

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

## Patty Hearst, Backstops, and the Golden Hour

The Governor's unprecedented remarks at MBRG's luncheon at the Baltimore Convention Center on April 22 go directly to the purpose of this publication — to provide a map for support of pro-business legislators and accountability for those who are not.

"Ehrlich lets loose...Blasts business community for failing to leverage its influence," was the front page headline in the *Gazette of Politics and Business*. "Ehrlich scolds business for lack of lobbying...Rebuke delivered at luncheon," said *The Sun* in another front page story. What business got was a two-part challenge in the Governor's first major address after the 2004 legislative session ended.

Part one calls for business leaders to get in the political game and not depend solely on lobbyists, trade associations, and other intermediaries because there is no greater persuasive force than employers. Use them as your lieutenants not your substitutes. "You have yet to show a willingness to engage [legislators]....We need you to influence votes," said the Governor, referring several times to the effectiveness of the Maryland State Teachers and the Maryland Trial Lawyers associations. Warning his audience that he was tired of playing defense by vetoing anti-business bills, he said, "I'm not going to sit down here [Annapolis] for another two years as a backstop." Without his determination, he said:

*We would have an increase in the sales tax, an increase in the sales tax base, an increase in the personal income tax, an increase in the corporate income tax, an increase in the gas tax. An HMO tax. A snack tax. An alcohol tax. You'd have in-state tuition for illegal immigrants. You'd have an agenda run by the*

*Maryland State Teachers Association and the trial bar...You'd have food stamps for felons, and expansion of an already extended Medicaid program.*

Clearly the Governor recognizes it will take more than the power of his office to build a successful administration and for a business agenda to succeed. Without the partnership the Governor seeks, satisfactory outcomes of pivotal issues such as health care and lawsuit abuse won't happen.

Clear to many business people is the need for the Governor's staff and business lobbyists to improve their teamwork. Otherwise the agendas of both will fade.

Part two of the Governor's address calls for business to stop slavish financial support of anti-business legislators, "...who enjoy your checks and endorsements but vote at critical times against jobs and growth and opportunity and prosperity." The Governor emphasized his point by likening this affliction to the Patty Hearst syndrome where victims eventually identify with their captors as did Miss Hearst when she was abducted by the Symbionese Liberation Army in the late 1960s.

In large numbers, legislators with consistently poor voting records on business-related bills routinely and shamelessly solicit contributions from business people who fear loss of access from those who provide nothing else in return. Ironically, pro-business legislators do not receive

the level of support from business that anti-business legislators enjoy. Business bankrolls incumbent legislators three to one compared to all other funding sources.

Admittedly, action on these two items is difficult, especially in Maryland. "The gulf between the business community and the legislature is greater in Maryland than any other state," said Steven Fragapane, one of the nation's foremost site location executives at an MBRG program several years ago. MBRG research shows that in recent years more than half of our 188 legislators work or have worked for local, state, or federal government and have no identifiable private sector experience. Furthermore, Maryland has attracted three well funded, anti-business groups in recent years — Maryland Citizens Health Initiative, Progressive Maryland, and the Maryland Tax Institute — all funded by the AFL-CIO and George Soros's Open Society foundation.

So, even with the good fortune of a determined pro-business governor, Maryland business will have to redouble its efforts to cope with a legislature largely unaware of the essential role of business in society and the adverse effects government often inflicts on it. If business can't establish a beachhead for making public policy in Maryland with the help of this willing and able governor, it may never happen. To borrow from the shock trauma vocabulary, which recognizes the crucial first hour for medical attention, this is our Golden Hour. \*

### RESULTS OF THE 2004 SESSION

#### VICTORIES

- ✓ A bill imposing a statewide ban on smoking in bars and taverns was defeated. See SB 140 on page 2.
- ✗ A bill allowing businesses to continue to charge late fees was approved. See SB 172 on page 2 and HB 455 on page 6.
- ✗ A bill establishing a Chesapeake and Atlantic Coastal Bays Restoration Fund was approved. See SB 320 on page 2 and HB 555 on page 6.
- ✓ A bill adding grounds for debarring a person from bidding on state contracts was defeated. See SB 385 on page 2.
- ✓ A bill placing additional regulation on hog producers was defeated. See SB 417 on page 2.
- ✓ A Budget Reconciliation and Financing Act provision increasing the sales tax was rejected in conference. See SB 508 Shank Amendment on page 5.
- ✓ A Budget Reconciliation and Financing Act provision increasing the state motor vehicle titling tax was rejected in conference. See SB 508 Glassman Amendment on page 5.
- ✓ A Budget Reconciliation and Financing Act provision increasing the top income tax rate was rejected in conference. See SB 508 McComas Amendment on page 6.
- ✓ A bill creating a new state agency (the People's Insurance Counsel) was defeated. See SB 546 on page 2.
- ✓ A bill requiring employers with State contracts of \$100,000 or more to pay employees not less than \$10.50 per hour was vetoed. See SB 621 on page 2 and HB 1192 on page 6.

#### VICTORIES

- ✓ An amendment prohibiting electric companies from increasing the pass-through electricity rates for residential customers by more than ten percent per year was defeated. See SB 869 on page 2.
- ✓ A bill imposing Maryland transfer and recordation taxes on certain transfers of real property held by businesses was defeated. See HB 1 on page 6.
- ✓ A bill allowing State procurement officers to take into consideration whether a contractor renders services from a location outside the United States was vetoed. See HB 183 on pages 6 and 7.
- ✓ A bill applying admissions and amusement tax to merchandise, refreshments, food, beverages, and other services sold or provided in the presence of on-site entertainment was defeated. See HB 220 on pages 6 and 7.
- ✓ A bill prohibiting non-compete clauses in broadcast industry employment contracts was defeated. See HB 234 on page 6.
- ✓ A bill establishing California-style low emissions vehicle (LEV) requirements was defeated. See HB 314 on page 6.
- ✓ An amendment enabling counties and municipalities to purchase electricity as aggregators and provide electricity to customers was withdrawn. See HB 503 on page 7.
- ✗ A bill re-establishing the Maryland Heritage Structure Rehabilitation Tax Credit program was approved. See HB 679 on pages 6 and 7.

- ✓ A bill restricting business contributions to state election campaigns was defeated. See HB 931 on page 6.
- ✓ A bill imposing a ten percent corporate income tax surcharge for the 2004–2006 tax years was vetoed. See HB 1188 on pages 6 and 7.
- ✓ A bill repealing the HMO premium tax exemption and levying a two percent premium tax on HMOs was defeated. See HB 1271 on pages 7 and 8.
- ✗ A bill increasing Transportation Trust Fund (TTF) revenues by increasing motor vehicle registration fees was approved. See HB 1467 on pages 7 and 8.

#### DEFEATS

- ✗ A bill capping damages for medical malpractice to help lower costs was defeated. See SB 193 on page 2 and HB 287 on page 6.
- ✗ A bill authorizing the installation and operation of video lottery terminals at specified locations was defeated. See SB 197 on page 2.
- ✗ A bill prohibiting third party claims against architects and engineers was defeated. See SB 340 on page 2.
- ✗ A bill limiting the applicability of state prevailing wage laws to reduce school construction costs was defeated. See HB 396 on page 6.



## 2004 Senate Vote Descriptions



**Sen. David R. Brinkley (R)**

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

### 1 SB 140 – Senator Ruben Clean Indoor Air Act of 2004

Bans smoking in all public places in Maryland, including approximately 5,000 bars and taverns, and establishes a \$100 penalty for the first violation and at least \$250 for each subsequent violation. Revenues from smoking patrons of bars and restaurants, especially those within proximity to the District of Columbia, Pennsylvania, Virginia, and West Virginia borders, will likely decline as smoking customers go to restaurants or bars that do not ban smoking, stay home, or reduce the hours they spend in Maryland bars and restaurants.

A "+" indicates a vote against SB 140 and reflects MBRG's opposition to legislating business policies that should be determined voluntarily by business owners and customers. Agreeing with MBRG's position, the Senate Finance Committee rejected SB 140, 5-6, on February 20, 2004.

