

Maryland Business for
Responsive Government
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MARYLAND BUSINESS FOR
RESPONSIVE GOVERNMENT

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

Mortgaging Maryland's Future

Sound Fiscal Management Demands Planning and Discipline

How did Maryland go from having a surplus of almost \$1 billion for Fiscal Year (FY) 2001 to a deficit of almost \$1 billion for FY 2003?

The answer is simple -- fiscal irresponsibility. Rather than make the tough budget decisions, Governor Glendening and the Maryland General Assembly chose to avoid the tough issues altogether. Instead, our State's fiscal leadership team chose a short-term, patchwork strategy of tax and fee increases and dedicated fund tapping that detracts from sound fiscal management. The budget was balanced, but at what cost?

The General Assembly adjourned the 2002 session leaving a new governor and General Assembly with a projected \$780 million deficit, in addition to a \$1.3 billion unfunded mandate over the next five years to pay for new education programs.

To the successful businessperson, realistic planning and fiscal discipline are essential.

To the Legislative and Executive branches of Maryland government, however, spending discipline is not acceptable. (See chart page 8.)

Not since the late 1970s has Maryland seen an earnest attempt to control State spending and programs through the implementation of flexible, yet *binding*, spending affordability guidelines. Now is the time for the legislature

Legislation imposing spending affordability guidelines will restore discipline and accountability.

ability guidelines will restore discipline and accountability. It also will control government growth and deter lawmakers from levying

new taxes, fees, and regulations on businesses and citizens.

With comprehensive strategies and plans in place under statutorily required spending guidelines, State government can focus on controlling its growth and ensuring stable fiscal management. This will prevent lawmakers from having to raise the cost of doing business in Maryland to cover revenue shortfalls resulting from poor fiscal planning.

Many of the bills selected for inclusion in this year's *Roll Call* underscore the need for fiscal discipline and planning. This year, the *Roll Call* Advisory Council evaluated legislation measured against a standard of providing a better quality of life for all Marylanders, while providing a predictable and strong economic climate. Legislation in areas such as transportation, taxes, health care, and insurance were considered in this regard.

The legislature's treatment of the Thornton Commission Report (education spending) is equally interesting, but for different reasons. This commission suggested changes in the education funding formulas that will increase money to the State's poorer school districts. As enacted, the new formulas increase education funding by about \$1.3 billion over the next five years.

Following current practice, the legislature reached into the grab bag and pulled out a tobacco tax increase. At best, this revenue is a partial down-payment on the "house of education" with no provision for paying the mortgage. "Close enough for government work," as we often hear. Or as one senior senator remarked, "We often adopt programs and find the revenues later."

Likewise, a proposal to fund Prince George's County schools on the back of a

seemingly unrelated five percent telephone tax is equally disconcerting. Yet, it further illustrates fiscal leadership's current predisposition toward short-term, patchwork solutions.

Balancing the budget on the backs of Maryland businesses to appease special-interest concerns is neither sound economic

development policy, nor sound fiscal policy in either the short or

long-term. It positions our State on a dangerous slope toward an unstable fiscal framework. It sends an uncertain message to companies looking to locate or remain in Maryland. Moreover, it affects the availability of jobs, and increases the cost of doing business in the State.

Business leaders, for their part, have been inadequate in voicing their concerns to legislative leaders. And legislative leaders need to improve as listeners.

As we close this reflection on the 2002 session of the Maryland General Assembly, there is one apparent lesson that can serve as a blueprint for improvement for the next administration. It is the overwhelming need to implement binding, spending affordability guidelines and other fiscal control measures that provide disciplined consistency in State spending.

Solid fiscal management with proper controls is the key to success for the next administration, and vital to the overall economic and fiscal health of our State. It is a responsibility elected leaders must accept. And it is a responsibility Maryland businesses must demand.*

RESULTS OF THE 2002 SESSION

VICTORIES

- ✓ A resolution to restart and complete the environmental impact statement process for the Intercounty Connector (ICC) was approved by the General Assembly. See SJ 8 on page 2 and HJ 10 on page 6.
- ✓ A bill to levy a two percent premium tax on HMOs was defeated. See SB 10 on page 2.
- ✗ A bill to streamline the appeal process for air quality control permits was approved. See SB 248 on page 2 and HB 5 on page 6.
- ✓ An amendment to delay the final two percent of the state income tax rate cut was defeated. See SB 323 on pages 2 and 6.
- ✓ A bill to create an Energy-Saving Investment Fund through a surcharge to be paid by residential and retail users of electric and gas was defeated. See SB 541 on page 2.
- ✓ A bill to add impermissibly vague language to the grounds for debarring a person from entering into a contract with the State was defeated. See SB 610 on pages 2 and 6.

VICTORIES

- ✓ A bill to require businesses that use chemicals to change manufacturing processes or product designs was defeated. See SB 630 on page 2.
- ✓ A bill to duplicate the federal "Do not call" program with a state do-not-call database that adversely affects Maryland telemarketers was defeated. See SB 674 on page 2.
- ✓ A bill to subvert the objective criteria used in the competitive sealed bidding method of procurement for state construction contracts was defeated. See HB 480 on page 6.
- ✓ A bill to establish a new tax on Maryland commercial real estate transactions was defeated. See HB 557 on pages 6 and 7.
- ✓ A bill that requires chemical manufacturers to make unreasonable upgrades to the security of independently owned railyards adjacent to their facilities was defeated. See HB 1052 on page 6.

DEFEATS

- ✗ A bill to extend collective bargaining rights of local school employee organizations was approved. See SB 233 on pages 2 and 6.
- ✗ A bill to restrict development activity in the Atlantic Coastal Bays area was approved. See SB 247 on page 2.
- ✗ A bill to partially fund a \$1.3 billion increase in education funding through a tobacco tax hike on cigarettes was approved. See SB 856 on pages 6 and 7.
- ✗ A bill to require the Maryland Department of Environment to establish new fees on facilities that store or release hazardous substances in order to create a Community Right-to-Know Fund was approved. See HB 291 on pages 6 and 7.
- ✗ A bill to extend an authorization to contract with private companies for child support enforcement services was vetoed. See HB 495 on pages 6 and 7.
- ✗ A bill to limit an insurer's ability to use credit information when making underwriting decisions was approved. See HB 521 on page 6.

2002 Senate Vote Descriptions



Sen. Robert R. Neall (D)

Among all veteran Democrats in the Senate and House of Delegates (minimum of four years of service), this Anne Arundel County legislator has the highest MBRG cumulative score (81).

