

ROLL CALL

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

Closed for business?

The compounding effects of legislative policy and
pandemic closures on Maryland's business climate



MARYLAND FREE

Closed for Business?

The Compounding Effects of Legislative Policy and Pandemic Closures on Maryland's Business Climate.



Modest vs. Activist Policymaking

Let's play a little game. Imagine that you are a member of the Maryland General Assembly, either a Delegate or a Senator.

If you knew in advance that a proposed bill would hurt Maryland employers, would you pass it? Let's up the ante a bit. What if you were otherwise inclined to pass this harmful bill, but your constituents were in the middle of a pandemic that was shutting down businesses left and right, some that had survived for generations? Would that be enough for you to reject the bill, at least for now?

We're guessing that you'd "just say no" to bad bills, at least during a massive economic downturn. You would probably take a modest, measured approach and do everything in your power to protect Maryland employers and therefore, employees.

Unfortunately for Maryland employers and employees, the 2021 General Assembly did not choose such a modest approach; instead, our legislators passed dozens of bills known to have negative effects on our business climate. This was a continuation of a long trend in Maryland.

A Bill's Effects are Easy to Understand

Now, let's consider how one might "know" that a bill would be harmful to businesses. There are actually a couple of very reliable sources.

First, is the government itself. Each bill proposed in the Maryland Legislature is assessed by the Maryland Department of Legislative Services *for the benefit of the Maryland General Assembly*. This body consists of career staffers (not political appointees) who vet bills on various measures, including effects on the state's revenues, expenses, and small businesses. They produce a Fiscal and Policy Note for each bill that fully describes the bill, summarizes any existing law that the proposed bill is modifying, and highlights similar bills that were introduced in prior sessions. Significantly, the fiscal note includes a simple statement of consequence on the Small Business Effect: None, Minimal, Potential(ly) Meaningful, or Meaningful.

Second, and arguably most importantly, legislators can know the negative effects of a bill on employers by simply listening to them. Almost without exception, employers and their representatives, trade associations, and chambers of commerce testify at hearings on the proposed bills prior to a vote.

Readers should check for themselves. Simply go to <http://mgaleg.maryland.gov/> and enter the bill number (e.g., HB 581) for any bill described in Roll Call. From there you can click on the link for the Fiscal and Policy Note, as well as the Witness List. At the link for the Witness List, there are hyperlinks to the written testimony of various entities that support, oppose, or wish to simply provide information or an amendment on a particular proposed bill. No one knows the consequences of a proposed bill on employers more than employers themselves, so their testimony should receive fair and full consideration. In most cases, however, our legislature seems to ignore it.

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Maryland Free Enterprise Foundation

Senate Vote Key

1	SB 35	Procurement – Prevailing Wage – Applicability
2	SB 35(Veto)	Procurement – Prevailing Wage – Applicability
3	SB 107	Labor and Employment – Secure Maryland Wage Act
4	SB 186	Economic Development – Job Creation Tax Credit – Credit for Hiring Veterans
5	SB 473	Labor and Employment – Leave with Pay – Bereavement Leave
6	SB 787	Digital Advertising Gross Revenues, Income, Sales and Use, and Tobacco Taxes – Alterations and Implementation
7	SB 811	Unemployment Insurance – Computation of Earned Rate of Contribution – Applicable Table of Rates
8	SB 819	Unemployment Insurance – Weekly Benefit – Income Disregard
9	HB 31	Courts – Surcharges and Payment to Special Funds – Prohibited Lease Provisions
10	HB 289	Peace Orders – Workplace Violence
11	HB 581	Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)
12	HB 732(Veto)	Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax
13	HB 804	Taxes – Whistleblower Reward Program and Statute of Limitations for Tax Collections
14	HB 932(Veto)	21 st Century Economy Fairness Act
15	HB 1210	Corporate Diversity – Board, Executive Leadership, and Mission

House Vote Key

1	HB 31	Courts – Surcharges and Payment to Special Funds – Prohibited Lease Provisions
2	HB 37	Procurement – Prevailing Wage – Applicability
3	HB 37(Veto)	Procurement – Prevailing Wage – Applicability
4	HB 56	Labor and Employment – Leave with Pay – Bereavement Leave
5	HB 67	I-495 and I-270 Public-Private Partnership – Partnership Agreement – Requirements
6	HB 262	Opportunity Zone Tax Deduction Reform Act of 2021
7	HB 289	Peace Orders – Workplace Violence
8	HB 492	Railroad Company – Movement of Freight – Required Crew
9	HB 581	Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)
10	HB 685	Labor and Employment – Secure Maryland Wage Act
11	HB 732(Veto)	Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax
12	HB 804	Taxes – Whistleblower Reward Program and Statute of Limitations for Tax Collections
13	HB 932(Veto)	21 st Century Economy Fairness Act
14	HB 1139	Unemployment Insurance – Weekly Benefit – Income Disregard
15	HB 1210	Corporate Diversity – Board, Executive Leadership, and Mission
16	HB 1321	Labor and Employment – Labor Organizations – Right to Work
17	SB 186	Economic Development – Job Creation Tax Credit – Credit for Hiring Veterans
18	SB 787	Digital Advertising Gross Revenues, Income, Sales and Use, and Tobacco Taxes – Alterations and Implementation
19	SB 811	Unemployment Insurance – Computation of Earned Rate of Contribution – Applicable Table of Rates

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.

2020 SCORE A legislator's score for 2020, 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 (58%) amongst all Democratic veterans in the Senate (minimum 4 years' service).



**Justin Ready (R)
District 5**

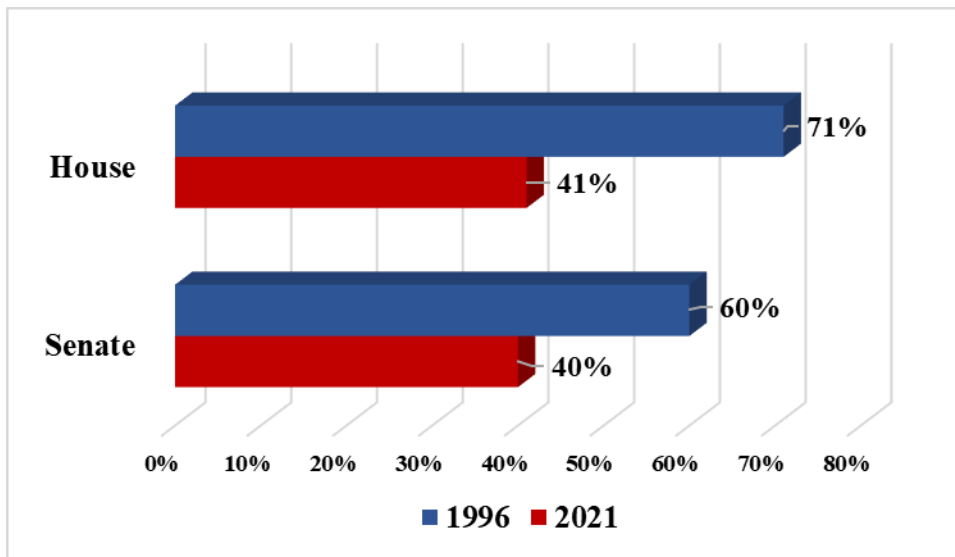
This Carroll County Senator earned the highest cumulative score (92%) amongst all Republican veterans in the Senate (minimum 4 years' service).

MARYLAND SENATE VOTES

	SB 35	SB 35(V)	SB 107	SB 186	SB 473	SB 787	SB 811	SB 819	HB 31	HB 289	HB 581	HB 732 (V)	HB 804	HB 932 (V)	HB 1210	2021 SCORE	2020 SCORE	CUMU- LATIVE
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15			
Allegany, Garrett, & Washington Counties 1 George C. Edwards (R) *	+	+	+	+	-	-	+	-	+	+	+	+	-	+	+	73%	56%	84%
Washington County 2 Paul D. Corderman (R) *	+	+	+	+	-	+	+	-	+	+	+	+	-	+	+	80%	82%	85%
Frederick County 3 Ronald N. Young (D)	-	-	-	+	-	+	+	-	-	+	-	-	-	-	-	27%	20%	30%
Carroll & Frederick Counties 4 Michael J. Hough (R) *	+	+	+	+	-	+	+	-	+	+	+	+	-	+	+	80%	50%	87%
Carroll County 5 Justin D. Ready (R) *	+	+	+	+	-	+	+	-	+	+	+	+	-	+	+	80%	70%	92%
Baltimore County 6 Johnny Ray Salling (R) *	+	+	nv	+	-	+	+	-	+	+	+	+	-	+	+	79%	56%	88%
Baltimore & Harford Counties 7 J.B. Jennings (R) *	+	+	+	+	-	+	+	o	+	+	+	+	-	+	+	86%	60%	89%
Baltimore County 8 Katherine A. Klausmeier (D)	-	-	-	+	-	+	+	-	+	+	-	+	-	+	-	47%	40%	58%
Carroll & Howard Counties 9 Katie Fry Hester (D)	-	-	-	+	-	-	+	-	-	+	-	+	-	+	-	33%	22%	27%
Baltimore County 10 Delores G. Kelley (D)	-	-	-	+	-	-	+	o	-	+	-	-	o	-	-	23%	10%	34%
Baltimore County 11 Shelly L. Hettleman (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	20%	23%
Baltimore & Howard Counties 12 Clarence K. Lam (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	25%
Howard County 13 Guy J. Guzzone (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	29%
Montgomery County 14 Craig Zucker (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	22%
15 Brian J. Feldman (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	10%	27%
16 Susan C. Lee (D)	-	-	-	o	o	-	+	-	-	+	-	-	-	-	-	15%	20%	22%
17 Cheryl C. Kagan (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	36%
18 Jeff Waldstreicher (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	20%	22%
19 Benjamin F. Kramer (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	10%	26%
20 William C. Smith, Jr. (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	20%	22%
Anne Arundel & Prince George's Counties 21 James C. Rosapepe (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	30%
Prince George's County 22 Paul G. Pinsky (D)	-	-	-	+	-	-	+	-	nv	+	-	-	-	-	-	21%	0%	25%
23 Douglas J.J. Peters (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	29%
24 Joanne C. Benson (D)	-	-	nv	+	-	o	+	-	-	+	-	o	-	o	-	27%	10%	33%
25 Melony G. Griffith (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	28%
26 Obie Patterson (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	28%
Calvert, Charles, & Prince George's Counties 27 Michael A. Jackson (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	18%	23%
Charles County 28 Arthur Ellis (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	18%
Calvert & St. Mary's Counties 29 John D. Bailey (R)	+	+	+	+	-	+	+	-	+	+	+	+	-	+	+	80%	67%	82%

