



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

MARYLAND BUSINESS FOR
RESPONSIVE GOVERNMENT

Main Street meets Wall Street

Maryland legislature leaves wrecks on both...

What makes a business climate?

Of all the jargon describing business climates, the ones that probably encompass all others in legal, legislative, and regulatory matters are *stability* and its evil twin *instability*. Businesses gravitate to stability. The more instability, the more difficulty in making a reliable business plan—and greater the cost.

In the marketing mix—product, price, place, promotion—stability affects place the most. If a business needs proximity to government, especially the federal kind such as the Department of Homeland Security or the National Institute of Health, then instability in a jurisdiction is of less concern than for others in the private sector. But the legal, legislative, and regulatory climate is paramount if a business is in manufacturing, retailing, or utilities. When it comes to business regulation, electric utilities historically—and now Wal-Mart—are the canaries in the regulatory mine. Bad things happen to them first. Other businesses will ponder eventual imposition of those regulations on them.

CNN's Lou Dobbs *Tonight* put Maryland in an unfavorably high profile when he invited Maryland officials to explain dubious, new election laws—one of which allows people to vote in jurisdictions other than where they reside, voting perhaps more than once. *The Washington Post* says it "Taints the election before it begins," and a *Wall Street Journal* editorial says, "It should normally be difficult to pick the worst state legislature in America, but

"The state of education in the city of Baltimore is an atrocity..."

Oprah Winfrey

Maryland's is way out in front." Of the Wal-Mart bill, *The Washington Post* called it "a legislative mugging masquerading as an act of benevolent engineering." While

Baltimore Sun columnists and editorialists mock the notion that Maryland's legislature is anti-business, clearly the national perception is otherwise.

Because MBRG scrupulously selects strictly business-related bills for *Roll Call*, these election laws were not included in rating the legislature although they clearly stigmatize Maryland's political climate. (See Column 3 — The Meaning of Business Friendly.) Likewise, the

legislature's prevention of Gov. Ehrlich's immediate state takeover of chronically failing Baltimore City schools—what Barry Rascovar calls "education malpractice"—is a glaring example of the legislature's destabilizing indifference to the worst socio-economic problem facing Maryland. In Oprah Winfrey's words, "The state of education in the city of Baltimore is an atrocity... what is going on is a crime to the children of this city."

Anatomy of a Regulatory Climate Destroyed

Price controls have failed unflinchingly since their first recorded use in Babylon forty centuries ago. They failed again late in electric utility negotiations in 1999 when Gov. Glendening at the insistence of the People's Counsel agreed to freeze *consumer rates* for at least four years at a level below 1993 rates. Legislators of both parties concurred overwhelmingly. No deregulation for residential consumers resulted, nor incentives for competitors to enter a Maryland market where rates were set artificially low. This led to a crisis, made far worse by the 2006 team of lawmakers, mostly the same as those in 1999.

Main Street met Wall Street when Moody's Investor Service downgraded BGE's and Pepco's credit ratings because the legislature's actions caused a deteriorating, unstable regulatory environment in Maryland. How? A lower credit rating means tens of millions of dollars in higher costs of borrowing money. By law, these costs are passed on to customers. Unlike ever higher costs of various fuels that BGE has no control over, legislatures are obliged to avoid reckless and costly behavior.

The legislature caused this deteriorating regulatory environment by:

- Making a rash decision to fire the quasi-judicial Public Service Commission, which is powerless under law enacted by the 1999 General Assembly to end price caps on electricity. (Moody's calls it "a highly unusual event in the modern history of the U.S. regulated utility industry.")
- Changing approval standards affecting the entirely legitimate merger of Constellation Energy Group and Florida Power and Light.
- Altering terms of an existing contract governing rates for electricity.

- Enacting the Healthy Air Act—feel good legislation imposing huge cleanup costs to remove pollution coming from power plants in other states, exceeding costs imposed in any other state, and guaranteeing high additional future costs to consumers with virtually no environmental benefit.

BGE and Constellation are justifiably proud of building a world class organization. It's a Fortune 200 company on its way to becoming a Fortune 100 company if the merger is approved. They'll be a magnet for other prestigious firms. They've brought over 1000 highly sophisticated,

"Maryland has become the nation's Aberdeen Proving ground for bad public policy."

high paying new jobs to Maryland in the last four and a half years. They pay 20 percent of all the corporate taxes in Maryland. What competent, elected

body would treat any corporate citizen with such foolhardy contempt? Wal-Mart, BGE—who's next? Maryland has become the nation's Aberdeen Proving ground for bad public policy.

The Meaning of "Business Friendly"

Following are elements of a positive business climate that have been identified by MBRG business leaders. MBRG urges Maryland's elected and appointed officials to strive for a balanced public policy approach that includes the consideration of the impact of new laws and regulations on the state's business climate. The following attributes of "business friendly" public policy would have significant, measurable, and positive impact on all citizens in the state.

Fiscal responsibility

- A budget process that limits new spending and prohibits unfunded mandates that inevitably result in new taxes, fees or surcharges.
- A tax structure that is focused on attracting and retaining private jobs and investment in Maryland.

