

# 2017 monoblogue Accountability Project

A voting summary for the Maryland General Assembly

## ***Introduction***

I began the monologue Accountability Project in 2008 as the successor to an earlier effort called the Maryland Accountability Project. It graded all 188 members of the General Assembly on whether they voted in what the author considered a conservative manner or not. Since the creator of the project moved on to other things I took up the baton, with my first year's work incorporating three sessions: the 2007 Regular Session, the 2007 Special Session, and the 2008 Regular Session. I continued the project for the entire 2007-10 electoral term and began anew with the 2011 session. Now I continue with the third term for the mAP.

It's often noted that the third year of a legislative session is the most ambitious as those who are attempting to compile a record of accomplishing big things combine with those seeking to burnish a legacy to try and move legislation designed to assure themselves re-election. With a filing deadline for 2018 occurring during the session next year, we already know some of those in the House of Delegates and Senate are interested in returning for another term, while a few have already announced their intentions not to.

One change I'm making because of this fact: in a departure from the last six years (2011 to 2016) I am not including committee votes in this year's Project. While committee votes are important, with such an ambitious agenda put forth by the majority party this was a year where I could have easily doubled the number of floor votes on my list. At the end of this summary, after the awards, will be a feature I call the "cutting room floor" to illustrate a few of those that just missed. This will also make for a shorter summary than in past years.

As I have done in recent years, the legislators are listed in alphabetical order, which makes it easy to compile votes because the MGA tally sheets are almost completely alphabetical (with the exception of the chamber leaders listed first.)

Due to a combination of factors, there was an unusually high amount of turnover between sessions this time; however, with the session playing out as it did most of the votes were taken by those added midstream. Any that weren't are denoted by an asterisk (\*). Note also that their score for this term may slightly differ than their "lifetime" scores as I have a spreadsheet which averages them out – it became necessary because the early years did not have a standard number of votes.

## ***The method to my madness***

The next portion of the monologue Accountability Project explains why votes are tabulated as they are.

The first few pages will cover the bills I used for this year's monologue Accountability Project and the rationale for my determining whether a vote is "right" or "wrong." 25 votes from each body (House of Delegates and Senate) are tallied including two veto override votes: one from legislation passed last year and one this session. With a perfect possible score of 100 for getting all 25 votes correct, a correct vote is worth four points and an incorrect vote is worth none.

I also have a policy where I deduct points for being absent or ducking a vote (with the exception of new members added during session, as I noted above.) Since absences can't always be helped, the absentee is only docked one point for each. Those who are present and don't vote, however, have two points deducted. An absentee listed in the roll as "excused" receives no deduction – it's scored the same as an incorrect vote for this year and becomes a null on the lifetime score, something which I adopted this year. As I noted above, if a new member is not in place when the vote is taken

the box will have an asterisk only.

There is also a policy in the House where a member can change his or her vote. If a member changes a vote from an incorrect vote to a correct vote, or, in the case of a vote on cross-filed bills they vote once on each side – which will be something new this year – they get half-credit, or two points. Going the other way is docked at 1.5 times the value of the vote, or six points, and that will apply to “flippers” as well – which expands this year to the Senate, too. Votes shown in red are votes where the Delegate or Senator voted differently on respective House and Senate versions of these bills.

I consider myself a conservative with libertarian leanings so it's no surprise that Republicans in the General Assembly score higher than Democrats – although there have been a few exceptions.

In this upcoming portion I will go through each of the votes I used, though it's worth noting the House and Senate occasionally voted on bills that were crossfiled. An example of crossfiling: in the 2017 session House Bill 860 (or HB860) and Senate Bill 853 (or SB853) are bills which essentially mirror each other, with one being introduced for consideration in each body. This year I used the same bills for each body, although they may be crossfiled versions, and I usually feature the latest vote – if the House voted on its bill March 25 and the Senate bill April 2, I scored the bill based on the Senate bill vote. Thus, there were a few instances where I used a Senate bill vote for the House tally and vice versa. With some exceptions, I use the last vote for each bill, which generally is a conference vote. I also follow up on the current status of each measure, whether it made it through the General Assembly and if it was signed by Governor Hogan, allowed to become law without his signature, or vetoed.

Now that you know the ins and outs, let's get started. I'm doing this list with House bills first, Senate bills next, and the veto overrides last.

## ***2017 votes used for the monologue Accountability Project***

### ***HB1: Labor and Employment – Maryland Healthy Working Families Act (Delegate Clippinger/78 co-sponsors, all D)***

*Why I'd vote no:* This truly should be a matter between employer and employee, but for some reason the state feels it has to become involved. Both Democrats and Governor Hogan introduced bills pertaining to the subject, but Hogan's (HB382/SB305) were deemed friendlier to small business because it applied to businesses with 50 or more employees, with smaller employers given the carrot of tax breaks to adopt the mandate, as opposed to the straight mandate of HB1. (Hogan's bills were locked in a desk drawer after their hearings – no committee votes were taken.)

*Disposition:* HB1 passed the House 87-53 and the Senate 29-18; fortunately, Governor Hogan [properly vetoed](#) this on policy grounds May 25, 2017.

### ***HB150: Budget Bill (Fiscal Year 2018) (Speaker, by request of Administration)***

*Why I'd vote no:* This budget was probably the closest to a “yes” vote they've come, as it actually would fall under TABOR rules by a slight bit. But there was plenty left on the table that could have been done, and having a BRFA left the potential for re-doing damage.