MARYLAND SENATE VOTES

	SB 35	SB 35(V)	SB 107	SB 186	SB 473	SB 787	SB 811	SB 819	HB 31	HB 289	HB 581	HB 732 (V)	HB 804	HB 932 (V)	HB 1210	2021 SCORE	2020 SCORE	CUMULATIVE
Anne Arundel County	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15			
30 Sarah K. Elfreth (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	19%
31 Bryan W. Simonaire (R) *	+	+	+	+	-	+	+	-	+	+	+	+	-	+	+	80%	67%	87%
32 Pamela G. Beidle (D)	-	-	-	+	-	-	+	-	+	+	-	-	-	-	-	27%	10%	40%
33 Edward R. Reilly (R) *	+	+	+	+	-	+	+	-	+	+	+	+	-	+	+	80%	60%	89%
Harford County																		
34 Robert G. Cassilly (R) *	+	+	+	+	-	+	+	-	nv	+	nv	+	-	+	+	77%	70%	88%
Cecil & Harford Counties																		
35 Jason C. Gallion (R)	+	+	+	+	-	+	+	-	+	+	+	+	-	+	+	80%	67%	85%
Caroline, Cecil, Kent, & Queen Anne's Counties																		
36 Stephen S. Hershey, Jr. (R) *	+	+	+	+	-	+	+	-	+	+	+	+	-	+	+	80%	70%	89%
Caroline, Dorchester, Talbot & Wicomico Counties																		
37 Adelaide C. Eckardt (R) *	+	+	+	+	-	-	+	-	+	+	+	+	-	+	+	73%	44%	86%
Somerset, Wicomico & Worcester Counties																		
38 Mary Beth Carozza (R) *	+	+	+	+	-	+	+	-	+	+	+	+	-	+	+	80%	67%	87%
Montgomery County																		
39 Nancy J. King (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	27%
Baltimore City																		
40 Antonio L. Hayes (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	10%	24%
41 Jill P. Carter (D)	-	-	-	0	0	-	+	-	-	+	-	-	-	-	-	15%	20%	23%
Baltimore County																		
42 Christopher R. West (R) *	+	+	+	+	-	-	+	-	+	+	+	+	-	+	+	73%	80%	86%
Baltimore City																		
43 Mary L. Washington (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	30%
Baltimore City and Baltimore County																		
44 Charles E. Sydnor III (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	20%	24%
Baltimore City																		
45 Cory V. McCray (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	23%
46 William C. Ferguson, IV (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	11%	23%
Prince George's County																		
47 Malcolm L. Augustine (D)	-	-	-	+	-	-	+	-	-	+	-	-	-	-	-	20%	10%	18%



Generation Gap

Maryland Free has been keeping score of our state legislators for 38 years. Maryland's current legislature is one of the most polarized and lowest scoring ever.

MARYLAND HOUSE OF DELEGATES VOTES

	HB 31	HB 37	HB 37 (V)	HB 56	HB 67	HB 262	HB 289	HB 492	HB 581	HB 685	HB 732 (V)	HB 804	HB 832 (V)	HB 1139	HB 1210	HB 1321	SB 186	SB 787	SB 811	2021 SCORE	2020 SCORE	CUMU- LATIVE
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19			
Garrett & Allegany Counties																						
1A Wendell R. Beitzel (R) *	+	+	+	+	-	+	+	-	+	+	+	+	+	-	+	■	+	+	+	83%	100%	89%
Allegany County																						
1B Jason C. Buckel (R) *	+	+	+	+	-	+	+	-	+	+	+	+	+	+	+	■	+	+	+	89%	94%	92%
Allegany & Washington Counties																						
1C Michael W. McKay (R) *	+	+	+	+	-	+	+	-	+	+	+	+	+	+	+	■	+	+	+	89%	100%	97%
Washington County																						
2A Neil C. Parrott (R) *	+	nv	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	100%	98%
2A William J. Wivell (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	100%	99%
2B Brenda J. Thiam (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	■	+	+	+	94%	-	-
Frederick County																						
3A Carol L. Krimm (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	23%
3A Karen Lewis Young (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	22%
3B Kenneth Kerr (D)	-	-	-	-	-	-	+	-	-	-	-	-	nv	-	-	■	+	-	+	18%	19%	20%
Carroll & Frederick Counties																						
4 Barrie S. Ciliberti (R) *	+	+	+	-	o	nv	+	o	+	+	+	o	+	+	+	■	+	+	+	93%	94%	91%
4 Daniel L. Cox (R)	o	+	+	+	o	+	+	+	o	+	+	o	+	+	+	■	+	+	+	100%	93%	98%
4 Jesse T. Pippy (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	94%	98%
Carroll County																						
5 Susan W. Krebs (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	100%	93%
5 April R. Rose (R) *	+	+	+	o	+	o	+	o	+	+	o	+	o	+	+	■	+	+	+	100%	100%	99%
5 Haven N. Shoemaker, Jr. (R) *	+	+	+	+	-	o	o	+	+	+	+	+	+	-	+	■	+	+	+	88%	100%	98%
Baltimore County																						
6 Robin L. Grammer, Jr. (R) *	+	+	+	+	+	+	+	o	+	+	+	+	+	+	+	■	+	+	+	100%	87%	94%
6 Robert B. Long (R) *	+	+	+	nv	+	+	+	+	+	+	+	+	+	-	+	■	+	+	+	94%	82%	95%
6 Richard W. Metzgar (R) *	+	+	+	+	-	+	+	-	o	+	+	+	o	-	+	■	+	+	+	81%	88%	92%
Baltimore & Harford Counties																						
7 Lauren C. Arian (R)	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	■	+	+	+	94%	100%	97%
7 Richard K. Impallaria (R) *	+	+	+	o	+	+	+	-	+	+	+	+	+	+	+	+	+	+	+	94%	95%	91%
7 Kathy Szeliga (R) *	+	+	+	+	+	+	+	+	o	o	+	+	+	-	+	■	+	+	+	94%	94%	98%
Baltimore County																						
8 Harry (H.B.) Bhandari (D)	nv	-	-	-	-	nv	+	-	-	-	+	-	+	-	-	■	+	+	+	38%	50%	43%
8 Joseph C. Boteler III (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	■	+	+	+	94%	100%	95%
8 Carl W. Jackson (D)	nv	-	-	-	-	-	+	-	-	-	+	-	+	-	-	-	+	+	+	33%	44%	38%
Carroll & Howard Counties																						
9A Trent M. Kittleman (R) *	+	+	+	+	+	o	+	+	+	+	+	+	+	+	+	■	o	o	+	100%	100%	99%
9A Reid J. Novotny (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	-	-
Howard County																						
9B M. Courtney Watson (D)	+	-	-	-	-	-	+	-	-	nv	-	-	-	-	-	-	+	-	+	22%	24%	20%
Baltimore County																						
10 Benjamin T. Brooks, Sr. (D)	-	-	-	-	-	-	+	-	o	o	-	-	-	-	-	-	+	-	+	18%	16%	23%
10 Jay Jalisi (D)	nv	-	o	-	-	-	+	-	o	o	o	+	+	-	-	■	+	-	+	38%	38%	30%
10 Adrienne A. Jones (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	26%
11 Lisa M. Belcastro (D)	-	nv	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	18%	15%	17%
11 Jon S. Cardin (D)	o	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	18%	20%	23%
11 Dana M. Stein (D)	-	-	-	o	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	18%	18%	25%
Baltimore & Howard Counties																						
12 Eric D. Ebersole (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	17%	23%
12 Jessica M. Feldmark (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	17%	16%
12 Terri L. Hill (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	21%	25%
Howard County																						
13 Vanessa E. Atterbeary (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	22%
13 Shane E. Pendergrass (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	28%
13 Jennifer R. Terrasa (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	17%
Montgomery County																						
14 Anne R. Kaiser (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	19%	23%
14 Eric G. Luedtke (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	21%
14 Pamela Queen (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	+	-	+	16%	11%	19%
15 Kathleen M. Dumais (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	+	-	+	16%	16%	24%
15 David V. Fraser-Hidalgo (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	20%
15 Lili Qi (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	+	-	+	16%	28%	21%