### 2 SB 172 – Senator Middleton Consumer Protection – Late Fee Requirements in Consumer Contracts – Repeal of Sunset

Repeals the October 1, 2005 sunset of legislation that permits Maryland businesses to impose reasonable late fees on customers who fail to pay their bills on time. After this date, a contract for payment of money, including utility bills, may not contain a late fee beyond the legal rate of six percent per year established under the Maryland Constitution without authorization by the General Assembly. This bill allows businesses to continue implementing a meaningful incentive for timely payment of bills and helps businesses cover the costs of late payments, including collection costs. The bill also helps businesses maintain cash flow and avoid passing on the cost of late paying customers to all customers.

A "+" indicates a vote for SB 172 and reflects MBRG's support for legislation that allows the free market to determine appropriate business charges. Agreeing with MBRG's position, the Senate approved SB 172, 44-0, on February 19, 2004 at 10:26 a.m. The bill was signed into law on April 27, 2004.

### 3 SB 193 – Administration Maryland Medical Injury Compensation Reform Act

Caps an award or verdict for noneconomic damages relating to personal injury and wrongful death arising from the same medical injury, regardless of the number of claims, claimants, or defendants, at \$500,000. This legislation seeks to alleviate the significant medical liability insurance availability and affordability problems facing Maryland health care providers. The bill also provides parameters on the calculation of economic damages; requires structured settlements for awards in excess of \$250,000; establishes the federal "offer of judgment" rules for actions in state courts; and establishes that a jury may not be informed of the cap. Reducing the threat of excessive medical liability lawsuits will help reduce the tendency for physicians to practice defensive medicine which, in turn, will help reduce overall health care costs.

A "+" indicates a vote for SB 193 and reflects MBRG's support for legislation that reduces health care costs by limiting awards from medical liability lawsuits. Disagreeing with MBRG's position, the Senate Judicial Proceedings Committee rejected SB 193, 4-7, on March 19, 2004.

### 4 SB 197 – Administration Public Education Bridge to Excellence – Funding – Video Lottery Terminals

Authorizes up to 15,500 video lottery terminals (VLTs), also known as slot machines, at three potential horse racing tracks and three nontrack locations in the State. The bill minimizes any adverse effect on existing businesses by limiting authorization of 9,000 VLTs to venues already dedicated to gambling. The bill also creates an Education Trust Fund that will receive a significant percentage of gross VLT revenues to help fund the Bridge to Excellence in Public Schools Act of 2002. The legalization of slot machines will generate a significant, new source of revenue to help reduce the state budget deficit, preserve educational funding commitments, and stimulate economic growth.

A "+" indicates a vote for SB 197 and reflects MBRG's support for legislation that creates a new source of revenue and avoids tax increases. Agreeing with MBRG's position, the Senate approved SB 197, 27-18, on February 27, 2004, at 12:16 p.m. Subsequently, the House Ways and Means committee rejected SB 197, 21-0, on April 12, 2004.

### 5 SB 320 Administration Water Pollution – The Chesapeake and Atlantic Coastal Bays Restoration Fund

Establishes the Bay Restoration Fund to pay for upgrades to sewage treatment plants by adding \$2.50 per month to water and sewer bills and charging \$30 per year to septic users. The bill also provides funding for upgrades to failing septic systems, offers financial assistance to farmers for cover crops, and encourages farmers to develop and implement nutrient management plans. Sewage treatment plants release 16 million pounds of nitrogen pollution into the Bay annually, which endangers aquatic life and threatens the vitality of numerous industries as well as future economic development in Maryland. Estimates project a reduction in nitrogen pollution by seven million pounds per year. By creating a dedicated fund with reasonable fees from users of wastewater facilities, septic systems, and sewage holding tanks, this bill ensures that money from the user fee will be used for the purposes intended.

A "+" indicates a vote for SB 320 and reflects MBRG's support for legislation that helps protect the viability of a critical portion of Maryland's economy through reasonable user fees and a dedicated fund. Agreeing with MBRG's position, the Senate approved SB 320, 38-9, on April 8, 2004 at 12:46 p.m. The bill was signed into law on May 26, 2004.

### 6 SB 340 – Senator Haines Civil Actions – Claims Against Design Professionals

Prohibits third party claims against design professionals (engineers, architects, etc.) for work place injuries where the design professional has no contractual responsibility for safety unless cause of the injury is the result of negligent preparation of design plans and specifications. This bill will significantly decrease tort case filings and lower liability insurance premiums for many businesses that employ design professionals. A study cited by the American Tort Reform Foundation revealed that when states pass tort reform, productivity increases as much as eight percent and employment increases as much as 12 percent.

A "+" indicates a vote for SB 340 and reflects MBRG's support for legislation protecting design professionals from frivolous lawsuits and reducing construction costs for businesses employing design professionals. Disagreeing with MBRG's position, the Senate Judicial Proceedings Committee rejected SB 340, 5-5, on March 12, 2004.

### 7 SB 385 – Senator Stone Procurement–Debarment–Violations of Law

Adds to the grounds upon which a person may be debarred from entering into a contract with the state of Maryland. The bill uses inappropriately vague language to extend debarment to anyone who has been criminally convicted or has committed multiple 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 could be used to debar well-qualified, reputable companies from public contracts based on alleged, minor "paper" violations.

A "+" indicates a vote against SB 385 and reflects MBRG's opposition to legislation that limits participation in the State procurement process. Disagreeing with MBRG's position, the Senate approved SB 385, 31-14, on March 12, 2004 at 11:51 a.m. Subsequently, the House Health and Government Operations Committee took no action on this bill.

### 8 SB 417 Senator Grosfeld Agriculture – Confinement of Pregnant Sows and Gilts – Prohibition

Prohibits the confinement of a pregnant sow for the majority of any day in a cage, gestation crate, other enclosure, or on a tether that prevents the sow from turning around in a circle. Violations are punishable as a misdemeanor with 90 days imprisonment and/or a fine of \$1,000. Each animal confined constitutes a separate violation. Since the bill bans a practice proven safe and effective by many expert researchers, it places an unnecessary regulatory burden on Maryland hog producers.

A "+" indicates a vote against SB 417 and reflects MBRG's opposition to legislation that overregulates a Maryland business. Agreeing with MBRG's position, the Senate rejected SB 417, 22-25, on March 24, 2004 at 11:49 a.m.

### 9 SB 546 Senator Miller Insurance – People's Insurance Counsel

Creates a People's Insurance Counsel to protect the interests of insurance consumers in Maryland. The bill requires the Insurance Commissioner to collect an annual assessment from insurance companies (health, life, property, etc.) to cover the costs and expenses of the People's Counsel. The new agency must evaluate each matter pending before the Insurance Commissioner to determine if the interests of insurance consumers are affected, and if so, appear before the Commissioner and courts on behalf of insurance consumers. The People's Insurance Counsel duplicates many of the functions of the Maryland Insurance Administration but with standards that are vague and different from those prevalent in insurance law throughout the country, resulting in potential jurisdictional disputes between two state agencies and inconsistent and unpredictable enforcement against business.

A "+" indicates a vote against SB 546 and reflects MBRG's opposition to legislation that duplicates the functions of a well-established state agency and grants broad but vague power to a state agency. Disagreeing with MBRG's position, the Senate approved SB 546, 39-6, on March 22, 2004 at 8:37 p.m. Subsequently, the House Economic Matters Committee took no action on this bill.

### 10 SB 621 Senator Klausmeier State Procurement Contracts – Living Wage

Requires employers under a State service contract of \$100,000 or more to pay an hourly wage of at least \$10.50 to all employees. The bill requires the "living wage" to be adjusted annually by the Commissioner of Labor and Industry based on increases in the consumer price index. The bill provides for investigation of complaints, hearings, and fines and penalties for non-compliance, and authorizes an employee to sue for damages when an employer fails to pay the living wage. Employers who violate the living wage requirements must also pay \$20 per day per employee in liquidated damages to the State and face up to a year in prison for other violations. Since businesses will cover an increase in payroll costs by raising contract prices, this bill inflates state procurement costs and undermines the state competitive bidding process.

A "+" indicates a vote against SB 621 and reflects MBRG's opposition to legislation that allows the government to establish artificial wage rates. Disagreeing with MBRG's position, the Senate approved SB 621, 30-15, on April 6, 2004 at 10:55 a.m. The bill was vetoed on May 25, 2004.

