

# ROLL CALL

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



## Rising Above the Rancor

Celebrating Governor  
Larry Hogan's Tenure & Reflecting  
on the Need for Moderation

## Rising Above the Rancor:

### Celebrating Governor Larry Hogan's Tenure & Reflecting on the Need for Moderation



The 2022 legislative session exemplifies the dire need for two-party government and moderation as multiple ill-conceived or ill-advised bills were passed in an election-year rush to “get something done.” Often, that “something” is more damaging than not, especially when unintended consequences are either not fully considered or ignored. And the damage is magnified in the face of massive economic headwinds: skyrocketing inflation; increasing stagflation; supply-chain dysfunction; and regressive taxes, such as the gasoline tax, which are amplified by being indexed to inflation.

Moderation and common-sense solutions that engender a sense of balance, therefore, are imperative. In Annapolis, as well as most other state capitals, it's very easy to get sucked into the us-versus-them tribalism vortex, my party against yours. Resisting that force, more than anything else, seems to be Governor Larry Hogan's greatest differentiator. He has clearly argued fiscally conservative ideals (including the small-government, pro-economic growth stance of Maryland Free), but never at the expense of positive, incremental change for the greater good. His constituents see this. Although factions on the far left and the far right are no fans of Larry Hogan, the vast majority of Marylanders are, resulting in the highest gubernatorial approval ratings in the U.S., along with Governor Charlie Baker (Massachusetts), another Republican running a state predominated by Democratic lawmakers. One of Governor Hogan's great legacies is his appreciation that Maryland, although dominated by one political party, is a middle-tempered state, and he has appropriately brought that middle temperament to the job every day for the entirety of his two terms.

### Party-Line Voting

Litmus tests and party purity are demanded by each party's primary-election voters. In theory, there is nothing wrong with that – we *should* have strongly held philosophies about how to structure our world. But party fealty should not trump practical, common-sense solutions among our political leaders. When it does, deliberation suffers or even ceases, and we end up with polarizing laws. Unfortunately, party-line voting has become increasingly prevalent, as evidenced by the ever-increasing disparity in Roll Call scores and the overall lack of statistical spread within the political parties. In large measure, one group votes this way, the other group that.

A good example of this phenomenon is the enactment of a new Family and Medical Leave law, SB 275, not only while still in pandemic economic conditions, but without having worked out the pertinent details of the new law, such as how much will it cost and who pays for it! We now have yet another new, unfunded mandate with far too many unanswered questions for employers and a new, regressive tax for employees.

### The Veto

Two of Larry Hogan's most important tools have been the veto and his desire to work across the aisle. In most cases, the veto power of Maryland's Governor is negated by a super-majority in the legislature that can simply override his vetoes, often with little or no deliberation or true consideration of alternatives. This lack of competition of ideas is the birthplace of bad public policy. Governor Hogan vetoed scores of bills during his tenure only to see them overridden late in the legislative session or in the early days of the subsequent legislative session. His last round of vetoes, from May of 2022, may have staying power, though, because of the timing of the election; the next General Assembly will be different from the one that passed these bills, so each will have to be reconsidered as new legislation instead of simply overriding the veto. A better approach would be to obviate the need for so many vetoes by employing a more moderate approach to lawmaking.

*(Continued on page 24)*

## **Senate Vote Key**

1	SB 1	State Finance and Procurement – Prevailing Wage – Stop Work Orders
2	SB 1(Veto)	State Finance and Procurement – Prevailing Wage – Stop Work Orders
3	SB 259	Procurement – Prevailing Wage – Applicability
4	SB 259(Veto)	Procurement – Prevailing Wage – Applicability
5	SB 274	Property Tax – Exemptions for Business Personal Property – Alterations
6	SB 275	Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)
7	SB 275(Veto)	Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)
8	SB 450	Harassment and Sexual Harassment – Definitions – Employment Discrimination and Sexual Harassment Prevention Training
9	SB 528(A)	Senate Floor Amendment 553425/1 - Climate Solutions Now Act of 2022
10	SB 565	Public Safety – Emergency Management - Price Gouging Consumer Protections
11	SB 723	Sales and Use Tax – Digital Products – Definition

## **House Vote Key**

1	HB 259	Commercial Law – Consumer Protection – Biometric Data Privacy
2	HB 266	Private Passenger Motor Vehicle Liability Insurance – Enhanced Underinsured Motorist Coverage – Opt-Out Option
3	HB 268	Property Tax – Exemptions for Business Personal Property – Alterations
4	HB 791	Sales and Use Tax – Digital Products – Definition
5	HB 1203	Labor and Employment – Private Sector Employers – Right to Work
6	HB 1343(A)	House Floor Amendment 433128/1 – Major State Contractors – Donations to Advocacy Organizations – Disclosure
7	SB 1	State Finance and Procurement – Prevailing Wage – Stop Work Orders
8	SB 1(Veto)	State Finance and Procurement – Prevailing Wage – Stop Work Orders
9	SB 259	Procurement – Prevailing Wage – Applicability
10	SB 259(Veto)	Procurement – Prevailing Wage – Applicability
11	SB 275	Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)
12	SB 275(Veto)	Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)
13	SB 275(A)	House Floor Amendment 653727/1 – Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)
14	SB 450	Harassment and Sexual Harassment – Definitions – Employment Discrimination and Sexual Harassment Prevention Training

# 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.

**2021 SCORE** A legislator's score for 2021, 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.

In the vote tables, bills appended with (V) are votes on a veto override, and votes appended with (A) are votes on an amendment to the bill.



**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 FREE SCORES BY COUNTY

County	2022 SCORE	2021 SCORE	CUMULATIVE
<b>CUMULATIVE SCORES GREATER THAN 70%</b>			
Queen Anne's	98%	95%	96%
Kent	98%	91%	96%
Caroline	98%	93%	95%
Talbot	97%	91%	94%
Washington	98%	89%	93%
Cecil	95%	94%	93%
Somerset	95%	87%	92%
Worcester	94%	91%	92%
Allegany	93%	84%	91%
Carroll	90%	87%	89%
Wicomico	83%	81%	84%
Harford	82%	82%	81%
St. Mary's	78%	74%	77%
Dorchester	76%	73%	77%
<b>CUMULATIVE SCORES BETWEEN 40% AND 70%</b>			
Calvert	64%	61%	63%
Frederick	62%	56%	58%
Baltimore County	44%	47%	49%
Anne Arundel	43%	42%	45%
<b>CUMULATIVE SCORES LESS THAN 40%</b>			
Howard	29%	33%	35%
Baltimore City	17%	17%	22%
Prince George's	17%	18%	22%
Montgomery	17%	17%	21%
Charles	17%	18%	21%



## MARYLAND SENATE VOTES

	SB 1	SB 1 (V)	SB 259	SB 259 (V)	SB 274	SB 275	SB 275 (V)	SB 450	SB 528 (A)	SB 565	SB 723	2022 SCORE	2021 SCORE	CUMULATIVE
<b>Allegany, Garrett, &amp; Washington Counties</b>														
1 George C. Edwards (R) *	+	+	+	+	+	+	-	+	■	+		90%	73%	84%
<b>Washington County</b>														
2 Paul D. Corderman (R) *	+	+	+	+	+	+	o	+	■	+		100%	80%	87%
<b>Frederick County</b>														
3 Ronald N. Young (D)	-	-	-	-	+	-	-	-	-	■	+	20%	27%	29%
<b>Carroll &amp; Frederick Counties</b>														
4 Michael J. Hough (R) *	+	+	+	+	+	+	-	+	■	+		90%	80%	88%
<b>Carroll County</b>														
5 Justin D. Ready (R) *	+	+	+	+	+	+	-	+	+	+		91%	80%	92%
<b>Baltimore County</b>														
6 Johnny Ray Salling (R) *	+	+	+	+	+	+	-	+	■	+		90%	79%	88%
<b>Baltimore &amp; Harford Counties</b>														
7 J.B. Jennings (R) *	+	+	+	+	+	+	-	+	+	+		91%	86%	90%
<b>Baltimore County</b>														
8 Katherine A. Klausmeier (D)	-	-	-	-	+	+	-	+	+	+		55%	47%	58%
<b>Carroll &amp; Howard Counties</b>														
9 Katie Fry Hester (D)	-	-	-	-	+	-	-	-	+	■	+	30%	33%	28%
<b>Baltimore County</b>														
10 Delores G. Kelley (D)	-	-	-	-	+	-	-	-	nv-	-	+	18%	23%	34%
11 Shelly L. Hettelman (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	23%
<b>Baltimore &amp; Howard Counties</b>														
12 Clarence K. Lam (D)	-	-	-	-	o	-	-	-	-	■	+	11%	20%	23%
<b>Howard County</b>														
13 Guy J. Guzzone (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	28%
<b>Montgomery County</b>														
14 Craig Zucker (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	22%
15 Brian J. Feldman (D)	-	-	-	-	+	-	-	-	-	+	+	27%	20%	27%
16 Susan C. Lee (D)	-	-	-	-	+	-	-	-	-	■	+	20%	15%	22%
17 Cheryl C. Kagan (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	35%
18 Jeff Waldstreicher (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	22%
19 Benjamin F. Kramer (D)	-	-	-	-	+	-	-	-	-	+	+	27%	20%	26%
20 William C. Smith, Jr. (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	22%
<b>Anne Arundel &amp; Prince George's Counties</b>														
21 James C. Rosapepe (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	30%
<b>Prince George's County</b>														
22 Paul G. Pinsky (D)	-	-	-	-	+	-	-	-	-	■	+	20%	21%	24%
23 Ronald L. Watson (D)	-	-	-	-	+	-	-	-	-	■	+	20%	9%	17%
24 Joanne C. Benson (D)	-	-	-	-	+	-	-	-	-	-	+	18%	27%	32%
25 Melony G. Griffith (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	27%
26 Obie Patterson (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	28%
<b>Calvert, Charles, &amp; Prince George's Counties</b>														
27 Michael A. Jackson (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	23%
<b>Charles County</b>														
28 Arthur Ellis (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	19%
<b>Calvert &amp; St. Mary's Counties</b>														
29 John D. Bailey (R)	+	+	+	+	+	+	+	-	+	■	+	90%	80%	84%