*Disposition:* In its final form, HB150 passed the House 133-7 and after a slight bit of opposition on the conference report passed the Senate 47-0. So no perfect scores there this year. Per the Maryland Constitution, the budget as passed becomes law without the governor's signature.

***HB151: Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2017, and the Maryland Consolidated Capital Bond Loans of 2006, 2008, 2009, 2010, 2012, 2013, 2014, 2015, and 2016 (Speaker, by request of Administration)***

*Why I'd vote no:* After they had trimmed our bonding this close to \$1 billion last year, the state tapped its credit card for nearly \$90 million more this year. Someday our kids will have to pay for all this.

*Disposition:* The original versions with House and Senate amendments passed 120-12 and 46-1, but the conference committee report (the votes I used) passed the House 123-13 and Senate 46-0, meaning I lost even my one correct vote there. This became law without Governor Hogan's signature.

***HB152: Budget Reconciliation and Financing Act of 2017 (Speaker, by request of Administration)***

*Why I'd vote no:* We avoided this trap the last couple years, but this is where sneaky things happen within the budget. Borrowing from funds, moving money around, and other shell games serve only as temporary fixes, and the amendments came from the party that wants to spend even more.

*Disposition:* The original versions with House and Senate amendments passed 112-29 and 41-6, but the conference committee report (the votes I used) passed the House 115-25 and Senate 42-5. This also became law without Governor Hogan's signature.

***HB159: Weapon-Free Higher Education Zones (Delegate B. Barnes/34 co-sponsors, all D)***

***SB946: Gun-Free Higher Education Zones (Senator Smith/12 co-sponsors, all D)***

*Why I'd vote no:* Basically this sort of law tells would-be criminals that the subject area is now a free-fire zone. As is always the case, what stops a bad guy with a gun is a good guy with a gun but when seconds count, the police are just minutes away.

*Disposition:* HB159 passed the House 84-49 and the Senate 27-20, while SB323 passed the Senate 27-20 and the House 85-53. I am using the opposite-chamber votes for this pair of bills (not that it really matters on the Senate side.) While technically these were not cross-filed bills, I am using their respective votes as if they were, from their opposite chambers. Both these bills were hung up in a conference committee as time ran out so it's likely we'll see them again in 2018. Note that neither passed with a veto-proof margin, though.

***HB271: Maryland Transit Administration – Farebox Recovery Rate – Repeal (Delegate Lierman/17 co-sponsors, all D)***

***SB484: Maryland Transit Administration – Farebox Recovery Rate – Repeal (Senator Madaleno/16 co-sponsors, all D)***

*Why I'd vote no:* Normally I would be all over a bill that repeals existing law, but not in this case. In essence, this takes away the requirement that mass transit create a percentage of revenue from its fares. One interesting tidbit from the fiscal note: light rail is by far the worst offender in terms of farebox recovery. But the repeal was needed to save the MTA from having to raise its fares more than already mandated – funny, no one seems to worry about doing that to the gas tax.

*Disposition:* HB271 passed the House 85-50 and the Senate 31-15, while the cross-filed SB484 passed the Senate 30-17 and House 89-50. Governor Hogan allowed both to become law without his signature.

***HB523: Electronic Nicotine Delivery Systems and Vaping Liquid – Licensing (Delegate Jameson/30 co-sponsors, 29 D, 1 R)***

*Why I'd vote no:* Because the state doesn't need to get its greedy fingers into that pie. Why should someone have to acquire a license to sell a legal product? I'm sure the convenience store and tobacco lobbyists were on top of this one because vaping shops are their competition. While the fee is rather nominal, it's just another unnecessary piece of red tape you have to remember or risk a more serious financial setback.

*Disposition:* HB523 passed the House 126-11, was amended in the Senate and passed 32-15, then went back to the House where the amended version passed 118-13 (the vote I'm using.) Given those margins, Governor Hogan decided to let it become law without his signature. The cross-filed SB119 never got past the hearing stage in the Senate.

***HB613: Pharmacists – Contraceptives – Prescribing and Dispensing (Delegate Hettleman/29 co-sponsors, all D)***

*Why I'd vote no:* A pharmacist dispensing contraceptives is one thing, but prescribing them is quite another. Now I understand the bill as written mandates that pharmacists be specifically trained on the subject, but when the two states that already permit this are California and Oregon I don't think Maryland should follow their lead.

*Disposition:* HB613 initially passed the House 125-14, then an amended version made it through the Senate by a 33-14 vote. So back to the House it went, and it passed the second time with less support, 111-24. Meanwhile the crossfiled SB363 passed the Senate 31-15 and the House 115-22 without any changes – because the House vote occurred just minutes before the second House vote on HB613 I use the same bill for both. Both were allowed to become law by Governor Hogan without his signature.

***HB694: Higher Education – Admissions Process – Criminal History (Maryland Fair Access to Education Act of 2017) (Delegate McIntosh/1 co-sponsor, D)***

*Why I'd vote no:* Everyone deserves a second chance. Having said that, however, the decision on whether to ask about criminal history should be up to the institution. I would strongly encourage it, with the proviso that having a criminal record isn't an automatic disqualification. (This was included in the bill for institutions using third-party application services.) To me, it was an unnecessary bill.