1 SJ 8 - Senator Miller State Highways - Intercounty Connector - Restart of Environmental Impact Statement Process

Urges the Governor to resume and complete the environmental impact statement (EIS) process for the Intercounty Connector (ICC). The proposed ICC is a 17-mile, controlled access, divided highway that will connect I-270 and I-95 and will facilitate access between Montgomery and Prince George's Counties, Greater Baltimore, and BWI airport. The State Highway Administration says it will take three to four years to complete the EIS process. In the meantime, the increasing congestion in this region affects all of the State. An efficient transportation system is a crucial component to the flow of interstate and intrastate commerce in Maryland.

A "+" indicates a vote for SJ 8 and reflects MBRG's support for a resolution to explore ways to improve Maryland's transportation system. Agreeing with MBRG's position, the Senate approved SJ 8, 36-8, on March 18, 2002 at 9:06 p.m.

2 SB 10 - Senator Kasemeyer Insurance Premiums Tax - Health Maintenance Organizations - Funding of Public Mental Health System Services

Levies a two percent premium tax on HMOs effective December 31, 2002 and distributes the revenue to the Maryland Public Mental Health System fund to reduce mental health services deficits and adjust reimbursement rates for community mental health service providers. The fund remains in effect through June 30, 2006. Since employers are already experiencing double-digit increases in health care insurance costs, it is not prudent to add a two percent premium tax that will add further health care costs for employers and/or employees.

A "+" indicates a vote against SB 10 and reflects MBRG's opposition to legislation that increases health care costs in Maryland. Disagreeing with MBRG's position, the Senate approved SB 10, 38-8. Subsequently, the House Ways and Means Committee took no action on this bill.

3 SB 233 - Administration Education - Negotiations Between Public School Employers and Employee Organizations

Authorizes local boards of education and local school employee organizations representing certificated and noncertificated employees to negotiate subjects that are currently prohibited, including the discipline and discharge of support staff for just cause. Under current law, only employee salaries, wages, hours, and working conditions must be negotiated and the negotiation of other subjects is prohibited. In addition, the bill extends collective bargaining rights to noncertificated school employees in the nine Eastern Shore counties. This bill will increase state and local school expenditures by increasing administrative costs, salaries, fringe benefits, and retirement payments arising from local board concessions to union demands and the expanded pool of unionized employees. In addition, this bill will displace collaborative education policy processes with adversarial contract negotiations; increase local expenditures for negotiations and litigation; hinder statewide implementation of

education reforms; and reduce the public's role in public education policy-making.

A "+" indicates a vote against SB 233 and reflects MBRG's opposition to legislation that strengthens labor and weakens Maryland's public school education system. Disagreeing with MBRG's position, the Senate approved SB 233, 42-4, on March 25, 2002 at 8:58 p.m. The bill was signed into law on May 6, 2002.

4 SB 247 - Administration Atlantic Coastal Bays Protection Act

Applies highly restrictive provisions of the Chesapeake Bay Critical Area Protection Program and new restrictions to the Atlantic Coastal Bays area, which includes Assawoman, Isle of Wight, Sinepuxent, Newport, and Chincoteague bays. The bill also requires the State to provide grants to local jurisdictions for costs associated with developing and implementing a local critical area protection program. This bill ultimately acts as a state-imposed zoning law. It seeks to limit growth in the coastal bay region by imposing setbacks, buffer requirements, and growth limits and prevents local governments from considering the need for economic growth when establishing local, zoning restrictions.

A "+" indicates a vote against SB 247 and reflects MBRG's opposition to legislation that usurps local government authority in economic growth policy. Disagreeing with MBRG's position, the Senate approved SB 247, 33-12, on March 25, 2002 at 9:57 p.m. Subsequently, the House approved SB 247 with amendments, and the bill was signed into law through HB 301 on May 16, 2002.

5 SB 248 - Administration Environmental Standing - Judicial Review Title V Operating Permits

Satisfies a federal mandate to expand the number of persons and groups that may oppose or legally challenge the issuance of air quality permits, and minimizes the cost and risk to permit applicants by limiting the scope of the appeals. Air quality permits are essential to an array of Maryland businesses, including utilities, manufacturers, waste disposal, and processing firms. This bill enables Maryland businesses to obtain permits from the Maryland Department of Environment rather than going out-of-state to obtain air permits from EPA at greater expense and risk. This bill preserves Maryland's local autonomy and prevents Maryland from becoming the only state to lose its air permitting program to the federal government.

A "+" indicates a vote for SB 248 and reflects MBRG's support for legislation that limits costs and eases regulatory compliance for Maryland business. Agreeing with MBRG's position, the Senate approved SB 248, 40-0, on February 15, 2002 at 11:41 a.m. The bill was signed into law on May 16, 2002.

6 SB 323 - Senator Frosh The Budget Reconciliation Act of 2002 - Amendment

Amends SB 323 by delaying the final two percent income tax rate cut and personal exemption increase until tax years after December 31, 2003. In 1997, the State approved a 10 percent reduction in the personal income tax to be phased in over five years with the final two percent cut in 2002. State income tax rates are a primary factor for businesses considering expansion or relocation, and predictability of the law is an essential element of a good business climate.

A "+" indicates a vote against the amendment to SB 323 and reflects MBRG's opposition to legislation that increases the tax burden on Maryland's citizens and businesses and hinders Maryland's competitiveness with neighboring states. Agreeing with MBRG's position, the Senate rejected the amendment to SB 323, 8-35, on March 15, 2002 at 1:36 p.m.

7 SB 541 - Senator Frosh Energy-Saving Investment Program

Creates the Energy-Saving Investment Fund in the Maryland Energy Administration (MEA) to support energy efficiency programs financed by a surcharge paid by all residential and retail users of electricity and gas. The bill takes effect July 1, 2002 and sunsets December 31, 2012. Although the Public Service Commission (PSC) will establish the amount of the surcharge, small commercial and industrial customers will pay approximately 25 percent of the \$40.2 million in charges collected annually for the fund during FY 2005 through FY 2010, according to MEA and U.S. Department of Energy information. The bill also requires the MEA to prepare and maintain an energy-saving investment plan. The plan must describe, evaluate, and recommend programs that save energy, reduce energy costs, and reduce pollution and threats to public health associated with energy production and consumption. Market incentives already encourage many businesses to invest in energy conservation measures. This bill creates a customer-financed government program that may not provide a business with any direct benefits.

A "+" indicates a vote against SB 541 and reflects MBRG's opposition to legislation that imposes unnecessary costs on business. Agreeing with MBRG's position, the Senate Finance Committee rejected SB 541, 1-9, on March 21, 2002.