## MARYLAND SENATE VOTES

	SB 1	SB 1 (V)	SB 259	SB 259 (V)	SB 274	SB 275	SB 275 (V)	SB 450	SB 528 (A)	SB 565	SB 723	2022 SCORE	2021 SCORE	CUMULATIVE
<b>Anne Arundel County</b>														
30 Sarah K. Elfreth (D)	-	-	-	-	+	-	-	-	+	■	+	30%	20%	21%
31 Bryan W. Simonaire (R) *	+	+	+	+	+	+	+	-	+	■	+	90%	80%	87%
32 Pamela G. Beidle (D)	o	-	-	-	+	-	-	-	+	-	+	30%	27%	39%
33 Edward R. Reilly (R) *	+	+	+	+	+	o	+	-	+	■	o	88%	80%	89%
<b>Harford County</b>														
34 Robert G. Cassilly (R) *	+	+	+	+	+	+	+	-	+	■	+	90%	77%	89%
<b>Cecil &amp; Harford Counties</b>														
35 Jason C. Gallion (R)	+	+	+	+	+	+	+	-	+	■	+	90%	80%	86%
<b>Caroline, Cecil, Kent, &amp; Queen Anne's Counties</b>														
36 Stephen S. Hershey, Jr. (R) *	+	+	+	+	+	+	+	o	+	+	+	100%	80%	90%
<b>Caroline, Dorchester, Talbot &amp; Wicomico Counties</b>														
37 Adelaide C. Eckardt (R) *	+	+	+	+	+	+	+	-	+	■	+	90%	73%	86%
<b>Somerset, Wicomico &amp; Worcester Counties</b>														
38 Mary Beth Carozza (R)*	+	+	+	+	+	+	+	-	+	■	+	90%	80%	88%
<b>Montgomery County</b>														
39 Nancy J. King (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	27%
<b>Baltimore City</b>														
40 Antonio L. Hayes (D)	-	-	-	-	+	-	-	-	-	+	+	27%	20%	24%
41 Jill P. Carter (D)	-	-	-	-	+	-	-	-	nv-	■	+	20%	15%	23%
<b>Baltimore County</b>														
42 Christopher R. West (R)*	+	+	+	+	+	+	+	-	+	■	+	90%	73%	86%
<b>Baltimore City</b>														
43 Mary L. Washington (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	29%
<b>Baltimore City and Baltimore County</b>														
44 Charles E. Sydnor III (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	24%
<b>Baltimore City</b>														
45 Cory V. McCray (D)	-	o	-	o	+	-	o	-	-	■	+	29%	20%	24%
46 William C. Ferguson, IV (D)	-	-	-	-	+	-	-	-	-	■	+	20%	20%	23%
<b>Prince George's County</b>														
47 Malcolm L. Augustine (D)	-	-	-	-	+	-	-	-	-	+	+	27%	20%	20%

# MARYLAND HOUSE OF DELEGATES VOTES

	HB 259	HB 266	HB 268	HB 791	HB 1203	HB 1343 (A)	SB 1	SB 1 (V)	SB 259	SB 259 (V)	SB 275	SB 275 (V)	SB 275 (A)	SB 450	2022 SCORE	2021 SCORE	CUMULATIVE
<b>Garrett &amp; Allegany Counties</b>	1	2	3	4	5	6	7	8	9	10	11	12	13	14			
1A Wendell R. Beitzel (R) *	+	+	+	+	■	+	+	+	+	+	+	+	nv-	+	92%	83%	89%
<b>Allegany County</b>																	
1B Jason C. Buckel (R) *	+	-	+	+	■	+	+	+	+	+	+	+	+	nv	92%	89%	92%
<b>Allegany &amp; Washington Counties</b>																	
1C Michael W. McKay (R) *	+	+	+	+	■	+	+	+	+	+	+	+	+	+	100%	89%	97%
<b>Washington County</b>																	
2A Neil C. Parrott (R) *	nv	+	+	+	■	+	+	+	+	+	+	+	+	+	100%	100%	98%
2A William J. Wivell (R) *	+	+	+	+	■	+	nv	+	nv	+	+	+	+	+	100%	100%	99%
2B Brenda J. Thiam (R)	o	+	o	+	■	o	o	+	o	+	o	+	o	+	100%	94%	96%
<b>Frederick County</b>																	
3A Carol L. Krimm (D)	o	o	o	o	■	o	o	o	o	o	o	o	o	o	-	17%	23%
3A Karen Lewis Young (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	21%
3B Kenneth Kerr (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	18%	19%
<b>Carroll &amp; Frederick Counties</b>																	
4 Barrie S. Ciliberti (R) *	o	+	+	+	■	o	o	+	o	+	+	+	+	+	100%	93%	92%
4 Daniel L. Cox (R)	-	+	+	+	■	+	+	+	+	+	+	+	+	+	92%	100%	96%
4 Jesse T. Pippy (R)	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	98%
<b>Carroll County</b>																	
5 Susan W. Krebs (R) *	+	+	+	+	■	o	+	+	+	+	+	+	+	o	100%	100%	93%
5 April R. Rose (R) *	+	+	+	+	■	+	+	+	+	+	+	+	+	+	100%	100%	99%
5 Haven N. Shoemaker, Jr. (R) *	+	+	+	+	■	+	nv	+	nv	+	+	+	+	+	100%	88%	98%
<b>Baltimore County</b>																	
6 Robin L. Grammer, Jr. (R) *	-	+	+	+	■	+	o	+	o	+	+	+	nv-	+	82%	100%	93%
6 Robert B. Long (R) *	+	+	+	+	■	+	o	+	o	+	+	+	nv-	+	91%	94%	95%
6 Richard W. Metzgar (R) *	o	+	+	+	■	+	+	+	-	+	+	+	+	+	92%	81%	92%
<b>Baltimore &amp; Harford Counties</b>																	
7 Lauren C. Arian (R)	-	o	+	+	■	+	+	+	+	+	+	+	nv-	+	83%	94%	94%
7 Richard K. Impallaria (R) *	o	+	+	+	+	o	+	+	+	+	+	+	+	o	100%	94%	91%
7 Kathy Szeliga (R) *	+	+	+	+	■	+	+	+	+	+	+	+	+	+	100%	94%	98%
<b>Baltimore County</b>																	
8 Harry (H.B.) Bhandari (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	38%	37%
8 Joseph C. Boteler III (R) *	+	+	+	+	■	+	o	o	o	+	o	+	+	+	100%	94%	95%
8 Carl W. Jackson (D)	o	-	+	+	-	-	-	-	-	-	-	-	-	-	15%	33%	32%
<b>Carroll &amp; Howard Counties</b>																	
9A Trent M. Kittleman (R) *	nv	+	o	+	■	nv-	+	+	+	+	+	+	+	nv	90%	100%	97%
9A Reid J. Novotny (R)	+	+	+	+	■	+	+	+	+	+	+	+	+	-	92%	100%	97%
<b>Howard County</b>																	
9B M. Courtney Watson (D)	-	-	+	+	-	-	-	-	-	-	-	-	-	-	14%	22%	19%
<b>Baltimore County</b>																	
10 Benjamin T. Brooks, Sr. (D)	-	-	+	+	-	-	-	-	-	-	-	-	-	-	14%	18%	22%
10 Jay Jalisi (D)	-	o	+	+	■	o	-	-	-	-	-	-	-	-	18%	38%	29%
10 Adrienne A. Jones (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	25%
11 Lisa M. Belcastro (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	18%	16%
11 Jon S. Cardin (D)	-	-	+	+	■	nv-	-	-	-	-	-	-	-	o	17%	18%	23%
11 Dana M. Stein (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	18%	24%
<b>Baltimore &amp; Howard Counties</b>																	
12 Eric D. Ebersole (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	22%
12 Jessica M. Feldmark (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	16%
12 Terri L. Hill (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	24%

