D)	+	-	-	-	+	■	-	-	-	-	-	20%	15%	25%
Baltimore City 45 Cory V. McCray (D)	+	-	-	-	■	■	-	-	-	-	-	11%	23%	24%
46 William C. Ferguson, IV (D)	+	-	-	-	■	■	-	-	-	-	-	11%	23%	24%
Prince George's County 47 Malcolm L. Augustine (D)	+	-	-	-	■	-	-	-	-	-	-	10%	23%	17%

\*\* Senator Mike Miller was absent due to illness for a significant amount of time during the 2020 Legislative Session. In those instances where he received a "o" designation, this was the cause of his absence.

## MARYLAND HOUSE OF DELEGATES VOTES

	HB 123	HB 126	HB 163	HB 209	HB 224	HB 368	HB 473	HB 565	HB 712	HB 722	HB 732	HB 869	HB 880	HB 932	HB 1021	HB 1030	HB 1300	SB 397	SB 780	SB 839	2020 SCORE	2019 SCORE	CUMU- LATIVE
Garrett & Allegany Counties																							
1A Wendell R. Beitzel (R) *	+	+	■	nv	+	+	o	+	+	+	o	■	+	o	■	+	+	+	+	+	100%	92%	90%
Allegany County																							
1B Jason C. Buckel (R) *	+	+	■	+	+	+	+	+	+	+	+	-	+	■	+	+	+	+	+	+	94%	90%	93%
Allegany & Washington Counties																							
1C Michael W. McKay (R) *	+	+	■	+	+	+	+	+	+	+	■	+	+	■	+	+	+	+	+	+	100%	92%	99%
Washington County																							
2A Neil C. Parrott (R) *	+	+	■	+	+	+	+	+	+	+	■	+	+	■	+	+	+	+	+	+	100%	100%	97%
2A William J. Wivell (R) *	+	+	■	+	+	+	+	+	+	+	■	+	+	■	+	+	+	+	+	+	100%	100%	99%
2B Paul D. Corderman (R)	+	+	■	+	+	-	+	+	-	+	■	-	+	■	+	+	+	+	+	+	82%	92%	87%
Frederick County																							
3A Carol L. Krimm (D)	-	+	■	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	-	18%	23%	25%
3A Karen Lewis Young (D)	-	+	■	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	-	18%	15%	23%
3B Kenneth Kerr (D)	-	+	■	-	-	-	-	-	-	-	■	-	nv	■	+	-	+	-	-	-	19%	23%	21%
Carroll & Frederick Counties																							
4 Barrie S. Ciliberti (R) *	+	+	■	+	+	+	+	+	+	+	■	-	+	■	+	+	o	+	+	+	94%	100%	91%
4 Daniel L. Cox (R)	+	+	■	+	+	+	+	+	+	+	■	-	+	■	o	+	+	+	+	+	94%	100%	96%
4 Jesse T. Pippy (R)	+	+	■	+	+	+	+	+	+	+	■	-	+	■	+	+	+	+	+	+	94%	100%	97%
Carroll County																							
5 Susan W. Krebs (R) *	+	+	■	+	+	+	+	+	+	+	■	+	+	■	+	+	+	+	+	+	100%	100%	92%
5 April R. Rose (R) *	+	+	■	+	+	+	+	+	+	+	+	+	+	■	+	+	+	+	+	+	100%	100%	99%
5 Haven N. Shoemaker, Jr. (R) *	o	+	■	+	+	+	+	+	o	+	+	+	+	■	+	+	+	+	+	+	100%	100%	100%
Baltimore County																							
6 Robin L. Grammer, Jr. (R) *	+	nv-	■	+	+	nv	+	nv	+	+	+	+	+	■	+	+	-	+	+	+	87%	92%	93%
6 Robert B. Long (R) *	o	+	■	+	+	o	+	o	-	o	+	+	-	+	■	o	o	o	o	+	80%	92%	95%
6 Richard W. Metzgar (R) *	+	+	■	+	+	+	+	+	-	+	+	-	+	■	+	+	+	+	+	+	88%	92%	94%
Baltimore & Harford Counties																							
7 Lauren C. Arikian (R)	o	+	■	nv	o	o	o	o	+	o	o	■	+	o	■	o	o	o	o	+	100%	100%	100%
7 Richard K. Impallaria (R) *	+	+	+	+	+	+	+	+	-	+	+	■	+	+	+	+	+	+	+	+	95%	92%	91%
7 Kathy Szeliga (R) *	+	+	■	+	+	+	+	+	-	+	+	■	+	+	■	+	+	+	+	+	94%	100%	98%
Baltimore County																							
8 Harry (H.B.) Bhandari (D)	-	+	■	-	+	-	+	+	-	+	+	-	+	■	+	-	+	-	-	-	47%	46%	47%
8 Joseph C. Boteler III (R) *	+	+	■	+	+	+	+	+	+	+	+	+	+	■	+	+	+	+	+	+	100%	100%	95%
8 Carl W. Jackson (D)	-	+	-	-	+	-	+	+	-	+	■	-	+	-	+	-	+	-	-	-	42%	-	-
Carroll & Howard Counties																							
9A Trent M. Kittleman (R) *	o	+	■	nv	o	o	o	o	+	o	o	■	+	o	■	o	o	o	o	+	100%	100%	98%
9A Warren E. Miller (R) *	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	+	+	+	+	+	100%	100%	98%
Howard County																							
9B M. Courtney Watson (D)	-	o	o	-	-	-	-	-	-	-	■	-	-	+	+	-	+	-	-	-	18%	20%	19%
Baltimore County																							
10 Benjamin T. Brooks, Sr. (D)	-	+	-	-	-	-	-	-	-	-	■	-	-	-	+	-	+	-	-	-	16%	27%	24%
10 Jay Jalisi (D)	-	nv-	■	-	-	-	-	+	o	-	-	■	o	+	■	+	-	+	+	nv	36%	23%	28%
10 Adrienne A. Jones (D)	-	+	■	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	-	18%	23%	27%
11 Lisa M. Belcastro (D)	-	o	■	-	-	-	-	-	o	-	-	■	o	-	■	+	-	+	-	o	15%	-	-
11 Jon S. Cardin (D)	-	+	■	-	-	-	-	-	-	-	■	-	-	■	+	-	+	o	-	-	19%	23%	24%
11 Dana M. Stein (D)	-	+	■	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	-	18%	23%	26%
Baltimore & Howard Counties																							
12 Eric D. Ebersole (D)	-	+	■	-	-	-	-	-	-	-	-	-	-	■	+	-	+	-	-	-	17%	23%	24%
12 Jessica M. Feldmark (D)	-	+	■	-	-	-	-	-	-	-	-	-	-	■	+	-	+	-	-	-	17%	15%	16%
12 Terri L. Hill (D)	-	+	■	-	-	o	-	o	-	-	■	-	-	■	+	-	+	-	nv	-	21%	23%	27%
Howard County																							
13 Vanessa E. Atterbeary (D)	-	+	■	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	-	18%	23%	24%
13 Shane E. Pendergrass (D)	-	+	■	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	-	18%	25%	29%
13 Jennifer R. Terrasa (D)	-	+	■	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	-	18%	15%	17%
Montgomery County																							
14 Anne R. Kaiser (D)	-	+	■	-	nv	-	-	-	-	-	nv	-	-	■	+	-	+	-	-	-	19%	23%	24%
14 Eric G. Luedtke (D)	-	+	■	-	-	-	-	-	-	nv	-	-	-	■	+	-	+	-	-	-	18%	25%	22%
14 Pamela Queen (D)	-	+	-	-	-	-	-	nv	-	-	■	-	-	-	+	-	nv-	-	-	-	11%	31%	20%
15 Kathleen M. Dumais (D)	-	+	-	-	-	-	-	-	-	-	■	-	-	-	+	-	+	-	-	-	16%	27%	25%
15 David V. Fraser-Hidalgo (D)	-	+	■	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	-	18%	21%	20%
15 Lili Qi (D)	-	+	o	-	+	-	+	-	-	-	■	-	-	-	+	-	+	-	-	-	28%	20%	24%
16 Ariana B. Kelly (D)	-	+	■	-	-	-	-	-	-	-	■	-	-	■	+	-	+	o	-	-	19%	23%	24%
16 Marc A. Korman (D)	-	+	■	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	-	18%	25%	24%
16 Sara N. Love (D)	-	+	■	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	-	18%	15%	17%