8 SB 610 - Senator Della Procurement - Debarment - Violations of Law

Adds to the grounds whereby a person may be debarred from entering into a contract with the State. The bill uses impermissibly vague language to extend debarment to anyone with a "pattern" of violations of federal or state labor laws, civil rights laws, or environmental protection laws. Current law already establishes grounds for debarment for any cause the Board of Public Works determines may seriously affect the integrity of the procurement process. This bill fails to improve existing law and provides opportunities for mischief.

A "+" indicates a vote against SB 610 and reflects MBRG's opposition to legislation that limits participation in the State procurement process. Disagreeing with MBRG's position, the Senate approved SB 610, 30-16, on March 13, 2002 at 12:31 p.m. Subsequently, the House Commerce and Government Matters Committee rejected SB 610, 0-20, on April 4, 2002.

9 SB 630 - Senator Frosh Chemical Terrorism Protection Act of 2002

Requires businesses that use chemicals to switch to "inherently safer technologies" to eliminate or reduce the hazards posed by a potential terrorist attack. This bill requires businesses to change manufacturing processes or product designs to use these technologies unless the change is "prohibitively expensive" when compared to potential damages from a terrorist attack. The bill also exposes businesses to formidable civil and/or criminal penalties for violations.

A "+" indicates a vote against SB 630 and reflects MBRG's opposition to legislation that over-regulates Maryland's manufacturing industries. Agreeing with MBRG's position, the Senate Judicial Proceedings Committee rejected SB 630, 3-8, on March 14, 2002.

10 SB 674 - Senator Roesser Telecommunications - Telephone Solicitations - Regulation

Duplicates federal law by requiring the Public Service Commission to create and operate a database of residential telephone subscribers in Maryland who choose not to receive telephone solicitations from certain business organizations. The bill requires telephone solicitors to purchase database updates, to refrain from calling listed telephone numbers, and not to block the recipient's Caller ID function. The bill

see *Senate* ...continued on page 7

MARYLAND SENATE VOTES

Please refer to pages 2 & 7 for a full description of each vote.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	2002 MBRG %	1999-2002 MBRG %	1999-2002 Percentile	MBRG CUM %
Allegany & Garrett Counties 1 John J. Hafer (R) *	+	-	-	+	+	+	+	+	■	+	+	+	+	■	83%	73%	77	78%
Washington County 2 Donald F. Munson (R) *	+	-	-	+	+	+	■	+	■	■	-	+	+	+	73%	71%	72	79%
Frederick & Washington Counties 3 Alexander X. Mooney (R) *	+	+	+	-	0	+	■	+	■	■	+	+	+	■	89%	93%	96	93%
Carroll & Frederick Counties 4 Timothy R. Ferguson (R) *	+	+	+	+	+	0	■	+	+	■	+	+	+	■	100%	90%	89	86%
Carroll County 5 Larry E. Haines (R) *	+	+	-	+	+	+	■	+	+	■	+	+	+	■	91%	89%	87	88%
Baltimore & Harford Counties 6 Michael J. Collins (D)	+	-	-	-	+	+	■	-	■	■	-	-	+	■	40%	41%	34	49%
Baltimore County 7 Norman R. Stone, Jr. (D)	+	-	-	-	+	+	■	-	■	■	+	-	+	■	50%	42%	36	51%
Baltimore City & Baltimore County 8 Thomas L. Bromwell (D)	+	-	-	+	+	+	+	-	■	+	-	-	+	■	58%	56%	57	65%
Baltimore County 9 Andrew P. Harris (R) *	+	+	-	+	+	+	■	+	■	■	+	+	+	■	90%	92%	91	92%
Baltimore City & Baltimore County 10 Delores G. Kelley (D)	-	-	-	-	+	-	+	-	■	-	-	-	-	■	17%	34%	15	39%
Baltimore County 11 Paula Colodny Hollinger (D)	+	-	-	-	+	+	■	-	■	■	-	-	+	■	40%	46%	47	51%
Baltimore & Howard Counties 12 Edward J. Kasemeyer (D)	+	-	-	-	+	+	■	-	■	■	-	-	-	+	36%	45%	43	63%
Howard & Prince George's Counties 13 Sandra B. Schrader (R)	-	-	-	-	+	+	■	-	■	■	-	-	+	■	30%	30%	4	-
Howard & Montgomery Counties 14 Robert H. Kittleman (R) *	+	+	+	+	+	+	■	+	■	■	+	+	+	+	100%	94%	98	86%
Montgomery County 15 Jean W. Roesser (R)	+	-	-	-	+	+	+	+	■	-	-	-	+	■	50%	66%	68	68%
16 Brian E. Frosh (D)	-	-	-	-	+	-	■	-	■	■	-	-	-	■	10%	31%	6	35%
17 Jennie M. Forehand (D)	+	-	-	-	+	+	■	-	■	■	-	-	-	■	27%	36%	19	41%
18 Christopher Van Hollen, Jr. (D)	+	-	-	-	+	-	■	-	■	■	-	-	+	■	27%	39%	30	45%
19 Leonard H. Teitlebaum (D)	-	-	-	-	+	+	-	-	■	■	-	-	+	■	25%	42%	36	51%
20 Ida G. Ruben (D)	+	-	-	-	+	+	■	-	■	■	-	-	+	■	36%	37%	21	41%
Prince George's County 21 Arthur Dorman (D) ¹	0	0	0	0	0	0	0	0	■	0	-	-	+	■	-	40%	32	45%
22 Paul G. Pinsky (D)	-	-	-	-	+	-	■	-	■	■	-	-	-	■	10%	24%	0	31%
23 Leo E. Green (D)	-	-	-	-	+	+	■	-	+	■	-	-	+	■	36%	33%	9	44%
24 Nathaniel Exum (D)	+	-	-	-	+	-	+	-	■	+	+	-	+	■	50%	37%	21	35%
25 Ulysses Currie (D)	nv-	-	-	-	+	+	■	-	■	■	-	-	+	+	36%	38%	26	49%
26 Gloria Lawlah (D)	+	-	-	-	+	nv	■	-	■	■	-	-	+	+	40%	46%	47	48%
Anne Arundel, Calvert & Prince George's Counties 27 Thomas V. Mike Miller, Jr. (D)	+	-	-	-	+	+	■	+	■	■	-	-	+	■	50%	47%	51	65%
Charles County 28 Thomas M. Middleton (D)	+	-	-	-	0	+	■	-	■	■	+	-	+	-	40%	59%	62	69%
Calvert & St. Mary's Counties 29 Roy Dyson (D)	+	-	-	-	+	+	■	-	■	■	+	-	+	■	50%	57%	60	59%
Anne Arundel County 30 John C. Astle (D) *	+	-	-	-	+	+	+	-	■	+	+	-	+	■	58%	53%	55	71%
31 Philip C. Jimeno (D)	+	-	-	-	+	+	■	-	+	■	+	-	-	■	45%	62%	66	65%
32 James E. DeGrange, Sr. (D)	+	-	-	-	+	+	+	-	■	+	-	-	+	■	50%	60%	64	60%
33 Robert R. Neall (D) *	+	-	-	nv	0	+	■	+	■	■	-	-	+	-	44%	71%	72	81%
Harford County 34 Nancy Jacobs (R) *	+	+	-	+	+	+	■	+	+	■	+	+	+	■	91%	92%	91	92%
Cecil & Harford Counties 35 J. Robert Hooper (R) *	+	+	-	+	+	+	+	+	■	-	+	+	+	■	83%	78%	79	78%
Caroline, Cecil, Kent, Queen Anne's Talbot Counties 36 Walter M. Baker (D) *	+	-	+	+	+	0	■	+	+	■	+	-	+	■	80%	81%	81	80%
Caroline, Dorchester, Talbot & Wicomico Counties 37 Richard Colburn (R) *	+	-	-	+	+	+	■	+	+	■	+	+	+	■	82%	87%	83	82%
Somerset, Wicomico & Worcester Counties 38 J. Lowell Stoltzfus (R) *	+	+	-	+	nv-	+	■	+	■	■	+	+	+	+	82%	87%	83	83%
Montgomery County 39 Patrick J. Hogan (D) *	+	-	-	-	0	+	■	+	■	■	-	-	+	+	50%	69%	70	78%
Baltimore City 40 Ralph M. Hughes (D)	+	-	-	-	nv-	-	■	-	-	■	-	-	-	■	9%	27%	2	37%
41 Clarence W. Blount (D)	+	-	-	-	+	+	■	-	■	■	-	-	+	■	40%	43%	40	51%
Baltimore City & Baltimore County 42 Barbara A. Hoffman (D)	+	-	-	-	+	+	■	-	■	■	-	-	+	+	45%	49%	53	53%
Baltimore City 43 Joan Carter Conway (D)	nv-	-	-	-	+	-	■	-	■	■	-	-	-	■	10%	33%	9	38%
44 Clarence M. Mitchell, IV (D)	+	-	-	-	+	-	■	-	+	■	-	-	+	■	36%	38%	26	42%
45 Nathaniel J. McFadden (D)	+	-	-	-	+	+	■	-	■	■	-	-	-	+	36%	45%	43	49%
Baltimore City & Baltimore County 46 Perry Sikas (D)	-	-	-	-	+	+	■	-	-	■	-	-	-	■	18%	33%	9	41%
47 George W. Della, Jr. (D)	-	-	-	-	+	+	+	-	■	-	-	-	-	■	25%	34%	15	51%