## MARYLAND HOUSE OF DELEGATES VOTES

	HB 259	HB 266	HB 268	HB 791	HB 1203	HB 1343 (A)	SB 1	SB 1 (V)	SB 259	SB 259 (V)	SB 275	SB 275 (V)	SB 275 (A)	SB 450	2022 SCORE	2021 SCORE	CUMULATIVE
	1	2	3	4	5	6	7	8	9	10	11	12	13	14			
<b>Howard County</b>																	
13 Vanessa E. Atterbeary (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	22%
13 Shane E. Pendergrass (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	28%
13 Jennifer R. Terrasa (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	16%
<b>Montgomery County</b>																	
14 Anne R. Kaiser (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	23%
14 Eric G. Luedtke (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	20%
14 Pamela Queen (D)	-	-	+	+	-	-	-	-	-	-	-	-	-	-	14%	16%	18%
15 Linda K. Foley (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	-	-
15 David V. Fraser-Hidalgo (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	19%
15 Lili Qi (D)	-	-	+	+	-	-	-	-	-	-	-	-	-	-	14%	16%	20%
16 Ariana B. Kelly (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	19%	23%
16 Marc A. Korman (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	18%	23%
16 Sara N. Love (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	nv	17%	17%	17%
17 Kumar P. Barve (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	33%
17 Julie Palakovich Carr (D)	-	-	+	-	■	-	-	-	-	-	-	-	-	-	8%	18%	14%
17 James W. Gilchrist (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	23%
18 Alfred C. Carr, Jr. (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	20%
18 Emily K. Shetty (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	14%
18 Jared Solomon (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	16%
19 Charlotte Crutchfield (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	17%
19 Bonnie L. Cullison (D)	-	-	+	+	■	-	o	-	o	nv	-	-	-	-	20%	18%	21%
19 Vaughn M. Stewart III (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	13%
20 Lorig Charkoudian (D)	-	-	+	+	-	-	-	-	-	-	-	-	-	-	14%	16%	14%
20 David Moon (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	16%
20 Jheanelle Wilkins (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	15%
<b>Anne Arundel &amp; Prince George's Counties</b>																	
21 Benjamin S. Barnes (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	11%	19%
21 Mary A. Lehman (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	19%	17%
21 Joseline A. Peña-Melnyk (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	22%
<b>Prince George's County</b>																	
22 Anne Healey (D)	-	-	+	+	■	-	-	-	-	-	o	-	o	-	18%	17%	28%
22 Alonzo T. Washington (D)	-	-	+	+	■	-	o	-	o	-	-	-	-	-	18%	17%	21%
22 Nicole A. Williams (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	17%
23A Geraldine Valentino-Smith (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	19%	22%
23B Marvin E. Holmes, Jr. (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	18%	24%
23B Cheryl S. Landis (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	-	-
24 Andrea Fletcher Harrison (D)	-	-	+	+	-	-	-	-	-	-	-	-	-	-	14%	18%	18%
24 Faye Martin Howell (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	-	-
24 Jazz M. Lewis (D)	-	-	+	+	■	-	-	-	-	-	o	-	o	-	18%	17%	19%
25 Darryl Barnes (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	22%
25 Nick Charles (D)	nv	-	+	+	■	nv-	-	-	-	-	-	-	-	-	17%	18%	17%
25 Karen R. Toles (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	-	-
26 Veronica L. Turner (D)	-	-	+	+	-	-	-	-	-	-	-	-	-	-	14%	16%	23%
26 Kriselda Valderrama (D)	-	-	+	+	-	-	-	-	-	-	-	-	-	-	14%	16%	21%
26 Jay Walker (D)	-	-	+	+	o	-	o	-	o	-	-	-	-	-	18%	20%	28%



## MARYLAND HOUSE OF DELEGATES VOTES

	HB 259	HB 266	HB 268	HB 791	HB 1203	HB 1343 (A)	SB 1	SB 1 (V)	SB 259	SB 259 (V)	SB 275	SB 275 (V)	SB 275 (A)	SB 450	2022 SCORE	2021 SCORE	CUMU-LATIVE
	1	2	3	4	5	6	7	8	9	10	11	12	13	14			
<b>Charles &amp; Prince George's Counties</b> 27A Elizabeth G. Proctor (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	18%	19%
<b>Calvert &amp; Prince George's Counties</b> 27B Rachel R. Jones (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	21%	19%
<b>Calvert County</b> 27C Mark N. Fisher (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	nv	100%	94%	97%
<b>Charles County</b> 28 Debra M. Davis (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	18%
28 Edith J. Patterson (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	22%
28 C.T. Wilson (D)	-	-	+	+	nvc	-	-	-	-	-	-	-	-	-	15%	18%	25%
<b>St. Mary's County</b> 29A Matt Morgan (R) *	+	+	+	+	■	+	+	+	+	+	+	+	+	-	92%	100%	99%
29B Brian M. Crosby (D)	-	-	+	+	-	-	-	-	-	-	+	+	+	-	36%	26%	34%
<b>Calvert &amp; St. Mary's Counties</b> 29C Gerald W. Clark (R) *	+	+	+	+	■	+	+	+	+	+	+	+	+	-	92%	89%	92%
<b>Anne Arundel County</b> 30A Shaneka T. Henson (D)	-	-	nv-	nv-	■	-	-	-	-	-	-	-	-	-	0%	28%	19%
30A Dana Jones (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	28%	23%
30B Seth A. Howard (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	-	93%	95%	93%
31A Edward P. Carey (D)	-	o	o	+	-	-	-	-	-	-	+	+	+	-	33%	28%	40%
31B Brian A. Chisholm (R)	+	+	+	+	■	+	+	+	+	+	+	+	+	-	92%	94%	95%
31B Nicholaus R. Kipke (R) *	-	+	+	+	■	+	+	+	+	+	+	+	+	-	85%	89%	86%
32 J. Sandy Bartlett (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	11%	16%
32 Mark S. Chang (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	24%
32 Michael J. Rogers (D)	-	-	+	+	-	-	-	-	-	-	-	-	-	-	14%	16%	18%
33 Heather Bagnall (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	28%	23%
33 Rachel P. Munoz (R)	o	+	+	+	■	o	o	+	o	+	+	+	nv-	-	78%	-	-
33 Sid A. Saab (R) *	+	+	+	+	■	+	+	+	+	+	+	+	+	-	92%	100%	98%
<b>Harford County</b> 34A Steven C. Johnson (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	33%	26%
34A Mary Ann Lisanti (D)	-	-	+	+	■	-	-	-	-	-	+	+	+	-	38%	44%	35%
34B Susan K. McComas (R) *	+	+	+	+	■	+	+	+	+	+	+	+	+	+	100%	100%	92%
<b>Cecil County</b> 35A Kevin B. Hornberger (R) *	-	-	+	+	■	+	+	+	+	+	+	+	+	+	85%	94%	88%
<b>Cecil &amp; Harford Counties</b> 35B Michael Griffith (R)	+	+	+	+	■	+	+	+	+	+	+	+	+	+	100%	100%	96%
35B Teresa E. Reilly (R) *	+	+	+	+	■	+	+	+	+	+	+	+	+	-	92%	100%	95%
<b>Caroline, Cecil, Kent, &amp; Queen Anne's Counties</b> 36 Steven J. Arentz (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	-	93%	100%	96%
36 Jefferson L. Ghrist (R) *	+	+	+	+	■	+	+	+	+	+	o	+	o	+	100%	100%	99%
36 Jay A. Jacobs (R) *	+	+	+	+	■	+	+	+	+	+	+	+	+	+	100%	100%	98%
<b>Dorchester &amp; Wicomico Counties</b> 37A Sheree Sample-Hughes (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	28%
<b>Caroline, Dorchester, Talbot &amp; Wicomico Counties</b> 37B Christopher T. Adams (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	98%
37B John F. Mautz IV (R) *	+	+	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	96%