## MARYLAND HOUSE OF DELEGATES VOTES

	HB 123	HB 126	HB 163	HB 209	HB 224	HB 368	HB 473	HB 565	HB 712	HB 722	HB 732	HB 889	HB 880	HB 932	HB 1021	HB 1030	HB 1300	SB 397	SB 780	SB 839	2020 SCORE	2019 SCORE	CUMU- LATIVE
Montgomery County	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20			
17 Kumar P. Barve (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	21%	35%
17 Julie Palakovich Carr (D)	-	+	■	-	-	-	-	-	o	-	-	-	o	-	■	+	-	-	-	-	13%	15%	15%
17 James W. Gilchrist (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	29%	24%
18 Alfred C. Carr, Jr. (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	nv-	-	-	12%	8%	21%
18 Emily K. Shetty (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	o	o	o	o	-	8%	15%	12%
18 Jared Solomon (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	15%	17%
19 Charlotte Crutchfield (D)	-	nv-	■	-	-	o	-	o	-	-	-	■	-	-	■	+	-	+	-	-	13%	25%	19%
19 Bonnie L. Cullison (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	22%
19 Vaughn M. Stewart III (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	-	-	-	12%	7%	10%
20 Lorig Charkoudian (D)	-	+	-	-	-	-	-	-	-	-	-	■	-	-	-	+	-	+	-	-	16%	7%	12%
20 David Moon (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	-	-	-	12%	8%	16%
20 Jheanelle Wilkins (D)	-	+	■	-	-	-	-	-	-	-	-	-	-	-	■	+	-	+	-	-	17%	8%	15%
Anne Arundel & Prince George's Counties																							
21 Benjamin S. Barnes (D)	-	+	■	-	-	-	-	-	-	-	-	-	-	-	■	+	-	+	-	-	17%	15%	21%
21 Mary A. Lehman (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	14%	16%
21 Josefine A. Peña-Melnyk (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	15%	23%
Prince George's County																							
22 Anne Healey (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	21%	29%
22 Alonzo T. Washington (D)	-	+	■	-	-	-	-	-	-	-	-	-	-	-	■	+	-	+	-	-	17%	23%	22%
22 Nicole A. Williams (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	-	-
23A Geraldine Valentino-Smith (D)	-	+	■	nv	o	-	o	-	-	-	o	■	-	o	■	+	-	-	-	-	17%	23%	23%
23B Marvin E. Holmes, Jr. (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	25%
23B Ronald L. Watson (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	20%
24 Erik L. Barron (D)	-	o	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	-	o	-	7%	9%	18%
24 Andrea Fletcher Harrison (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	21%	19%
24 Jazz M. Lewis (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	20%
25 Darryl Barnes (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	24%
25 Nick Charles (D)	-	nv-	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	12%	23%	17%
25 Dereck E. Davis (D)	-	+	nvc	-	-	-	-	-	-	-	-	■	-	-	NVC	+	-	+	-	-	18%	17%	31%
26 Veronica L. Turner (D)	-	+	-	-	-	-	-	-	-	-	-	■	-	-	-	+	-	+	-	-	16%	23%	24%
26 Kriselda Valderrama (D)	-	+	-	-	-	-	-	-	-	-	-	■	-	-	-	+	-	+	-	-	16%	20%	22%
26 Jay Walker (D)	-	+	o	-	+	-	-	-	-	-	nv	■	-	-	-	+	-	+	-	-	24%	23%	30%
Charles & Prince George's Counties																							
27A Elizabeth G. Proctor (D)	o	nv-	■	nv	o	o	o	o	-	o	o	■	-	o	■	o	o	o	o	-	0%	23%	21%
Calvert & Prince George's Counties																							
27B Michael A. Jackson (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	24%
Calvert County																							
27C Mark N. Fisher (R) *	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	+	+	+	+	+	100%	100%	97%
Charles County																							
28 Debra M. Davis (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	25%	21%
28 Edith J. Patterson (D)	-	+	■	-	-	-	-	-	-	-	-	-	-	-	■	+	-	+	-	-	17%	23%	24%
28 C.T. Wilson (D)	-	+	-	-	-	-	-	-	-	-	-	■	-	-	-	+	-	+	-	-	16%	27%	27%
St. Mary's County																							
29A Matt Morgan (R) *	+	+	■	+	+	+	+	+	+	+	+	■	+	+	■	+	+	+	nv	+	100%	100%	100%
29B Brian M. Crosby (D)	-	+	-	+	+	-	-	+	-	-	+	■	-	+	+	+	-	+	-	-	47%	27%	38%
Calvert & St. Mary's Counties																							
29C Gerald W. Clark (R) *	o	+	■	-	+	+	+	+	+	o	+	■	+	+	■	+	+	+	+	+	93%	93%	94%
Anne Arundel County																							
30A Alice J. Cain (D)	-	+	■	-	-	-	-	-	-	-	-	-	-	+	■	+	-	+	-	-	22%	23%	23%
30A Shaneka T. Henson (D)	-	+	■	-	-	-	-	+	-	-	-	■	-	-	■	+	-	+	-	-	24%	-	-
30B Seth A. Howard (R) *	+	+	+	nv	+	+	+	+	-	+	o	■	-	+	+	+	+	+	+	+	88%	90%	92%
31A Edward P. Carey (D)	-	+	-	-	-	-	-	+	-	-	+	■	-	+	-	+	-	+	-	-	32%	33%	44%
31B Brian A. Chisolm (R)	+	+	■	+	+	+	+	+	+	+	+	■	-	+	■	+	+	+	+	+	94%	100%	97%
31B Nicholas R. Kipke (R) *	+	+	■	nv	+	+	+	+	+	+	+	■	-	+	■	+	+	+	+	+	88%	100%	86%
32 J. Sandy Bartlett (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	20%
32 Mark S. Chang (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	28%
32 Michael J. Rogers (D)	-	+	-	-	-	-	-	-	-	-	-	■	-	-	-	+	-	+	-	-	16%	27%	21%
33 Heather Bagnall (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	24%	23%	23%
33 Michael E. Malone (R) *	+	+	■	+	+	+	+	+	-	+	+	■	-	+	■	+	+	+	+	+	88%	92%	96%
33 Sid A. Saab (R) *	+	+	■	+	+	+	+	+	+	+	+	■	+	+	■	+	+	+	+	+	100%	92%	99%