No 2002 score was assigned since Senator Dorman missed 11 of 14 selected votes due to his recovery from surgery. However, the three votes Senator Dorman cast are reflected in his 1999-2002 MBRG % and Percentile and the MBRG Cum %.

MBRG RATING SYSTEM

* Legislators with a star next to their name served at least four years in the House or Senate and achieved an MBRG CUM % of 70% or greater.

+ A "right" vote, supporting the MBRG position for business and jobs.

- A "wrong" vote, contrary to the MBRG position for business and jobs.

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

X Legislator was not in office at time of vote, resulting in no effect on a legislator's rating.

nv Legislator did not vote on a bill on which MBRG has taken a position of opposition, resulting in no effect on a legislator's rating.

nv- Legislator did not vote on a bill on which MBRG has taken a position of support, resulting in the lowering of a legislator's rating. Therefore, a legislator is penalized when his or her vote

could have helped to achieve a constitutional majority (24 of 47 votes in the Senate and 71 of 141 votes in the House) for the passage of a bill.

nv[∇] As committee chairperson, legislator chose not to vote, resulting in no effect on a legislator's rating.

■ Legislator did not serve on the committee that reviewed the bill, resulting in no effect on a legislator's rating.

■ Votes on issues identified by the Maryland Chamber of Commerce's Business Agenda

2002 MBRG % 2002 percentage is derived by dividing the number of "+" votes by the number of bills on which the legislator voted plus the number of "nv-" marks.

1999-2002 Percentile In order to compare a legislator's score

with his or her colleagues, both Senate and House members have been ranked by percentiles. The percentile represents where a legislator's 1999-2002 MBRG % rating ranks in relation to other legislators' ratings. For example, a Senator with a percentile ranking of 78 has a 1999-2002 MBRG rating greater than 78 percent of his or her fellow Senators during this time period.

1999-2002 MBRG % 1999-2002 percentage is based on a legislator's votes on bills rated by MBRG from 1999 through 2002.

Cumulative percentage is based on a legislator's voting record since the year MBRG began rating the legislator, as early as 1986 or since that legislator's first year in an earlier House seat, through 2002. 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.