MARYLAND HOUSE OF DELEGATES VOTES

	HB 31	HB 37	HB 37 (V)	HB 56	HB 67	HB 262	HB 289	HB 492	HB 581	HB 685	HB 732 (V)	HB 804	HB 932 (V)	HB 1139	HB 1210	HB 1321	SB 186	SB 787	SB 811	2021	2020	CUMU-
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	SCORE	SCORE	LATIVE
Montgomery County																						
16 Ariana B. Kelly (D)	-	-	-	-	-	o	+	-	o	-	-	-	-	-	-	■	+	-	+	19%	19%	24%
16 Marc A. Korman (D)	-	-	-	-	-	-	+	o	-	-	-	-	-	-	-	■	+	-	+	18%	18%	23%
16 Sara N. Love (D)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	17%
17 Kumar P. Barve (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	34%
17 Julie Palakovich Carr (D)	-	-	-	-	-	-	+	-	o	-	-	-	-	-	-	■	+	-	+	18%	13%	15%
17 James W. Gilchrist (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	23%
18 Alfred C. Carr, Jr. (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	12%	20%
18 Emily K. Shetty (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	8%	14%
18 Jared Solomon (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	17%
19 Charlotte Crutchfield (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	13%	18%
19 Bonnie L. Cullison (D)	-	o	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	18%	18%	21%
19 Vaughn M. Stewart III (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	12%	12%
20 Lorig Charkoudian (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	+	-	+	16%	16%	13%
20 David Moon (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	12%	16%
20 Jheanelle Wilkins (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	17%	15%
Anne Arundel & Prince George's Counties																						
21 Benjamin S. Barnes (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	nv-	-	+	11%	17%	20%
21 Mary A. Lehman (D)	-	-	-	-	o	-	+	-	-	-	o	-	-	-	-	■	+	-	+	19%	18%	17%
21 Joseline A. Peña-Melnyk (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	22%
Prince George's County																						
22 Anne Healey (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	11%	17%	20%
22 Alonzo T. Washington (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	19%	18%	17%
22 Nicole A. Williams (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	22%
23A Geraldine Valentino-Smith (D)	-	o	-	-	-	-	+	-	-	-	nv	-	-	-	-	■	+	-	+	17%	18%	28%
23B Marvin E. Holmes, Jr. (D)	-	-	-	o	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	17%	21%
23B Ronald L. Watson (D)	nv	-	-	o	-	nv	o	o	-	-	-	-	-	-	-	■	+	-	o	17%	18%	17%
24 Erek L. Barron (D)	nv	-	-	-	-	-	+	o	-	-	-	-	-	-	-	■	+	-	+	19%	17%	23%
24 Andrea Fletcher Harrison (D)	nv	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	18%	18%	25%
24 Jazz M. Lewis (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	8%	19%	17%
25 Darryl Barnes (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	19%	7%	19%
25 Nick Charles (D)	-	-	-	nv	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	18%	19%	19%
25 Dereck E. Davis (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	nv	+	-	+	17%	18%	19%
26 Veronica L. Turner (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	+	-	+	17%	18%	23%
26 Kriselda Valderrama (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	+	-	+	18%	12%	17%
26 Jay Walker (D)	-	o	o	-	-	-	+	o	-	o	+	-	o	-	o	-	o	o	o	17%	18%	30%
Charles & Prince George's Counties																						
27A Elizabeth G. Proctor (D)	-	nv	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	18%	0%	20%
Calvert & Prince George's Counties																						
27B Rachel R. Jones (D)	-	-	-	-	-	o	+	o	-	-	o	-	o	-	-	■	+	-	+	21%	-	-
Calvert County																						
27C Mark N. Fisher (R) *	+	+	+	+	+	-	+	+	+	+	o	+	o	+	+	o	+	+	+	94%	100%	97%
Charles County																						
28 Debra M. Davis (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	19%
28 Edith J. Patterson (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	17%	22%
28 C.T. Wilson (D)	nv	-	-	-	-	o	+	-	-	-	-	-	-	-	-	-	+	-	+	18%	17%	26%
St. Mary's County																						
29A Matt Morgan (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	100%	100%
29B Brian M. Crosby (D)	+	-	-	-	-	-	+	-	-	-	+	-	-	-	-	-	+	-	+	26%	53%	34%
Calvert & St. Mary's Counties																						
29C Gerald W. Clark (R) *	+	+	+	-	+	+	+	+	+	+	+	+	+	-	+	■	+	+	+	89%	94%	92%
Anne Arundel County																						
30A Shaneka T. Henson (D)	+	-	-	-	-	-	+	-	-	-	-	+	-	-	-	■	+	-	+	28%	29%	26%
30A Dana Jones (D)	+	-	-	-	-	-	+	-	-	-	+	-	-	-	-	■	+	-	+	28%	-	-
30B Seth A. Howard (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	+	+	95%	88%	92%
31A Edward P. Carey (D)	+	-	-	-	-	-	+	-	-	o	+	-	-	-	-	-	+	-	+	28%	37%	41%
31B Brian A. Chisolm (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	94%	94%	96%
31B Nicholas R. Kipke (R) *	+	+	+	+	+	+	+	+	+	+	+	-	+	+	+	■	+	-	+	89%	88%	87%

MARYLAND HOUSE OF DELEGATES VOTES

	HB 31	HB 37	HB 37 (N)	HB 56	HB 67	HB 262	HB 289	HB 492	HB 581	HB 685	HB 732 (N)	HB 804	HB 932 (N)	HB 1139	HB 1210	HB 1321	SB 186	SB 787	SB 811	2021 SCORE	2020 SCORE	CUMU- LATIVE
Anne Arundel County	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19			
32 J. Sandy Bartlett (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	nv-	11%	18%	17%
32 Mark S. Chang (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	25%
32 Michael J. Rogers (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	+	-	+	16%	16%	19%
33 Heather Bagnall (D)	+	-	-	-	-	-	+	-	-	-	-	+	-	-	-	■	+	-	+	28%	29%	25%
33 Michael E. Malone (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	88%	97%
33 Sid A. Saab (R) *	o	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	100%	99%
Harford County																						
34A Steven C. Johnson (D)	+	-	-	-	-	-	+	-	-	-	+	-	-	-	-	■	+	+	+	33%	35%	29%
34A Mary Ann Lisanti (D)	+	-	-	-	-	-	+	-	+	-	+	-	+	-	+	■	+	-	+	44%	59%	34%
34B Susan K. McComas (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	93%	91%
Cecil County																						
35A Kevin B. Hornberger (R) *	+	+	+	+	+	+	+	nv	+	+	+	-	+	+	+	■	+	+	+	94%	88%	89%
Cecil & Harford Counties																						
35B Michael Griffith (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	88%	94%
35B Teresa E. Reilly (R)*	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	94%	95%
Caroline, Cecil, Kent, & Queen Anne's Counties																						
36 Steven J. Arentz (R) *	+	o	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	89%	96%
36 Jefferson L. Ghrist (R)*	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	100%	99%
36 Jay A. Jacobs (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	94%	98%
Dorchester & Wicomico Counties																						
37A Sheree Sample-Hughes (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	30%
Caroline, Dorcheester, Talbot & Wicomico Counties																						
37B Christopher T. Adams (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	89%	98%
37B John F. Mautz IV (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	89%	96%
Somerset & Worcester Counties																						
38A Charles J. Otto (R) *	+	+	+	+	+	o	+	+	+	+	nv	+	+	-	+	■	+	+	+	94%	100%	97%
Wicomico County																						
38B Carl L. Anderton, Jr. (R) *	+	+	+	+	+	+	+	o	+	+	+	+	o	+	nv	■	+	+	+	100%	82%	93%
Wicomico & Worcester Counties																						
38C Wayne A. Hartman (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+	■	+	+	+	100%	100%	100%
Montgomery County																						
39 Gabriel Acevero (D)	-	-	-	nv	o	-	+	-	-	-	-	nv	-	-	-	■	+	-	+	20%	19%	17%
39 Lesley J. Lopez (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	19%
39 Kirill Reznik (D)	-	-	-	o	-	-	o	-	-	-	-	-	-	-	-	■	+	-	+	13%	18%	26%
Baltimore City																						
40 Marlon D. Amprey (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	-	-
40 Frank M. Conaway, Jr. (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	29%	27%
40 Melissa R. Wells (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	19%	19%
Baltimore City																						
41 Dayla Attar (D)	-	-	-	-	-	-	+	-	o	-	-	-	-	-	-	■	+	-	+	18%	18%	19%
41 Tony Bridges (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	o	■	+	-	o	13%	18%	17%
41 Samuel I. Rosenberg (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	33%
Baltimore County																						
42A Catherine M. Forbes (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	17%
42B Michele J. Guyton (D)	nv	-	-	-	-	-	+	-	-	-	+	-	+	-	-	■	+	-	+	29%	35%	31%
42B Nino Mangione (R)	+	+	o	+	+	+	+	+	o	+	+	+	+	+	+	■	+	+	+	100%	88%	96%
Baltimore City																						
43 Curtis S. Anderson (D) †	o	o	o	-	o	o	o	o	o	o	-	o	-	o	o	■	o	o	o	0%	9%	29%
43 Regina T. Boyce (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	25%	20%
43 Maggie McIntosh (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	26%
44A Keith E. Haynes (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	nv-	11%	18%	24%
Baltimore County																						
44B Sheila S. Ruth (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	17%
44B Patrick G. Young, Jr. (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	24%
Baltimore City																						
45 Chanel A. Branch (D)	o	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	18%	17%	17%
45 Talmadge Branch (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	+	-	+	16%	17%	32%
45 Stephanie M. Smith (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	17%	19%
46 Luke Clippinger (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	19%
46 Robbyn Lewis (D)	-	-	-	-	-	-	+	o	-	-	-	-	-	-	-	■	+	-	+	18%	12%	19%
46 Brooke E. Lierman (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	■	+	-	+	17%	18%	22%
Prince George's County																						
47A Diana M. Fennell (D)	-	-	-	-	-	-	+	-	-	-	-	-	-	-	-	-	+	-	+	16%	19%	22%
47A R. Julian Ivey (D)	-	-	-	-	-	nv	+	-	-	nv	-	-	-	-	-	■	+	-	+	19%	17%	17%
47B Wanika B. Fisher (D)	-	-	-	-	-	o	+	-	-	-	-	-	-	-	-	■	+	-	+	18%	18%	19%

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

To 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.

2021 SENATE VOTE DESCRIPTIONS

1 SB 35 – Procurement – Prevailing Wage – Applicability *Senator Feldman*

SB 35 significantly expands Maryland’s prevailing wage law by reducing the minimum contract value subject to the prevailing wage from \$500,000 to \$250,000 on public work projects using State funds. In addition, the percent of State funds required before the prevailing wage applies is decreased from 50% to 25%. The bill explicitly exempts capital projects that are subject to State funds in the annual State capital budget as a local House or Senate initiative.

A “+” indicates a vote against SB 35 and reflects Maryland Free’s opposition to legislation requiring Maryland taxpayers to subsidize wage increases for more public work projects. Such an expansion not only increases the costs of State projects throughout Maryland, but as the fiscal note for SB 35 aptly points out, it could also result in fewer public work projects being funded. Moreover, the expansion will likely make the bidding for such public work projects less competitive at the expense of small businesses unable to sustain higher wages while remaining profitable. Lastly, by exempting State funds in the capital budget from Maryland’s prevailing wage law, SB 35 arbitrarily creates exemptions to the law that favor some contractors over others. Disagreeing with Maryland Free’s position the Senate approved SB 35, 32-15, on March 31, 2021.

2 SB 35 (2021) – VETO OVERRIDE – Procurement – Prevailing Wage – Applicability *Senator Feldman*

See Senate Vote 1 on page 13 for a description of SB 35.