## MARYLAND HOUSE OF DELEGATES VOTES

	HB 123	HB 126	HB 163	HB 209	HB 224	HB 368	HB 473	HB 565	HB 712	HB 722	HB 732	HB 889	HB 880	HB 932	HB 1021	HB 1030	HB 1300	SB 397	SB 780	SB 839	2020 SCORE	2019 SCORE	CUMU- LATIVE
Harford County	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20			
34A Steven C. Johnson (D)	-	+	■	-	-	-	-	+	-	-	-	■	-	-	■	+	-	+	+	-	29%	23%	27%
34A Mary Ann Lisanti (D)	-	+	■	-	+	-	+	+	-	-	+	o	-	+	■	+	-	+	+	-	53%	21%	32%
34B Susan K. McComas (R) *	+	+	■	+	+	+	+	+	+	+	+	■	-	+	■	+	o	o	o	+	93%	100%	90%
Cecil County																							
35A Kevin B. Hornberger (R) *	-	o	■	+	+	+	+	+	-	+	+	+	-	+	■	+	+	+	+	+	82%	85%	87%
Cecil & Harford Counties																							
35B Michael Griffith (R)	+	+	■	+	+	+	+	+	-	+	+	■	-	+	■	+	+	+	+	+	88%	-	-
35B Teresa E. Reilly (R) *	+	+	■	+	+	+	+	+	-	+	+	■	+	+	■	+	+	+	+	+	94%	92%	94%
Caroline, Cecil, Kent, & Queen Anne's Counties																							
36 Steven J. Arentz (R) *	+	+	+	+	+	+	+	+	-	+	+	■	-	+	o	+	+	+	+	+	89%	100%	95%
36 Jefferson L. Ghrist (R) *	+	+	■	+	+	o	+	o	+	+	+	■	+	+	■	+	+	+	+	+	100%	92%	99%
36 Jay A. Jacobs (R) *	+	+	■	+	+	+	+	+	+	+	+	■	-	+	■	+	+	+	+	+	94%	100%	97%
Dorchester & Wicomico Counties																							
37A Sheree Sample-Hughes (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	38%	34%
Caroline, Dorchester, Talbot & Wicomico Counties																							
37B Christopher T. Adams (R) *	+	+	+	+	+	+	+	+	-	+	+	■	-	+	+	+	+	+	+	+	89%	100%	98%
37B John F. Mautz IV (R) *	+	o	+	+	+	+	+	+	-	+	+	■	-	+	+	+	+	+	+	+	89%	100%	95%
Somerset & Worcester Counties																							
38A Charles J. Otto (R) *	+	+	■	+	+	+	+	+	+	+	+	■	+	+	■	+	+	+	+	+	100%	100%	97%
Wicomico County																							
38B Carl L. Anderton, Jr. (R) *	+	+	■	-	+	+	+	+	-	+	+	■	-	+	■	+	+	+	+	+	82%	100%	91%
Wicomico & Worcester Counties																							
38C Wayne A. Hartman (R)	+	+	■	+	+	+	+	+	+	+	+	o	+	+	■	+	+	+	+	+	100%	100%	100%
Montgomery County																							
39 Gabriel Acevero (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	nv	-	19%	9%	15%
39 Lesley J. Lopez (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	25%	21%
39 Kirill Reznik (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	28%
Baltimore City																							
40 Frank M. Conaway, Jr. (D)	-	+	■	+	-	-	-	-	-	-	+	■	-	-	■	+	-	+	-	-	29%	23%	28%
40 Nick Mosby (D)	-	nv-	■	-	nv	-	-	-	-	-	-	-	-	-	■	+	-	+	-	-	12%	23%	20%
40 Melissa R. Wells (D)	-	+	■	-	-	-	-	nv	-	-	-	■	-	-	■	+	-	+	-	-	19%	21%	20%
Baltimore City																							
41 Dayla Attar (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	21%	19%
41 Tony Bridges (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	21%	19%
41 Samuel I. Rosenberg (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	34%
Baltimore County																							
42A Catherine M. Forbes (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	-	-
42B Michele J. Guyton (D)	-	+	■	-	-	-	+	+	-	-	-	-	-	+	■	+	-	+	-	-	33%	31%	32%
42B Nino Mangione (R)	+	+	■	+	+	+	+	+	+	+	+	■	+	+	■	nv-	+	nv-	nv	+	88%	100%	93%
Baltimore City																							
43 Curtis S. Anderson (D)	o	+	■	-	-	o	-	o	-	o	-	■	-	-	■	o	o	nv-	-	-	9%	27%	29%
43 Regina T. Boyce (D)	-	+	■	nv	o	-	o	-	-	o	-	■	-	o	■	+	-	+	-	-	25%	21%	23%
43 Maggie McIntosh (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	27%
44A Keith E. Haynes (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	25%
Baltimore County																							
44B Sheila S. Ruth (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	-	-
44B Patrick G. Young, Jr. (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	30%	26%
Baltimore City																							
45 Chanel A. Branch (D)	-	+	■	-	-	-	-	-	-	-	-	-	-	-	■	+	-	+	-	-	16%	-	-
45 Talmadge Branch (D)	-	+	-	-	-	-	-	-	-	-	-	■	-	-	-	+	-	+	-	-	17%	29%	34%
45 Stephanie M. Smith (D)	-	+	■	-	-	-	-	-	-	-	-	-	-	-	■	+	-	+	-	-	17%	25%	20%
46 Luke Clippinger (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	19%
46 Robbyn Lewis (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	nv-	-	-	12%	23%	19%
46 Brooke E. Lierman (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	23%
Prince George's County																							
47A Diana M. Fennell (D)	-	+	-	nv	-	o	-	o	-	-	-	■	-	-	-	+	-	+	-	-	19%	27%	24%
47A R. Julian Ivey (D)	-	+	■	-	-	-	-	-	-	-	-	-	-	-	■	+	-	+	-	-	17%	15%	16%
47B Wanika B. Fisher (D)	-	+	■	-	-	-	-	-	-	-	-	■	-	-	■	+	-	+	-	-	18%	23%	20%

## A Message to our Legislators

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

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, Maryland Free’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. Maryland Free neither gives pass/fail scores nor expressly or implicitly endorses or rejects any incumbent on the basis of certain selected votes.

A complete evaluation of a legislator’s support for business should be made by examining committee and floor votes and considering unrecorded matters such as performance on subcommittees, communication with business representatives, and service to constituent businesses.

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

## *The Meaning of “Business Friendly”*

The following are elements of a positive business and employment climate that have been identified by Maryland Free Enterprise Foundation business leaders. Maryland Free 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, meritorious 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 Maryland Free Enterprise Foundation**

Maryland Free’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 legislators enable Maryland Free and its members to hold politicians accountable for the state’s economic well-being like no other organization.

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

## 2020 SENATE VOTE DESCRIPTIONS

### **1 SB 397 – Sales and Use Tax and Personal Property Tax – Exemptions – Data Centers** *Senators Hershey & Peters*

SB 397 provides a sales and use tax exemption for the sale of qualified data center personal property for use at a qualified data center. An individual or corporation is eligible for the exemption if it owns a qualified data center in Maryland at which it has invested at least \$5.0 million in qualified data center personal property and filled at least five qualified positions, within three years after submitting an application for a sales and use tax exemption. The minimum investment is reduced to \$2.0 million in certain economically disadvantaged areas. SB 397 also authorizes local governments to reduce or eliminate the percentage of the assessment of any data center personal property used in a qualified data center.

*A “+” indicates a vote in favor of SB 397 and reflects Maryland Free’s support of tax-incentives that foster economic growth and job creation within Maryland. Agreeing with Maryland Free’s position, the Senate approved SB 397, 45-0, on March 18, 2020.*

### **2 SB 780 – Labor and Employment – Economic Stabilization Act – Revisions** *Senator Griffith*

Modifies the Economic Stabilization Act to require employers with 50 or more employees to provide at least 60 days’ written notice before initiating a reduction in operations. SB 780 outlines specific information that must be included in the notice, and such notice must be sent to: (1) specified employees and individuals subject to the reduction; (2) collective bargaining representatives (if applicable); (3) every local elected official in the jurisdiction where the workplace is located; and (4) the Maryland Department of Labor’s Dislocated Worker Unit

within the Division of Workforce Development and Adult Learning. Under SB 780, the Secretary of Labor will promulgate mandatory regulations concerning Maryland employers’ requirements when initiating a reduction in operations. A violation of any of the above requirements or future regulations may result in a fine of up to \$10,000 per day.

*A “+” indicates a vote against SB 780 and reflects Maryland Free’s opposition to legislation that imposes additional operational constraints on Maryland businesses. The federal Worker Adjustment and Retraining Notification Act of 1988 already requires businesses to provide notice when a business needs to reduce operations. Under current law, the Maryland Department of Labor has detailed voluntary regulations concerning notice when a business plans on reducing operations. SB 780 is yet another bill that mandates onerous and expensive regulation of Maryland businesses already regulated at the federal level or sufficiently regulated through existing State requirements. These constraints, together with the excessive and disproportionate penalties for noncompliance, place Maryland at a considerable competitive disadvantage relative to neighboring states, thus limiting growth and job opportunities for Marylanders. Disagreeing with Maryland Free’s position, the Senate passed SB 780, 43-2, on March 15, 2020.*

### **3 SB 839 (2019) – VETO OVERRIDE – Labor and Employment – Criminal Record Screening Practices (Ban the Box)** *Senators Carter & Smith*

Prohibits an employer with 15 or more full-time employees from requiring a job applicant, at any time before the first in-person interview, to disclose whether he or she has a criminal record or has faced criminal accusation. SB 839 exempts certain employers expressly authorized to require criminal background information by another state or federal law or if the employer provides services to minors or



## 2020 SENATE VOTE DESCRIPTIONS

vulnerable adults. SB 839 permits a local jurisdiction to enact a more restrictive criminal record screening law.