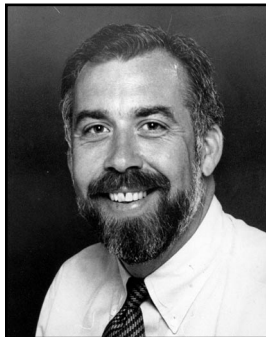


MARYLAND HOUSE OF DELEGATES

Please refer to page 6 for a full description of each vote.		1	2	3	4	5	6	7	8	9	10	11	12	2002 MBRG%	1999-2002 MBRG %	1999-2002 Percentile	MBRG CUM %
Anne Arundel, Calvert & Prince George's Counties																	
27A	James E. Proctor, Jr. (D)	-	+	■	-	+	+	-	■	+	-	-	■	44%	46%	48	47%
27A	Joseph F. Vallario, Jr. (D)	-	+	■	-	+	+	-	■	+	-	-	nv [∇]	44%	41%	36	44%
27B	George W. Owings, III (D)	-	+	■	+	+	+	+	■	-	-	-	■	56%	63%	69	66%
Charles County																	
28	Thomas E. "Tim" Hutchins (R) *	-	+	■	+	+	+	0	■	+	0	nv	+	86%	85%	82	88%
28	Samuel C. Linton (D)	-	+	■	+	+	+	+	■	+	nv	nv	■	86%	58%	66	65%
28	Van T. Mitchell (D) *	-	+	■	+	+	+	+	■	+	+	nv	■	88%	75%	78	79%
Calvert & St. Mary's Counties																	
29A	John F. Wood, Jr. (D) *	-	+	nv [∇]	+	+	+	+	nv [∇]	+	-	+	■	78%	63%	69	74%
29B	John L. Bohanan, Jr. (D)	-	+	■	+	+	+	nv	■	+	-	-	■	63%	57%	65	57%
29C	Anthony J. O'Donnell (R) *	+	+	■	+	+	+	+	■	+	+	+	+	100%	93%	95	93%
Anne Arundel County																	
30	Michael E. Busch (D)	-	+	■	-	+	+	-	■	+	-	-	■	44%	41%	36	62%
30	Virginia P. Clagett (D)	-	+	+	-	-	+	-	+	+	-	-	■	45%	45%	43	52%
30	Richard D'Amato (D)	-	+	■	-	+	+	-	■	-	-	-	■	33%	38%	27	38%
31	Joan Cadden (D)	-	+	■	+	+	+	+	■	+	-	-	■	67%	54%	60	61%
31	John R. Leopold (R) *	+	+	■	+	+	+	+	■	+	-	+	■	89%	85%	82	74%
31	Mary Rosso (D)	-	+	■	-	-	+	-	■	-	-	-	■	22%	30%	10	30%
32	Mary Ann E. Love (D)	-	+	■	-	+	+	-	■	+	-	-	■	44%	51%	58	61%
32	James E. Rzepkowski (R) *	-	+	■	+	+	+	+	■	+	-	+	■	78%	86%	85	88%
32	Theodore Sophocleus (D) *	-	+	+	+	+	+	+	-	+	-	-	■	73%	70%	72	70%
33	Robert C. Baldwin (R) *	+	+	■	+	nv-	+	+	■	+	+	+	■	89%	88%	88	89%
33	David G. Boschert (R) *	-	+	■	+	+	+	+	■	+	-	+	-	70%	86%	85	86%
33	Janet Greenip (R) *	+	+	■	+	+	+	+	■	+	+	+	■	100%	92%	94	92%
Harford County																	
34	Charles R. Boutin (R) *	-	+	■	-	+	+	+	■	+	-	+	■	67%	70%	72	70%
34	Mary-Dulaney James (D)	-	+	■	-	+	0	+	-	+	-	-	■	50%	61%	68	61%
34	B. Daniel Riley (D)	-	+	+	-	-	+	-	-	-	-	-	■	27%	43%	40	43%
Cecil & Harford Counties																	
35A	Barry Glassman (R) *	-	+	0	-	+	+	+	+	+	-	+	■	70%	79%	79	79%
35A	Joanne S. Parrott (R) *	-	+	+	+	+	+	+	+	-	-	+	■	73%	78%	79	80%
35B	David D. Rudolph (D)	-	+	■	+	+	+	-	■	-	-	-	■	44%	47%	50	58%
Caroline, Cecil, Kent, Queen Anne's & Talbot Counties																	
36	Wheeler R. Baker (D)	-	+	■	+	+	+	+	■	+	-	-	■	67%	58%	66	68%
36	James G. Crouse (D)	-	+	+	+	+	+	+	+	+	-	-	■	73%	73%	75	-
36	Mary Roe Walkup (R) *	nv	+	■	+	+	+	+	■	+	-	+	■	88%	85%	82	85%
Caroline, Dorchester, Talbot & Wicomico Counties																	
37A	Rudolph C. Cane (D)	-	+	■	-	+	+	+	■	+	0	0	■	71%	48%	51	48%
37B	Adelaide C. Eckardt (R) *	-	+	■	+	+	+	+	■	+	+	+	■	89%	81%	80	86%
37B	Kenneth D. Schisler (R) *	-	+	■	+	+	+	+	■	+	+	+	■	89%	83%	81	90%
Somerset, Wicomico & Worcester Counties																	
38	K. Bennett Bozman (D)	-	+	■	+	+	+	-	■	+	-	-	■	56%	51%	58	66%
38	Norman H. Conway (D) *	-	+	■	+	+	+	+	■	+	-	-	■	67%	55%	62	74%
38	Charles A. McClenahan (R) *	-	+	■	+	+	+	+	■	+	+	nv	■	88%	74%	76	83%
Montgomery County																	
39	Charles Barkley (D)	-	+	■	-	-	+	-	■	-	-	-	■	22%	26%	5	26%
39	Paul Carlson (D)	-	+	■	-	+	+	-	■	+	-	-	■	44%	41%	36	41%
39	Joan E. Stern (D)	-	+	■	-	+	+	-	■	+	-	-	■	33%	40%	33	40%
Baltimore City																	
40	Tony E. Fulton (D)	nv	-	■	-	nv-	+	-	■	+	-	+	■	38%	50%	56	53%
40	Salima Siler Marriotti (D)	-	-	■	-	+	+	-	■	-	-	-	■	22%	34%	17	39%
40	Howard P. Rawlings (D)	-	+	■	-	+	+	-	■	+	-	-	■	44%	46%	48	49%
41	Lisa A. Gladden (D)	-	-	■	-	+	+	-	■	-	-	-	■	20%	33%	13	33%
41	Nathaniel T. Oaks (D)	-	-	■	-	nv-	+	-	■	+	-	-	■	22%	31%	11	37%
41	Wendell F. Phillips (D)	-	nv	■	-	+	+	-	■	+	-	-	■	38%	34%	17	34%
Baltimore City & Baltimore County																	
42	James W. Campbell (D)	-	-	■	-	+	+	-	■	+	-	-	■	33%	36%	22	46%
42	Maggie L. McIntosh (D)	-	+	+	-	+	+	-	-	+	-	-	■	45%	48%	51	45%
42	Samuel I. Rosenberg (D)	-	+	■	-	+	+	-	■	+	-	-	■	44%	44%	43	45%
Baltimore City																	
43	Michael V. Dobson (D)	-	+	0	-	nv-	+	-	+	-	-	+	■	40%	39%	31	41%
43	Ann Marie Doory (D)	-	+	■	-	+	+	-	■	+	-	-	-	40%	45%	43	53%
43	Kenneth C. Montague, Jr. (D)	-	+	■	-	+	+	-	■	-	-	-	-	30%	34%	17	38%
44	Verna Jones (D)	-	nv	■	-	-	+	-	■	-	-	-	■	13%	33%	13	33%
44	Ruth M. Kirk (D)	-	nv	■	-	+	+	-	■	-	-	-	■	25%	45%	43	46%
44	Jeffrey A. Paige (D)	-	nv	+	-	+	+	-	+	+	-	-	■	50%	40%	33	40%
45	Talmadge Branch (D)	-	0	■	-	+	+	+	■	+	-	-	■	50%	49%	53	56%
45	Clarence Davis (D)	-	-	■	-	+	0	-	■	+	-	-	■	25%	36%	22	49%
45	Hattie N. Harrison (D)	-	+	■	-	+	+	-	■	+	-	-	■	44%	49%	53	54%
Baltimore City & Baltimore County																	
46	Cornell N. Dypski (D)	-	-	+	-	+	+	-	-	-	-	-	■	27%	34%	17	38%
46	Peter A. Hammen (D)	-	+	■	-	+	+	-	■	-	-	-	■	33%	49%	53	49%
46	Carolyn Krysiak (D)	-	+	■	-	+	+	-	■	+	-	-	■	44%	50%	56	51%
47A	William H. Cole, IV (D)	-	+	■	-	+	+	-	■	+	-	-	+	50%	37%	26	37%
47A	Brian K. McHale (D)	-	nv	■	-	nv-	+	-	■	-	-	-	■	13%	35%	20	43%
47B	Thomas E. Dewberry (D)	-	+	■	-	+	+	-	■	+	-	-	■	44%	56%	63	66%