A “+” indicates a vote against SB 35 (2021) and reflects Maryland Free’s opposition to legislation requiring Maryland taxpayers to subsidize wage increases for more public work projects. Such an

expansion not only increases the costs of State projects throughout Maryland, but as the fiscal note for SB 35 aptly points out, it could also result in fewer public work projects being funded. Moreover, the expansion will likely make the bidding for such public work projects less competitive at the expense of small businesses unable to sustain higher wages while remaining profitable. Lastly, by exempting State funds in the capital budget from Maryland’s prevailing wage law, SB 35 (2021) arbitrarily creates exemptions to the law that favor some contractors over others.

Disagreeing with Maryland Free’s position, the Senate overrode the Governor’s veto of SB 35, 32-15, on April 10, 2021.

3 SB 107 – Labor and Employment - Secure Maryland Wage Act *Senator Hayes*

Requires an employer to pay annually increasing minimum wages and benefits to at least \$16 per hour, plus \$1 per hour in a supplemental benefit rate, by 2026 to a covered employee. A “covered employee” is a nonexempt employee under the federal Fair Labor Standards Act who performs work at a “heightened security interest location.” As introduced, the bill applied to all workers at BWI Thurgood Marshall Airport (BWI), Pennsylvania Station in Baltimore (Penn Station), and the Port of Baltimore. The bill was amended to remove all airline and Port of Baltimore workers, as well as retail, food service, car rental, and construction workers at BWI and Penn Station. The bill makes no allowance for wages and benefits set by existing employment contracts and collective bargaining agreements, thereby effectively voiding their terms and conditions if they do not comply with the minimum wages and benefits in the bill. SB 107 further creates a private right of action for employees to sue employers and recover an award of two times any deficiency in wage and benefit payments plus attorney’s fees and costs, with no allowance for the court to exercise discretion to modify the award based on the facts and circumstances of the case.

2021 SENATE VOTE DESCRIPTIONS

A “+” indicates a vote against SB 107 and reflects Maryland Free’s opposition to increased minimum wages, which are proven to reduce employment and hours worked, and hinder job creation efforts that would especially benefit entry level workers. In addition, SB 107 places the affected transportation facilities, and employers operating in those facilities, at a competitive disadvantage to other transportation facilities not facing such requirements. The amendments to the bill exempting airlines, the Port of Baltimore, and other selected operations at these facilities were made in response to anti-competitive concerns, proving the anti-competitive impact of these policies. The premise of the bill, paying higher wages to protect public safety in high-security areas, is nonsensical, as most private sector workers in these facilities, such as baggage handlers, porters, and janitorial staff, have no training or responsibility for security or public safety. Imposing higher wage requirements on the very industries hardest hit by the COVID-19 pandemic – travel and tourism -- ignores the economic stress that the pandemic has imposed on these industries. Such ill-timed and insensitive policies, which will diminish economic recovery by businesses operating at these facilities, adversely affect Maryland’s business reputation. The effects of voiding existing employment contracts and encouraging increased employment-based litigation, with mandated awards for plaintiffs, will produce a devastating impact on Maryland’s business climate. Disagreeing with Maryland Free’s position, the Senate approved SB 107 (conference committee report), 31-14, on April 12, 2021.

4 SB 186 Economic Development – Job Creation Tax Credit – Credit for Hiring Veterans *Chair, Budget & Tax Committee*

SB 186: 1) expands eligibility under the job creation tax credit program administered by the Department of Commerce to include certain small businesses that hire at least one qualified veteran employee; 2) provides for the calculation of the credit for qualified

business entities that hire qualified veteran employees under certain circumstances; 3) extends for 5 years the termination date applicable to the program; and 4) establishes certain conditions for eligibility. SB 186 provides further hiring incentives by increasing the tax credit from \$4,000 per eligible veteran hire to \$6,000 for a facility located in a Revitalization Area. A Revitalization Area is a HUD-designated geographic area targeted for expanded homeownership opportunities.

A “+” indicates a vote in support of SB 186 and reflects Maryland Free’s support for laws that encourage the hiring of military veterans, create tax credits for employers, and incentivize business growth in Revitalization Areas. Agreeing with Maryland Free’s position, the Senate passed SB 186, 45-0, on February 15, 2021.

5 SB 473 Labor and Employment – Leave with Pay – Bereavement Leave *Senator Washington*

SB 473 expands Maryland’s Flexible Leave Act by creating a new form of paid leave for bereavement and authorizing employees of certain employers (those with at least 15 employees) to use earned paid leave for bereavement leave.

A “+” indicates a vote in opposition to SB 473 and reflects Maryland Free’s continued opposition to mandated paid leave and the growing number of specified situations that qualify for mandated leave. Most employees are already afforded the option to use either vacation time or paid time off for personal reasons, which includes bereavement. The continued creation of new classifications of paid leave further intrudes into the employer-employee relationship and creates a foundation for ever-expanding forms and durations of leave, thereby increasing the benefit-administration burden on employers. Disagreeing with Maryland Free’s position, the Senate approved SB 473, 45-0, on February 24, 2021.

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6 SB 787 – Digital Advertising Gross Revenues, Income, Sales and Use, and Tobacco Taxes – Alterations and Implementation

Senator Ferguson

Prohibits a person from directly passing on the cost of the state digital advertising gross revenues tax to a customer through a separate fee, surcharge, or line-item on the bill. SB 787 also exempts broadcast and news media entities from the digital advertising gross revenues tax, and generally clarifies the implementation of the state sales and use tax on specified digital products. The bill also creates tax changes for certain utility arrearage amounts forgiven in tax year 2021 and effective dates for the tobacco tax increases enacted earlier in 2021. The digital advertising gross revenues tax was first passed in 2020, vetoed by the Governor, and then the Governor's veto was overridden by the General Assembly in February of 2021. The current law is under federal court review for alleged constitutional and federal law violations.

A “+” indicates a vote against SB 787 and reflects Maryland Free’s continuing opposition to the enactment or refinement of a tax of questionable legality on local Maryland consumers and businesses who use digital advertising to promote and sell their products. Contrary to the intent of SB 787, this tax will be passed on to these local Maryland businesses and consumers. The intent of the bill is fundamentally flawed, as it ignores basic economic principles that digital service providers will simply increase the cost of their services at a proportional level to cover the cost of their tax, with the ultimate cost of the tax being passed on to local businesses and consumers in Maryland who utilize digital advertising. Basic economic principles cannot be legislated out of existence. Moreover, Maryland Free asserts that the current tax and SB 787 are unconstitutional and in violation of applicable federal laws governing the

internet. Disagreeing with Maryland Free’s position, the Senate approved SB 787, 32-14, on April 12, 2021.

7 SB 811 – Unemployment Insurance – Computation of Earned Rate of Contribution – Applicable Table of Rates

Senators Hershey, et al.

SB 811, under certain circumstances, reduces unemployment costs for Maryland employers.

Because of the depletion of the Maryland UI Trust Fund created by the COVID-19 pandemic, the minimum 2021 per-employee unemployment insurance (UI) contribution increases from \$25.50 (Table A) to \$187 per year (Table F) and the maximum cost per employee increases from \$637.50 (Table A) to \$1,475.00 (Table F). Although SB 811 was enacted too late to address the increase for 2021, if federal funds are available to maintain the Maryland UI Trust Fund at a level sufficient to meet the requirements for lowering the “Table of Rates” from table “F” to Table “C,” SB 811 ensures that the maximum Rate Table for 2022 and 2023 will not go above Table “C”, with per-employee cost of \$85.00 minimum, \$892.50 maximum.

A “+” indicates a vote in favor of SB 811 and reflects Maryland Free’s support of common-sense tax policy that provides relief to Maryland employers, allowing employers to use their revenues to foster economic growth and job creation within Maryland. Agreeing with Maryland Free’s position, the Senate approved SB 811 by a vote of 47-0, on March 13, 2021.

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8 SB 819 – Unemployment Insurance – Weekly Benefit – Income Disregard *Senator Klausmeier*

This emergency bill increases the wages, from \$50 to \$200, that an individual can earn each week while they are eligible for and collecting their full weekly unemployment insurance benefit. Above the \$200 limit, weekly benefits are reduced dollar for dollar. The bill terminates concurrent with the expiration or rescission of the state of emergency declared by the Governor due to the COVID-19 pandemic.

A “+” indicates a vote against SB 819 and reflects Maryland Free’s opposition to unwarranted changes in unemployment insurance (UI) benefits. The fiscal note for SB 819 correctly points out that the legislation creates a disincentive for individuals to seek full time work or return to work when they can receive both higher part time wages and generous UI benefits. Maryland employers are currently challenged precisely by the staffing problems predicted in the fiscal note, and the additional benefits will ultimately drive up UI costs to Maryland employers, making them less competitive.

Disagreeing with Maryland Free’s position, the Senate approved SB 819, 45-0, on March 19, 2021.

9 HB 31 – Courts – Surcharges and Payment to Special Funds – Prohibited Lease Provisions *Del. Clippinger*

Imposes increased surcharges primarily on the rental housing industry but also other filers of civil cases in the circuit and districts courts of Maryland. HB 31 would produce approximately \$45 million per year of new taxes on civil case filings, to be paid into three funds: (1) the Maryland Legal Services Corporation Fund; (2) the Right to Counsel in Evictions Special Fund; and (3) a newly created Rental Assistance Special Fund that could be used to pay attorneys of non-profit groups for funding lawsuits against rental housing providers. Among other increases in civil case filing fees, HB 31 slaps an extraordinary 750% increase on the rental housing industry for filings of

summary ejectment cases, whereby a landlord files an action for a tenant’s failure to pay rent, and further, prohibits a court or landlord from passing through to a tenant the first three surcharges assessed in a year for a summary ejectment case (in the Senate amendments, HB 31 prohibited all surcharges from being passed through). Such a prohibition (in either form) exists in no other state and limits a landlord’s access to the legal system.

A “+” indicates a vote against HB 31 and reflects Maryland Free’s opposition to onerous tax increases targeted at a single group, the rental housing industry, to pay for litigation, legal representation, and relief programs for the very people served by that industry -- renters. Such measures will harm affordable housing providers by creating increased costs for affordable housing and its low-income tenants. Weaponizing court filing fees to limit the industry’s access to the courts, never implemented in any other state, constitutes an injustice, and also places Maryland property owners at a competitive disadvantage compared to property owners in other states. The expansion of tenants’ rights-to-counsel and other civil legal aid programs, which are all laudable endeavors, particularly in light of a pandemic, are properly funded and enhanced by general revenues, not additional, oppressive taxes on property owners. Disagreeing with Maryland Free’s position, the Senate approved HB 31, 29-16, on April 12, 2021.