*Disposition:* HB694 passed the House 94-45 and the Senate 37-9, but in an amended fashion – so back to the House it went and it passed this time 93-45. It turned out once again that the second House vote on the House bill came after the crossfiled SB543, so I only needed one bill. Both passed by similar margins but both were vetoed by Governor Hogan.

***HB860: Transitional Supports for Ex-Offenders – Repeal of Restrictions (Maryland Equal Access to Food Act of 2017) (Delegate Lierman/31 co-sponsors, all D)***

***SB853: Transitional Supports for Ex-Offenders – Repeal of Restrictions (Maryland Equal Access to Food Act of 2017) (Senator Madaleno/9 co-sponsors, all D)***

*Why I'd vote no:* Again, normally I'm all for repealing laws. But if you're getting SNAP benefits and a recent parolee from the pokey, I think you should have to do drug testing as a condition to collect. If that doesn't suit you, then feel free to not get benefits – after all, the idea behind SNAP

benefits is that it's supposed to be a supplement, and all these things are supposed to be temporary until you get your life together. A giant step in getting your life together is staying clean, and if you have to pee in a cup to prove it that's a good incentive to stay on the straight and narrow. Calling this "equal access to food" is full of baloney.

*Disposition:* HB860 passed the House initially 83-52, then as amended by the Senate passed there 32-15. Back in the House it passed 84-55. Crossfiled SB853 made it through the Senate by a 31-15 tally and the House vote was 85-51. Even though a veto override was iffy based on margin, Governor Hogan chose to let both become law without his signature. In this case I'm returning to the usual practice of using opposite-chamber votes.

***HB898: Election Law – Campaign Finance – Coordinated Expenditures (Delegate Ebersole/13 co-sponsors, all D)***

*Why I'd vote no:* Here is another so-called solution in search of a problem. This bill is so broad and poorly written that it screams partisan witch hunt by a group that just cannot get over the fact we have the *Citizens United* decision.

*Disposition:* This bill passed the House 87-46 and the Senate 35-11. Despite the House vote being close to the veto override line, Governor Hogan again chose to let this ride and become law without his signature.

***HB913: Attorney General – Powers – Maryland Defense Act of 2017 (Delegate Rosenberg/21 co-sponsors, all D)***

*Why I'd vote no:* The last time I checked, it was the job of the Attorney General to represent the state's interests in the legal arena, not be the arbiter of whether the federal government is "ensuring the availability of affordable health care" or "preserving and enhancing the economic security of workers and retirees." Not only that, the bill mandated the state give \$1 million to the Attorney General's office while also allowing for *pro bono* assistant counsel, which seemed to make no sense until you realize that by adding the appropriation, the bill was not subject to referendum.

*Disposition:* HB913 passed the House 85-49 before going to the Senate and passing there 30-15. Earlier in the session, a Senate joint resolution that directed the Attorney General to do the tasks HB913 expressly authorized passed with similar margins. With a vetoproof margin against him, Governor Hogan allowed this to become law without his signature.

***HB1134: Maryland Financial Consumer Protection Commission (Delegate Frick/18 co-sponsors, all D)***

*Why I'd vote no:* Much ado about nothing. If anything, clearing up the clutter created by Dodd-Frank may help Maryland lenders and small businesses, but as stacked as the MFCPC would be (10 Democratic appointees vs. 3 Republican ones) their answer will be further red tape that they can try and blame on Governor Hogan if enacted quickly enough and if it works as expected to kill jobs.

*Disposition:* Because the House bill was amended in the Senate and returned to the House, that was the version getting the recorded votes. Initially passing 89-49 in the House, the Senate approved the amended version 32-13 before the House re-stamped this by a 90-47 count. Again facing a veto override, Governor Hogan allowed these bills (SB884 was the crossfiled version) to become law without his signature.

***HB1325: Oil and Natural Gas – Hydraulic Fracturing – Prohibition (Delegate Fraser-Hidalgo/67 co-sponsors, all D)***

*Why I'd vote no:* To turn this state's back on the prospect for job creation, assisting in American energy independence, or producing natural gas suitable for export to other nations that could use it via Maryland's newly renovated Cove Point LNG terminal is foolish. Other nearby states are prospering with few, if any, ill effects – despite what the fearmongers of Radical Green try to pass off as truth.

*Disposition:* HB1325 passed the House 97-40 and the Senate 36-10. In a stunning betrayal from his 2014 campaign promise to open up western Maryland to fracking, Governor Hogan threw his support behind the bill early on and signed it into law April 4.

***HB1498: Campaign Finance – Political Organizations – Compliance and Disclosure (Delegate A. Washington/1 co-sponsor, D)***

*Why I'd vote no:* More unnecessary campaign finance law to address a problem that doesn't exist except in the minds of people who think that money isn't an expression of free speech. When much of the law is left to the discretion of the state Board of Elections to write into regulation, that tells me the law is going to be very vague and broad.

*Disposition:* HB1498 passed the House 89-50, went to the Senate, was amended, and passed 34-12, so it went back to the House and passed again 87-48. Again, Governor Hogan threw up his hands and allowed this to become law without his signature.

***HB1626: Election Law – Early Voting – Registered Voter Updating the Voter's Address on an Existing Registration (Delegate Ali/4 co-sponsors, all D)***

*Why I'd vote no:* Again, this is subtractive from existing law but I'm against it. What is deleted is the proof of residency when a voter changes his or her address for voter registration purposes during early (and often) voting. It seems to me that, without this check, if I hailed from a county with multiple early voting stations I could walk into a polling place, tell someone I changed my address within this county, and cast another vote. I don't think there was anything broken with the system as it was.