### 11 SB 869 – Senator Pipkin Elec Reg – Renewable Energy Portfolio Standard & Credit Trading – Md Renewable Energy Fund – Amendment

Amends SB 869 to prohibit an electric company from increasing the pass-through rate for electricity charged to residential customers by more than ten percent annually, with any increase over ten percent to be deferred to later years. When the electric industry was first deregulated in 1999, the law allowed for a gradual transition to free-market competition. By

see *Senate* ... continued on page 7

MARYLAND SENATE VOTES

Please refer to pages 2 and 7 for a full description of each vote.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	2004 MBRG %	2004 Percentile	MBRG CUM %
<b>Allegany, Garrett &amp; Washington Counties</b> 1 John J. Hafer (R) *	+	+	■	+	-	■	+	+	-	+	+	-	■	+	+	+	+	+	80%	91	78%
<b>Washington County</b> 2 Donald F. Munson (R) *	■	+	■	+	-	■	+	+	-	+	-	-	-	-	+	+	+	+	60%	60	78%
<b>Frederick &amp; Washington Counties</b> 3 Alexander X. Mooney (R) *	■	+	+	-	-	+	+	+	+	+	+	-	■	-	+	+	+	-	69%	74	85%
<b>Carroll &amp; Frederick Counties</b> 4 David R. Brinkley (R) *	■	+	■	+	+	■	+	+	+	+	-	-	+	+	+	+	+	+	87%	96	93%
<b>Baltimore &amp; Carroll Counties</b> 5 Larry E. Haines (R) *	■	+	+	-	-	+	+	+	-	+	+	-	■	-	+	+	+	+	69%	74	85%
<b>Baltimore County</b> 6 Norman R. Stone, Jr. (D)	■	+	■	+	+	■	-	-	iv	-	+	-	■	-	+	-	+	-	46%	36	49%
<b>Baltimore &amp; Harford Counties</b> 7 Andrew P. Harris (R) *	■	+	■	+	-	■	+	+	+	+	-	-	■	-	+	+	+	-	64%	68	88%
<b>Baltimore County</b> 8 Katherine A. Klausmeier (D) *	+	+	■	+	+	■	-	+	-	-	+	-	■	+	+	+	+	-	67%	70	71%
<b>Carroll &amp; Howard Counties</b> 9 Robert H. Kittleman (R) *	■	+	■	+	+	■	+	+	-	+	+	+	+	+	+	+	+	+	93%	98	87%
<b>Baltimore County</b> 10 Delores G. Kelley (D)	-	+	■	-	+	■	-	-	-	-	+	iv	■	+	+	-	-	-	36%	17	38%
<b>Baltimore &amp; Howard Counties</b> 11 Paula Colodny Hollinger (D)	■	+	■	+	+	■	-	-	-	-	+	-	■	iv	+	-	-	-	38%	23	49%
<b>Baltimore &amp; Howard Counties</b> 12 Edward J. Kasemeyer (D)	■	+	■	+	+	■	-	+	-	-	+	-	+	-	+	-	+	+	60%	60	62%
<b>Howard County</b> 13 Sandra B. Schrader (R)	■	+	■	+	+	■	+	-	-	+	-	-	■	-	+	-	iv	+	54%	53	48%
<b>Montgomery County</b> 14 Rona E. Kramer (D)	■	+	■	+	+	■	o	-	-	-	+	-	+	+	+	-	-	+	57%	57	52%
<b>Montgomery County</b> 15 Robert J. Garagiola (D)	■	+	-	+	+	-	-	-	-	-	+	-	■	-	+	-	-	+	38%	23	36%
<b>Montgomery County</b> 16 Brian E. Frosh (D)	■	+	-	-	+	-	-	-	-	-	+	-	■	-	+	-	-	+	25%	0	34%
<b>Montgomery County</b> 17 Jennie M. Forehand (D)	■	+	-	-	+	-	-	-	-	-	+	-	■	-	+	-	-	+	38%	23	39%
<b>Montgomery County</b> 18 Sharon M. Grosfeld (D)	■	+	■	-	+	■	-	-	-	-	+	-	■	-	+	-	-	-	29%	6	25%
<b>Montgomery County</b> 19 Leonard H. Teitlebaum (D)	-	+	■	+	+	■	-	-	-	-	+	-	■	-	+	-	-	-	33%	11	49%
<b>Montgomery County</b> 20 Ida G. Ruben (D)	■	+	■	-	+	■	-	-	-	-	+	-	-	-	+	-	-	+	33%	11	39%
<b>Anne Arundel &amp; Prince George's Counties</b> 21 John A. Giannetti, Jr. (D)	■	+	-	+	+	-	-	-	-	-	+	iv	■	-	+	-	+	+	47%	40	46%
<b>Prince George's County</b> 22 Paul G. Pinsky (D)	■	+	■	-	+	■	-	-	-	-	+	-	■	iv	+	-	-	-	31%	9	30%
<b>Prince George's County</b> 23 Leo E. Green (D)	■	+	-	-	+	o	o	-	-	-	+	-	■	-	+	-	-	+	36%	17	42%
<b>Prince George's County</b> 24 Nathaniel Exum (D)	-	iv	■	-	+	■	-	-	-	-	+	-	■	+	+	-	-	-	27%	4	35%
<b>Prince George's County</b> 25 Ulysses Currie (D)	■	iv	■	+	+	■	-	+	-	-	+	-	-	+	+	-	+	+	53%	51	49%
<b>Prince George's County</b> 26 Gloria G. Lawlah (D)	■	iv	■	+	+	■	-	+	o	-	-	-	+	-	+	-	+	+	50%	49	49%
<b>Calvert &amp; Prince George's Counties</b> 27 Thomas V. Mike Miller, Jr. (D)	■	+	■	+	+	■	-	+	-	o	+	-	■	+	+	-	-	+	62%	64	64%
<b>Charles County</b> 28 Thomas M. Middleton (D)	+	+	■	-	+	■	-	+	-	o	+	iv	■	-	+	-	-	+	54%	53	65%
<b>Calvert, Charles, &amp; St. Mary's Counties</b> 29 Roy P. Dyson (D)	■	+	■	-	-	■	-	+	-	-	+	-	■	iv	+	+	+	-	46%	36	54%
<b>Anne Arundel County</b> 30 John C. Astle (D)	-	+	■	-	+	■	-	+	-	-	-	-	■	+	+	+	-	+	47%	40	68%
<b>Anne Arundel County</b> 31 Philip C. Jimeno (D)	■	+	+	-	+	+	-	+	-	-	+	-	■	+	+	-	+	+	63%	66	64%
<b>Anne Arundel County</b> 32 James E. DeGrange, Sr. (D)	■	+	■	+	+	■	-	+	-	+	+	-	+	+	+	-	+	+	73%	83	61%
<b>Anne Arundel County</b> 33 Janet Greenip (R) *	■	+	■	iv	-	■	+	+	-	+	-	+	■	iv	+	+	+	+	69%	74	89%
<b>Cecil &amp; Harford Counties</b> 34 Nancy Jacobs (R) *	■	+	+	+	-	+	+	+	+	+	-	+	■	-	+	+	+	+	81%	94	92%
<b>Harford County</b> 35 J. Robert Hooper (R) *	+	+	■	iv	-	■	+	+	+	+	-	-	■	+	+	+	+	+	73%	83	76%
<b>Caroline, Cecil, Kent, &amp; Queen Anne's Counties</b> 36 E. J. Pipkin (R)	+	+	■	+	+	■	+	+	-	+	-	-	■	+	+	+	+	-	73%	83	81%
<b>Caroline, Dorchester, Talbot &amp; Wicomico Counties</b> 37 Richard E. Colburn (R) *	■	+	■	+	+	■	+	+	-	+	-	-	■	-	+	+	+	+	71%	81	82%
<b>Somerset, Wicomico &amp; Worcester Counties</b> 38 J. Lowell Stoltzfus (R) *	■	+	■	-	+	■	+	+	+	+	-	-	+	-	+	+	+	+	73%	83	80%
<b>Montgomery County</b> 39 Patrick J. Hogan (D) *	■	+	■	+	+	■	-	+	-	-	+	-	+	+	+	-	+	+	67%	70	74%
<b>Baltimore City</b> 40 Ralph M. Hughes (D)	■	+	-	-	+	-	-	-	-	-	-	-	■	+	+	-	-	-	25%	0	35%
<b>Baltimore City</b> 41 Lisa A. Gladden (D)	-	+	■	+	+	■	-	-	-	-	+	-	■	o	+	-	-	-	36%	17	34%
<b>Baltimore County</b> 42 James Brochin (D)	■	+	-	+	+	-	-	-	-	-	+	-	■	-	+	+	+	-	44%	34	44%
<b>Baltimore City</b> 43 Joan Carter Conway (D)	■	+	■	+	+	■	-	-	-	-	+	-	■	iv	+	-	-	-	38%	23	37%
<b>Baltimore City</b> 44 Verna L. Jones (D)	■	+	■	+	+	■	-	-	-	-	+	-	-	+	+	-	-	+	47%	40	33%
<b>Baltimore City</b> 45 Nathaniel J. McFadden (D)	■	+	■	+	+	■	-	-	-	-	+	-	-	+	+	-	-	+	47%	40	48%
<b>Baltimore City</b> 46 George W. Della, Jr. (D)	+	+	■	-	+	■	-	+	-	-	-	-	■	-	+	-	-	-	33%	11	48%
<b>Prince George's County</b> 47 Gwendolyn T. Britt (D)	■	+	■	-	+	■	-	-	-	-	+	-	■	+	+	-	-	+	43%	32	30%