10 HB 289 – Peace Orders – Workplace Violence *Delegate Atterbeary*

HB 289 authorizes an employer to file a petition for a peace order that alleges the commission of specified acts of workplace violence against the petitioner’s employee at the employee’s workplace. As introduced, HB 289 contained three main provisions relative to an employer, including: 1) an employer must notify the employee before filing for the peace order; 2) an employer shall be immune from any civil

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liability resulting from its failure to file a petition on behalf of an employee; and 3) an employer cannot retaliate against an employee who does not provide information for or testify at a proceeding. An amendment in the Senate Judicial Proceedings Committee clarified that HB 289 would not impose a duty on an employer to file a petition on behalf of an employee. However, a conference committee stripped both that clarification and the employer immunity from the final bill but delayed the effective date of the loss of immunity to two years beyond the effective date of the bill (October 1, 2021). Effectively, this delay provides employer immunity for two years, until October 1, 2023.

A “+” indicates a vote in support of HB 289 and reflects Maryland Free’s support of legislation that provides civil liability immunity to employers dealing with workplace violence against their employees. Although full immunity and a clarification that no duty to file a petition is imposed on the employer are preferred, the two years of liability immunity is an important first step. Agreeing with Maryland Free’s position, the Senate approved HB 289, 47-0, on March 24, 2021.

11 HB 581 – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)

Del. D. E. Davis

Imposes an array of prohibitions, requirements and costs on Maryland employers classified as essential during a catastrophic health emergency. Among the requirements during an emergency under HB 581, an essential employer must provide safe working conditions during an emergency and, subject to availability, necessary amounts of safety equipment at no cost to essential employees. In addition, HB 581 provides that an essential employee has a right to refuse to perform assigned tasks under certain conditions. An essential employer must take proactive steps to minimize the risk of transmission of the communicable disease that is the subject of the emergency, including

paying for testing of an essential worker for the disease and reporting of test results, and provide an essential worker with a new mandated benefit of up to 14 days of public health emergency leave when federal or State funding is made available for that purpose. HB 581 imposes all these requirements notwithstanding existing requirements under federal and state law that already provide for the comprehensive protection of essential workers in emergency conditions, including workplace safety measures under CDC, OSHA and MOSH; Maryland paid sick and safe leave; federal emergency paid sick leave; expanded federal family and medical leave; federal assistance including leave under the Families First Coronavirus Response Act; the right to refuse to work under existing Maryland Department of Labor regulations; and Maryland Department of Health collection and reporting requirements for test results. These and other existing employer requirements and safeguards for essential workers were outlined in the fiscal note on HB 581.

A “+” indicates a vote in opposition to HB 581 and reflects Maryland Free’s opposition to the imposition of costly, unnecessary, and duplicative requirements on Maryland employers during public health emergencies. The enactment of a state law mandating employment standards during a health emergency, based on the experience of the COVID-19 pandemic, is poor public policy as it cannot anticipate the employment standards, if any, needed for future health emergencies. State expert agencies tailoring a response to a health emergency by promulgating emergency regulations, not reliance on a prior COVID-19 statute on the books, is the prudent public policy to deal with future health emergencies in Maryland. Such an approach to policymaking increases the cost of doing business in Maryland, makes the State’s business climate less competitive, and adversely impacts Maryland’s business reputation. Disagreeing with Maryland Free’s position, the Senate approved HB 581, 32-14, on April 12, 2021.

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12 **HB 732 (2020) – VETO OVERRIDE – Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax**

Delegate Luedtke, et. al.

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 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 in opposition to 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 brick and mortar 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 overrode the Governor's veto of HB 732, 29–17, on February 12, 2021.

13 **HB 804 – Taxes – Whistleblower Reward Program and Statute of Limitations for Tax Collections**

Delegate Palakovich Carr

Establishes a tax collection whistleblower reward program administered by the Comptroller's Office. The bill also extends by three (3) years the statute of limitations for certain tax collections. A whistleblower who voluntarily provides original information to the Comptroller in a sworn affidavit, which results in a final assessment in a covered enforcement action or a successful outcome against a taxpayer in a related action, is entitled to receive a Comptroller-determined monetary award. That award will be between 15% and 30% of the taxes, penalties, and interest collected through the enforcement or related action. Under HB 804, a whistleblower is afforded various protections and may remain anonymous to the accused taxpayer. Under current law, the Compliance Division of the Comptroller's Office currently receives fraud allegations from taxpayers, tax preparers, and concerned citizens, and conducts investigations as necessary, but pays no compensation to tip providers.

A "+" indicates a vote against HB 804 and reflects Maryland Free's opposition to a bounty program for complaints and referrals of suspected tax fraud. With a robust tax fraud reporting mechanism already in place in Maryland, HB 804 creates an unnecessary enhancement to the incentive for disgruntled employees, contractors, and others to file complaints against Maryland businesses and employers. The bill provides comprehensive protections for whistleblowers, including anonymity and prohibitions on retaliation, discrimination, and employment termination, but makes no similar provision of protections for taxpayers facing legal fees,

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investigation costs, and other expenses to defend against such complaints, nor are these taxpayers notified of such complaints or told the identity of their accusers. Encouraging tax compliance complaints with disproportionately large bounties, with protections for whistleblowers but not the persons they accuse, is unbalanced, biased public policy against Maryland businesses. Disagreeing with Maryland Free's position, the Senate approved HB 804, 46-0, on April 10, 2021.

14 **HB 932 (2020) – VETO OVERRIDE – 21st Century Economy Fairness Act** *Delegate Korman, et. al.*

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 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 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, 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 overrode the Governor's veto of HB 932, 29–17, on February 12, 2021.

15 **HB 1210 – Corporate Diversity – Board, Executive Leadership, and Mission** *The Speaker*

HB 1210 requires specified businesses in the State to demonstrate either: 1) membership of "underrepresented communities" in their board or executive leadership; or 2) support for "underrepresented communities" in their mission to qualify for specified State capital grants, tax credits, or contracts worth more than \$1.0 million. The bill requires the Department of Commerce and the Governor's Office of Small, Minority, and Women Business Affairs (GOSBA) to develop a State equity report that compiles diversity data relating to corporate boards, leadership, and missions. These data would be public. Additionally, the bill requires a person that submits an annual report to the State Department of Assessments and Taxation (SDAT) to submit related diversity data. HB 1210 takes effect July 1, 2022.

A "+" vote indicates a vote against HB 1210 and reflects Maryland Free's opposition to constitutionally questionable measures that promote dramatic intrusion of the state into a private entity's ability to determine the makeup, qualifications, and structure of its board and senior leadership. HB 1210 sets an alarming precedent as no previous law in Maryland has limited the discretion of a business organization to determine its own leadership. These precedents will have a disproportionate impact on the corporate governance of certain organizations, including family-owned and small businesses, as well as various non-profit and religious organizations. Disagreeing with Maryland Free, the Senate approved HB 1210, 32-15, on March 18, 2021.

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1 HB 31 – Courts – Surcharges and Payment to Special Funds – Prohibited Lease Provisions *Del. Clippinger*

See Senate Vote 9 on page 16 for a description of HB 31.

A “+” indicates a vote against HB 31 and reflects Maryland Free’s opposition to onerous tax increases targeted at a single group, the rental housing industry, to pay for litigation, legal representation, and relief programs for the very people served by that industry -- renters. Such measures will harm affordable housing providers by creating increased costs for affordable housing and its low-income tenants. Weaponizing court filing fees to limit the industry’s access to the courts, never implemented in any other state, constitutes an injustice, and also places Maryland property owners at a competitive disadvantage compared to property owners in other states. The expansion of tenants’ rights-to-counsel and other civil legal aid programs, which are all laudable endeavors, particularly in light of a pandemic, are properly funded and enhanced by general revenues, not additional, oppressive taxes on property owners. Disagreeing with Maryland Free’s position, the House of Delegates approved, HB 31, 80-48, on March 18, 2021.

2 HB 37 – Procurement – Prevailing Wage – Applicability *Delegate Valderrama*

See Senate Vote 1 on page 13 for a description of HB 37.

A “+” indicates a vote against HB 37 and reflects Maryland Free’s opposition to legislation requiring Maryland taxpayers to subsidize wage increases for more public work projects. Such an expansion not only increases the costs of State projects throughout Maryland, but as the fiscal note for HB 37 aptly points out, it could also result in fewer public work projects being funded. Moreover, the expansion will likely make the bidding for such public work projects

less competitive at the expense of small businesses unable to sustain higher wages while remaining profitable. Lastly, by exempting State funds in the capital budget from Maryland’s prevailing wage law, HB 37 arbitrarily creates exemptions to the law that favor some contractors over others. Disagreeing with Maryland Free’s position, the House approved HB 37, 93-40 on March 30, 2021.

3 HB 37 (2021) – VETO OVERRIDE – Procurement – Prevailing Wage – Applicability *Delegate Valderrama*

See Senate Vote 1 on page 13 for a description of HB 37.

A “+” indicates a vote against HB 37 and reflects Maryland Free’s opposition to legislation requiring Maryland taxpayers to subsidize wage increases for more public work projects. Such an expansion not only increases the costs of State projects throughout Maryland, but as the fiscal note for HB 37 aptly points out, it could also result in fewer public work projects being funded. Moreover, the expansion will likely make the bidding for such public work projects less competitive at the expense of small businesses unable to sustain higher wages while remaining profitable. Lastly, by exempting State funds in the capital budget from Maryland’s prevailing wage law, HB 37 arbitrarily creates exemptions to the law that favor some contractors over others. Disagreeing with Maryland Free’s position, the House overrode the Governor’s veto of HB 37, 96-41, on April 9, 2021.

4 HB 56 Labor and Employment – Leave with Pay – Bereavement Leave *Delegate Boyce*

See Senate Vote 5 on page 14 for a description of HB 56.