*Disposition:* This bill passed the House 99-40, the Senate 37-9, and was ignored by Governor Hogan long enough to become law without his signature.

***HJ2: Constitutional Convention – Amendments – Repeal (Delegate Frick/18 co-sponsors, all D)***

***SJ2: Constitutional Convention – Amendments – Repeal (Senator Madaleno/14 co-sponsors, all D)***

*Why I'd vote no:* Certainly there may be some constitutional amendments passed over the years I may want to rescind, but as a whole I think this is ill-considered. In fact, according to the [Fiscal and Policy Note](#) for the bill, “These calls include (1) an unconfirmed House Resolution in 1939 calling for limitations on the federal taxing power; (2) House Joint Resolution 40 (1964) calling for standards concerning the size and boundaries of congressional districts; (3) Senate Joint Resolution 1 (1965) calling for legislative autonomy concerning the apportionment of State legislative bodies; (4) Senate Resolution 47 (1973, unconfirmed), a memorial from the Senate of Maryland calling for the allowance of school prayer in public schools; and (5) Senate Joint Resolution 4 (1975) calling for a balanced federal budget. I would support all five of these, which is probably why our General Assembly decided to repeal its support of common sense.

*Disposition:* The House resolution passed 90-47 in the House and 33-14 in the Senate, while the Senate version passed twice by identical 33-14 votes there and by a 93-47 margin in the House. As joint resolutions, no action by Governor Hogan is required.

***HJ9: The Protection of the Federal Affordable Care Act (Delegate Moon/53 co-sponsors, all D)***

*Why I'd vote no:* Since it's not protection FOR us FROM the ACA, this bill is less than worthless. In fact, be it RESOLVED that health care is NOT a right. Let the ACA die and start all over with a state-level, market-based system that embraces competition, patient choices in coverage levels, and encourages us to use insurance as it is supposed to be used: as a hedge against unforeseen risk like auto insurance is.

*Disposition:* The House passed this one 90-50 and the Senate followed suit 34-13, which means at least one Republican jumped ship on this one at his or her peril. Again, as it's a joint resolution no action from the governor is required.

***SB355: Gas Companies – Rate Regulation – Environmental Remediation Costs (Senator Serafini/1 co-sponsor, D)***

*Why I'd vote yes:* It's time for a curveball: a rare bipartisan bill that makes common sense, and the funny thing is tracking who voted no on this one. What this bill does is allow gas companies to recover costs for environmental remediation in response to a state or federal law, regulation, or order on property it owns and uses. This doesn't mean they can profit, though, as the law clearly states any such profit is returned to consumers.

*Disposition:* SB355 passed the Senate by a 32-12 vote and the House approved it 83-55, after which Governor Hogan signed it May 4. The cross-filed HB414 passed the House by a similar margin but could not escape the Senate committee it was assigned to.

***SB571: Maryland Health Insurance Coverage Protection Act (Senator Middleton/31 co-sponsors, all D)***

*Why I'd vote no:* This is actually rather similar to HB1134 above and is an extension of HJ9: a commission of busybodies, stacked with Democrat appointees, who will take the time to write up a report or two bashing conservatives and others who want to bring sanity to the health care market by repealing the so-called Affordable Care Act. Have we ever thought of working on ways to make health care work better by minimizing the amount of government involved?

*Disposition:* On its first time through this passed the Senate 33-14. Slightly amended in the House before its 90-47 passage, it went back to the Senate and passed 32-14. As has often been the case, I'm sure Governor Hogan sighed and let another bill become law without his signature.

***SB1023: Independent Congressional Redistricting Commission – Mid-Atlantic States Regional Districting Process (Senator Zucker/25 co-sponsors, all D)***

*Why I'd vote no:* There have been a lot of cynical bills over the years, but this may take the cake. Maryland Democrats have rushed to be among the first to the post to ban fracking in the state, pass draconian gun laws, embrace same-sex “marriage,” and have ratepayers pay for the boondoggle of offshore wind, among many other liberal “accomplishments.” If they weren't first in the nation, they were happy to be at least first in the region to adopt all these things. But when it comes to common sense, fairness, and good government, as embodied by an independent redistricting commission, suddenly they want to lead from behind! This is particularly true when they had a perfectly good bill last year (HB458/SB380) that didn't even get a



committee vote. “But the Republicans!” they cry...well, when did that stop them before?

*Disposition:* SB1023 passed the Senate 30-16 and the House 87-51. Worth noting is that, as amendments, Senator Jennings and Delegate Kipke attempted to substitute the language of the Hogan 2016 bill and were rejected 30-16 and 83-53 respectively. It may be worth my time to investigate who switched votes there. Governor Hogan properly vetoed this bill on May 8 despite the vetoproof majority that voted in its favor, setting up a likely battle next January.

***SB1081: Health – Family Planning Services – Continuity of Care (Senator Madaleno/26 co-sponsors, all D)***

*Why I'd vote no:* What this boils down to is the Democrats were in a panic about Planned Parenthood being cut off from federal funding, as Planned Parenthood should be. I don't think abortion providers (and let's be real, PP is an abortion provider even if not all of its offices perform the procedure because that's where a lot of their money comes from) should get a dime from the government – federal, state, or local.