MBRG RATING SYSTEM

\* Legislators with stars next to their names 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.

iv 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.

iv- 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.

iv<sup>m</sup> 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

2004 MBRG % 2004 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.

2004 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 2004 MBRG % rating ranks in relation to other legislators' ratings. For example, a Senator with a percentile ranking of 78 has a 2004 MBRG rating greater than 78 percent of his or her fellow Senators during this time period.

MBRG CUM % 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 2004. 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 pages 5, 6, & 8 for a full description of each vote.		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	2004 MBRG %	2004 Percentile	MBRG CUM%
<b>Allegany, Garrett &amp; Washington Counties</b>																						
1A	George C. Edwards (R) *	+	+	+	-	-	-	+	■	■	■	+	+	+	+	+	+	+	+	80%	74	82%
1B	Kevin Kelly (D)	+	+	+	-	-	-	-	+	■	■	+	+	+	+	+	+	+	+	75%	70	63%
1C	LeRoy Ellsworth Myers, Jr. (R)	+	+	+	-	+	+	+	■	■	■	+	+	+	+	+	+	+	+	93%	90	83%
<b>Washington County</b>																						
2A	Robert A. McKee (R) *	+	+	+	-	-	-	+	■	■	■	+	-	+	-	+	+	+	+	67%	66	75%
2B	Christopher B. Shank (R) *	+	+	+	-	+	+	+	+	■	■	+	+	+	+	+	+	+	+	94%	94	87%
2C	John P. Donoghue (D)	+	+	+	-	-	-	nv	■	■	■	+	-	+	-	-	+	-	-	43%	59	63%
<b>Frederick &amp; Washington Counties</b>																						
3A	Galen R. Clagett (D)	0	-	-	-	-	-	-	■	■	■	+	+	+	-	-	+	-	-	29%	51	24%
3A	Patrick N. Hogan (R)	+	+	+	-	+	-	+	■	+	■	+	+	+	+	+	+	+	+	88%	87	79%
3B	Richard B. Weldon, Jr. (R)	+	+	+	-	+	-	+	■	■	■	+	+	+	+	+	+	+	+	87%	79	65%
<b>Carroll &amp; Frederick Counties</b>																						
4A	Joseph R. Bartlett (R) *	+	+	+	-	+	+	+	■	■	■	+	+	+	+	+	+	+	+	93%	90	85%
4A	Paul S. Stull (R) *	+	+	+	-	+	nv	+	■	■	■	+	+	+	+	+	+	+	+	93%	90	90%
4B	Donald B. Elliott (R) *	+	+	+	-	+	-	+	■	■	■	+	+	+	+	+	+	+	+	87%	79	85%
<b>Baltimore &amp; Carroll Counties</b>																						
5A	Carmen Amedori (R) *	+	+	+	+	+	+	+	+	■	■	+	+	+	+	+	+	+	+	100%	96	96%
5A	Nancy R. Stocksdale (R) *	+	+	+	-	+	-	+	■	■	■	+	+	+	+	+	+	+	+	87%	79	91%
5B	A. Wade Kach (R) *	+	+	+	+	-	+	-	■	■	■	+	+	+	+	+	+	+	+	87%	79	81%
<b>Baltimore County</b>																						
6	John S. Arnick (D) *	+	+	+	-	-	+	+	■	+	■	+	+	+	+	+	+	+	+	88%	87	70%
6	Joseph J. Minnick (D)	nv-	+	-	-	-	nv	-	■	■	-	+	-	+	+	+	+	+	+	53%	60	65%
6	Michael H. Weir, Jr. (D)	+	+	-	-	-	+	-	■	+	■	+	+	+	+	+	+	+	+	75%	70	75%
<b>Baltimore &amp; Harford Counties</b>																						
7	Richard K. Impallaria (R)	+	+	+	+	-	+	-	■	■	+	+	+	+	+	+	+	+	+	88%	87	88%
7	J. B. Jennings (R)	+	+	+	+	-	+	+	■	+	■	+	+	+	+	+	+	+	+	94%	94	87%
7	Patrick L. Mc Donough (R)	+	+	+	+	-	+	0	■	■	■	+	+	+	+	+	+	+	+	93%	90	86%
<b>Baltimore County</b>																						
8	Joseph C. Boteler, III (R)	+	+	+	+	-	+	+	■	■	■	+	+	+	+	+	+	+	+	93%	90	91%
8	Eric M. Bromwell (D)	-	-	-	-	-	+	+	■	■	■	+	+	+	+	+	+	+	-	60%	63	61%
8	John W. E. Cluster, Jr. (R)	+	+	+	+	-	+	+	■	+	■	+	+	+	+	+	+	+	+	94%	94	-
<b>Carroll &amp; Howard County</b>																						
9A	Gail H. Bates (R)	+	+	+	+	+	+	+	■	■	■	+	+	+	+	+	+	+	+	100%	96	97%
9A	Warren E. Miller (R)	+	+	+	+	+	+	+	■	■	■	+	+	+	+	+	+	+	+	100%	96	100%
9B	Susan W. Krebs (R)	+	+	+	-	+	-	+	■	■	+	+	+	+	+	+	+	+	+	88%	87	88%
<b>Baltimore County</b>																						
10	Emmett C. Burns, Jr. (D)	-	-	-	-	-	-	-	■	■	-	+	+	+	-	-	-	-	-	19%	6	43%
10	Adrienne A. Jones (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	29%
10	Shirley Nathan-Pulliam (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	30%
11	Jon S. Cardin (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	0	-	-	-	-	21%	38	18%
11	Dan K. Morhaim (D)	-	-	-	-	-	-	nv	■	■	■	+	+	nv-	-	-	-	-	-	14%	3	38%
11	Robert A. Zirkin (D)	-	-	-	-	-	+	-	+	■	■	+	+	+	-	-	-	-	+	38%	57	33%
<b>Baltimore &amp; Howard Counties</b>																						
12A	Steven J. DeBoy, Sr. (D)	-	-	-	-	-	+	-	■	■	■	+	+	+	+	+	-	-	-	40%	58	36%
12A	James E. Malone, Jr. (D)	-	-	-	-	-	-	-	■	-	■	+	+	+	-	+	-	-	-	25%	42	51%
12B	Elizabeth Bobo (D)	-	-	-	-	-	-	-	■	-	■	-	+	0	-	-	-	-	-	7%	0	23%
<b>Howard County</b>																						
13	Shane E. Pendergrass (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	39%
13	Neil F. Quinter (D)	nv-	nv-	-	-	-	-	-	-	■	■	+	+	+	-	-	-	-	-	19%	6	17%
13	Frank S. Turner (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	33%
<b>Montgomery County</b>																						
14	Anne R. Kaiser (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	17%
14	Karen S. Montgomery (D)	-	-	-	-	-	-	-	■	-	■	+	+	+	-	-	-	-	-	19%	6	13%
14	Herman L. Taylor, II (D)	-	-	-	-	-	-	-	■	-	■	+	+	+	-	-	-	-	-	19%	6	16%
15	Jean B. Cryor (R)	+	+	+	-	-	-	-	■	■	■	+	+	+	-	-	-	+	+	53%	60	66%
15	Kathleen M. Dumais (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	19%	6	21%
15	Brian J. Feldman (D)	-	-	-	-	-	-	-	■	■	+	+	+	+	-	-	-	-	-	25%	42	20%
16	William A. Bronrott (D)	-	-	-	-	-	-	-	■	-	■	+	+	+	-	-	-	-	+	25%	42	31%
16	Marilyn R. Goldwater (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	0	-	-	-	-	21%	38	42%
16	Susan C. Lee (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	19%	6	18%
17	Kumar P. Barve (D)	-	-	-	-	-	-	-	■	+	■	+	+	+	-	-	-	-	+	31%	54	46%
17	Michael R. Gordon (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	+	27%	47	43%
17	Luiz R. S. Simmons (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	19%	6	17%
18	Ana Sol Gutierrez (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	19%	6	21%
18	John A. Hurson (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	36%
18	Richard S. Madaleno, Jr. (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	18%
19	Henry B. Heller (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	38%
19	Adrienne A. Mandel (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	33%
19	Carol S. Petzold (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	19%	6	48%
20	Peter Franchot (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	36%
20	Sheila Ellis Hixson (D)	-	-	-	-	-	nv	-	■	■	■	+	+	+	-	-	-	-	-	21%	38	39%
20	Gareth E. Murray (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	0	-	21%	38	18%
<b>Anne Arundel &amp; Prince George's Counties</b>																						
21	Barbara A. Frush (D)	-	-	-	-	-	-	-	■	-	■	+	+	0	-	-	-	-	-	13%	1	32%
21	Pauline H. Menes (D)	-	-	-	-	-	-	-	-	■	■	+	+	+	-	-	-	-	-	19%	6	32%
21	Brian R. Moe (D)	-	-	-	-	-	-	-	■	■	-	+	+	+	-	-	-	-	-	19%	6	26%
<b>Prince George's County</b>																						
22	Tawanna P. Gaines (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	19%
22	Anne Healey (D)	-	-	-	-	-	-	-	■	■	■	0	+	+	0	-	-	-	-	15%	6	35%
22	Justin D. Ross (D)	-	-	-	-	-	-	-	■	■	■	nv-	nv-	+	-	-	-	+	-	13%	1	13%
23A	Mary A. Conroy (D)	-	-	-	-	-	-	-	■	■	-	+	+	+	+	-	-	-	-	25%	42	34%
23A	James W. Hubbard (D)	-	-	-	-	-	-	-	■	■	■	nv-	+	+	-	-	-	-	-	13%	1	23%
23B	Marvin E. Holmes, Jr. (D)	-	-	-	-	-	-	-	■	■	-	+	+	+	-	-	-	-	+	25%	42	25%
24	Joanne C. Benson (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	35%
24	Carolyn J. B. Howard (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	38%
24	Michael L. Vaughn (D)	-	-	-	-	-	-	-	■	■	-	+	+	+	-	-	-	-	-	19%	6	20%
25	Anthony G. Brown (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	19%	6	32%
25	Dereck E. Davis (D)	-	-	-	-	-	-	-	■	■	■	nv <sup>m</sup>	+	+	0	-	-	-	-	14%	3	42%
25	Melony G. Griffith (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	34%
26	Darryl A. Kelley (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	19%	6	17%
26	Obie Patterson (D)	-	-	-	-	-	-	-	■	■	■											