A “+” indicates a vote in opposition to HB 56 and reflects Maryland Free’s continued opposition to

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mandated paid leave and the growing number of specified situations that qualify for mandated leave. Most employees are already afforded the option to use either vacation time or paid time off for personal reasons, which includes bereavement. The continued creation of new classifications of paid leave further intrudes into the employer-employee relationship and creates a foundation for ever-expanding forms and durations of leave, thereby increasing the benefit-administration burden on employers. Disagreeing with Maryland Free's position, the House approved HB 56, 95-37, on February 23, 2021.

5 HB 67 – I-495 and I-270 Public-Private Partnership – Partnership Agreement – Requirements *Delegate Korman*

HB 67 prohibits the Board of Public Works from approving a public-private partnership (P3) agreement for significant construction improvements and widening on I-495, the American Legion Bridge, and I-270 unless the agreement includes a multitude of requirements, including a Project Labor Agreement (PLA). HB 67 is an emergency bill. The procurement process for this work, on roads that are critical to the State's highway infrastructure and transportation network, is already well underway.

A “+” indicates a vote in opposition to HB 67 and reflects Maryland Free's: (1) support of Governor Hogan's efforts to improve the DC Beltway by use of innovative P3s; and (2) opposition to measures, such as PLAs, that impose unionism upon government-funded construction projects. PLAs corrupt the free market for construction services while increasing both inefficiencies and construction costs for taxpayers. Moreover, the legislature's emergency interference in the middle of an ongoing procurement by the Maryland Department of Transportation sets an alarming precedent and communicates to state contractors a dangerous degree of unpredictability in Maryland's procurement process. Finally, enactment of HB 67 would effectively “kill” these badly needed projects, a point that was highlighted by the

testimony of multiple labor unions. A similar bill passed the House in 2020, which did not gain Senate approval, and which did not include a PLA requirement. Disagreeing with Maryland Free's position, the Maryland House of Delegates approved HB 67 by a vote of 101-35 on March 22, 2021.

6 HB 262 – Opportunity Zone Tax Deduction Reform Act of 2021 *Delegate Palakovich Carr*

HB 262 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. Adding back this income makes it taxable for state income tax purposes, thereby minimizing the incentive of this job-creating program.

A “+” indicates a vote against HB 262 and reflects Maryland Free's opposition to tax increases that thwart economic growth and job creation. By reducing the tax benefit of a federal program, HB 262 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 262 also sets a concerning precedent for decoupling from federal tax law by weakening the pro-job-growth federal policy. Disagreeing with Maryland Free's position, the House passed HB 262, 92-36, on February 12, 2021.

7 HB 289 – Peace Orders – Workplace Violence *Delegate Atterbeary*

See Senate Vote 10 on page 16 for a description of HB 289.

A “+” indicates a vote in support of HB 289 and reflects Maryland Free's support of legislation that

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provides civil liability immunity to employers dealing with workplace violence against their employees. Although full immunity and a clarification that no duty to file a petition is imposed on the employer are preferred, the two years of liability immunity is an important first step. Agreeing with Maryland Free's position, the House approved HB 289, 137-0, on March 27, 2021.

8 **HB 492 – Railroad Company – Movement of Freight – Required Crew** *Delegate Stein*

Requires a train or light engine used in connection with the movement of railroad freight to have a crew of at least two individuals if it shares the rail corridor with a high-speed commuter or passenger train. In practice, HB 492 requires an inbound train with one crew member to stop at the Maryland border, pick up an extra crew member, and then drop him or her off at the border as it leaves the state. This bill was previously passed in both 2018 and 2019 and vetoed by Governor Hogan because of the unnecessary competitive disadvantage it would create for Maryland relative to neighboring states. HB 492 establishes criminal penalties for willful violation of the two-crew-member minimum.

A “+” vote indicates a vote against HB 492 and reflects Maryland Free's opposition to measures that: 1) unnecessarily place the Port of Baltimore in a competitive disadvantage relative to competing ports in Norfolk, Philadelphia, and New York because of increased shipping costs; 2) unnecessarily increase interference between employers and employees and their unions; 3) are the purview of the federal government; 4) support trade union featherbedding, the practice of increasing employment costs by unnecessarily mandating the use of additional employees, particularly when crew size is already a key aspect of a century of collective bargaining between the unions and the railroad companies; and 5) further support the national impression that Maryland is a state that is unfriendly to business, because Maryland would be the only state east of the Mississippi River to enact such a mandate if the bill were approved by both chambers.

Although HB 492 was introduced under the guise of safety enhancement, testimony in 2019 on a predecessor bill revealed that increased crew size does not improve safety. In fact, the Federal Railroad Administration concluded that it “cannot provide reliable or conclusive statistical data to suggest whether one-person crew operations are generally safer or less safe than multiple-person crew operations.” However, the bill does strongly appeal to unions, attracting supporting testimony from more than a dozen unions.

Moreover, Maryland's MARC trains run on CSX's privately owned rails through an operating agreement that allows 12,000 Marylanders per day to use the MARC Camden and Brunswick lines. HB 492 would penalize CSX \$5.1 million in increased operating costs per year for the simple act of letting Maryland use its rail lines. This is a terrible message to send prior to next year's pending renewal of that operating agreement. Disagreeing with Maryland Free's position, the House approved HB 492, 97-32, on February 16, 2021.

9 **HB 581 – Labor and Employment – Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)** *Del. D. E. Davis*

See Senate Vote 11 on page 17 for a description of HB 581.

A “+” indicates a vote in opposition to HB 581 and reflects Maryland Free's opposition to the imposition of costly, unnecessary, and duplicative requirements on Maryland employers during public health emergencies. The enactment of a state law mandating employment standards during a health emergency, based on the experience of the COVID-19 pandemic, is poor public policy as it cannot anticipate the employment standards, if any, needed for future health emergencies. State expert agencies tailoring a response to a health emergency by promulgating emergency regulations, not reliance on a prior COVID-19 statute on the books, is the prudent public policy to deal with future health emergencies in

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Maryland. Such an approach to policymaking increases the cost of doing business in Maryland, makes the State's business climate less competitive, and adversely impacts Maryland's business reputation. Disagreeing with Maryland Free's position, the Senate approved HB 581, 32-14, on April 12, 2021.

10 **HB 685 – Labor and Employment - Secure Maryland Wage Act** *Senator Hayes*

See Senate Vote 3 on page 13 for a description of HB 685.

A “+” indicates a vote against HB 685 and reflects Maryland Free's opposition to increased minimum wages, which are proven to reduce employment and hours worked, and hinder job creation efforts that would especially benefit entry level workers. In addition, HB 685 places the affected transportation facilities, and employers operating in those facilities, at a competitive disadvantage to other transportation facilities not facing such requirements. The amendments to the bill exempting airlines, the Port of Baltimore, and other selected operations at these facilities were made in response to anti-competitive concerns, proving the anti-competitive impact of these policies. The premise of the bill, paying higher wages to protect public safety in high-security areas, is nonsensical, as most private sector workers in these facilities, such as baggage handlers, porters, and janitorial staff, have no training or responsibility for security or public safety. Imposing higher wage requirements on the very industries hardest hit by the COVID-19 pandemic – travel and tourism -- ignores the economic stress that the pandemic has imposed on these industries. Such ill-timed and insensitive policies, which will diminish economic recovery by businesses operating at these facilities, adversely affect Maryland's business reputation. The effects of voiding existing employment contracts and encouraging increased employment-based litigation,

with mandated awards for plaintiffs, will produce a devastating impact on Maryland's business climate. Disagreeing with Maryland Free's position, the House of Delegates approved HB 685, 91-41, on April 1, 2021.

11 **HB 732 (2020) – VETO OVERRIDE - Taxation – Tobacco Tax, Sales and Use Tax, and Digital Advertising Gross Revenues Tax** *Delegate Luedtke, et. al.*

See Senate Vote 12 on page 17 for a description of HB 732.

A “+” indicates a vote in opposition to 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 brick and mortar 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 overrode the Governor's veto of HB 732, 88-48, on February 11, 2021.

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12 **HB 804 – Taxes – Whistleblower Reward Program and Statute of Limitations for Tax Collections**

Delegate Palakovich Carr

For a description of HB 804, see Senate Vote 12 on page 18.

A “+” indicates a vote against HB 804 and reflects Maryland Free’s opposition to a bounty program for complaints and referrals of suspected tax fraud. With a robust tax fraud reporting mechanism already in place in Maryland, HB 804 creates an unnecessary enhancement to the incentive for disgruntled employees, contractors, and others to file complaints against Maryland businesses and employers. The bill provides comprehensive protections for whistleblowers, including anonymity and prohibitions on retaliation, discrimination, and employment termination, but makes no similar provision of protections for taxpayers facing legal fees, investigation costs, and other expenses to defend against such complaints, nor are these taxpayers notified of such complaints or told the identity of their accusers. Encouraging tax compliance complaints with disproportionately large bounties, with protections for whistleblowers but not the persons they accuse, is unbalanced, biased public policy against Maryland businesses. Disagreeing with Maryland Free’s position, the House of Delegates approved HB 804, 96-39, on March 22, 2021.

13 **HB 932 (2020) – VETO OVERRIDE – 21st Century Economy Fairness Act**

Delegate Korman, et. al.

For a description of HB 932, see Senate Vote 14 on page 18.

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, 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 overrode the Governor’s veto of HB 932, 90-44, on February 8, 2021.

14 **HB 1139 Unemployment Insurance – Weekly Benefit – Income Disregard**

Delegate Carey

See Senate Vote 8 on page 16 for a description of HB 1139.

A “+” indicates a vote against HB 1139 and reflects Maryland Free’s opposition to unwarranted changes in unemployment insurance (UI) benefits. The fiscal note for HB 1139 correctly points out that the legislation creates a disincentive for individuals to seek full time work or return to work when they can receive both higher part time wages and generous UI benefits. Maryland employers are currently challenged precisely by the staffing problems predicted in the fiscal note, and the additional benefits will ultimately drive up UI costs to Maryland employers, making them less competitive. Disagreeing with Maryland Free’s position, the House approved HB 1139, 109-31, on March 11, 2021.

15 **HB 1210 Corporate Diversity – Board, Executive Leadership, and Mission**

The Speaker

See Senate Vote 13 on page 18 for a description of HB 1210.