*Disposition:* This was an interesting bill because the cross-filed House version (HB1083) actually got its votes in both House and Senate before the Senate bill got its first vote. So I use the Senate bill for both chambers, as it passed 31-15 in the Senate and 87-51 in the House. Again facing a veto override, Governor Hogan allowed these bills to become law without his signature.

***SJ8: Chesapeake Bay Restoration – Federal Budget Blueprint Funding Reductions – Rescission Request (Senator Pinsky)***

*Why I'd vote no:* Again, this is much ado about nothing. The President can put whatever number in the budget he wants but Congress makes the budget and there's no chance this would be zeroed out. None. Have you ever known Congress to kill a federal program? What this does, however, is perhaps force some people to justify why they need the money in the first place – what exactly are we spending \$73 million on now anyway?

*Disposition:* Once upon a time I joked you could legalize murder in this state if you called it the Chesapeake Bay Murder Legalization Act, because where other places will pass anything “for the children” Maryland will do the same “for the Bay.” So it's no surprise this passed, but I'm shocked that I had 10 correct votes in each body (35-10 Senate, 107-10 House.) That's an unusually high number of abstentions in the House, by the way.

The House version passed there (132-9) but did not clear the Senate as it didn't get to third reading in time. As a joint resolution no action was needed from Governor Hogan.

The final two floor votes were veto override votes, with one from legislation passed this year and the other from a 2016 bill. First I'll tackle the one from this session.

***HB978: Education – Accountability – Consolidated State Plan and Support and Improvement Plans (Protect Our Schools Act of 2017) (Delegate Luedtke/11 co-sponsors, all D)***

*Why I'd vote to uphold the veto:* It's a weakening of standards and effort to take certain options off the table for poorly-performing schools, all at the behest of public education unions that hate competition. “The true purpose of this bill is to fight for and protect the status quo,” wrote Governor Hogan in his [veto letter](#).

*Disposition:* HB978 originally passed the House 91-46, was amended in the Senate where it passed 32-15, came back to the House where it passed again 87-50, and was properly vetoed by Governor Hogan on April 5. Unfortunately, that left enough time in the session for a veto override vote (which is the vote I'm using) – 90-50 in the House and 32-15 in the Senate.

As for the bill from 2016, here's what I had to say about it at the time:

***(2016) HB1106: Clean Energy Jobs – Renewable Energy Portfolio Standard Revisions (Delegate Frick/39 co-sponsors, all D)***

*Why I'd vote no:* Personally I'd rather eliminate the renewable energy portfolio entirely, but this was a giveaway to the solar industry. It also increased the prescribed percentage of renewables, making it more likely our utilities have to fork over big bucks to the state. Of course, then the state has particular funds to place these funds into.

*Disposition:* Last year's HB1106 passed the House 92-46 before going to the Senate and being amended, passing there 32-14. The revised bill passed the House 92-46. Both this bill and the cross-filed SB921 were properly vetoed by Governor Hogan May 27, 2016 but in this case I chose to use the House bill votes.

At the beginning of the 2017 session the General Assembly overrode Hogan's vetoes with an 88-51 vote in the House and 32-13 Senate vote. Note that Delegates Bilal Ali, Angela Gibson and Jazz Lewis were not appointed or seated yet when this vote was taken; meanwhile, Senator Nathaniel Oaks was still a Delegate (and I used his vote there for his Senate record.)

## ***Legislative Accolades and Admonishments***

Each year I give out a series of awards and admonishments to deserving members of the Maryland General Assembly based on their voting records. The list of this year's winners will be, as always, enhanced by a list of prior winners, with those in bold being active members of the Maryland General Assembly.

### ***D. Page Elmore RINO Hunttee Award***

Page was a nice guy but sided far too often with the Democrats in his last four years in the House of Delegates. After Elmore received this admonishment for four consecutive years, I decided to name the award after him because I often thought of him as someone who tried to blur the distinction between parties.

This year's "winner" was fairly clear from the get-go, as he voted the wrong way more often than not. In a year where Republicans did a halfway decent job of backing their governor, too often Delegate **Robert Flanagan** was on the wrong side. Age and longevity in the House probably have something to do with this as well, as Flanagan is in a second tour of duty over a decade after leaving to work in the Ehrlich administration.

*Previous "winners":* D. Page Elmore (2007-10), Robert Costa (2011-13), **George Edwards (2014)**, **Carl Anderton, Jr. (2015)**, **Christian Miele (2016)**.

## ***John Wood, Jr. Top (Blue) Dog Award***

This award is given to the Democrat who ranks the highest in my ratings, showing signs that there is a small but rarely-seen centrist element to the Maryland Democratic Party. It's the way the aisle should be crossed. In 2015 I decided to name this award after a frequent winner who truly crossed the aisle on his way out the door to retirement in 2014 by endorsing Republican Larry Hogan for governor.

While he's generally scored well above average for a Democrat, Senator **James DeGrange** had never won this award until this year. Out of all the Democrats in the General Assembly, DeGrange ranks second in average score, just behind last year's winner Ned Carey. DeGrange seems to side with the GOP on bills that are more moderate or business-friendly, although he was one of only a couple Democrats to vote to uphold Hogan's school veto.