*A “+” indicates a vote to sustain the Governor’s veto of SB 839 (2019) and reflects Maryland Free’s opposition to legislation that increases employer costs and hinders employment by interfering with an employer’s ability to conduct an effective and efficient background check on prospective employees. Employers, not the General Assembly, are in the best position to determine whether a person with a criminal history qualifies or is suitable for the type of employment being offered. Allowing for the enactment by state and local governments of multiple different employment screening laws produce compliance problems and conflicting standards for businesses operating in multiple jurisdictions. Disagreeing with Maryland Free’s position, the Senate overrode the Governor’s veto of SB 839 (2019), 31-15, on January 30, 2020.*

### **4 HB 123 – Labor and Employment – Wage History and Wage Range** *Delegates K. Young, et al.*

Prohibits Maryland employers from retaliating against, refusing to interview, or refusing to employ an applicant because the applicant did not supply the employer with their wage history or requested a wage range from a potential employer. Under HB 123, upon request, Maryland employers must provide the applicant the wage range for the position. The bill does not, however, prohibit an applicant from voluntarily sharing their wage history information with a potential employer.

*A “+” indicates a vote against HB 123 and reflects Maryland Free’s opposition to legislation that discourages employment by requiring employers to make hiring decisions with incomplete information. Rather than the government intruding on businesses’ private compensation practices, employers must be able to retain their ability to gather all possible information concerning background and qualification of a prospective employee, including an applicant’s*

*wage history. Mandating that employers furnish wage ranges for open positions when requested not only creates an imbalance against employers in future salary negotiations but may also result in employers artificially setting wage ranges lower and wider to compensate for this inequity. HB 123 unnecessarily obstructs the screening, interviewing, and salary negotiation process between employers and employees, and will ultimately result in fewer job opportunities for Marylanders. Disagreeing with Maryland Free’s position, the Senate passed HB 123, 31-14, on March 16, 2020.*

### **5 HB 126 – Peace Orders – Workplace Violence** *Delegates Atterbeary, et. al.*

Authorizes an employer to file a petition for a peace order that alleges the commission of specified acts against the petitioner’s employee at the employee’s workplace. The employer must notify the employee before filing for the peace order. HB 126 extends existing statutory provisions relating to the filing, issuance, and modification of peace orders, as well as the shielding of related court records, to peace orders filed by employers on this basis. An employer is immune from any civil liability that may result from the failure of the employer to file a petition for a peace order on behalf of an employee.

*A “+” indicates a vote in support of HB 126 and reflects Maryland Free’s support for facilitating employers and employees working together to help prevent workplace violence while providing employers immunity from liability on decisions to seek or not seek a peace order. HB 126 appropriately imposes no requirements on employers to petition for a peace order but permits such action when in the discretion of the employer and the employee it is warranted. Agreeing with Maryland Free’s position, the Senate Judicial Proceedings Committee approved HB 126, 10-1, on March 17, 2020.*

## 2020 SENATE VOTE DESCRIPTIONS

### 6 **HB 209 – Plastic Bag Reduction Act** *Delegates Lierman, et. al.*

Prohibits retail establishments, including stores, food service, and other retailers providing bags to customers at the point of sale, from providing a plastic carryout bag. The bill establishes a civil penalty for providing one or more plastic carryout bags at the point of sale of up to \$500 per violation. HB 209 preempts local laws governing the use of plastic bags enacted after July 1, 2021, but grandfathers local fees on non-plastic carryout bags that were in effect as of February 1, 2020. HB 209 further prohibits a local government from enacting a law that requires a retail establishment to impose a fee for the use of “carryout bags” (an undefined term) at the point of sale unless the law is authorized by a State law enacted on or after January 1, 2021.

*A “+” indicates a vote against HB 209 and reflects Maryland Free’s opposition to onerous, prescriptive legislation that significantly increases the cost of retail sales of goods without any measurable environmental or health benefit. The imposition of a policy for reasons of environmental protection, with no allowance for reducing or eliminating the attendant costs on businesses and consumers for the use of alternative bags or protective coverings, creates an anti-competitive and detrimental impact on Maryland businesses. The imposition of a state-wide ban on plastic carryout bags, together with an allowance for prior and future local fees on non-plastic carryout bags and “carryout bags” that are undefined in the bill, will allow for the enactment by state and local governments of vague and multiple different plastic bag standards throughout the state, making compliance virtually impossible and enforcement unpredictable. A civil penalty of up to \$500 per violation is grossly excessive and disproportionate to the types of violations that may occur under this bill. Disagreeing with Maryland*

Free’s position, the Senate Finance Committee approved HB 209, 8-3, on March 16, 2020.

### 7 **HB 722 – Labor and Employment – Occupational Safety and Health – Heat Stress Standards** *Delegates Charkoudian, et al.*

Although heat-related illness is currently regulated at the federal level, HB 722 commands the Commissioner of Labor and Industry, in consultation with the Maryland Occupational Safety and Health Advisory Board, to promulgate regulations that require Maryland employers to protect employees from heat-related illness by October 1, 2022.

*A “+” indicates a vote against HB 722 and reflects Maryland Free’s opposition to legislation that imposes additional regulation on an industry presently regulated at the federal level. Currently, the federal Occupational Safety and Health Administration (“OSHA”) within the U.S. Department of Labor provides extensive guidance on heat-related illness caused by heat stress. The imposition of additional mandates on how a business complies with existing safety provisions concerning heat-related illness constitutes superfluous government intervention. Not only will Maryland’s small businesses suffer from higher compliance costs, but all Maryland business will likely experience increased workers’ compensation assessments. Disagreeing with Maryland Free’s position, the Senate passed HB 722, 46-0, on March 16, 2020.*

### 8 **HB 732 – Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax** *Delegates Luedtke & Pena-Melnyk*

Imposes a tax on the annual gross revenues derived from digital advertising services in the State, together with various significant tax increases on cigarettes, electronic smoking devices, and other tobacco

## 2020 SENATE VOTE DESCRIPTIONS

products. Under HB 732, the digital advertising gross revenues tax is imposed at the rate of as much as 10% of gross revenues derived from digital advertising, depending on the person's global annual gross revenues. Revenues from the digital advertising tax are to be distributed to the Blueprint for Maryland's Future Fund ("the Kirwan bill")—the state's initiative for increased funding of K-12 public education. The stated objective of the tax is to tax the gross online advertising revenues of large, multinational corporations, such as Google, Amazon, and Facebook. No state or locality in the United States taxes digital advertising revenue. Revenue projections from all these new or increased taxes are not quantified but are likely to impose new tax liability in Maryland in the hundreds of millions of dollars annually.

*A "+" indicates a vote against HB 732 and reflects Maryland Free's opposition to legislation that mandates massive tax increases on Maryland businesses and their customers, especially on the eve of a known pandemic and recession. The digital advertising tax increases will adversely affect Maryland business and residents because although the bill is aimed at large multi-national corporations, the tax will inevitably be passed on to the customers of those corporations, which include Maryland businesses seeking to reach new customers through online advertising. Because HB 732 would be the only digital advertising services tax in the nation, it would place Maryland businesses at a competitive disadvantage when compared to businesses in all other states. While public education funding has been a priority in the state, funding it by taxing digital advertising services, which have no nexus or other connection to public education, is arbitrary. Disagreeing with Maryland Free's position, the Senate approved HB 732, 29-16, on March 17, 2020. Governor Hogan vetoed HB 732 on May 7, 2020.*

### **9** **HB 880 – Maryland Healthy Working Families Act – Family Member – Definition** *Delegates Kerr, et al.*

Expands to 25 the types of individuals that an employee can include as "family members" when requesting paid leave under the Maryland Healthy Working Families Act to include a ward of the employee or the employee's spouse.

*A "+" vote indicates a vote against HB 880 and reflects Maryland Free's opposition to laws that impose financial and regulatory obligations on employers to provide employee benefits. Other than a labor agreement, employers should be allowed to manage benefits such as paid leave, vacation, health care, and employee compensation without interference from state and federal government. Because employers, especially small businesses, have limited funds for payroll expense, the imposition of additional mandates under paid leave results in fewer jobs, decreased hours, and reduced compensation for those still employed. Disagreeing with Maryland Free's position, the Senate approved HB 880, 45-0 on March 17, 2020.*

### **10** **HB 932 – 21<sup>st</sup> Century Economy Fairness Act** *Delegate Korman*

Newly imposes the State sales and use tax on specified digital products and codes, and requires all associated sales and use tax revenue received to be distributed to the Blueprint for Maryland's Future Fund. The new tax on digital products and codes was projected to increase annual tax revenue by \$83 million by FY 2021, and \$118 million by FY 2025. HB 932, as passed by the House of Delegates, included a provision applying the State sales and use tax on cable television service, a service that is already subject to taxation in the form of franchise fees imposed by local governments throughout the state. The imposition of sales and use

## 2020 SENATE VOTE DESCRIPTIONS

tax and a franchise fee on cable television service would result in up to an 11% tax/fee on that service.