A “+” vote indicates a vote against HB 1210 and reflects Maryland Free’s opposition to constitutionally questionable measures that promote dramatic intrusion of the state into a private entity’s

2021 HOUSE VOTE DESCRIPTIONS

ability to determine the makeup, qualifications, and structure of its board and senior leadership. HB 1210 sets an alarming precedent as no previous law in Maryland has limited the discretion of a business organization to determine its own leadership. These precedents will have a disproportionate impact on the corporate governance of certain organizations, including family-owned and small businesses, as well as various non-profit and religious organizations. Disagreeing with Maryland Free, the House approved HB 1210, 95-42, on March 26, 2021.

16 **HB 1321 Labor and Employment – Labor Organizations-Right to Work** *Delegate R. Novotny*

Prohibits an employer from requiring, as a condition of employment, that an employee or prospective employee: (1) join or remain a member of a labor organization; (2) pay any dues, fees, assessments, or other charges to a labor organization; or (3) pay any charity or another third party an equivalent amount in lieu of a payment to a labor organization. HB1321 repeals various provisions of State law that authorize or require an employer, including the State and units of government, to negotiate the payment by an employee of a fee (service, maintenance, or representation fee) to a labor organization to which the employee is not a member. 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 disadvantage when courting new manufacturing businesses as well as retaining current Maryland-based businesses.

A “+” indicates a vote in support of HB 1321 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 1321, 16-6, on March 15, 2021.

17 **SB 186 Economic Development – Job Creation Tax Credit – Credit for Hiring Veterans** *Chair, Budget & Tax Committee*

See Senate Vote 4 on page 14 for a description of SB 186.

A “+” indicates a vote in support of SB 186 and reflects Maryland Free’s support for laws that encourage the hiring of military veterans, create tax credits for employers, and incentivize business growth in Revitalization Areas. Agreeing with Maryland Free’s position, the House passed SB 186, 137-0, on February 24, 2021.

18 **SB 787 – Digital Advertising Gross Revenues, Income, Sales and Use, and Tobacco Taxes - Alterations and Implementation** *Senator Ferguson*

See Senate Vote 6 on page 15 for a description of SB 787.

A “+” indicates a vote against SB 787 and reflects Maryland Free’s continuing opposition to the enactment or refinement of a tax of questionable legality on local Maryland consumers and businesses who use digital advertising to promote and sell their products. Contrary to the intent of SB 787, this tax will be passed on to these local Maryland businesses and consumers. The intent of the bill is fundamentally flawed, as it ignores basic economic principles that digital service providers will simply increase the cost of their services at a proportional level to cover the cost of their tax, with the ultimate cost of the tax being passed on to local businesses and consumers in Maryland who utilize digital advertising. Basic economic principles cannot be legislated out of existence. Moreover, Maryland Free asserts that the current tax and SB 787 are unconstitutional and in violation of applicable federal laws governing the internet. Disagreeing with Maryland Free’s position,

2021 HOUSE VOTE DESCRIPTIONS

the House of Delegates approved SB 787, 95-43, on April 9, 2021.

19 SB 811 – Unemployment Insurance – Computation of Earned Rate of Contribution – Applicable Table of Rates

Senators Hershey, et al.

See Senate Vote 7 on page 15 for a description of SB 811.

A “+” indicates a vote in favor of SB 811 and reflects Maryland Free’s support of common-sense tax policy that provides relief to Maryland employers, allowing employers to use their revenues to foster economic growth and job creation within Maryland. Agreeing with Maryland Free’s position, the House approved SB 811 by a vote of 135-0, on March 13, 2021.

MARYLAND FREE SCORES BY COUNTY

County	2021 SCORE	2020 SCORE	CUMU- LATIVE
CUMULATIVE SCORES GREATER THAN 70%			
Kent	95%	88%	95% ↓
Queen Anne's	95%	88%	95%
Caroline	93%	82%	95%
Talbot	91%	74%	93%
Cecil	94%	86%	93%
Washington	89%	88%	92%
Worcester	91%	83%	92%
Somerset	87%	83%	92%
Allegany	84%	88%	90%
Carroll	89%	82%	88%
Wicomico	81%	70%	84%
Harford	82%	78%	81%
Dorchester	73%	60%	78%
St. Mary's	74%	78%	77%
Calvert	61%	70%	74%
CUMULATIVE SCORES BETWEEN 40% AND 70%			
Frederick	56%	51%	58%
Baltimore County	47%	45%	50%
Anne Arundel	45%	43%	50%
CUMULATIVE SCORES LESS THAN 40%			
Howard	33%	25%	30%
Baltimore City	16%	17%	23%
Prince George's	18%	15%	23%
Charles	18%	13%	22%
Montgomery	17%	16%	21%



Edward P. Carey (D)
District 31A

This Anne Arundel County Delegate earned the highest cumulative score (41%) amongst all Democratic veterans in the House of Delegates (minimum 4 years’ service).



Matt Morgan (R)
District 29A

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

(Continued from page 2)

Examples

Of the 13 Senate votes scored in Roll Call this year, three are good for employers and the business climate while 10 are bad.

Of the 10 bad-for-employers votes, fully nine of them are classified by Legislative Services as having a (negative) impact on business. You read that correctly: 90% of the bad Senate bills in Roll Call were called out by the business community and by the General Assembly's own fiscal and policy staff – in advance of the votes – as negative. Yet they passed anyway, in the midst of a pandemic and its attendant economic strife. The one Senate bill not flagged as having an effect on small business is SB 787, which Maryland Free very much believes to have a negative effect on Maryland's employers.

The Dichotomy in Annapolis

Under Governor Hogan, Maryland's executive branch has enthusiastically proclaimed that Maryland is Open for Business. The Governor's policies and directives fully support that sentiment. These policies demonstrate support for businesses and jobs in Maryland.

On the other hand, a majority in Maryland's legislative branch has sent a clear, opposing message that Maryland really has little interest in attracting businesses to Maryland or encouraging existing businesses to grow. These policies demonstrate indifference to – if not outright contempt for – businesses and jobs in Maryland.

In the case of the pandemic, the closing of businesses is acute, relatively short-term pain. In the case of the General Assembly's lawmaking, however, it is part of a longer term, chronic issue that squeezes individual businesses a little tighter each year and exacerbates the terrible effects of the pandemic on the state's economy.

Our legislature needs to do better. We are asking them to consider very seriously the negative impacts on employment and business growth that they are: 1) hearing about from their constituent businesses in both oral and written testimony; and 2) reading about in the Fiscal and Policy Notes for each bill, which are a matter of public record. Our lawmakers may need to be held accountable for erecting and maintaining barriers to a positive business climate as we lose more and more businesses and wealth each year to our primary competitor states of Virginia, North Carolina, and Florida, and to a lesser extent, Texas and South Carolina. The tables on Page 29 and accompanying images on Pages 30 and 31 paint a very clear picture that Maryland has a national reputation as unfriendly to business and employers, and our wealth "walks" across the border to more business-friendly states. The issue is not complicated; legislative policy has direct, measurable effects on the decision making of current and would-be business owners and employers. If our state lawmakers don't quickly embrace this reality, we will fall even further than our current, unproductive ranking of 40th out of 50 states in the annual Rich States, Poor States rankings*.

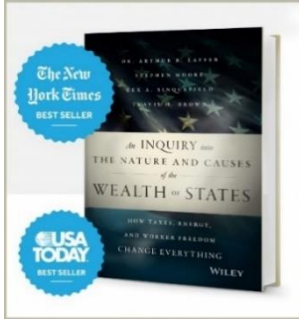
* <https://www.richstatespoorstates.org/app/uploads/2021/05/2021-Rich-States-Poor-States-14th-Edition.pdf>



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



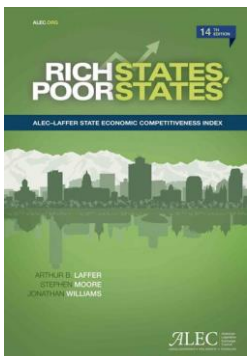
An Inquiry into the Nature and Causes of the Wealth of States is a detailed and critical look into the tax and regulatory policies across the 50 states and the subsequent economic growth or malaise that follows from these state policy choices. In short, the authors conclude you can't tax a state into 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 to order.

Rich States, Poor States

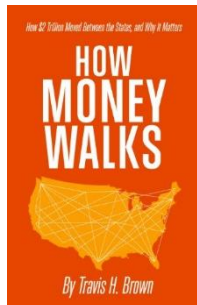


Rich States, Poor States examines the latest trends in state economic growth. The data ranks the 2020 economic outlook of states using 15 equally weighted policy variables, including various tax rates, regulatory burdens and labor policies. The thirteenth edition examines trends over the last few decades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

Maryland's Business Climate, Ranked

PUBLICATION	RANKING
Rich States Poor States ALEC	40 th – Economic Outlook
Site Selections Magazine	43 rd – Business Tax Climate Rate
U.S. News	26 th – Best States for Economy
Forbes.com	34 th – Best States for Business
ChiefExecutive.net	35 th – Best States for Business
CNBC	31 st – Top States for Business
USA Today	9 th – Best Business-friendly States
SeekCapital.com	45 th – Best and Worst States to Start a Business
WalletHub	40 th – Best and Worst States to Start a Business
Tax Foundation	44 th – Business Tax Climate
INCFile	44 th – Best and Worst States to Start a Business
Stacker	40 th – Best States to Start a Business
The Balance	43 rd – Best and Worst States for Business

Money Does “Walk” from Maryland to Competitor States

One might argue that state rankings are subjective. They might even suggest that rankings are inconsequential. Although we disagree and are very concerned that rankings: 1) bear directly upon our national reputation; and 2) are self-fulfilling, with lower rankings leading to even lower rankings, actual Census/IRA data are unassailable – the numbers tell the story. And they show that wealth is leaving Maryland at an alarming pace.

The author of How Money Walks, which was mentioned above, has placed that same census data on a website for everyone to see. On the following two pages, we present two maps: 1) the U.S. map; and 2) the Maryland map. We also present Maryland data that quantify the amount of wealth we have lost – as taxpayers move to lower-tax, less-regulation states. We have both gained wealth and lost it, but the net result is a massive loss of wealth equaling more than \$17 billion since 1992. We’ve gained wealth from other high-tax/heavy-regulation states and lost it to the pro-business, low-tax states to our south.