*Previous winners:* John Wood, Jr. (2007, 2009-13), Joseph Minnick (2008), Kevin Kelly (2007-08, 2014), **James Brochin** (2015), **Ned Carey** (2016)

## ***Legislative All-Stars***

Each year I give this award to those legislators who either rank atop their legislative body and/or score above 90 on the ratings. This year's crop wasn't a bumper crop, unfortunately – the Senate gave me just one again.

From the Senate we had **Justin Ready** (who was 2015's Legislator of the Year) garnered his third Legislative All-Star award (and second straight), also having won in 2013 as a Delegate. Because no Senator had a rating over 90, the All-Star is the one that ranks on top of the legislative body, and I had a four-way tie at 88 points between Gail Bates, Andrew Cassilly, Steven Hershey, and Ready. My tie-breaker is lifetime score and Ready won it with the highest mark. Out the House I had just three: **Steven Arentz** (also a 2016 All-Star), **Warren Miller** (All-Star 2009, 2011-13, LoY 2016), and **Deborah Rey** (also a 2016 All-Star).

*Previous winners still serving:* Senators Gail Bates (2011, as a Delegate), Stephen Hershey (2012, as a Delegate), Wayne Norman (2013), Justin Ready (as a Delegate in 2013 and Senator in 2015-17), and Ed Reilly (2012), as well as Delegates Kathy Afzali (2012), Steven Arentz (2016-17), Glen Glass (2012), Mark Fisher (2013, 2016), Robin Grammer (2015-16), Jay Jacobs (2013), Trent Kittleman (2016), Susan Krebs (2013), Tony McConkey (2012), Pat McDonough (2009), Warren Miller (2009, 2011-13, 2016-17), Charles Otto (2012-13), Neil Parrott (2013, 2016), Deborah Rey (2016-17), Sid Saab (2016), and Kathy Szeliga (2012).

## ***And finally...the Legislator of the Year***

Subtitled – for the second straight year – the chase to 100.

As I compile the votes, I do so in such a manner that I can watch as a streak of correct votes develops on my spreadsheets. Thus, it was fun to watch the streak of bold votes get longer and longer. Unlike last year, though, I only got about halfway through before I was down to just one person with such a streak – but I knew, based on track record, that this legislator had a fighting chance to make it all the way through. And sure enough, once I saw that he voted the right way on SJ8 – a resolution that only had 10 correct votes in the House – going through the veto votes was anti-climactic.

I would have thought this legislator would have contended for the honor more than he has, yet he's only been a Legislative All-Star twice before despite averaging 22 correct votes a year. He bumped the average up in 2017, though, and pushed his lifetime score to be one of two legislators with a mark above 90. And his perfect score of 100 this year, which is the fourth in the history of the monologue Accountability Project, allowed **Neil Parrott** to become 2017's Legislator of the Year.

Miller joins a roster of previous winners which includes now-Congressman Andy Harris (2007), Tony O'Donnell (2008), Joseph Boteler III (2009, 2014), Don Dwyer (2010), **Michael Hough** (2011), **Edward Reilly** (2012), **Wayne Norman** (2013), **Justin Ready** (2015), and **Warren Miller** (2016.)

## ***The Cutting Room Floor***

There were a number of interesting bills I considered that didn't quite make the cut. Here's a list of bills that made up the second team, and how they fared.

### ***HB11: Vehicle Laws – Causing Diesel Emissions to Discharge Onto Another – Prohibition (Delegate Lam/9 co-sponsors, 8 D, 1 R)***

*Summary:* Bans the practice of “coal rolling” where diesel trucks emit huge clouds of black smoke by disconnecting their emission controls.

*Disposition:* Passed the House 94-30, the Senate 35-11, and was signed by Governor Hogan May 25.

### ***HB425: Public Schools – Suspensions and Expulsions (Delegate Lierman/36 co-sponsors, 35 D, 1 R)***

### ***SB651: Public Schools – Suspensions and Expulsions (Senator Smith/26 co-sponsors, 23 D, 3 R)***

*Summary:* Prohibits the suspension or expulsion of students up through second grade, except in limited circumstances.

*Disposition:* HB425 passed the House 91-48, an amended version made it through the Senate 34-11. and the second time through the House it passed 90-46. SB651 passed the House 92-46 and the Senate 32-15. Governor Hogan allowed both to become law without his signature.

### ***HB631: Public Health – Essential Off-Patent or Generic Drugs – Price Gouging – Prohibition (Speaker, by request of Office of the Attorney General/89 co-sponsors, 80 D, 9 R)***

*Summary:* The state defines “price gouging” when it comes to these drugs, and gives the AG power to go after manufacturers.

*Disposition:* This passed the House 137-4, an amended version made it through the Senate 38-7, and the second time through the House it passed 137-2. Governor Hogan allowed this to become law without his signature. (The two correct House voters: Warren Miller and Neil Parrott.)

### ***HB972: Civil Cases – Maryland Legal Services Corporation Fund – Surcharges – Repeal of Sunset (Delegate Dumais/12 co-sponsors, 11 D, 1 R)***

### ***SB811: Civil Cases – Maryland Legal Services Corporation Fund – Surcharges – Repeal of Sunset (Senator Zirkin/5 co-sponsors, all D)***

*Summary:* A “temporary” O'Malley fee increase that was originally supposed to sunset in 2013 was extended to 2018 that year, and this bill makes it permanent.