# MARYLAND HOUSE OF DELEGATES

Please refer to pages 5, 6 & 8 for a full description of each vote.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	2004 MBRG %	2004 Percentile	MBRG CUM %
	<b>Calvert &amp; Prince George's Counties</b>																				
27A James E. Proctor, Jr. (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	42%
27A Joseph F. Vallario, Jr. (D)	-	-	-	-	-	-	-	nv <sup>m</sup>	■	■	+	+	+	-	-	-	-	-	20%	20	41%
27B George W. Owings, III (D)	-	-	-	-	-	-	+	■	+	■	+	+	+	+	+	+	+	+	63%	65	65%
<b>Charles County</b>																					
28 W. Louis Hennessy (R)	+	+	+	-	-	+	o	+	■	■	+	+	+	+	+	+	+	+	87%	79	74%
28 Sally Y. Jameson (D)	-	-	-	-	-	+	-	■	■	■	+	+	+	+	+	+	+	+	63%	65	52%
28 Van T. Mitchell (D) *	-	-	-	-	-	+	+	■	■	■	+	+	+	+	+	+	+	+	67%	66	76%
<b>Calvert, Charles, &amp; St. Mary's Counties</b>																					
29A John F. Wood, Jr. (D) *	-	+	+	-	-	nv	+	■	■	+	+	+	+	+	+	+	+	+	80%	74	74%
29B John L. Bohanan, Jr. (D)	-	-	-	-	-	+	+	■	■	■	+	+	+	+	+	+	+	-	60%	63	57%
29C Anthony J. O'Donnell (R) *	+	+	+	+	+	+	+	+	■	■	+	+	+	+	+	+	+	+	100%	96	94%
<b>Anne Arundel County</b>																					
30 Michael E. Busch (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	57%
30 Virginia P. Clagett (D)	-	-	-	-	-	-	-	■	-	■	+	+	+	-	-	-	-	-	19%	6	44%
30 Herbert H. McMillan (R)	+	+	+	+	-	+	-	+	■	■	+	+	+	+	+	+	+	+	81%	77	83%
31 Joan Cadden (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	+	+	+	+	-	53%	60	60%
31 Donald H. Dwyer, Jr. (R)	+	+	+	+	-	+	+	+	■	■	+	+	+	+	+	+	+	+	94%	94	96%
31 John R. Leopold (R) *	+	+	+	-	-	+	-	■	■	■	+	+	+	+	+	+	+	-	73%	68	74%
32 Terrill R. Gilleland, Jr. (R)	+	+	+	-	-	+	-	■	■	■	+	+	+	-	+	+	+	+	73%	68	-
32 Mary Ann E. Love (D)	-	-	-	-	-	-	-	■	■	■	-	+	+	-	+	-	-	-	25%	42	53%
32 Theodore J. Sophocleus (D)	-	-	-	-	-	-	-	+	■	■	+	+	+	+	+	+	+	-	50%	60	65%
33A David G. Boschert (R) *	+	+	+	+	-	-	-	-	■	■	+	+	+	+	+	+	+	+	73%	68	80%
33A Tony McConkey (R)	+	+	+	-	-	+	-	■	+	■	+	+	+	+	+	+	+	+	81%	77	83%
33B Robert A. Costa (R)	+	+	+	-	-	+	+	■	■	■	+	+	o	+	+	+	-	+	79%	73	77%
<b>Cecil &amp; Harford Counties</b>																					
34A Charles R. Boutin (R) *	+	+	+	-	-	-	+	■	■	■	+	+	+	o	+	+	+	+	79%	73	72%
34A Mary-Dulany James (D)	+	+	+	-	-	o	-	■	■	■	+	+	+	+	+	+	+	-	71%	67	63%
34B David D. Rudolph (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	+	+	-	-	33%	55	53%
<b>Harford County</b>																					
35A Barry Glassman (R) *	+	+	+	-	-	+	-	■	+	■	+	+	o	+	+	+	+	+	80%	74	77%
35A Joanne S. Parrott (R) *	+	+	+	+	-	+	-	■	■	■	+	+	+	+	+	+	+	+	88%	87	79%
35B Susan K. McComas (R)	+	+	+	-	-	-	-	+	■	■	+	+	+	+	+	+	+	+	75%	70	75%
<b>Caroline, Cecil, Kent, &amp; Queen Annes Counties</b>																					
36 Michael D. Smigiel, Sr. (R)	+	+	+	+	-	+	-	■	■	■	+	+	+	+	+	+	+	+	87%	79	78%
36 Richard A. Sossi (R)	+	+	+	+	+	+	+	■	+	■	+	+	+	+	+	+	+	+	100%	96	92%
36 Mary Roe Walkup (R) *	+	+	+	+	-	-	+	■	■	o	+	+	+	+	+	+	+	+	87%	79	84%
<b>Caroline, Dorchester, Talbot &amp; Wicomico Counties</b>																					
37A Rudolph C. Cane (D)	-	-	-	-	-	-	-	■	+	■	+	-	+	-	-	-	-	-	19%	6	38%
37B Adelaide C. Eckardt (R) *	+	+	+	+	-	+	+	■	■	■	+	+	+	+	+	+	+	+	87%	79	84%
37B Jeannie Haddaway (R)	+	+	+	-	-	+	-	■	■	■	+	+	+	+	+	+	+	+	81%	77	-
<b>Somerset, Wicomico &amp; Worcester Counties</b>																					
38A D. Page Elmore (R)	+	+	+	-	-	+	+	■	■	■	+	+	+	+	+	+	+	+	87%	79	82%
38B K. Bennett Bozman (D)	-	nv-	-	-	-	-	-	■	■	■	+	nv-	+	-	-	nv	-	-	14%	3	58%
38B Norman H. Conway (D)	-	-	-	-	-	-	-	■	■	■	+	-	+	-	-	nv	-	-	14%	3	67%
<b>Montgomery County</b>																					
39 Charles E. Barkley (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	22%
39 Nancy J. King (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	17%
39 Joan F. Stern (D)	-	-	-	-	-	-	-	■	-	■	+	+	+	-	-	-	-	-	19%	6	31%
<b>Baltimore City</b>																					
40 Tony E. Fulton (D)	-	-	-	-	+	nv	-	■	■	+	+	+	+	+	+	nv	-	+	57%	62	53%
40 Marshall "Toby" Goodwin (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	nv	-	+	29%	51	-
40 Salima Siler Marriott (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	+	27%	47	36%
41 Jill P. Carter (D)	-	-	-	-	-	-	-	■	■	■	nv-	+	+	nv	-	-	-	+	20%	20	18%
41 Nathaniel T. Oaks (D)	-	nv-	nv-	-	-	-	-	■	■	■	+	+	+	nv	-	+	-	+	36%	57	35%
41 Samuel I. Rosenberg (D)	-	-	-	-	-	-	-	■	■	■	nv-	+	+	-	-	-	-	+	20%	20	42%
<b>Baltimore County</b>																					
42 Susan L. M. Aumann (R)	+	+	+	-	+	+	-	■	■	■	+	+	+	+	+	+	+	+	87%	79	82%
42 William J. Frank (R)	+	+	+	+	-	+	-	■	■	■	+	+	+	+	+	+	+	+	87%	79	82%
42 John G. Trueschler (R)	+	+	+	-	-	+	-	■	■	■	+	+	+	+	+	+	+	+	75%	70	75%
<b>Baltimore City</b>																					
43 Curtis S. Anderson (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	+	25%	42	36%
43 Ann Marie Doory (D)	-	-	-	-	-	nv	-	■	■	o	+	+	+	-	-	-	-	+	29%	51	49%
43 Maggie L. McIntosh (D)	-	-	-	-	-	-	-	■	nv <sup>m</sup>	■	+	+	o	-	-	-	-	+	21%	38	40%
44 Keith E. Haynes (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	+	27%	47	35%
44 Ruth M. Kirk (D)	-	-	-	-	-	-	-	■	■	■	-	+	+	+	-	-	-	+	31%	54	43%
44 Jeffrey A. Paige (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	33%
45 Talmadge Branch (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	+	-	-	-	+	33%	55	51%
45 Clarence Davis (D)	-	-	-	-	-	-	-	■	■	■	+	+	nv-	-	-	-	-	+	20%	20	46%
45 Hattie N. Harrison (D)	-	-	-	-	-	-	-	■	■	o	+	+	+	-	-	-	-	+	27%	47	51%
46 Peter A. Hammen (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	-	20%	20	44%
46 Carolyn J. Krysniak (D)	-	-	-	-	-	-	-	■	■	■	-	+	+	+	-	-	-	-	19%	6	47%
46 Brian K. McHale (D)	-	nv-	-	-	-	-	-	■	■	■	-	+	+	+	-	-	-	-	19%	6	40%
<b>Prince George's County</b>																					
47 Doyle L. Niemann (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	+	27%	47	23%
47 Rosetta C. Parker (D)	-	-	-	-	-	o	-	■	o	■	+	+	+	-	-	-	-	+	29%	51	27%
47 Victor R. Ramirez (D)	-	-	-	-	-	-	-	■	■	■	+	+	+	-	-	-	-	+	27%	47	22%