## MARYLAND HOUSE OF DELEGATES VOTES

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<b>Somerset &amp; Worcester Counties</b>																	
38A Charles J. Otto (R) *	+	+	+	+	■	+	+	+	+	+	+	+	+	nv	100%	94%	97%
<b>Wicomico County</b>																	
38B Carl L. Anderton, Jr. (R) *	+	+	+	+	■	+	+	+	+	+	+	+	+	-	92%	100%	93%
<b>Wicomico &amp; Worcester Counties</b>																	
38C Wayne A. Hartman (R)	+	+	nv-	+	■	+	+	+	+	+	+	+	+	nv	92%	100%	98%
<b>Montgomery County</b>																	
39 Gabriel Acevero (D)	-	-	+	nv-	■	nv-	-	-	-	-	-	-	-	-	8%	20%	15%
39 Lesley J. Lopez (D)	-	-	+	+	■	-	o	-	o	-	-	-	-	o	20%	17%	19%
39 Kirill Reznik (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	13%	25%
<b>Baltimore City</b>																	
40 Marlon D. Amprey (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	16%
40 Frank M. Conaway, Jr. (D)	o	o	o	o	■	o	o	o	o	o	o	o	o	o	-	17%	27%
40 Melissa R. Wells (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	18%
41 Dayla Attar (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	18%	18%
41 Tony Bridges (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	13%	17%
41 Samuel I. Rosenberg (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	32%
<b>Baltimore County</b>																	
42A Catherine M. Forbes (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	17%
42B Michele J. Guyton (D)	-	-	o	+	■	nv-	-	-	-	-	-	-	-	-	8%	29%	27%
42B Nino Mangione (R)	+	+	+	+	■	+	+	+	+	+	+	+	nv-	+	92%	100%	95%
<b>Baltimore City</b>																	
43 Curtis S. Anderson (D)	-	nv	o	+	■	o	-	-	-	-	nv	-	-	-	11%	0%	28%
43 Regina T. Boyce (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	19%
43 Maggie McIntosh (D)	-	-	+	+	■	nv-	-	-	-	-	nv	-	nv-	-	17%	17%	26%
44A Roxane L. Prettyman (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	-	-
<b>Baltimore County</b>																	
44B Sheila S. Ruth (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	17%
44B Patrick G. Young, Jr. (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	23%
<b>Baltimore City</b>																	
45 Chanel A. Branch (D)	-	-	+	+	-	-	-	-	-	-	-	-	-	-	14%	18%	16%
45 Talmadge Branch (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	16%	32%
45 Stephanie M. Smith (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	18%
46 Luke Clippinger (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	19%
46 Robbyn Lewis (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	18%	18%
46 Brooke E. Lierman (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	17%	21%
<b>Prince George's County</b>																	
47A Diana M. Fennell (D)	-	-	o	+	-	-	-	-	-	-	-	-	-	-	8%	16%	20%
47A R. Julian Ivey (D)	-	-	+	+	■	-	-	-	-	-	-	-	-	-	15%	19%	17%
47B Wanika B. Fisher (D)	-	-	o	+	■	-	-	-	-	-	-	-	-	-	8%	18%	17%

## 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.

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 economic freedom and job growth 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. 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 bring 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.

## 2022 SENATE VOTE DESCRIPTIONS

### 1 SB 1 – State Finance and Procurement – Prevailing Wage – Stop Work Orders *Senator Beidle, et al.*

Authorizes the Commissioner of Labor and Industry in the Maryland Department of Labor (MDL), after an investigation, to issue a stop work order to a public works contractor or subcontractor that may have violated the State's prevailing wage law. SB 1 also requires the Commissioner to promptly investigate compliance with prevailing wage requirements if the Commissioner receives a complaint of a violation or is otherwise made aware of a possible violation. SB 1 authorizes the Commissioner to impose penalties and/or civil fines up to \$5,000 per day on each contractor and subcontractor determined to be in violation of a stop work order and establishes procedures and timelines for appealing a stop work order.

*A “+” indicates a vote against SB 1 and reflects Maryland Free’s opposition to changes to Maryland’s prevailing wage law system that are overbroad, unnecessary, unworkable, and onerous in their effect on contractors and workers in Maryland. **SB 1 is overly broad**, as an entire public works project or jobsite could be placed under a stop work order, with all construction workers prevented from working and receiving wages, even in the case of a mere suspicion that there may be a violation of the prevailing wage law or that just one contractor among dozens or hundreds on a job site has committed a violation. **SB 1 is unnecessary**, because although the MDL has documented some 500 violations of the prevailing wage law since 2018, not one of those cases has gone unresolved and made it to a court hearing. As the General Assembly’s own fiscal and policy note explains, “... the commissioner advises that MDL is unlikely to make frequent use of the authority to issue stop work orders because of their disruptive effect on project timelines and the effectiveness of other, less disruptive enforcement mechanisms.” In addition, “Current law authorizes agencies to withhold progress payments from contractors found to be in violation of the prevailing*

*wage law, and the Commissioner advises that this enforcement mechanism has been very effective in recovering more than \$4 million in unpaid wages since fiscal 2018. The assessment of liquidated damages, also authorized under current law, serves as both a deterrent and enforcement mechanism for violations of the prevailing wage law.” **SB 1 is unworkable**, especially in the context of urgent transportation projects such as roads and bridges, where work stoppage could be hazardous. Continuation of such projects may be necessary to ensure public safety or to maintain an orderly and secure work site for the protection of contractors and workers. Finally, **SB 1 is onerous**, because if all business operations at the affected site must cease in the event of a stop work order, each of those operators, currently or formerly on site, even if not in violation of any prevailing wage law, could be subject to penalties of as much as \$5,000 per day, which could burden or wipe out a small contractor or subcontractor. The totality of detrimental elements in SB 1 will discourage contractors from working on prevailing wage projects, thereby reducing competition and increasing costs for public works projects that are critical to Maryland’s economy. Disagreeing with Maryland Free’s position, the Senate approved SB 1, 31-15, on April 1, 2022 (on third reading, concurring with the House amendments).*

### 2 SB 1 – VETO OVERRIDE – State Finance and Procurement – Prevailing Wage – Stop Work Orders *Senator Beidle, et al.*

See Senate Vote 1 above for a description of SB 1.

Disagreeing with Maryland Free’s position, the Senate overrode the Governor’s veto of SB 1, 31-15, on April 9, 2022.



## 2022 SENATE VOTE DESCRIPTIONS

### **3 SB 259 – Procurement – Prevailing Wage – Applicability** *Senator Feldman, et al.*

Increases the applicability of prevailing wage to public works contracts by expanding the definition of “construction” to include mechanical systems service contracts of \$2,500 or more. A “mechanical systems service contract” is defined as a contract for (1) heating, ventilation, and air conditioning (HVAC), including ductwork; (2) refrigeration systems; (3) plumbing systems, as specified; (4) specified electrical systems; and (5) specified elevator systems. “Construction” is expanded to explicitly include such services.

*A “+” indicates a vote against SB 259 and reflects Maryland Free’s opposition to ill-timed measures that limit economic growth. Notwithstanding the dubious redefinition of service contracts for ongoing maintenance of HVAC, refrigeration, plumbing, and mechanical systems as “construction,” SB 259 exacerbates Maryland’s national reputation as a difficult place to do business. This measure artificially inflates the cost of doing business with the State at a time of already skyrocketing costs and rising inflation, which will only hamper job growth, not promote it. SB 259 will create additional accounting, record-keeping, and reporting burdens on small businesses, and fewer of them will compete for State contracts. Reduced competition means higher prices to the State, and moreover, as project costs rise, fewer projects will be funded, and taxpayers will receive less while paying more. Disagreeing with Maryland Free’s position, the Senate approved SB 259, 32-15, on March 21, 2022.*

### **4 SB 259 – VETO OVERRIDE – Procurement – Prevailing Wage - Applicability** *Senator Feldman, et al.*

See Senate Vote 3 on Page 14 for a description of SB 259.

Disagreeing with Maryland Free’s position, the Senate overrode the Governor’s Veto of SB 259, 31-15, on April 9, 2022.

### **5 SB 274 Property Tax-Exemptions for Business Personal Property-Alterations** *Senator Hayes, et al.*

Expands the business personal property tax exemption by increasing the value of personal property eligible for an exemption. SB 274 increases, from \$2,500 to \$20,000, the total original cost of the personal property eligible for an exemption from personal property valuation and taxation. SB 274 also increases from \$10,000 to \$20,000, the total original cost of the personal property eligible for an exemption from personal property valuation and taxation for a home business. Finally, SB 274 prohibits the State Department of Assessments and Taxation (SDAT) from (1) collecting personal property information from these individuals or (2) requiring these individuals to submit a personal property tax return. SB 274 takes effect June 1, 2022 and applies to taxable years beginning after June 30, 2022.