*A “+” indicates a vote against HB 932 and reflects Maryland Free’s opposition to imposing substantial tax increases on Maryland businesses and their customers, particularly on the eve of a known pandemic and recession. The imposition of double taxation on cable television service by the House of Delegates, resulting in a tax rate that is wholly disproportionate to the tax rate imposed on virtually all other goods and services, undermines Maryland’s business climate and reputation. While public education funding has been a priority in the state, funding it by taxing digital products and codes and double taxing cable television service, neither of which have any nexus or other connection to public education, is arbitrary. Disagreeing with Maryland Free’s position, the Senate approved HB 932, 30-15, on March 17, 2020. Governor Hogan vetoed HB 932 on May 7, 2020.*

### **11 HB 1300 – Blueprint for Maryland's Future – Implementation**

*The Speaker (by request, Commission on Innovation and Excellence in Education) and Delegates McIntosh, et al.*

Substantially alters State aid and policy for public schools in accordance with the recommendations of the Blueprint for Maryland’s Future, which contains the findings of the Commission on Innovation and Excellence in Education, also known as the “Kirwan Commission.” HB 1300 dedicates \$32 billion of new money, beginning in fiscal year 2022, to increase teacher salaries and expand both the scope and size of the State’s K-12 educational establishment. As introduced, HB 1300 included a “pause” at the end of the 5<sup>th</sup> year that would allow for cancelation of the Kirwan program if it was found to be exceeding the original projected cost by \$100 million or more or not meeting its objectives. As the bill was amended,

however, the pause provision was largely eviscerated, giving the General Assembly full discretion to add even higher spending mandates above and beyond the original Kirwan increases.

*A “+” vote indicates a vote against HB 1300 and reflects Maryland Free’s opposition to: (1) policy that significantly increases state spending without clearly identified funding sources of commensurate scale; (2) massive spending increases enacted at the onset of a recession; and (3) “blank checks” for future spending by the General Assembly. Without clearly identifiable funding sources to pay for the \$32B Kirwan Commission plan, the tendency will be to tax Maryland’s employers and job creators. Evidence of this likelihood is: (1) the 2002 passage of The Bridge to Excellence in Public Schools act (aka, the Thornton bill), a prior unfunded education spending mandate which precipitated the implementation of more than 40 consecutive tax and fee increases; and (2) the various tax bills introduced during this year’s legislative session. Although the legislature proposed multiple funding sources to cover a portion of the costs required for Kirwan implementation, some were withdrawn (e.g., HB 1354, which would have expanded the sales tax to 13 additional services); some were vetoed by the Governor, and are almost certain to face legal challenges on the basis of constitutionality (e.g., HB 732, which seeks to tax Google, Facebook, and other multinational companies when their customers (Maryland businesses) buy internet advertising; and HB 932, which taxes digital downloads in Maryland); and all would place additional burdens on Maryland businesses. Regarding the timing, it is axiomatic that a government should not raise taxes during a recession or on the eve of one. It follows, therefore, that a government also should not enact a massive spending increase during a recession if non-tax proposals to pay for that spending are not enacted. Further, government should not hamstring future taxpayers into doubling-down, through unlimited*



## 2020 SENATE VOTE DESCRIPTIONS

*blank-check investment, on a program that is over-budget or not meeting its objectives. Therefore, although Maryland Free agrees that education reform is needed in Maryland, the timing of HB 1300, as well as some of its provisions, made passage fiscally irresponsible.* Disagreeing with Maryland Free's position, the Senate approved HB 1300, 37-9 on March 17, 2020.



**Edward P. Carey (D)**  
**District 31A**

This Anne Arundel County Delegate earned the highest cumulative score (44%) amongst all Democratic veterans in the House of Delegates (minimum 4 years' service).



**Matt Morgan (R)**  
**District 29A**

This St. Mary's County Delegate tied for the highest cumulative score (100%) amongst all Republican veterans in the House of Delegates (minimum 4 years' service).



**Haven N. Shoemaker, Jr. (R)**  
**District 5**

This Carroll County Delegate tied for the highest cumulative score (100%) amongst all Republican veterans in the House of Delegates (minimum 4 years' service).

## 2020 HOUSE VOTE DESCRIPTIONS

### **1 HB 123 – Labor and Employment – Wage History and Wage Range** *Delegates K. Young, et al.*

See Senate Vote 4 on page 13 for a description of HB 123.

A “+” indicates a vote against HB 123 and reflects Maryland Free’s opposition to legislation that discourages employment by requiring employers to make hiring decisions with incomplete information. Rather than the government intruding on businesses’ private compensation practices, employers must be able to retain their ability to gather all possible information concerning background and qualification of a prospective employee, including an applicant’s wage history. Mandating that employers furnish wage ranges for open positions when requested not only creates an imbalance against employers in future salary negotiations but may also result in employers artificially setting wage ranges lower and wider to compensate for this inequity. HB 123 unnecessarily obstructs the screening, interviewing, and salary negotiation process between employers and employees, and will ultimately result in fewer job opportunities for Marylanders. Disagreeing with Maryland Free’s position, the House passed HB 123, 98-43, on March 13, 2020.

### **2 HB 126 – Peace Orders – Workplace Violence** *Delegates Atterbeary, et. al.*

See Senate Vote 5 on page 13 for a description of HB 126.

A “+” indicates a vote in support of HB 126 and reflects Maryland Free’s support for facilitating employers and employees working together to help prevent workplace violence while providing employers immunity from liability on decisions to seek or not seek a peace order. HB 126 appropriately imposes no

requirements on employers to petition for a peace order but permits such action when in the discretion of the employer and the employee it is warranted. Agreeing with Maryland Free’s position, the House of Delegates approved HB 126, 130-0, on February 13, 2020.

### **3 HB 163 – 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 163 provides that an employee who refuses to join the union shall not be required to pay dues, fees, or other charges to the union. There are currently 28 states with Right to Work laws on the books, including Virginia, West Virginia, and every state to our south, which puts Maryland at a significant competitive disadvantage when courting new manufacturing businesses as well as retaining current Maryland-based businesses.

A “+” indicates a vote in support of HB 163 and reflects Maryland Free’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 is less competitive with other states, and limits its chances of retaining and attracting new manufacturing businesses and jobs. Disagreeing with Maryland Free’s position, the House Economic Matters Committee rejected HB 163, 13-7, on February 21, 2020.

### **4 HB 209 – Plastic Bag Reduction Act** *Delegates Lierman, et. al.*

See Senate Vote 6 on page 14 for a description of HB 209.

A “+” indicates a vote against HB 209 and reflects Maryland Free’s opposition to onerous, prescriptive legislation that significantly increases the cost of retail sales of goods without any measurable environmental

## 2020 HOUSE VOTE DESCRIPTIONS

*or health benefit. The imposition of a policy for reasons of environmental protection, with no allowance for reducing or eliminating the attendant costs on businesses and consumers for the use of alternative bags or protective coverings, creates an anti-competitive and detrimental impact on Maryland businesses. The imposition of a state-wide ban on plastic carryout bags, together with an allowance for prior and future local fees on non-plastic carryout bags and “carryout bags” that are undefined in the bill, will allow for the enactment by state and local governments of vague and multiple different plastic bag standards throughout the state, making compliance virtually impossible and enforcement unpredictable. A civil penalty of up to \$500 per violation is grossly excessive and disproportionate to the types of violations that may occur under this bill.* Disagreeing with Maryland Free’s position, the House of Delegates approved HB 209, 95-37, on March 12, 2020

### **5 HB 224 – Opportunity Zone Tax Deduction Reform Act of 2020** *Delegates Palakovich Carr, et al.*

HB 224 requires a person or business to add back to Maryland adjusted gross income or Maryland modified income the amount of capital gains excluded under the federal Qualified Opportunity Zones Program, which was established by the Federal Tax Cuts and Jobs Act of 2017.