*Disposition:* HB972 passed the House 135-2 and the Senate 35-6. SB651 passed the House 137-2 and the Senate 40-7, with William Wivell the lone “no” vote for both instances. (Two different Delegates voted no to join Wivell.) Governor Hogan allowed both to become law without his signature.

***HB1283: Alcoholic Beverages – Class 5 Brewery License (Delegate Branch/11 co-sponsors, 6 D, 5 R)***

*Summary:* Perhaps the thing that bothered me most about this bill is the restriction where a brewer has to purchase their own beer through a wholesaler to serve it on their own premises. The beer lobby hates competition.

*Disposition:* This originally passed the House 139-0, but as word got out the sledding got a little tougher. An amended version made it through the Senate 45-1, and the second time through the House it only passed 119-15. Governor Hogan again allowed this to become law without his signature.

***HB1309: Environment – Recycling – Special Events (Delegate Frush/2 co-sponsors, both D)***

***SB885: Environment – Recycling – Special Events (Senator Rosapepe/1 co-sponsor, D)***

*Summary:* Now local governments will have to have a nag piece of paper to remind event organizers to have recycling receptacles or face a \$300 daily fine (up from \$50.)

*Disposition:* HB1309 passed the House 122-17 and Senate 40-7. SB885 passed the Senate 37-9 and House 118-19. Governor Hogan again allowed both to become law without his signature.

***HB1456: Vehicle Laws – Passing to the Right – Use of Shoulder (Delegate Parrott)***

*Summary:* If you didn't know it was against the law to use the shoulder to pass a left-turning car, as of October it won't be.

*Disposition:* This passed the House 138-1 and the Senate 45-1, with Governor Hogan signing this into law May 25. This would have been a freebie for anyone who voted except Delegate Fraser-Hidalgo and Senator Ramirez, who seem to have issues with traffic flow.

***SB423: Elective Franchise – Registration and Voting at Polling Place (Senator Pinsky/29 co-sponsors, all D)***

*Summary:* Would have put same-day registration and voting on the 2018 ballot.

*Disposition:* This passed the Senate 32-13, while an amended version passed in the House 88-49. However, the Senate requested the House recede and that's where this was left for the year. Look for it again in 2018.

***SB856: Maryland Legal Services Corporation Funding – Abandoned Property Funds (Senator Guzzone/5 co-sponsors, 4 D, 1 R)***

*Summary:* Enlarges the appropriation from this fund for the aforementioned MLSC.

*Disposition:* This passed the Senate 33-12 and the House 92-49, and as has so often been the case Governor Hogan left his veto pen on his desk, allowing this to become law without his signature.

***SB1198: Prince George's County Regional Medical Center Act of 2017 (Prince George's County Senators – all D)***

*Summary:* Supposedly this \$100 million commitment over 10 years will allow the PGCRMC to stand on its own. I'm not holding my breath.

*Disposition:* This passed the Senate 34-11 and the House 90-44, and – you guessed it – this became law without Governor Hogan's signature.

## ***Conclusion***

This was an ambitious legislative session for the General Assembly Democrats, who used the excuse of a Republican president to ram through more mandates and spending. Unfortunately, we have a governor who seems to believe he can be the last one eaten by the crocodile so a lot of these bills were allowed to become law despite the fact there may have been enough support to hold up his veto. Out of all the bills I covered, just three were vetoed which meant most of them became law despite his misgivings. Is that any way to run a state?

The session is obviously a prelude to a busy 2018 campaign season, but to be honest there weren't many legislative accomplishments we would want the Governor to hang his hat on. And as my aggregate scores continued to scrape bottom, there's not much hope for improvement next year as both sides pander to their perceived electorate – Hogan to those just left-of-center Democrats and the Democrats to their Antifa lunatic fringe. People anywhere right of center will probably be left out in the cold this coming session – after all, if Larry Hogan can stick his finger in the wind and take down a statue after saying two years ago he wouldn't, who knows what other “principles” he may jettison – like fracking.

Thanks to a lot of personal upheaval, this edition took a long time to compile. I also lost a valuable resource with the passing of Bruce Myers last spring, as he helped to run the Maryland Legislative Watch website. With that website no more, there's a significant hole in the coverage of the General Assembly that I'm hoping someone will step up and take over for next year.

At this point I'm also thinking that 2018 may be the swan song for this exercise. After 12 years, it's time for someone else to take up this torch just as I did when the Maryland Accountability Project ended in 2006. So bear that in mind as you read on.

Accountability charts for both the House and Senate begin on the next page.