2002 House Vote Descriptions



Del. Van T. Mitchell (D)

Among veteran Democrats (at least four years service) in the house, this Charles County legislator has the highest MBRG cumulative score (78).

1 SB 233 - Administration Education - Negotiations Between Public School Employers and Employee Organizations

See Senate Vote 3 on page 2 for a description of SB 233.

A "+" indicates a vote against SB 233 and reflects MBRG's opposition to legislation that strengthens labor and weakens Maryland's public school education systems. Disagreeing with MBRG's position, the House approved SB 233, 120-17, on April 5, 2002 at 12:55 p.m.

2 SB 323 - Delegate Bobo The Budget Reconciliation and Financing Act of 2002 - Amendment

Amends SB 323 by delaying the maximum tax rate cut until tax years after December 31, 2002. In 1997, the State approved a 10 percent reduction in the personal income tax to be phased in over five years with the final two percent cut in 2002. The state income tax rate is a primary factor for businesses considering expansion or relocation, and predictability of the law is an essential element of a good business climate.

A "+" indicates a vote against the amendment to SB 323 and reflects MBRG's opposition to legislation that increases the tax burden on Maryland's citizens and businesses and binders Maryland's competitiveness with neighboring states. Agreeing with MBRG's position, the House rejected the amendment to SB 323, 24-108, on March 26, 2002 at 12:13 p.m.

3 SB 610 - Senator Della Procurement - Debarment - Violations of Law

See Senate Vote 8 on page 2 for a description of SB 610.

A "+" indicates a vote against SB 610 and reflects MBRG's opposition to legislation that limits participation in the State procurement process. Agreeing with MBRG's position, the House Commerce and Government Matters Committee rejected SB 610, 0-20, on April 4, 2002.

4 SB 856 Senator Hoffman Bridge to Excellence in Public Schools Act

See Senate Vote 11 on page 7 for a description of SB 856. However, the house amended SB 856 to require the Maryland General Assembly to pass a joint resolution in the 2004 session to continue the appropriation of additional state aid to education.

A "+" indicates a vote against SB 856 and reflects MBRG's opposition to punitive and excessive tax increases. Disagreeing with MBRG's position, the House approved SB 856, 91-49, on April 5, 2002 at 4:25 p.m.

5 HJ 10 - Delegate Taylor State Highways - Intercounty Connector - Restart of Environmental Impact Statement Process

See Senate Vote 1, SJ 8, on page 2 for a description of HJ 10.

A "+" indicates a vote for HJ 10 and reflects MBRG's support for a resolution to explore ways to improve Maryland's transportation system. Agreeing with MBRG's position, the House approved HJ 10, 106-25, on March 20, 2002 at 11:54 a.m.

6 HB 5 - Delegate Hurson Environmental Standing - Judicial Review - Title V Operating Permits

See Senate Vote 5, SB 248, on page 2 for a description of HB 5, its companion bill.

A "+" indicates a vote for HB 5 and reflects MBRG's support for legislation that limits costs and eases regulatory compliance for Maryland business. Agreeing with MBRG's position, the House approved HB 5, 134-0, on January 22, 2002 at 10:17 a.m.

7 HB 291 - Administration Community Right-to-Know Fund

See Senate Vote 12 on page 7 for a description of HB 291.

A "+" indicates a vote against HB 291 and reflects MBRG's opposition to legislation that unnecessarily duplicates federal laws and creates new fees. Disagreeing with MBRG's position, the House approved HB 291, 79-57, on April 3, 2002 at 12:37 p.m.

8 HB 480 - Delegate Riley Procurement - Construction Contracts - Maryland Construction Quality Assurance Act

Authorizes a subjective contracting method of procurement for construction contracts known as "competitive best value contracting." This bill awards contracts over \$2.5 million using the following criteria and weights: price (70%), past performance (13%), management plan (5%), project staffing plan (5%), and fulfillment of minority business participation goals (7%). The best value contracting method will increase the cost of projects, prolong the procurement phase, and place small businesses with limited staff and financial resources at a disadvantage. Most importantly, best value contracting subverts the objective criteria used in the competitive sealed bidding method of procurement and awards construction contracts to companies that do not offer the lowest bid.

A "+" indicates a vote against HB 480 and reflects MBRG's opposition to increasing taxpayer costs for public projects. Agreeing with MBRG's position, the House Commerce and Government Matters Committee rejected HB 480, 8-12, on March 9, 2002.

9 HB 495 - Delegate Branch Department of Human Resources - Welfare Reform and Child Support Enforcement - Repeal of Sunset

See Senate Vote 13 on page 7 for a description of HB 495.

A "+" indicates a vote for HB 495 and reflects MBRG's support for legislation that authorizes the privatization of government services. Agreeing with MBRG's position, the House approved HB 495, 85-43, on March 8, 2002 at 12:30 p.m.

10 HB 521 - Delegate Krysiak Property and Casualty Insurance - Use of Credit History - Prohibition

Prohibits an insurance company from using the credit history of applicants or existing customers to cancel, refuse to renew, or refuse to underwrite or rate a personal lines property and casualty insurance risk. The bill applies to policies and contracts issued, delivered, or renewed on or after July 1, 2002. This bill creates one of the most restrictive statutes in the country on insurer use of credit information. Insurers use credit history to help make fair and objective underwriting decisions. By preventing insurers from accurately predicting future losses, this bill unnecessarily restricts an insurer's ability to appropriately price its products to fairly allocate the cost of coverage based on a consumer's claim potential.