## 2004 House Vote Descriptions

**1 SB 508 Delegate Shank Budget Reconciliation and Financing Act of 2004 – Amendment**  
Amends SB 508 by eliminating an increase in the state sales tax rate from five percent to six percent and removing a provision to expand the sales tax base to include real property management services and certain health club services. This amendment was one of several offered after the House Ways and Means Committee heavily amended SB 508 to include over \$1 billion in tax increases.

A "+" indicates a vote for the amendment to SB 508 and reflects MBRG's support for an amendment to preserve Maryland's competitive sales tax rate. Disagreeing with MBRG's position, the House rejected the amendment to SB 508, 48-90, on March 24, 2004 at 6:23 p.m. Subsequently, the sales tax increase approved by the House was rejected by the conference committee for SB 508.

**2 SB 508 Delegate Glassman Budget Reconciliation and Financing Act of 2004 – Amendment**  
Amends SB 508 by removing a provision to increase the state motor vehicle titling tax from five percent to six percent. This amendment was one of several offered after the House Ways and Means Committee heavily amended SB 508 to include over \$1 billion in tax increases. While the Maryland business community supported a balanced approach to increasing funds for the Transportation Trust

see *House ...continued on page 6*





## 2004 House Vote Descriptions



**Del. Van T. Mitchell (D)**

Among all veteran Democrats in the House of Delegates and Senate (minimum of four years of service), this Charles County legislator has the highest MBRG cumulative score (76).

Fund (see HB 1467 on pages 7 and 8), SB 508, as amended, represented another diversion of transportation revenues for general fund spending. Less than one-half of the \$145 million to be raised annually by the titling tax increase would actually have been used for transportation projects.

A "+" indicates a vote for the amendment to SB 508 and reflects MBRG's support for an amendment to prevent an increase in Maryland's vehicle titling tax for general fund spending. Disagreeing with MBRG's position, the House rejected the amendment to SB 508, 50-87, on March 24, 2004 at 6:32 p.m. Subsequently, the tax increase approved by the House was rejected by the conference committee for SB 508.

### 3 SB 508 Delegate McComas Budget Reconciliation and Financing Act of 2004 - Amendment

Amends SB 508 by removing a provision that increases the maximum state income tax rate from 4.75 percent to six percent during calendar years 2004 through 2008 for individuals with a taxable income of over \$150,000 and persons filing a joint return with a taxable income of over \$200,000. This amendment was one of several offered after the House Ways and Means Committee heavily amended SB 508 to include over \$1 billion in tax increases.

A "+" indicates a vote for the amendment to SB 508 and reflects MBRG's support for an amendment to eliminate an increase in Maryland income tax rates. Disagreeing with MBRG's position, the House rejected the amendment to SB 508, 48-92, on March 24, 2004 at 6:47 p.m. Subsequently, the tax increase approved by the House was rejected by the conference committee for SB 508.

### 4 HB 1 The Speaker Public School Construction Assistance Act of 2004

Imposes Maryland transfer and recordation taxes on the transfer of real property valued at \$1 million or more and dedicates specific amounts of the funds collected to school construction for fiscal years 2005-2008. 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 issuance of equity interests by a real estate entity, stockholders, or partner buyouts, and other ordinary business transactions among businesses and persons jointly owning real estate.

A "+" indicates a vote against HB 1 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 1, 124-17, on March 19, 2004 at 1:51 p.m. Subsequently, the Senate Budget and Taxation Committee took no action on this bill.

### 5 HB 183 Delegate Menes Procurement - Services Rendered in Foreign Country

See Senate Vote 12 for a description of HB 183. A "+" indicates a vote against HB 183 and reflects MBRG's opposition to legislation that undermines the State's competitive bidding process and impedes operation of free markets. Disagreeing with MBRG's position, the House approved HB 183, 125-16, on March 18, 2004 at 10:56 a.m.

### 6 HB 220 Departmental - Comptroller Admissions and Amusement Tax - Charges Subject to Tax

See Senate Vote 13 for a description of HB 220. A "+" indicates a vote against HB 220 and reflects MBRG's opposition to legislation that burdens businesses with unnecessary taxes. Disagreeing with MBRG's position, the House approved HB 220, 93-40, on March 11, 2004 at 10:15 a.m.