Michael Swartz

August, 2017











Senators	District	Yrs. Served	HB1	HB150	HB151	HB152	HB159	HB271	HB523	HB613	HB694	HB860	HB898	HB913	HB1134	HB1325	HB1498	HB1626	HJ2	HJ9	SB355	SB571	SB1023	SB1081	SJ8	HB978 V	HB1106 '16 V	2017 Rating	Life Rating
John Astle	30	23	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	8	23
Gail Bates	9	3*	N	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	88	77
Joanne Benson	24	7*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	0	4
James Brochin	42	15	N	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	Y	Y	Y	Y	N	Y	N	Y	N	Y	Y	Y	Y	16	26
Robert Cassilly	34	3*	N	Y	Y	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	Y	N	N	N	N	N	N	88	62
Joan Carter Conway	43	21	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	A	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	1	5
Ulysses Currie	25	23	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	9
James DeGrange, Sr.	32	19	N	Y	Y	Y	N	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	Y	28	27
Adelaide Eckardt	37	3*	N	Y	Y	Y	N	N	N	Y	N	N	N	N	N	N	N	Y	N	N	Y	N	N	N	Y	N	N	70	69
George Edwards	1	11	N	Y	Y	Y	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	78	59
Brian Feldman	15	4*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	5
Bill Ferguson	46	7	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	7
Guy Guzzone	13	3*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	4
Stephen Hershey, Jr.	36	4*	N	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	Y	N	N	88	82
Michael Hough	4	3*	N	Y	Y	N	N	N	N	N	Y	N	Y	N	N	N	N	Y	N	N	Y	N	N	N	N	N	N	80	85
J.B. Jennings	7	7*	N	Y	Y	Y	N	N	N	N	N	N	Y	N	N	N	N	Y	N	N	Y	N	N	N	N	N	N	80	75
Cheryl Kagan	17	11	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	0	13
Edward Kasemeyer	12	27	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	11
Delores Kelley	10	23	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	4	10
Nancy King	39	10*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	0	8
Katherine Klausmeyer	8	15	N	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	24	20
Susan Lee	16	3*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	0	5
Richard Madaleno, Jr.	18	11	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	0	6

\*Not including House. Lifetime ratings include House votes.

- (1) Pam Queen was appointed to House of Delegates February 26, 2016, replacing Craig Zucker. (See note 2.)
- (2) Craig Zucker was appointed to Senator from House of Delegates February 3, 2016, replacing Karen Montgomery.
- (3) Bilal Ali was appointed to House of Delegates February 3, 2017, replacing Jill Carter.
- (4) Jerry Clark was appointed to House of Delegates September 13, 2016, replacing Tony O'Donnell.
- (5) Joe Cluster was appointed to House of Delegates August 16, 2016, replacing John Cluster.
- (6) Angela Gibson was appointed to House of Delegates February 24, 2017, replacing Nathaniel Oaks. (See note 11.)
- (7) Jazz Lewis was appointed to House of Delegates February 10, 2017, replacing Michael Vaughn.
- (8) Robbyn Lewis was appointed to House of Delegates December 29, 2016, replacing Peter Hammen.
- (9) Nick Mosby was appointed to House of Delegates January 27, 2017, replacing Barbara Robinson. (See note 12.)
- (10) Jheanelle Wilkins was appointed to House of Delegates December 29, 2016, replacing William Smith. (See note 13.)
- (11) Nathaniel Oaks was appointed to Senator from House of Delegates February 10, 2017, replacing Lisa Gladden.

Senators	District	Yrs. Served	HB1	HB150	HB151	HB152	HB159	HB271	HB523	HB613	HB694	HB860	HB898	HB913	HB1134	HB1325	HB1498	HB1626	HJ2	HJ9	SB355	SB571	SB1023	SB1081	SJ8	HB978 V	HB1106 '16 V	2017 Rating	Life Rating	
Roger Manno	19	7*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NV	Y	Y	Y	Y	Y	Y	-2	5	
James Mathias, Jr.	38	7*	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	12	21	
Nathaniel McFadden	45	23	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	9	
Thomas Middleton	28	23	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	8	13	
Thomas V. Mike Miller, Jr.	27	43	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	7	
C. Anthony Muse	26	11	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	A	NV	A	Y	Y	-2	13	
Shirley Nathan-Pulliam	44	3*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NV	Y	Y	Y	Y	Y	Y	-2	2	
Wayne Norman	35	3*	N	Y	Y	Y	N	A	N	N	N	N	N	N	A	A	N	N	N	N	Y	Y	N	N	N	A	N	N	64	81
Nathaniel Oaks (11)	41	1*	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	A	Y	Y	Y	A	A	Y	Y	Y	Y	Y	Y	Y	Y	(Y)	0	8	
Douglas Peters	23	11	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	11	
Paul Pinsky	22	19	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	0	5	
Victor Ramirez	47	7	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	0	6	
Justin Ready	5	3*	N	Y	Y	N	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	88	89
Edward Reilly	33	8	N	Y	Y	Y	N	N	N	N	Y	N	Y	N	N	Y	Y	Y	N	N	Y	N	N	N	N	N	N	N	68	80
Barbara Robinson (12)	40	1*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NV	Y	Y	Y	Y	Y	Y	-2	3	
Jim Rosapepe	21	11	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	0	5	
Johnny Ray Salling	6	3	N	Y	Y	Y	N	N	N	N	Y	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	78	78
Andrew Serafini	2	3*	N	Y	Y	Y	N	N	Y	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	A	79	67
Bryan Simonaire	31	11	N	Y	Y	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	Y	N	N	N	Y	N	N	76	72	
William Smith (13)	20	1*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	0	9	
Steve Waugh	29	3	N	Y	Y	Y	N	N	N	N	Y	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N	N	N	N	80	71
Ronald Young	3	7	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	8	
Bobby Zirk	11	11	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	4	13	
Craig Zucker (2)	14	2*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	4	6	

\*Not including House. Lifetime ratings include House votes.

(12) Barbara Robinson was appointed to Senator from House of Delegates December 21, 2016, replacing Catherine Pugh.

(13) William Smith was appointed to Senator from House of Delegates December 21, 2016, replacing Jamie Raskin.

Note: HB1106 override vote for Oaks was House vote, prior to Senate appointment.