A "+" indicates a vote against HB 521 and reflects MBRG's opposition to legislation that eliminates a valid tool used for competitively pricing a product. Disagreeing with MBRG's position, the House approved HB 521, 118-19, on March 22, 2002 at 1:42 p.m. Subsequently, the Senate approved HB 521 with amendments, and the bill was signed into law on May 16, 2002.

11 HB 557 - Delegate Healey Recordation and Transfer Taxes - Transfers of Controlling Interests

See Senate Vote 14 on page 7 for a description of HB 557.

A "+" indicates a vote against HB 557 and reflects MBRG's opposition to legislation that creates new taxes and places Maryland's commercial real estate business at a competitive disadvantage with neighboring states. Disagreeing with MBRG's position, the House approved HB 557, 90-39, on March 25, 2002 at 8:02 p.m.

12 HB 1052 - Delegate Zirkin The Chemical Security Act

Requires chemical manufacturers and railroads to install fences, walls, cameras, patrols, or other facility monitoring technologies or services to secure hazardous materials within their facilities. After analyzing the security of their facilities and implementing improvements, these businesses are required to submit safety improvement reports every three years to the Maryland Department of Environment (MDE). Violations may result in formidable civil, administrative, and/or criminal penalties as well as the suspension, revocation, or denial of MDE permits. Federal laws such as the Clean Air Act and the Hazardous Materials Transportation Act already require owners and operators of facilities storing hazardous materials to prepare risk management plans, to design and maintain a safe facility, and to take appropriate protective measures when shipping hazardous materials. The requirements established by this bill will greatly increase costs for Maryland businesses compared to competitors in other states.

A "+" indicates a vote against HB 1052 and reflects MBRG's opposition to legislation that exceeds federal standards and over-regulates an industry. Disagreeing with MBRG's position, the House Judiciary Committee approved HB 1052, 17-4, on March 19, 2002. However, the bill was jointly assigned to the House Environmental Matters Committee, which took no action on the bill.



Del. Joseph M. Getty (R)

Among veteran legislators (minimum of four years of service), this Carroll County Republican achieved the highest MBRG cumulative score (94) of all 188 legislators.

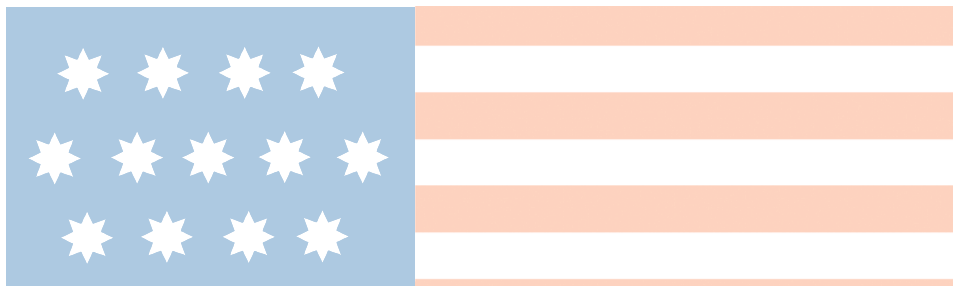
A Message to Our Legislators

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

1. Would the legislation increase the cost of doing business for companies in Maryland?
If yes, would the added costs of the legislation and subsequent regulations exceed the added benefit to Maryland's residents?
2. Would the legislation and subsequent regulations be more stringent than, or contradictory to, federal law and regulations, or would it give Maryland a competitive disadvantage with other states?
3. Would the legislation discourage companies from adding new jobs or keeping current jobs in Maryland?
4. Would the legislation discourage individuals and/or businesses from investing, building, owning or renting property, or selling and buying goods and services in Maryland?
5. Would the legislation interfere in the competitive market by 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. Would merely introducing the bill send a negative message about Maryland's business climate?

If the answer to any of these questions is yes, the legislation could be bad for Maryland's business climate.

If you are unsure, we encourage you to contact a representative from the potentially affected industry to solicit assistance.



Although John Shaw is not a household name, he is deserving of mention in the same company as other prominent Maryland patriots. Shaw, an important Annapolis merchant and city councilman, was commissioned by Gov. William Paca to create the American flag with its distinctive eight-pointed star when Annapolis served as the capitol city of a new nation more than 200 years ago. Today, Shaw is best remembered for his furniture, which was coveted by America's leading colonial families. MBRG employs the John Shaw Flag in various guises to honor Shaw's role as a model citizen/legislator, and to designate politicians with exemplary pro-business voting records.

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2002 Senate Vote Descriptions (continued from page 2)



Sen. Alexander X. Mooney (R)

This Frederick & Washington County Senator achieved the highest MBRG cumulative score (93) among all veterans in the Senate (minimum of four year service in the legislature).

funds this new government program with new user fees paid by Maryland businesses and residents. Internal company do-not-call databases are already federally mandated and offered at no charge by all businesses and organizations that conduct telemarketing in the State. Since the bill makes no provision for enforcement on out-of-state and international telemarketing operations, it discriminates in favor of out-of-state telemarketers and against Maryland businesses that telemarket their products and services in Maryland.

A "+" indicates a vote against SB 674 and reflects MBRG's opposition to legislation that overburdens and binds the competitiveness of many Maryland businesses. Agreeing with MBRG's position, the Senate Finance Committee rejected SB 674, 5-5, on March 14, 2002.

11 SB 856 - Senator Hoffman Bridge to Excellence in Public Schools Act

Changes state education funding formulas in order to direct more money to the State's poorest school districts and increases the tobacco tax rate for cigarettes by 34 cents after July 1 2002 to a total of one dollar per pack. With fewer people smoking since 1975, this is a declining source of revenue. This bill imposes a substantial tax burden on a small percentage

of Maryland citizens in order to help fund a \$1.3 billion increase in education funding over the next five years. In effect, it will actually reduce tobacco tax revenues, because it will reduce the number of smokers and/or drive cigarette purchasers out of state. It also makes a promise to education that the Maryland General Assembly has no means of keeping.

A "+" indicates a vote against SB 856 and reflects MBRG's opposition to punitive and excessive tax increases and unfunded mandates. Disagreeing with MBRG's position, the Senate approved SB 856, 30-17, on April 3, 2002 at 11:08 a.m. Subsequently, the House approved SB 856 with amendments and the bill was signed into law on May 6, 2002.