*A “+” indicates a vote against HB 224 and reflects Maryland Free’s opposition to tax increases that inhibit economic growth and job creation. By reducing the tax benefit of a federal program, HB 224 creates yet another competitive disadvantage for Maryland relative to nearby states regarding retaining and attracting new businesses and jobs. Because Maryland generally conforms to federal tax law, such that any capital gain deferred or excluded under the program is also deferred or excluded under the Maryland income tax, HB 224 also sets a concerning precedent for decoupling from federal tax law.* Disagreeing with

Maryland Free’s position, the House passed HB 224, 88-46, on March 12, 2020.

### **6 HB 368 – Maryland Transit Administration – Funding (Transit Safety and Investment Act)** *Delegates Lierman, et al.*

Alters and extends provisions of the Maryland Metro/Transit Funding Act (Chapters 351 and 352 of 2018) by seven years. For Maryland Transit Administration’s operating expenses to meet the bill’s requirements, the Maryland Department of Transportation’s (MDOT) capital program would be required to redirect a total of \$1.0 billion in funding from other existing or planned projects between FY 2022 and 2028.

*A “+” vote indicates a vote against HB 368 and reflects Maryland Free’s support for sound, predictable transportation planning policy. This legislation would eliminate transportation projects that have completed the extensive planning and approval process. If enacted, HB 368 would have required MDOT to transfer funds from approved, funded projects in which construction may already be in progress to comply with this mandate. Such transfers would upend existing contractual and employment obligations, adversely impacting construction jobs and economic development in Maryland.* Disagreeing with Maryland Free’s position, the House approved HB 368 95-36 on March 14, 2020

### **7 HB 473 – Income Tax – Pass-Through Entities, Throwback Rule, and Combined Reporting** *Delegates Stewart, et. al.*

Modifies state income tax laws for Maryland corporations and other business entities in a variety of ways, including: (1) alters the distribution of corporate income tax revenues; (2) requires affiliated corporations to compute Maryland taxable income using combined reporting; (3) applies a “throwback”

## 2020 HOUSE VOTE DESCRIPTIONS

rule in determining whether sales are considered to have occurred in the State for purposes of the State's corporate income tax apportionment formula; (4) creates a State subtraction modification for certain deferred tax liabilities and assets; (5) authorizes a pass-through entity (PTE) to elect to be taxed at the entity level for the income tax; and (6) allows an individual or corporation to claim a tax credit against the State and county income tax equal to the tax paid by a PTE on the member's share of the PTE's taxable income. While the impact of HB 473 would vary among Maryland taxpayers, with some business entities benefitting from lower tax liability and others hit with tax liability increases, overall the legislation was projected to increase taxes in the State by an average of \$183 million annually beginning in 2023. The six elements of HB 473 listed above are generally unrelated and independent of one another.

*A "+" indicates a vote against HB 473 and reflects Maryland Free's opposition to tax increases on Maryland taxpayers. Such measures increase the cost of doing business in the State and make Maryland's business climate less competitive. HB 473 also served as a rider bill, whereby multiple independent tax policies were attached to the bill with little regard for the cumulative impact of the legislation on Maryland taxpayers. Such an approach to policymaking adversely impacts Maryland's business reputation and climate. Disagreeing with Maryland Free's position, the House of Delegates approved HB 473, 91-44, on March 12, 2020.*

**8 HB 565 – Income Tax – Business and Economic Development Tax Credits – Termination, Alteration, and Evaluation**  
*Delegates Kaiser, et al.*

HB 565 is one of several 2020 bills that adjust a variety of tax credit programs. The bill, among other provisions: (1) creates a one-year moratorium on the Secretary of Commerce for designating or expanding

certain enterprise zones and focus areas; (2) strips the incentive, for business entities enrolling in a Regional Institution Strategic Enterprise Zone (RISE) after July 1, 2020, of refunding the sales and use tax paid in the preceding year; (3) reduces by nearly half (\$9M to \$5M) the aggregate amount of tax credits available from the More Jobs for Marylanders Program; (4) excludes a business from eligibility for the biotechnology tax credit if it has investors who have collectively received \$6M of tax credits under the program, and repeals portions of that tax credit; (5) accelerates the termination of the Cybersecurity Investment Incentive Tax Credit; and (6) adjusts the amount of state funds available for the research and development (R&D) tax credit beginning in 2021.

*A "+" indicates a vote against HB 565 and reflects Maryland Free's opposition to those portions of the bill that increase taxes or reduce tax-incentives, thereby diminishing economic growth and job creation. Disagreeing with Maryland Free's position, the House approved HB 565, 82-47, on March 14, 2020.*

**9 HB 712 – Labor and Employment – Leave with Pay – Bereavement Leave (Family Bereavement Act)**

*Delegates Boyce, et al.*

Expands Maryland's Flexible Leave Act by requiring employers to permit employees to use earned paid leave for bereavement leave. Bereavement leave includes leave for the death of the employee's immediate family member, and as originally introduced, HB 712 also included the death of the employee's pet. HB 712 was amended before the House floor vote to eliminate the use of leave for an employee's pet.

*A "+" indicates a vote against HB 712 and reflects Maryland Free's opposition to legislation that mandates additional employee benefits that will cause*



## 2020 HOUSE VOTE DESCRIPTIONS

*reduced employment, increased costs of doing business in the State, and disproportionate and adverse impact on Maryland small businesses. Disagreeing with Maryland Free's position, the House approved HB 712, 111-27, on March 5, 2020.*

### **10** **HB 722 – Labor and Employment – Occupational Safety and Health – Heat Stress Standards**

*Delegates Charkoudian, et al.*

See Senate Vote 7 on page 14 for a description of HB 722.

*A “+” indicates a vote against HB 722 and reflects Maryland Free's opposition to legislation that imposes additional regulation on an industry presently regulated at the federal level. Currently, the federal Occupational Safety and Health Administration (“OSHA”) within the U.S. Department of Labor provides extensive guidance on heat-related illness caused by heat stress. The imposition of additional mandates on how a business complies with existing employee safety provisions concerning heat-related illness constitutes superfluous government intervention. Not only will Maryland's small businesses suffer from higher compliance costs, but all Maryland businesses will likely experience increased workers' compensation assessments. Disagreeing with Maryland Free's position, the House passed HB 722, 96-37, on March 13, 2020.*

### **11** **HB 732 – Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax**

*Delegate Luedtke & Pena-Melnyk*

See Senate Vote 8 on page 14 for a description of HB 732.

*A “+” indicates a vote against HB 732 and reflects Maryland Free's opposition to legislation that*

*mandates massive tax increases on Maryland businesses and their customers, especially on the eve of a known pandemic and recession. The digital advertising tax increases will adversely affect Maryland businesses and residents because although the bill is aimed at large multi-national corporations, the tax will inevitably be passed on to the customers of those corporations, which include Maryland businesses seeking to reach new customers through online advertising. Because HB 732 would be the only digital advertising services tax in the nation it would place Maryland businesses at a competitive disadvantage when compared to businesses in all other states. While public education funding has been a priority in the state, funding it by taxing digital advertising services, which have no nexus or other connection to public education, is arbitrary. Disagreeing with Maryland Free's position, the House of Delegates approved HB 732, 88-47, on March 18, 2020.*

### **12** **HB 869 – Corporate Income Tax – Rate Reduction**

*Delegates Buckel, et al.*

Reduces Maryland's corporate income tax rate from 8.25% to 7.75% for tax year 2021, 7.25% for tax year 2022, 6.75% for tax year 2023, and 6.25% for tax year 2024 and beyond.

*A “+” indicates a vote in support of HB 869 and reflects Maryland Free's support of responsible tax policy that incrementally improves Maryland's competitive position relative to neighboring states. If enacted, HB 869 would have allowed Maryland businesses to compete more effectively with businesses in neighboring states to retain and grow jobs in Maryland. Disagreeing with Maryland Free's position, the House Ways & Means Committee rejected HB 869, 14-6 on March 10, 2020*

## 2020 HOUSE VOTE DESCRIPTIONS

### 13 **HB 880 Maryland Healthy Working Families Act – Family Member – Definition**

*Delegates Kerr, et al.*

Expands to 25 the types of individuals that an employee can include as “family members” when requesting paid leave under the Maryland Healthy Working Families Act to include a ward of the employee or the employee’s spouse.