### 7 HB 234 Delegate McHale Labor and Employment - Broadcast Industry Employment Contracts

Prohibits a "broadcast industry employment contract" from containing a noncompete provision that restricts the right of an employee to seek or obtain employment with another employer in the broadcast industry after expiration or termination of the employment contract or employment relationship. Employers are identified as television stations; television networks; radio stations; radio networks; satellite-based services similar to broadcast stations or networks; any entity affiliated with any of the previous businesses; and any other entity that provides broadcasting services such as news, weather, traffic, sports, or entertainment programming. Noncompete provisions prohibited under this bill are void and unenforceable. Employees may seek reasonable civil damages, attorney's fees, and associated legal costs arising from an employer attempting to enforce a noncompete provision in a contract.

A "+" indicates a vote against HB 234 and reflects MBRG's opposition to legislation that interferes with private contract negotiations between employers and employees. Disagreeing with MBRG's position, the House approved HB 234, 106-31, on April 9, 2004 at 11:44 a.m. Subsequently, the Senate Rules Committee took no action on this bill.

### 8 HB 287 Administration Maryland Medical Injury Compensation Reform Act

See Senate Vote 3, SB 193, for a description of HB 287, its companion bill. A "+" indicates a vote for HB 287 and reflects MBRG's support for legislation that reduces health care costs by limiting awards from medical liability lawsuits. Disagreeing with MBRG's position, the House Judiciary Committee rejected HB 287, 10-10, on March 26, 2004.

### 9 HB 314 Delegate Bobo Environment - Establishment of Low Emissions Vehicle Program - Emissions Standards And Compliance Requirements

Requires the Department of Environment and the Motor Vehicle Administration to adopt regulations by December 31, 2006 to establish a low emissions vehicle program equivalent to California's LEV Program. The standards are applicable to vehicles of the model year 2010 and thereafter. This change creates unnecessary, new costs for manufacturers but fails to produce any air quality benefit. The federal government already has adopted standards that provide the same benefit as the California standards without increasing manufacturing costs.

A "+" indicates a vote against HB 314 and reflects MBRG's opposition to legislation that duplicates federal law and increases manufacturing costs without providing additional environmental benefits. Agreeing with MBRG's position, the House Environmental Matters Committee rejected HB 314, 8-12, on March 11, 2004.

### 10 HB 396 Delegate Wood Procurement - Prevailing Wage - School Construction

Limits state prevailing wage law by increasing the required amount of school construction funds paid by the state from 50 percent to 75 percent of projects with construction costs of \$500,000 or more in order for the law to apply. Prevailing wage law requires contractors for public works projects to pay the prevailing wage scale in the area as determined by the State. Studies indicate prevailing wage law adds as much as 15 percent to construction costs. By setting construction wages and inflating taxpayer costs for public projects, prevailing wage laws increase school construction costs and create inefficient work rules.

A "+" indicates a vote for HB 396 and reflects MBRG's support for legislation that reduces school construction costs. Disagreeing with MBRG's position, the House Economic Matters Committee rejected HB 396, 10-10, on March 27, 2004.

### 11 HB 455 Delegate Krysiak Consumer Protection - Late Fee Requirements in Consumer Contracts - Repeal of Sunset

See Senate Vote 2, SB 172, for a description of HB 455, its companion bill.

A "+" indicates a vote for HB 455 and reflects MBRG's support for legislation that allows the free market to determine appropriate business charges. Agreeing with MBRG's position, the House approved HB 455, 135-1, on February 26, 2004 at 10:21 a.m. The bill was signed into law through SB 172.

### 12 HB 555 Administration Water Pollution-Nutrients -State Waters-Chesapeake Bay Watershed-Restoration

See Senate Vote 5, SB 320, for a description of HB 555, its companion bill.

A "+" indicates a vote for HB 555 and reflects MBRG's support for legislation that helps protect the viability of a critical portion of Maryland's economy through reasonable user fees and a dedicated fund. Agreeing with MBRG's position, the House approved HB 555, 134-5, on March 19, at 2:06 p.m.

### 13 HB 679 Delegate Hixson Maryland Heritage Structure Rehabilitation Tax Credit Program

See Senate Vote 15 for a description of HB 679.

A "+" indicates a vote for HB 679 and reflects MBRG's support for legislation that provides tax credits for commercial rehabilitation projects. Agreeing with MBRG's position, the House approved HB 679, 133-0, on April 10, 2004 at 12:03 p.m.

### 14 HB 931 Delegate Bobo Election Law - Campaign Finance - Attribution of Contributions

Applies existing attribution rules for campaign contributions to other businesses that have the same ownership, including a partnership, a limited liability company, and a real estate investment trust. Under current law, most businesses, regardless of ownership, are permitted to make \$10,000 in total campaign contributions during a four-year election cycle, but no more than \$4,000 to any one campaign. Although many businesses have the same ownership, their location, industry, corporate, and political interests may differ. This bill prevents these businesses from participating equally in the election process but creates no similar restriction upon other related, non-business entities such as labor unions, members of common associations, etc.

A "+" indicates a vote against HB 931 and reflects MBRG's opposition to legislation that unfairly restricts business contributions to state election campaigns. Disagreeing with MBRG's position, the House approved HB 931, 78-57, on March 27, 2004 at 4:34 p.m. Subsequently, the Senate Education Health and Environmental Affairs Committee took no action on this bill.

### 15 HB 1188 Delegate A. Jones Higher Education Affordability and Access Act of 2004 - Supplementary Appropriation

See Senate Vote 16 for a description of HB 1188.

A "+" indicates a vote against HB 1188 and reflects MBRG's opposition to legislation that increases the State's corporate tax rate and budget deficit. Disagreeing with MBRG's position, the House approved HB 1188, 81-60, on March 29, 2004 at 7:42 p.m.

### 16 HB 1192 Delegate Taylor State Procurement Contracts - Living Wage

See Senate Vote 10, SB 621, for a description of HB 1192, its companion bill.

A "+" indicates a vote against HB 1192 and reflects MBRG's opposition to legislation that inflates state procurement costs, undermines the state competitive bidding process, and allows the government to establish artificial wage rates. Disagreeing with MBRG's position, the House approved HB 1192, 79-58, on April 12, 2004 at 11:50 a.m.

see House ...continued on page 8



**Del. Carmen Amedori (R)**

Among veteran Republicans (minimum of four years of service) in the House, this Carroll County legislator achieved the highest MBRG cumulative score (96).



## A Message to Our Legislators

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

1. Will the legislation increase or decrease the cost of doing business for companies in Maryland?  
If the answer is increase, will the added costs of the legislation and subsequent regulations exceed the added benefit to Maryland's residents?
2. Will the legislation and subsequent regulations be more or less stringent than, or contradictory to, federal law and regulations, or will it give Maryland a competitive advantage or disadvantage with other states?
3. Will the legislation encourage or discourage companies from adding new jobs or keeping current jobs in Maryland?
4. Will the legislation encourage or discourage individuals and/or businesses from investing, building, owning or renting property, or selling and buying goods and services in Maryland?
5. Will the legislation promote or impede the competitive market by removing or imposing legal, economic and/or regulatory burdens, taxes, or costs?
6. Is there another way to solve the problem or address the issue without legislation, or is there existing legislation addressing the matter?
7. Will introducing the bill send a positive or negative message about Maryland's business climate?

*If you are unsure of the answers to these questions, we encourage you to contact a representative from the potentially affected industry to solicit assistance.*

## 2004 Senate Vote Descriptions (continued from page 2)



**Sen. Patrick J. Hogan (D)**

Among veteran Democrats (minimum of four years of service) in the Senate, this Montgomery County legislator has the highest MBRG cumulative score (74).

implementing price control, this amendment prevents development of market-based pricing in Maryland, discourages competition, and re-regulates the electricity market. If cost increases for electricity exceed ten percent annually, the amendment will create significant financial burdens for Maryland's electric companies. Throughout history artificial price controls have had devastating economic consequences.

A "+" indicates a vote against the amendment to SB 869 and reflects MBRG's opposition to an amendment that impedes free market competition by imposing price controls. Agreeing with MBRG's position, the Senate rejected the amendment to SB 869, 14-33, on April 9, 2004 at 11:06 a.m.