12 HB 291 - Administration Community Right-to-Know Fund

Requires the Maryland Department of Environment (MDE) to establish new annual fees of up to \$1,000 on facilities that store or release hazardous substances in order to create a Community Right-to-Know Fund for MDE to hire new personnel and give grants for training and security exercises. However, the bill exempts government agencies from paying the fee. This bill requires facilities to pay a fee when filing reports that are already required by the federal Emergency Planning and Community Right-to-Know Act (EPCRA). The bill also establishes civil penalties for violations.

A "+" indicates a vote against HB 291 and reflects MBRG's opposition to legislation that unnecessarily duplicates federal laws and creates new fees. Disagreeing with MBRG's position, the Senate approved HB 291, 36-11, on April 6, 2002 at 2:12 p.m. The bill was signed into law on May 16, 2002.

13 HB 495 - Delegate Branch Department of Human Resources - Welfare Reform and Child Support Enforcement - Repeal of Sunset

Repeals the termination date for the authorization of the Department of Human Resources (DHR) to enter

into contracts with private companies for child support enforcement services. In 1995, the Child Support Enforcement Privatization Pilot Program was established in Baltimore City and Queen Anne's County and contracts with private companies were extended through October 31, 2002. According to DHR, the program surpassed DHR's collection standards. Effective July 1, 2002, this bill requires the agency to negotiate another privatization contract for a three year period with an option for up to two one-year extensions. This bill gives DHR the opportunity to determine if the private sector can provide cheaper and more efficient service than a governmental provider.

A "+" indicates a vote for HB 495 and reflects MBRG's support for legislation that authorizes the privatization of government services. Agreeing with MBRG's position, the Senate approved HB 495, 36-11, on April 2, 2002 at 10:37 a.m. The bill was vetoed by the governor on May 15, 2002.

14 HB 557 - Delegate Healey Recordation and Transfer Taxes - Transfers of Controlling Interests

Imposes Maryland transfer and recordation taxes on the transfer of certain controlling interests in real estate entities. This is a new tax on Maryland commercial real estate transactions. Under existing laws, Maryland's transfer and recordation taxes are imposed on changes in legal title to real property. Such transactions use Maryland's land records, and the tax supports this essential government service. However, this bill extends the tax to transactions that do not affect land records or title to real property. The new tax applies to transactions such as the issuance of equity interests by a real estate entity, stockholders or partner buyouts, and other ordinary business transactions among businesses and persons owning real estate.

A "+" indicates a vote against HB 557 and reflects MBRG's opposition to legislation that creates new taxes and places Maryland's commercial real estate business at a competitive disadvantage with neighboring states. Agreeing with MBRG's position, the Senate Budget and Taxation committee rejected HB 557, 4-9, on April 5, 2002.



How the Bills Are Selected

To determine an accurate picture of the Maryland legislature's collective and individual attitudes toward business and economic growth, MBRG's 25-member State Advisory Council selects those bills from the last General Assembly session having practical or philosophical importance to the widest possible range of Maryland businesses, trade associations, and chambers of commerce.

In order to arrive at the most accurate measure of the legislature's position on business matters, we include bills taken from different stages of the legislative process: final (third reader) votes, committee votes, and votes on amendments and critical motions. We may at times omit a particular piece of legislation due to the lack of a strong consensus about it in the business community.

Although this evaluation process summarizes a legislative system which involves weeks of debate, amendment, and compromise, voting records remain the best indicator of a legislator's inclination. MBRG neither gives pass/fail

scores nor expressly or implicitly endorses or rejects any incumbent on the basis of certain selected votes.

A complete evaluation of the positions of all members of the General Assembly should be made by examining committee and floor votes, and unrecorded matters as performance on subcommittees and constituent service.

As it has since 1986, MBRG includes bills in *Roll Call* that also are prominent in the Maryland Chamber of Commerce's annual Business Agenda. By incorporating this additional information, *Roll Call* can depict which bills were defined clearly to legislators as important business legislation. Although not all of the votes on Business Agenda bills appear in this evaluation, those that do are shaded in yellow and are weighted equally with other floor and committee votes.

Roll Call is intended to foster an environment for successful economic enterprise, based on responsible growth, in the belief that this pursuit underlies all other social progress.*

A Word About MBRG

MBRG's purpose is to inform Maryland's business community, elected officials, and the general public about the political and economic environment needed to foster economic development and job creation in Maryland.

Annual evaluations of the voting records of Maryland's state and federal legislators enable MBRG to hold politicians accountable for the state's economic well-being like no other organization.

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



MBRG Membership Application

Please photocopy and mail.

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Title _____

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Please consider the following criteria in selecting an appropriate level of membership: gross revenues, net earnings, number of employees, presence in state, and commitment to MBRG's purpose.

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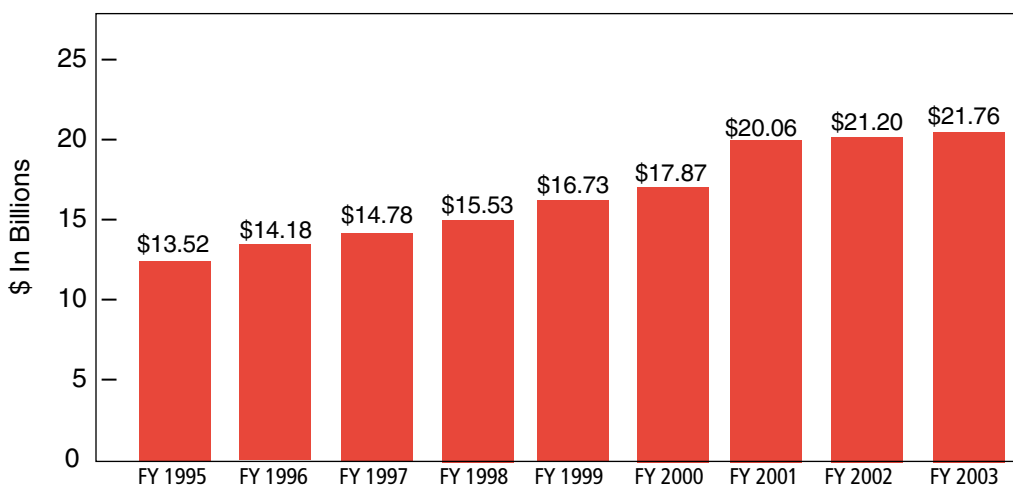
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Cartoon by Jim Hunt
 Signed reprints available upon request. Contact Jim at www.jimhuntillustration.com

Growth in Maryland State Operating Budget



Since Governor Glendening took office during FY1995*, Maryland's operating budget grew by more than \$8 billion, reflecting a 61 percent increase.

*Maryland's fiscal year runs from July 1 to June 30.



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