*A “+” vote indicates a vote against HB 880 and reflects Maryland Free’s opposition to laws that impose financial and regulatory obligations on employers to provide employee benefits. Other than a labor agreement, employers should be allowed to manage benefits such as paid leave, vacation, health care, and employee compensation without interference from state and federal government. Because employers, especially small businesses, have limited funds for payroll expense, the imposition of additional mandates under paid leave results in fewer jobs, decreased hours, and reduced compensation for those still employed. Disagreeing with Maryland Free’s position, the House approved HB 880 115-23 on March 5, 2020.*

### 14 **HB 932 – 21<sup>st</sup> Century Economy Fairness Act** *Delegate Korman*

See Senate Vote 10 on page 15 for a description of HB 932.

*A “+” indicates a vote in opposition to HB 932 and reflects Maryland Free’s opposition to imposing substantial tax increases on Maryland businesses and their customers, particularly on the eve of a known pandemic and recession. The imposition of double taxation on cable television service by the House of Delegates, resulting in a tax rate that is wholly disproportionate to the tax rate imposed on virtually*

*all other goods and services, undermines Maryland’s business climate and reputation. While public education funding has been a priority in the state, funding it by taxing digital products and codes and double taxing cable television service, neither of which have any nexus or other connection to public education, is arbitrary. Disagreeing with Maryland Free’s position, the House of Delegates approved HB 932, 87-47, on March 12, 2020. Governor Hogan vetoed HB 932 on May 7, 2020.*

### 15 **HB 1021 – Labor and Employment – Maryland Healthy Working Families Act – Seasonal Temporary Workers**

*Delegates Hartman, et al.*

Increases the “qualifying period” during which a new employee may use paid leave by 14 days from 106 days to 120 days after the first day of employment. If an employee is rehired by the employer within 32 weeks after leaving employment, the employer must reinstate any unused earned paid leave that was not voluntarily paid out.

*A “+” vote indicates a vote in favor of HB 1021 and reflects Maryland Free’s support of a reasonable allowance for seasonal employers required to comply with the paid leave mandates. Under current law, a qualifying period of 106 days was erroneously selected based on an assumption that the summer employment season would run 106 days. In fact, based on innumerable years of experience of Maryland’s seasonal employers, the actual length is 120 days. The 106-day period creates unnecessary disruptions to both employers and employees, and inhibits employers from maintaining an adequate workforce throughout the duration of the work season. Disagreeing with Maryland Free’s position, the House Economic Matters Committee rejected HB 1021, 14-8, on March 6, 2020.*

## 2020 HOUSE VOTE DESCRIPTIONS

### **16** **HB 1030 – Employers of Ex-Offenders – Liability for Negligent Hiring or Inadequate Supervision – Immunity**

*Delegates Wilson & Atterbeary*

Establishes that an employer may not be held liable for negligently hiring or failing to adequately supervise an employee based on evidence that the employee has received probation before judgment for an offense or has been convicted of an offense if an employee: (1) has completed the term of imprisonment or probation for the offense or has been released on parole for the offense; and (2) is employed in the manufacturing, shipping and

receiving (excluding work requiring the operation of a motor vehicle on a public highway or street), or warehousing industries, or works on the construction of new structures, or on the rehabilitation or demolition of unoccupied structures.

*A “+” indicates a vote in support of HB 1030 and reflects Maryland Free’s support of liability policy that makes it more feasible for businesses to employ ex-offenders. Various expungement and shielding laws have been passed in recent years that prevent employers from knowing an applicant’s criminal past; HB 1030 properly recognizes that an employer should not be held liable for limited access to background information. There was no companion bill in the Senate, but the same bill failed in recent prior sessions. Agreeing with Maryland Free’s position, the House approved HB 1030, 133-0 on March 15, 2020.*

**17** **HB 1300 – Blueprint for Maryland's Future – Implementation**  
*The Speaker (by request, Commission on Innovation and Excellence in Education) and Delegates McIntosh, et al.*

See Senate Vote 11 on page 16 for a description of HB 1300

*A “+” vote indicates a vote against HB 1300 and reflects Maryland Free’s opposition to: (1) policy that significantly increases state spending without clearly identified funding sources of commensurate scale; (2) massive spending increases enacted at the onset of a recession; and (3) “blank checks” for future spending by the General Assembly.*

Disagreeing with Maryland Free’s position, the House of Delegates approved HB 1300, 96-38, on March 6, 2020.

### **18** **SB 397 – Sales and Use Tax and Personal Property Tax – Exemptions – Data Centers**

*Senators Hershey & Peters*

See Senate Vote 1 on page 12 for a description of SB 397.

*A “+” indicates a vote in favor of SB 397 and reflects Maryland Free’s support of tax-incentives that foster economic growth and job creation within Maryland. Agreeing with Maryland Free’s position, the House approved SB 397, 123-6, on March 17, 2020.*

### **19** **SB 780 – Labor and Employment – Economic Stabilization Act – Revisions** *Senator Griffith*

See Senate Vote 2 on page 12 for a description of SB 780.

*A “+” indicates a vote against SB 780 and reflects Maryland Free’s opposition to legislation that imposes additional operational constraints on Maryland businesses. The federal Worker Adjustment and Retraining Notification Act of 1988 already requires businesses to provide notice when a*

## 2020 HOUSE VOTE DESCRIPTIONS

*business needs to reduce operations. Under current law, the Maryland Department of Labor has detailed voluntary regulations concerning notice when a business plans on reducing operations. SB 780 is yet another bill that mandates onerous and expensive regulation of Maryland businesses already regulated at the federal level or sufficiently regulated through existing State requirements. These constraints, together with the excessive and disproportionate penalties for noncompliance, place Maryland at a considerable competitive disadvantage relative to neighboring states, thus limiting growth and job opportunities for Marylanders.*

Disagreeing with Maryland Free's position, the House approved SB 780, 91-39, on March 18, 2020.

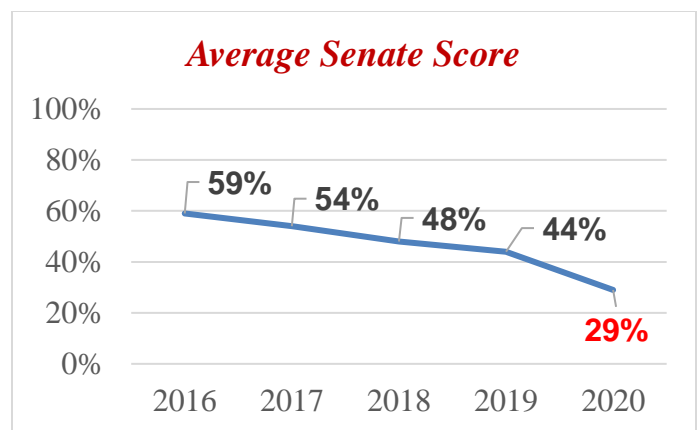
### **20 SB 839 (2019) – VETO OVERRIDE - Labor and Employment – Criminal Record Screening Practices (Ban the Box)**

*Senators Carter & Smith*

See Senate Vote 3 on page 12 for a description of SB 839 (2019).

*A “+” indicates a vote to sustain the Governor's veto of SB 839 (2019) and reflects Maryland Free's opposition to legislation that increases employer costs and hinders employment by interfering with an employer's ability to conduct an effective and efficient background check on prospective employees. Employers, not the General Assembly, are in the best position to determine whether a person with a criminal history qualifies or is suitable for the type of employment being offered. Allowing for the enactment by state and local governments of multiple different employment screening laws produces compliance problems and conflicting standards for businesses operating in multiple jurisdictions. Disagreeing with Maryland Free's position, the House overrode the Governor's veto of SB 839 (2019), 95-42, on January 30, 2020.*

### ***Falling Scores in the Senate***



***In 2016, 14 Senators achieved a perfect 100% score. In 2020, only one senator (Christopher West, District 42) achieved higher than a 70% score.***



*(Continued from page 2)*

- The legislature passed a whopping \$32B spending increase in the so-called Kirwan bill (HB 1300 – Blueprint for Maryland’s Future) and needed to pay for that massive spending increase, and it appears that the deep pockets of Google and Facebook were just too enticing to pass up. Unfortunately for every business that advertises online, the significant tax increase targeted at these multinational companies will be passed along to local businesses that advertise here in Maryland.