Shaded red, the U.S. map shows Maryland’s plight very clearly. It also belies the excuse that many legislators have cited over the years when asked about our wealth exodus: people are not simply moving to warmer, sunnier states to retire. They are moving to freer economies. Few would argue that Idaho, Montana, Oregon, and Washington are sunny climes. But these states are dark green because they are the beneficiaries of dark-red California’s terrible policies that have people leaving that state in droves.

This phenomenon exists on the intra-state scale as well. As shown on the Net Maryland Wealth Migration map, our four highest-tax, highest-regulation, anti-business-policy counties (Baltimore County & City, Montgomery County, and Prince Georges County) are hemorrhaging wealth, whereas the Maryland counties with more reasonable policies are net gainers of wealth.

These data – which are derived from both U.S. Census and IRS data – do not lie. And they simply cannot be ignored.

Ask your state legislators what they’re doing to address this vexing problem.

Maryland

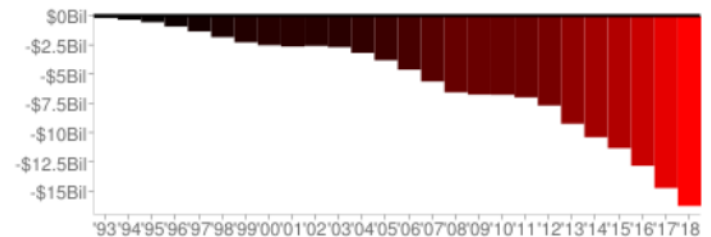
Lost \$17.02 billion in annual AGI*

Wealth Migration 1992-2018

Thinking about moving to Maryland?

See how much moving will cost you in taxes.

\$539 of adjusted gross income lost in the last 18 seconds.



Gained Wealth From:

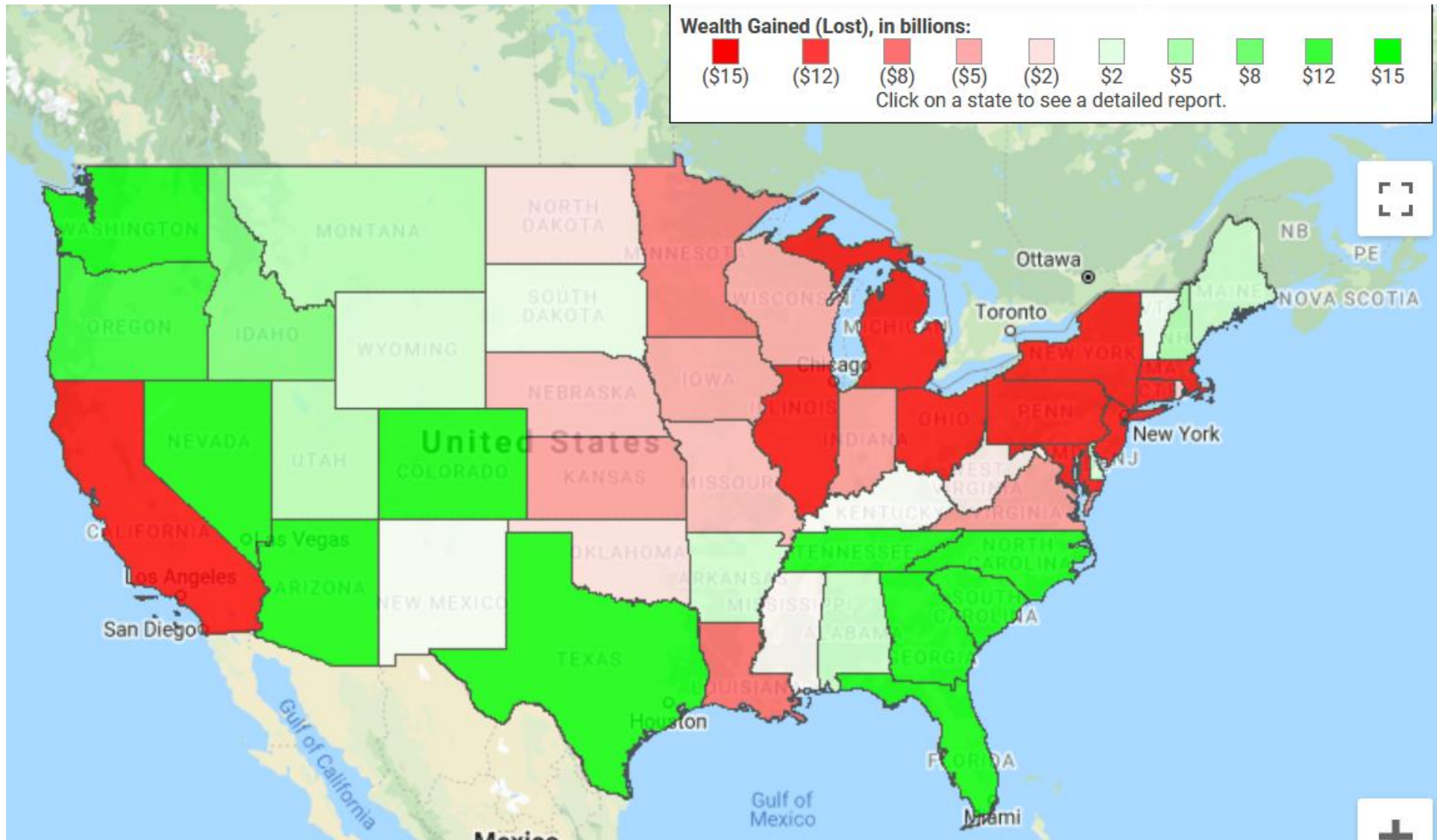
\$4.00 billion	District of Columbia
\$1.64 billion	New York
\$1.44 billion	New Jersey
\$329.78 million	Connecticut
\$293.57 million	Illinois

Lost Wealth To:

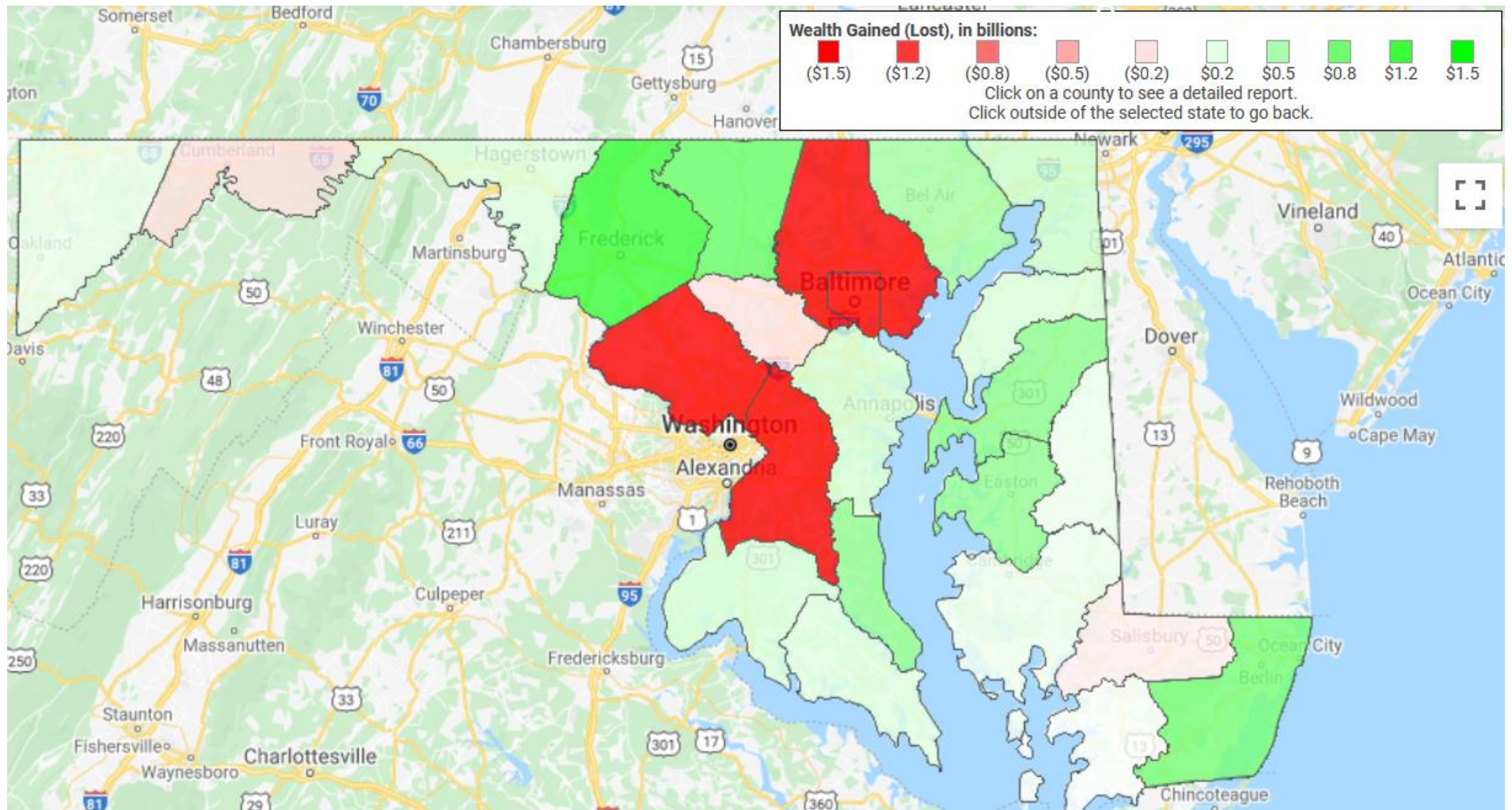
\$7.99 billion	Florida
\$2.52 billion	Virginia
\$2.41 billion	North Carolina
\$1.57 billion	Pennsylvania
\$1.44 billion	South Carolina

www.howmoneywalks.com

Net US Wealth Migration



Net Maryland Wealth Migration



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 _____

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.

Title _____

Organization _____

Address _____

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:

City _____ State _____ Zip Code _____

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

Phone _____

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★ Invitation to join Board of Directors

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☐ **Chairman (\$10,000 per year)**

★ Consideration for Board of Directors

E-Mail _____

☐ **President (\$5,000 per year)**

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☐ **Leadership (\$1,000 per year)**

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- ★ Access to top business leaders
- ★ Opportunity to change Maryland's business climate!

Email us at info@marylandfree.org

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

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

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