*A “+” indicates a vote in support of SB 274 and reflects Maryland Free’s support for reducing costs and administrative burdens on Maryland businesses. Not only will many small businesses be exempt from filing the return (saving \$104 in personal property taxes for the average small business) but they will no longer incur the \$300 annual filing fee. Finally, the elimination of the filing fee erases Maryland’s dubious distinction as the only state to charge such a fee. Agreeing with Maryland Free’s position, the Senate approved SB 274, 46-0, on March 22, 2022.*

### **6 SB 275 – Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)** *Senators Hayes & Benson*

Establishes the Family and Medical Leave Insurance Program (FMLI), mandating up to 12 weeks (with allowances for up to 24 weeks under limited circumstances involving childbirth) of paid-leave benefits to a covered individual taking leave from employment due to specified personal and family circumstances. SB 275 makes no determination or analysis of the cost of FMLI to either employers or employees but prescribes that it be determined later on

## 2022 SENATE VOTE DESCRIPTIONS

a biannual basis by the Secretary of Labor, after consultation with other specified state agencies and interested stakeholders. The weekly benefit is based on the individual's average weekly wage and indexed to price inflation increases, but unlike any other state enacting such a program, no cap on the cost of FMLI to employers or employees was included in the legislation. SB 275 also creates a FAMLFI fund, funded by contributions beginning on October 1, 2023, from employees, participating self-employed individuals, and employers with 15 or more employees, that will pay for benefits, a public education program, implementation, and administrative costs. FMLI program benefit payments will begin on January 1, 2025.

*A “+” indicates a vote against SB 275 and represents Maryland Free’s vehement opposition to mandated benefits and prescriptions by the state to: (a) manage private sector operations; (b) intrude into the employer-employee relationship; and (c) impose unspecified, ill-conceived, and unlimited costs on employers and employees. After two years of challenging economic conditions arising from the pandemic and in the face of 40-year-high inflation and reliable predictions for economic recession within the next 2 years, FMLI imposes an estimated \$1.6 billion cost on Maryland employers and employees, representing the largest, most intrusive mandated employment law to confront Maryland employers who are still having difficulty adjusting to the cumulative impacts of the “Maryland Healthy Working Families Act,” “Maryland Parental Leave Act,” “Maryland Flexible Leave Act” and “Fight for 15” increases in the minimum wage. SB 275 ignores the definition of small business (fewer than 50 employees) set by the Obama Administration and imposes these onerous costs on employers with as few as 15 employees. In addition, SB 275 requires employees to take employer-provided leave first before utilizing the 12 or 24 weeks of leave provided under FMLI, which would allow in some circumstances employee absences for more than 24 weeks – or nearly half a year. This places an extreme burden on all employers that must hold the position*

*until the employee returns, and leaves the smallest businesses in Maryland, especially those with 15-50 employees, facing potentially impossible and insurmountable workforce and staffing constraints. Moreover, the ill-conceived nature of the FMLI program created under SB 275 is perhaps best illustrated by its tying of benefit increases (but not decreases) to inflation with no overall cap on benefits – should current inflation trends continue after 2025, this will likely render the Fund practically insolvent soon after it begins making payouts. Imposing a massive economic mandate on both employers and employees without analyzing, specifying, or capping the costs creates unmanageable business risk and uncertainty, producing an extreme negative attribute for Maryland’s business climate and reputation. Disagreeing with Maryland Free’s position, the Senate approved SB 275, 31-15, (concurring with the House amendments) on March 31, 2022.*

### **7 SB 275 – VETO OVERRIDE – Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)**

*Senators Hayes & Benson*

See Senate Vote 6 on pages 14 & 15 for a description of SB 275.

Disagreeing with Maryland Free’s position, the Senate overrode the Governor’s Veto of SB 275, 30-16, on April 9, 2022.

### **8 SB 450 – Harassment and Sexual Harassment – Definitions – Employment Discrimination and Sexual Harassment Prevention Training**

*Senator Smith*

Modifies the Maryland law definitions of “harassment” and “sexual harassment,” overturning the judicially determined meaning of these terms. SB 450 introduces as part of these definitions language that states the conduct “need not be severe or pervasive,” which effectively and drastically broadens the type of interpersonal conduct that could

## 2022 SENATE VOTE DESCRIPTIONS

meet these definitions. SB 450 also introduces the term “reasonable person” as the arbiter of determining if the defined conduct is illegal, but no definition of that term, nor the perceptions of a reasonable person, is provided in the legislation. The impact of SB 450 extends to the entire private sector and is not limited just to employment and workplace conditions within state government.

*A “+” indicates a vote against SB 450 and reflects Maryland Free’s opposition to relaxed and vague standards in Maryland’s employment laws. Maryland Free fully supports the apparent goal of the legislation to prohibit all forms of harassment in the workplace. However, by lessening the appropriate definitional standard for harassment to include less severe conduct more typically associated with bullying or criticism, SB 450 fails to accomplish this goal. Instead, as explained in the General Assembly’s own policy and fiscal note, SB 450 will subject business owners to increased risk of legal liability based on the bill’s expanded definition of harassment. Adding the vague and undefined “reasonable person” standard will introduce uncertainty and confusion to a legal standard that is currently clear and well defined by decades of case law. The broader and vague definitions of harassment will lead to significant increases in disputes, claims, litigation, and attorneys’ fees throughout the private sector workplace. These elements and outcomes of SB 450 will do nothing to further the laudable goal of prohibiting workplace harassment. Disagreeing with Maryland Free’s position, the Senate approved SB 450, 45-0, on February 24, 2022.*

### **9 SB 528 – Senate Floor Amendment 553425/1 - Climate Solutions Now Act of 2022** *Senator Hershey*

As introduced, SB 528 requires significant additional reductions in greenhouse gas emissions beyond the reductions already in established law. Among other measures, SB 528 requires: 1) a 60% reduction from 2006 levels of greenhouse gas (GHG) emissions by

2031 compared to the existing 40% reductions by 2030; and 2) achievement of net zero GHG emissions by 2045 rather than the current 80% to 95% reduction from 1990 levels by 2045. This reduction is focused on commercial buildings of 35,000 ft<sup>2</sup> or more. The financial penalty for non-compliance is undefined but cannot be “...less than the social cost of greenhouse gasses adopted by the Department or the U.S. Environmental Protection Agency.” Amendment 553425/1 includes the Public Service Commission (PSC), rather than only the Maryland Department of Environment, in approving local building energy performance standards and allows the PSC to approve them only if those standards: 1) will not negatively impact the reliability of the electric service in the State; and 2) are in the public interest.

*A “+” indicates a vote for Amendment 553425/1 and reflects Maryland Free’s support of measures that mitigate extreme laws that: 1) have a significant possibility of damaging not only Maryland’s economic development and job-growth capabilities but also the reliability of the electric service; 2) have vague and undefined penalties; and 3) may not be in the public interest. Far from extreme or unreasonable, the two, simple provisions of Senator Hershey’s amendment represent the most basic requirements of public servants – ensuring reliable services that are in the public interest. Nearly every Maryland business, employer, and job is heavily reliant upon a reliable supply of electricity, and to reject a modest safeguard for ensuring the reliability of electricity supply by Maryland’s energy regulator in the implementation of climate change policy reflects irresponsible, reckless policymaking. Disagreeing with Maryland Free’s position, the Senate rejected Amendment 553425/1, 19-26, on March 10, 2022.*

## 2022 SENATE VOTE DESCRIPTIONS

### 10 SB 565- Public Safety - Emergency Management - Price Gouging Consumer Protections

*Senators Lam and Beidle*

SB 565 prohibits a person from selling an essential good or service during or for 90 days following the end of a state of emergency for a price of 10% or more of its maximum price during the period of 60 days to 4 days prior to the declaration of the state of emergency. SB 565 declares 12 specific goods and services as “essential” plus any others designated as essential by the Governor. Under SB 565, a person may charge a price increase of 10% or more only if they can prove that the increase is directly attributable to costs of goods or labor. Violation of the bill is an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), triggering MCPA’s civil penalty provisions and allowances for a private right of legal action to recover damages and attorney’s fees.

*A “+” indicates a vote against SB 565 and reflects Maryland Free’s opposition to: 1) arbitrary caps on prices, which disregard the myriad, dynamic factors that affect prices in free market economies; 2) measures that establish a new private right of action that could be misused by an unknown number of claimants and their attorneys and lead to a proliferation of potentially frivolous litigation for business defendants; 3) prescribing, out of context, which goods and services are essential during a future state of emergency (e.g., establishing price controls on fuel and cleaning products during a state of emergency based on an opioid epidemic makes no sense); 4) establishing an arbitrary (i.e., two months minus four days) benchmark against which to measure allowable prices; and 5) placing the burden of proof on the business owner rather than the government. This is a continuing theme of legislation in recent years that establishes a guilty-until-proven-innocent precept. Finally, attempts at central control of pricing have failed throughout world economic history because market forces are too numerous, dynamic, and unpredictable to harness; SB 565 is no*

*exception to those realities. Agreeing with Maryland Free’s position, the Senate Finance Committee rejected SB 565, 8-3, on March 18, 2022.*

### 11 SB 723 – Sales and Use Tax – Digital Products – Definition

*Senators King and Guzzone*

Altering the definition of “digital product” for purposes of the application of the sales and use tax to exclude certain products and types of computer software. SB 723 excludes from the sales and use tax cloud-hosted computer software or software-as-a-service purchased or licensed solely for commercial purposes in an enterprise computer system, including operating programs or application software for the exclusive use of the enterprise software system.