HB 732 imposes a digital advertising gross receipts tax of 10% on Google. So if your business buys \$1,000 per month in Google Ads, you will get only \$900 worth of ads after Google applies Maryland’s tax to your account. There can be no doubt that the tax will be passed directly to local advertisers; Maryland Free is in possession of an email directly from Google saying as much. Austria and the United Kingdom introduced digital ad taxes of 5% and 2% respectively. Guess how much of those taxes were passed on to local advertisers? That’s right, 100%. Of course it was 100%; that is the rational thing for Google to do.

Governor Hogan vetoed HB 732, as well as HB 932, which imposes a sales tax on digital downloads, but the majority party in the legislature would appear to have enough votes to override that veto in the next session in January. If they do overturn the veto and enact the bill, every business in Maryland that buys ads on Google—from the large companies to the local pizza shop to the lone plumber who operates out of a single truck—will have to deal with a massive 10% tax imposed on their ad dollars. In the midst of a global pandemic and economic recession that has lasted most of a year and has decimated many sectors of Maryland’s economy, the enactment of such a tax is reprehensible and the height of irresponsibility.

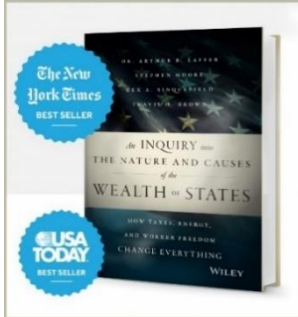
- Ending on a high note, we rarely see legislators reach across the political aisle to pass common-sense legislation to help employers. Delegates C.T. Wilson and Vanessa Atterbeary, both Democrats, did just that, sponsoring a bill to give a limited form of liability immunity to employers who hire ex-offenders. Following a series of recent laws that expunged or shielded many crimes from ex-offenders’ records, employers had been clamoring for reform, and this bill goes a long way to delivering that. Although HB 1030 was passed in the House, it did not get a vote this year in the Senate.

\* At [mgaleg.maryland.gov](http://mgaleg.maryland.gov), go to Search & Archives, select 2020 Regular Session from the dropdown in the Session box, then search for the bill in the Number box (e.g., “SB 397”).

## Suggested Reading

The following three books adroitly articulate why a positive business climate is of critical importance to a thriving state economy. We are convinced that an understanding, particularly among legislators, of the lessons within these publications will help produce an ever-strengthening economy and pro-job climate in Maryland. In each case, the authors use actual data from all 50 states to clearly demonstrate the policies that either strengthen or diminish a state economy. The first two descriptions below are taken directly from their respective websites. The third is our own summary.

### Wealth of States



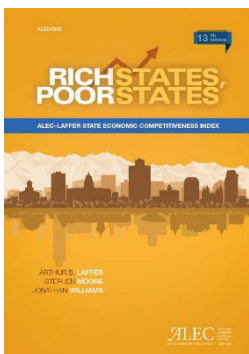
*An Inquiry into the Nature and Causes of the Wealth of States* is a detailed and critical look into the tax and regulatory policies across the 50 states and the subsequent economic growth or malaise that follows from these state policy choices. In short, the authors conclude you can't tax a state into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

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

- Personal and corporate income tax rates
- Total tax burden as a percentage of personal income
- Estate and inheritance taxes
- Right-to-work laws

Visit [www.wealthofstates.com](http://www.wealthofstates.com) to order.

### Rich States, Poor States

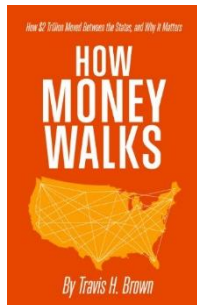


Rich States, Poor States examines the latest trends in state economic growth. The data ranks the 2020 economic outlook of states using 15 equally weighted policy variables, including various tax rates, regulatory burdens and labor policies. The thirteenth edition examines trends over the last few decades that have helped or hurt states' economies.

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

Visit [www.alec.org](http://www.alec.org) to purchase a hard copy or download for free.

## How Money Walks



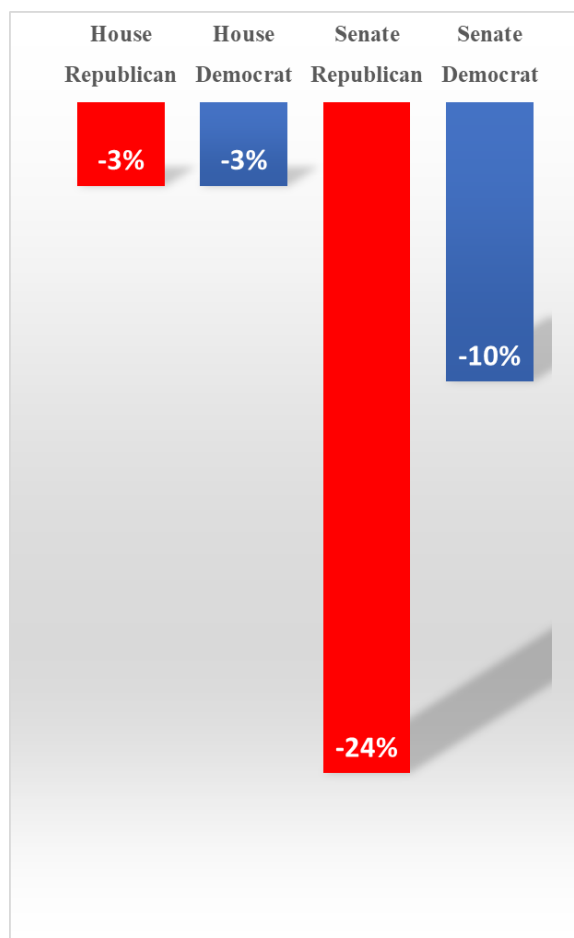
Although we recommend the book, there is a wealth of free information on the website, where legislators can see that Maryland lost a net \$13.4 billion in annual adjusted gross income (AGI) between 1992 and 2016 as money “walked” to other states. This wealth migration continues at the rate of about \$85,000 each hour! The interactive maps, which are derived from actual IRS data, clearly demonstrate a mass migration of wealth from high-tax states (and counties) to low-tax states (and counties).

Visit [www.howmoneywalks.com](http://www.howmoneywalks.com) to explore the information.

### MARYLAND FREE SCORES BY COUNTY

County	2020 SCORE	2019 SCORE	CUMULATIVE
<b>CUMULATIVE SCORES GREATER THAN 70%</b>			
Kent	88%	94%	95%
Queen Anne's	88%	94%	95%
Caroline	82%	95%	94%
Talbot	74%	95%	93%
Somerset	83%	90%	93%
Cecil	86%	93%	93%
Worcester	83%	93%	92%
Washington	80%	93%	92%
Allegany	88%	89%	91%
Carroll	84%	91%	89%
Wicomico	70%	86%	85%
Harford	77%	81%	80%
St. Mary's	77%	78%	79%
Dorchester	60%	81%	78%
Calvert	56%	67%	70%
<b>CUMULATIVE SCORES BETWEEN 40% AND 70%</b>			
Frederick	51%	60%	59%
Baltimore County	44%	53%	55%
Anne Arundel	41%	47%	50%
<b>CUMULATIVE SCORES LESS THAN 40%</b>			
Howard	31%	35%	36%
Charles	10%	24%	27%
Prince George's	14%	21%	24%
Baltimore City	16%	23%	24%
Montgomery	16%	19%	21%

### Average 2019-2020 Score Decrease by Chamber & Party



# Maryland Free Enterprise Foundation

## Maryland Free Enterprise Foundation Membership Application



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

Name \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone \_\_\_\_\_

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

E-Mail \_\_\_\_\_

E-Mail \_\_\_\_\_

E-Mail \_\_\_\_\_

All Maryland Free members receive:

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

Email us at [info@marylandfree.org](mailto:info@marylandfree.org)

Please make all checks payable to Maryland Free and mail to:  
Maryland Free, 14778 Addison Way, Woodbine, MD 21797

*Contributions to Maryland Free, a 501(c)(6), and its affiliates may be tax deductible to the extent permitted by law.  
Maryland Free is not a lobbying organization.*

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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410-280-6274 | [info@MarylandFree.com](mailto:info@MarylandFree.com) | [www.MarylandFree.org](http://www.MarylandFree.org)