### 12 HB 183 - Delegate Menes Procurement - Services Rendered in Foreign Country

Allows procurement officers of State agencies to consider during the contract bidding process whether a contractor or subcontractor renders services from a location outside the United States. A competitive bidding process obtains the best service at the lowest price. By reducing the potential number of companies bidding on service contracts, this bill interferes with the operation of free markets, which in turn, will inflate State procurement costs. The bill also invites retaliation against Maryland by foreign governments from which the State seeks foreign investment.

A "+" indicates a vote against HB 183 and reflects MBRG's opposition to legislation that obstructs global market competition. Disagreeing with MBRG's position, the Senate approved HB 183, 41-3, on April 12, 2004 at 11:47 a.m. The bill was vetoed on May 25, 2004.

### 13 HB 220 - Departmental - Comptroller Admissions and Amusement Tax - Charges Subject to Tax

Clarifies that an admissions and amusement tax applies to merchandise, refreshments, food and beverage, or a service sold or served in connection with entertainment. Many restaurants provide free entertainment in the form of a live band or disk jockey. If there is no financial connection between entertainment and the sale of food or beverage (i.e., cover charge, minimum drink purchase, inflated prices during periods of live entertainment, etc.), the Maryland Court of Appeals has ruled that the tax is not applicable. This measure is an attempt to change statutory language to ensure that the tax applies regardless of whether a financial nexus exists.

A "+" indicates a vote against HB 220 and reflects MBRG's opposition to legislation that burdens businesses with unnecessary taxes. Agreeing with

MBRG's position, the Senate Budget and Taxation Committee rejected HB 220, 5-8, on April 2, 2004.

### 14 HB 503 - Senator Green Environmental Trust Fund - Extension of Environmental Surcharge - Amendment

Amends HB 503 to require the Public Service Commission to establish a program enabling counties and municipalities to purchase electricity as an aggregator and provide electricity to customers under local government supervision. The amendment enables a local government to capture all electricity customers residing within its boundaries, and permits customers to return to their supplier of choice only by submitting a written statement to opt out of the program. This amendment legislates governmental slamming of electric customers away from previously selected suppliers, causing adverse consequences for businesses engaged in electricity distribution. The amendment also creates a massive movement of customers from one supplier to another, which will increase the electric rates Maryland businesses and residents pay.

A "+" indicates a vote against the amendment to HB 503 and reflects MBRG's opposition to an amendment that creates unfair competition and unwarranted governmental intrusion into the electricity business. Disagreeing with MBRG's position, the Senate approved the amendment to HB 503, 22-19, on April 12, 2004 at 12:23 p.m. Subsequently, the House rejected the Senate amendment, and the Senate withdrew the amendment.

### 15 HB 679 - Delegate Hixon Maryland Heritage Structure Rehabilitation Tax Credit Program

Reestablishes the Maryland Heritage Structure Rehabilitation Tax Credit program to assist developers with the financially prohibitive process of rehabbing and redeveloping existing historic homes and commercial structures. The existing Heritage Structure Rehabilitation Program terminated June 1, 2004. The bill also increases the total commercial cap to \$25 million and creates a competitive process for awarding commercial credits. Many historic neighborhoods across the state have benefited from this critical economic development stimulus. Over the past five years, the program has stimulated over \$750 million of investment in historic buildings in Maryland. This bill preserves our history while creating homes, communities, and jobs for Maryland residents.

A "+" indicates a vote for HB 679 and reflects MBRG's support for legislation that provides tax credits for commercial rehabilitation projects. Agreeing with MBRG's position, the Senate approved HB 679, 47-0, on April 12, 2004 at 9:35 p.m. The bill was signed into law on April 27, 2004.

### 16 HB 1188 - Delegate Jones Higher Education Affordability and Access Act of 2004 - Supplementary Appropriation

Imposes a corporate income tax surcharge of ten percent for taxable years 2004 through 2006 and mandates five percent annual funding increases in FY 2006 and FY 2007 for higher education at University System of Maryland (USM) institutions and Morgan State University. The bill also caps tuition increases during those years at five percent if the State provides required funding. The three-year increase in

the corporate income tax rate also applies to small businesses that are corporate entities. Increasing Maryland's corporate tax rate makes the State's business climate less competitive. Additionally, this under-funded mandate will increase the State's structural budget deficit by over \$111 million by FY 2008.

A "+" indicates a vote against HB 1188 and reflects MBRG's opposition to legislation that increases the State's corporate tax rate and structural budget deficit. Disagreeing with MBRG's position, the Senate approved HB 1188, 30-17, on April 12, 2004 at 12:53 p.m. The bill was vetoed on May 25, 2004.

### 17 HB 1271- Delegate Hurson Community Health Care Access and Safety Net Act of 2004

Repeals the HMO premium tax exemption and levies a two percent premium tax on HMOs and dedicates the funds collected to increasing Medicaid specialist fees, expanding Medicaid coverage for parents whose annual income is at or below 150 percent of the federal poverty level, and creating a Maryland Community Health Care Commission to increase access to health care through community health resources. 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 who may forego their health insurance, and thus contribute to the tax burden of caring for the uninsured.

A "+" indicates a vote against HB 1271 and reflects MBRG's opposition to legislation that increases health care costs in Maryland. Agreeing with MBRG's position, the Senate rejected HB 1271, 22-24, on April 12, 2004 at 10:08 p.m.

### 18 HB 1467 - Administration Transportation Trust Fund - Transportation Financing - Increased Revenues

Increases the State motor vehicle registration fee by \$23.50 per year for light vehicles and \$36 per year for heavy vehicles; raises other Motor Vehicle Administration (MVA) fees; and increases the debt limit on consolidated transportation bonds. This increase in fees will enhance Transportation Trust Fund (TTF) revenues by \$166 million per year. Improvement projects funded may include upgrading I-695 in Baltimore, constructing new interchanges for Route 4 in Prince George's County; making safety improvements on US 113 and Route 404; and providing technology upgrades for the State transit system. A modern transportation system is vital for an efficient exchange of goods and services. Adequately funding this transportation system has been a high priority of the Maryland business community for many years. This bill represents a balanced approach to transportation revenue increases and begins to resolve impending shortfalls in the TTF.

A "+" indicates a vote for HB 1467 and reflects MBRG's support for legislation to help create an efficient, well-maintained, and adequately funded transportation system. Agreeing with MBRG's position, the Senate approved HB 1467, 29-18, on April 9, 2004 at 11:49 a.m. The bill was signed into law on April 13, 2004.

## How the Votes Are Selected

To determine an accurate picture of the Maryland legislature's attitudes toward business, jobs, economic growth, and investment in the state, MBRG's 25-member State Advisory Council selects those recorded votes 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 votes taken from different stages of the legislative process: final (third reader), in committee, votes on amendments and critical motions, and votes on gubernatorial nominations. We may at times omit a particular piece of legislation due to a lack of strong consensus within the business community.

Although this evaluation process summarizes a legislative system that 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 a legislator's support for business should be made by examining committee and floor votes and considering unrecorded matters such as performance on subcommittees, communication with business representatives, and service to constituent businesses.

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 selected votes.

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

### 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.*

## 2004 House Vote Descriptions (continued from page 6)

### 17 HB 1271 Delegate Hurson Community Health Care Access and Safety Net Act of 2004

Repeals the HMO premium tax exemption and levies a one percent premium tax on HMOs and dedicates the funds collected to increasing Medicaid specialist fees, funding primary medical care for low income individuals, and creating a Maryland Community Health Care Commission to increase access to health care through community health resources. Since employers are already experiencing double-digit increases in health care insurance costs, it is not prudent to add a one percent premium tax that will add further health care costs for employers and/or employees who may forego their health insurance, and thus contribute to the tax burden of caring for the uninsured.

A "+" indicates a vote against HB 1271 and reflects MBRG's opposition to legislation that increases health care costs in Maryland. Disagreeing with MBRG's position, the House approved HB 1271, 86-54, on April 2, 2004 at 12:54 a.m.

### 18 HB 1467 Administration Transportation Trust Fund- Transportation Financing - Increased Revenues

See Senate Vote 18 for a description of HB 1467. Adequately funding this transportation system has been a high priority of the Maryland business community for many years. This bill represents a balanced approach to transportation revenue increases and begins to resolve impending shortfalls in the TTF.

A "+" indicates a vote for HB 1467 and reflects MBRG's support for legislation to help adequately fund Maryland's transportation system. Agreeing with MBRG's position, the House approved HB 1467, 92-69, on March 19, 2004 at 2:10 p.m.

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