*A “+” indicates a vote in support of SB 723 and reflects Maryland Free’s support for: 1) clarifying legislation that improves predictability and certainty for businesses; and 2) limiting the scope and reach of sales and use taxes applied to essential business tools such as enterprise software. Agreeing with Maryland Free’s position, the Senate approved SB 723, 46-0, on March 18, 2022.*



## 2022 HOUSE VOTE DESCRIPTIONS

### **1 HB 259 – Commercial Law – Consumer Protection – Biometric Data Privacy**

*Delegate Love, et al.*

Regulates numerous private entities in possession of biometric data such as fingerprints, voiceprints, retinal scans, iris scans, or other unique biological identifiers. Every business is subject to HB 259 except government entities and certain data processors and financial and insurance institutions. Subject entities may not sell, trade, or lease biometric data, and subject to some exclusions, an entity that collects, uses, or discloses biometric data must first obtain written consent from the individual or the individual's legal representative. This written consent must be: (1) specific as to the collection, use, or disclosure of biometric data, (2) freely given, informed, and unambiguous, and (3) free of any duress or undue influence from the private entity or third party. Further, an entity may not condition services on an individual's consent unless strictly necessary to provide services, and the entity may not provide different rates to individuals that do not provide consent. In addition, and unless an exclusion applies, entities must maintain a public retention schedule for the deletion of biometric data including a requirement that the entity delete biometric data within thirty days of receiving a request for deletion, and they must comply with any request for disclosure an individual or their legal representative makes concerning information on the use of their biometric data and purpose of that use for up to two times in a twelve-month period. Lastly, an entity that violates these provisions is not only subject to civil prosecution but also the bill's creation of a private right of action.

*A “+” indicates a vote against HB 259 and reflects Maryland Free’s opposition to legislation that stifles business innovation and, with its broad scope and consent language, invites class action lawsuits. As committee testimony demonstrated, that is exactly what resulted from a similar bill in Illinois. Clearly then, such prohibitions and obligations impose significant financial and administrative burdens on*

*Maryland’s businesses and could result in an exodus of technology companies and their services—harming Maryland’s consumers, businesses, and the overall business climate. Disagreeing with Maryland Free’s position, the House passed HB 259, 100-30, on March 19, 2022, but it failed in the Senate Finance committee.*

### **2 HB 266 – Private Passenger Motor Vehicle Liability Insurance – Enhanced Underinsured Motorist Coverage – Opt-Out Option**

*Delegate Crosby*

Requires that each private motor vehicle insurance policy provide enhanced underinsured motorist coverage unless the insurance purchaser makes an affirmative written statement that waives the enhanced underinsured motorist coverage in favor of the currently required uninsured motorist coverage. In the House Committee hearing on this bill, the only proponents were personal injury plaintiff's lawyers.

*A “+” indicates a vote against HB 266 and reflects Maryland Free’s opposition to legislation that imposes substantial increases in insurance costs and usurps consumer choice by mandating additional insurance coverage unless affirmatively waived by the consumer in writing. Currently, and with limited exceptions, motor vehicles in Maryland are required to maintain private motor vehicle insurance that includes minimum coverages such as uninsured motorist coverage. Under current law, a purchaser may opt into enhanced underinsured motorist coverage in lieu of uninsured motorist coverage. Because enhanced underinsured motorist coverage provides additional protections, this coverage increases—sometimes significantly—the overall cost of a private motor vehicle insurance policy, which may be why so few (less than 2%) Maryland insureds have opted-in. Despite current economic conditions of rising costs of living and inflation, HB 266 would have increased insurance costs by up to two-thirds, adversely impacting Maryland consumers and businesses. Such additional insurance coverage*



## 2022 HOUSE VOTE DESCRIPTIONS

would further incentivize lawsuits brought by plaintiffs in personal injury cases seeking higher recoveries made possible by higher insurance coverage amounts. Disagreeing with Maryland Free's position, the House passed HB 266, 96-39, on March 11, 2022, but it failed in the Senate Finance Committee.

### **3 HB 268 Property Tax-Exemptions for Business Personal Property-Alterations** *Delegate Henson, et al.*

See Senate Vote 5 on page 14 for a description of HB 268.

A "+" indicates a vote in support of HB 268 and reflects Maryland Free's support for reducing costs and administrative burdens on Maryland businesses. Not only will many small businesses be exempt from filing the return (saving \$104 in personal property taxes for the average small business) but they will no longer incur the \$300 annual filing fee. Finally, the elimination of the filing fee erases Maryland's dubious distinction as the only state to charge such a fee. Agreeing with Maryland Free's position, the House approved HB 268, 130-0, on March 21, 2022.

### **4 HB 791 – Sales and Use Tax – Digital Products – Definition** *Delegate Luedtke*

For a description of HB 791, please see Senate Vote 11 on page 16.

A "+" indicates a vote in support of HB 791 and reflects Maryland Free's support for: 1) clarifying legislation that improves predictability and certainty for businesses; and 2) limiting the scope and reach of sales and use taxes applied to essential business tools such as enterprise software. Agreeing with Maryland Free's position, the House approved HB 791, 136-1, on March 10, 2022.

### **5 HB 1203 – Labor and Employment– Private Sector Employers – Right to Work** *Delegate Chisholm, et al.*

Prohibits a private-sector 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. HB 1203 repeals various provisions of State law that authorize or require a private employer 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.

A "+" indicates a vote in support of HB 1203 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, limiting our chances of retaining and attracting new manufacturing businesses and jobs. Disagreeing with Maryland Free's position, the House Economic Matters Committee rejected HB 1203, 14-7, on March 14, 2022.

### **6 HB 1343 – House Floor Amendment 433128/1 – Major State Contractors-Donations to Advocacy Organizations-Disclosure** *Delegate Shoemaker*

As introduced, HB 1343 requires specified State contractors to file statements with the State Board of Elections (SBE), regarding any donations to an advocacy organization that pays for public communications relating to a procurement contract or public-private partnership – involving cumulative consideration of at least \$1 million – in which the State contractor has a financial interest. HB 1343 establishes substantial criminal penalties for improper

## 2022 HOUSE VOTE DESCRIPTIONS

reporting, including up to a year in prison and a \$10,000 fine. Testimony from various organizations indicated that HB 1343 lacked clarity in its application and scope. Amendment 433128/1 expands the reporting requirements to include not only state contractors but also public- or private-sector employees engaged in collective bargaining.

*A “+” indicates a vote for Amendment 433128/1 and reflects Maryland Free’s support for equitable disclosure requirements for both private- and public-sector organizations. Singling out businesses to require disclosure of their advocacy-related communications, but not imposing similar requirements on labor unions, is discriminatory and undoubtedly has an adverse effect on Maryland’s business climate. If applied equally and clearly to all organizations engaged in advocacy, Maryland Free is otherwise not opposed to disclosure requirements. Disagreeing with Maryland Free’s position, the House rejected Delegate Shoemaker’s Floor Amendment, 36-90, on March 18, 2022. HB 1343 did not receive a vote in the Senate.*

### **7 SB 1 – State Finance and Procurement – Prevailing Wage – Stop Work Orders** *Senator Beidle, et al.*

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

*A “+” indicates a vote in opposition against SB 1 and reflects Maryland Free’s opposition to changes to Maryland’s prevailing wage law system that are overbroad, unnecessary, unworkable, and onerous in their effect on contractors and workers in Maryland. **SB 1 is overly broad**, as an entire public works project or jobsite could be placed under a stop work order, with all construction workers prevented from working and receiving wages, even in the case of a mere suspicion that there may be a violation of the prevailing wage law or that just one contractor among dozens or hundreds on a job site has committed a violation. **SB 1 is unnecessary**, because*

*although the MDL has documented some 500 violations of the prevailing wage law since 2018, not one of those cases has gone unresolved and made it to a court hearing. As the General Assembly’s own fiscal and policy note explains, “... the commissioner advises that MDL is unlikely to make frequent use of the authority to issue stop work orders because of their disruptive effect on project timelines and the effectiveness of other, less disruptive enforcement mechanisms.” In addition, “Current law authorizes agencies to withhold progress payments from contractors found to be in violation of the prevailing wage law, and the Commissioner advises that this enforcement mechanism has been very effective in recovering more than \$4 million in unpaid wages since fiscal 2018. The assessment of liquidated damages, also authorized under current law, serves as both a deterrent and enforcement mechanism for violations of the prevailing wage law.” **SB 1 is unworkable**, especially in the context of urgent transportation projects such as roads and bridges, where work stoppage could be hazardous. Continuation of such projects may be necessary to ensure public safety or to maintain an orderly and secure work site for the protection of contractors and workers. Finally, **SB 1 is onerous**, because if all business operations at the affected site must cease in the event of a stop work order, each of those operators, currently or formerly on site, even if not in violation of any prevailing wage law, could be subject to penalties of as much as \$5,000 per day, which could burden or wipe out a small contractor or subcontractor. The totality of detrimental elements in SB 1 will discourage contractors from working on prevailing wage projects, thereby reducing competition and increasing costs for public works projects that are critical to Maryland’s economy. Disagreeing with Maryland Free’s position, the House approved SB 1, 93-34, on March 31, 2022 (third reader vote).*

## 2022 HOUSE VOTE DESCRIPTIONS

### **8 SB 1 – VETO OVERRIDE – State Finance and Procurement – Prevailing Wage – Stop Work Orders**

*Senator Beidle, et al.*

See Senate Vote 2 on page 13 for a description of SB 1.

Disagreeing with Maryland Free’s position, the House overrode the Governor’s veto of SB 1, 97-41, on April 9, 2022.

### **9 SB 259 – Procurement – Prevailing Wage – Applicability**

*Senator Feldman, et al.*

See Senate Vote 3 on Page 14 for a description of SB 259.

*A “+” indicates a vote against SB 259 and reflects Maryland Free’s opposition to ill-timed measures that limit economic growth. Notwithstanding the dubious redefinition of service contracts for ongoing maintenance of HVAC, refrigeration, plumbing, and mechanical systems as “construction,” SB 259 exacerbates Maryland’s national reputation as a difficult place to do business. This measure artificially inflates the cost of doing business with the State at a time of already skyrocketing costs and rising inflation, which will only hamper job growth, not promote it. SB 259 will create additional accounting, record-keeping, and reporting burdens on small businesses, and fewer of them will compete for State contracts. Reduced competition means higher prices to the State, and moreover, as project costs rise, fewer projects will be funded, and taxpayers will receive less while paying more. Disagreeing with Maryland Free’s position, the House approved SB 259, 94-33, on March 31, 2022.*

### **10 SB 259 – VETO OVERRIDE – Procurement – Prevailing Wage – Applicability**

*Senator Feldman, et al.*

See Senate Vote 4 on Page 14 for a description of SB 259.

Disagreeing with Maryland Free’s position, the House overrode the Governor’s veto of SB 259, 96-41, on April 9, 2022.

### **11 SB 275 – Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)**

*Senators Hayes & Benson*

See Senate Vote 6 on Pages 14 & 15 for a description of SB 275.

*A “+” indicates a vote against SB 275 and represents Maryland Free’s vehement opposition to mandated benefits and prescriptions by the state to: (a) manage private sector operations; (b) intrude into the employer-employee relationship; and (c) impose unspecified, ill-conceived, and unlimited costs on employers and employees. After two years of challenging economic conditions arising from the pandemic and in the face of 40-year-high inflation and reliable predictions for economic recession within the next 2 years, FMLI imposes an estimated \$1.6 billion cost on Maryland employers and employees, representing the largest, most intrusive mandated employment law to confront Maryland employers who are still having difficulty adjusting to the cumulative impacts of the “Maryland Healthy Working Families Act,” “Maryland Parental Leave Act,” “Maryland Flexible Leave Act” and “Fight for 15” increases in the minimum wage. SB 275 ignores the definition of small business (fewer than 50 employees) set by the Obama Administration and imposes these onerous costs on employers with as few as 15 employees. In addition, SB 275 requires employees to take employer-provided leave first before utilizing the 12 or 24 weeks of leave provided under FMLI, which would allow in some circumstances employee absences for more than 24 weeks – or nearly half a year. This places an extreme burden on all employers that must hold the position*

## 2022 HOUSE VOTE DESCRIPTIONS

until the employee returns, and leaves the smallest businesses in Maryland, especially those with 15-50 employees, facing potentially impossible and insurmountable workforce and staffing constraints. Moreover, the ill-conceived nature of the FMLI program created under SB 275 is perhaps best illustrated by its tying of benefit increases (but not decreases) to inflation with no overall cap on benefits – should current inflation trends continue after 2025, this will likely render the Fund practically insolvent soon after it begins making payouts. Imposing a massive economic mandate on both employers and employees without analyzing, specifying, or capping the costs creates unmanageable business risk and uncertainty, producing an extreme negative attribute for Maryland’s business climate and reputation. Disagreeing with Maryland Free’s position, the House approved SB 275, 90-43, on March 30, 2022.

### **12 SB 275 – VETO OVERRIDE – Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)**

*Senators Hayes & Benson*

See Senate Vote 6 on Pages 14 and 15 for a description of SB 275.

Disagreeing with Maryland Free’s position, the House overrode the Governor’s veto of SB 275, 94-44, on April 9, 2022.

### **13 SB 275 – House Floor Amendment 653727/1 - Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)**

*Delegate Jacobs*

See Senate Vote 6 on Pages 14 & 15 for a description of SB 275, which mandates up to 12 weeks of paid-leave benefits through the establishment of the Family and Medical Leave Insurance Program. Amendment 653727/1 excludes H-2A temporary agricultural workers from the mandate.

A “+” indicates a vote for Amendment 653727/1 and reflects Maryland Free’s support of measures that mitigate ill-conceived mandates that exacerbate economic struggles on Maryland’s Eastern Shore, which relies heavily on a thriving agricultural industry. Disagreeing with Maryland Free’s position, the House rejected Amendment 653727/1, 37-91, on March 30, 2022.

### **14 SB 450 – Harassment and Sexual Harassment – Definitions – Employment Discrimination and Sexual Harassment Prevention Training**

*Senator Smith*

See Senate Vote 8 on Pages 15 & 16 for a description of SB 450.

A “+” indicates a vote against SB 450 and reflects Maryland Free’s opposition to relaxed and vague standards in Maryland’s employment laws. Maryland Free fully supports the apparent goal of the legislation to prohibit all forms of harassment in the workplace. However, by lessening the appropriate definitional standard for harassment to include less severe conduct more typically associated with bullying or criticism, SB 450 fails to accomplish this goal. Instead, as explained in the General Assembly’s own policy and fiscal note, SB 450 will subject business owners to increased risk of legal liability based on the bill’s expanded definition of harassment. Adding the vague and undefined “reasonable person” standard will introduce uncertainty and confusion to a legal standard that is currently clear and well defined by decades of case law. The broader and vague definitions of harassment will lead to significant increases in disputes, claims, litigation, and attorneys’ fees throughout the private sector workplace. These elements and outcomes of SB 450 will do nothing to further the laudable goal of prohibiting workplace harassment. Disagreeing with Maryland Free’s position, the House approved SB 450, 105-24, on April 11, 2022.



# Maryland Free Enterprise Foundation

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

This Anne Arundel County Delegate earned the highest cumulative score (40%) amongst all Democratic veterans in the House of Delegates (minimum 4 years' service).



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

This St. Mary's County Delegate tied the highest cumulative score (99%) amongst all Republican veterans in the House of Delegates (minimum 4 years' service).



**Jefferson Ghrist (R)**  
**District 36**

This Caroline, Cecil, Kent, & Queen Anne's County Delegate tied the highest cumulative score (99%) amongst all Republican veterans in the House of Delegates (minimum 4 years' service).



**April Rose (R)**  
**District 5**

This Carroll County Delegate tied the highest cumulative score (99%) amongst all Republican Veterans in the House of Delegates (minimum 4 years' service).



**William Wivell (R)**  
**District 5**

This Washington County Delegate tied the highest cumulative score (99%) amongst all Republican Veterans in the House of Delegates (minimum 4 years' service).



*(Continued from page 2)*

## **The Case for Moderation**

We say it all the time, but it bears repeating: there are real consequences to anti-business, anti-economic-development policy. Great employers leave states with bad business climates, and they certainly don't locate in them in the first place.

Consider just two examples that flashed across the headlines over two days while this narrative was being written.

Smithfield Foods, one of the largest food suppliers in the world, is pulling its pork operation out of California and eliminating 1,800 jobs in the process. We keep a close eye on this bellwether state because so many of their bad policies find their way to Maryland's legislative chambers. According to the Wall Street Journal, the company is closing its pork processing plant because "the cost of doing business in the state wasn't worth it" citing high taxes, utility costs, and labor costs. Relevant to SB 528, which is described in this issue of Roll Call and imposes significantly increased utility costs on Maryland businesses, Smithfield said that utilities cost 2.5 times more in California compared to its other 45 plants throughout the U.S.

We also keep an eye on Illinois for the same reason. In fact, HB 259, which deals with biometric data privacy, is nearly identical to an Illinois law that has since been repealed because of its significant unintended consequences, yet the Maryland House saw fit to pass it this year. Caterpillar announced it's moving its headquarters from Peoria IL to a Dallas TX suburb. After its 97 years in America's heartland, this construction equipment behemoth is fleeing for greener pastures without any economic or tax incentives from the State, other than what already exists inherently in the marketplace. This follows Boeing's recent announcement of its move out of Illinois.

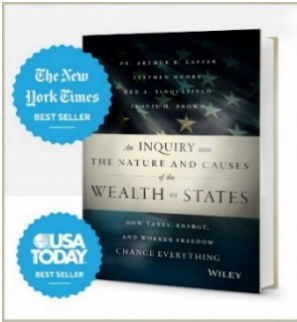
The conclusions could not be more clear: employers can and do flee states with extreme laws and policies that restrict their flexibility, raise their costs, and imperil them with greater probability of lawsuits and mandates. This fact is only worsened by the dawn of remote working capabilities that allow businesses to employ a distributed workforce. As time passes, employers will have smaller and lighter anchors holding them to any given state, and the best states for employers will prevail.

## **A Big Thank You**

Governor Hogan understands all of this and has been ahead of the curve on the need to raze barriers on employers, not erect them. This Governor has relentlessly championed Maryland's economy and the businesses and jobs that underlie it, helping these employers and employees to succeed in a climate of moderation, another of his great legacies. Voters around the country are making it clear that they are not interested in extreme policymaking. They seek a return to this moderation. Maryland voters will have their say on this later this year. Maryland got a great taste of moderation with Larry Hogan as Governor, and we hope that the legislature and next governor all borrow a page from his book.



## Suggested Reading Wealth of States



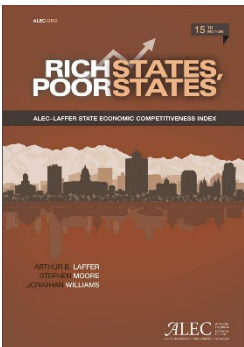
*An Inquiry into the Nature and Causes of the Wealth of States* is a detailed and critical look into the tax and regulatory policies across the 50 states and the subsequent economic growth or malaise that follows from these state policy choices. In short, the authors conclude you can't tax a state into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

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

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

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

## Rich States, Poor States

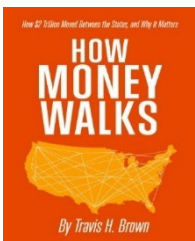


Rich States, Poor States examines the latest trends in state economic growth. The data ranks the 2022 economic outlook of states using 15 equally weighted policy variables, including various tax rates, regulatory burdens and labor policies. The fifteenth edition examines trends over the last few decades that have helped or hurt states' economies.

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

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

## How Money Walks



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

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

## 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.

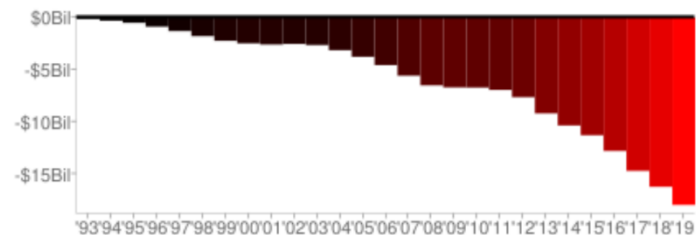
Ask your state legislators what they’re doing to address this vexing problem.

### Maryland

**Lost \$18.85 billion in annual AGI\***

Wealth Migration 1992-2019

**\$2,920** of adjusted gross income lost in the last 1 minute and 28 seconds.



### Gained Wealth From:

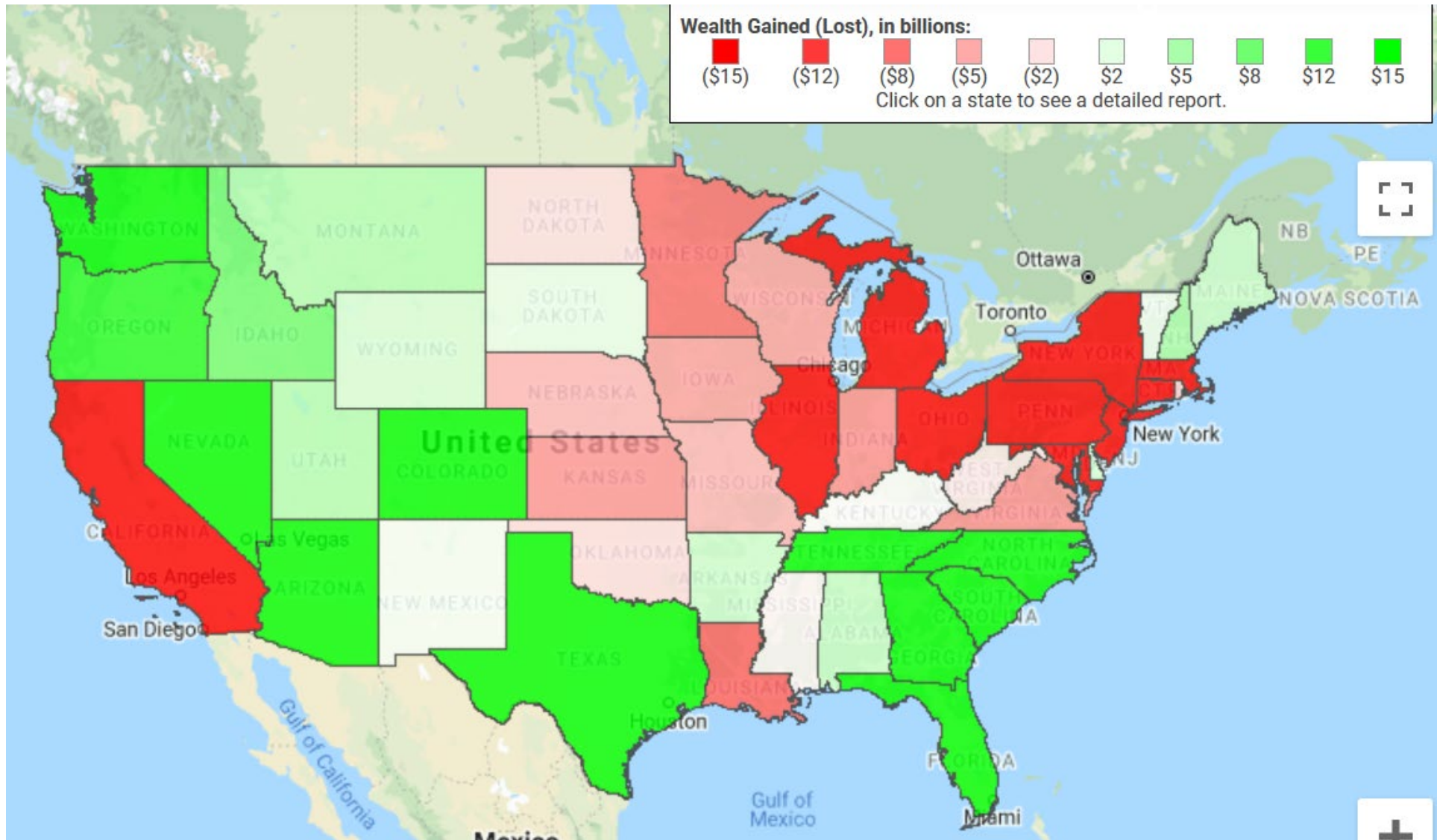
\$4.19 billion	District of Columbia
\$1.73 billion	New York
\$1.47 billion	New Jersey
\$342.37 million	Connecticut
\$294.68 million	Illinois

### Lost Wealth To:

\$8.83 billion	Florida
\$2.58 billion	North Carolina
\$2.54 billion	Virginia
\$1.73 billion	Pennsylvania
\$1.58 billion	South Carolina

[www.howmoneywalks.com](http://www.howmoneywalks.com)

## *Net US 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 \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

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

Phone \_\_\_\_\_

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

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

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

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

All Maryland Free members receive:

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

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

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

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

We recognize that among businesses there are many variables in choosing a membership level. Please consider your company's annual gross revenues for guidance on an appropriate membership level. The recommended levels are:

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

I am interested in joining at the following annual level:

☐ **Trustee Level (\$15,000 per year)**

- ★ Invitation to join Board of Directors

☐ **Chairman (\$10,000 per year)**

- ★ Consideration for Board of Directors

☐ **President (\$5,000 per year)**

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



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