(continued on page 8)

RESULTS OF THE 2006 SESSION

VICTORIES

- ✓ A bill prohibiting the development of property near the waters of a major tidal tributary and applying it retroactively was defeated. See Senate Vote 3 on page 2.
- ✓ An amendment authorizing the Governor to impose price controls on any good or service at any time was defeated. See Senate Vote 4 on page 2.
- ✗ A bill eliminating all user fees for businesses that access eMaryland Marketplace was approved. See Senate Vote 6 on page 2 and House Vote 9 on page 6.
- ✓ A bill preventing a merger between Constellation Energy and Florida Power and Light and forbidding a rate increase until Constellation Energy returns \$528 million in transition costs to residential customers only was vetoed. See Senate Vote 7 on page 2 and House Vote 2 on page 6.
- ✗ A bill requiring the State to pay the same rate of interest on tax refunds as it charges for delinquent taxes became law without the governor's signature. See Senate Vote 10 on page 7 and House Vote 10 on page 6.
- ✓ A bill retroactively prohibiting a local zoning authority from approving a liquefied natural gas storage facility was defeated. See Senate Vote 11 on page 7 and House Vote 11 on page 6.

- ✓ An amendment enabling counties and municipalities to purchase electricity as aggregators and provide electricity to customers was defeated. See Senate Vote 13 on page 7.
- ✓ A bill establishing numerous requirements relating to electric or gas company acquisitions and mergers was vetoed. See Senate Vote 14 on page 7 and House Vote 16 on page 7.
- ✓ A bill banning smoking in all indoor public places in Maryland was defeated. See House Vote 6 on page 6.
- ✓ A bill mandating a minimum wage and indexing it to inflation was defeated. See House Vote 12 on page 6.
- ✓ A bill holding manufacturers of lead-based paint liable for damages based on a market share theory of liability was defeated. See House Vote 14 on page 6.
- ✓ A bill expanding health care coverage for state residents by mandating for profit employers to spend a certain percentage of payroll on employee health care was defeated. See House Vote 15 on page 7.

DEFEATS

- ✗ A bill enhancing the security of computerized personal information was defeated. See Senate Vote 1 on page 2.

- ✗ A bill imposing stringent and costly standards on power plant emissions was approved. See Senate Vote 2 on page 2 and House Vote 1 on page 6.
- ✗ A bill allowing retail service dealers to sell motor fuel below cost was defeated. See Senate Vote 5 on page 2 and House Vote 3 on page 6.
- ✗ A bill increasing the amount of the Maryland Research and Development Tax Credit was defeated. See Senate Vote 8 on page 2 and House Vote 5 on page 6.
- ✗ The veto of a bill increasing Maryland's minimum wage rate to \$6.15 per hour was overridden. See Senate Vote 9 on page 2 and House Vote 7 on page 6.
- ✗ The veto of a bill establishing a payroll tax on any business with more than 10,000 employees in Maryland unless the business annually spends more than eight percent of its wages on health insurance costs was overridden. See Senate Vote 12 on page 7 and House Vote 13 on page 6.
- ✗ A bill capping an award or verdict for noneconomic damages related to medical liability lawsuits was defeated. See House Vote 4 on page 6.
- ✗ A bill restoring the cap on noneconomic damage awards in latent disease and latent injury cases was defeated. See House Vote 8 on page 6.

2006 Senate Vote Descriptions



Sen. David R. Brinkley (R)

Highest MBRG CUM in Senate - 93%

This Carroll & Frederick County Senator achieved the highest MBRG cumulative score among all Senators who have served a minimum of four years in the legislature.

1 SB 134 – Senator Kelley Consumer Protection – Personal Information Protection Act

Requires businesses to take reasonable precautions when destroying personal information of a customer and to investigate and notify individuals if a security breach of computerized personal information occurs. Currently, Maryland does not regulate business practices regarding records that contain personal information. This bill addresses the security breach issue in a meaningful and workable manner without imposing onerous mandates on Maryland businesses.

A "+" indicates a vote for SB 134 and reflects MBRG's support for legislation that enhances the security of personal information in a business friendly manner. Agreeing with MBRG's position, the Senate approved SB 134, 46-0, on March 9, 2006 at 11:42 a.m. Subsequently, the bill died in the House Economic Matters Committee without a vote.

2 SB 154 – Senator Pinsky Healthy Air Act

Establishes limits on power plant emissions of Mercury, nitrogen oxide, and sulfur dioxide and requires the State to participate in the Regional Greenhouse Gas Initiative (RGGI), which imposes stringent standards for carbon dioxide emissions. Affected facilities must submit annual emissions performance reports to the Maryland Department of the Environment (MDE), the Department of Natural Resources, and the Public Service Commission. Approximately two-thirds of the electricity generated in Maryland comes from the burning of fossil fuels (coal, oil, and natural gas), which produces many different air pollutants. Currently, MDE follows the guidelines established by the federal Clean Air Act to control air pollution. This bill will force the closure of many coal-burning power plants, raise the price of electricity by more than a billion dollars per year, and threaten reliable electric supply in Maryland.

A "+" indicates a vote against SB 154 and reflects MBRG's opposition to legislation that exceeds federal requirements and significantly increases the cost of producing electricity in Maryland. Disagreeing with MBRG's position, the Senate approved SB 154, 33-14, on March 20, 2006 at 8:51 p.m. The bill was signed into law on April 6, 2006.

3 SB 257 – Senator Brochin Critical Areas Program – Resource Conservation Areas – Little Blackwater River

Prohibits the development of all property located near the waters of a major tidal tributary of a national wildlife refuge using growth allocation, including those proposed before January 1, 2006. The bill applies to the Blackwater Resort Communities in Dorchester County, which already had received county approval before private investors spent over 10 million dollars on the project. This bill retroactively overrules the local government's approval of the development project despite the project's compliance with all zoning and Critical Area laws. By endorsing the use of the State's regulatory powers to change a law retroactively, this bill reduces the predictability of Maryland's laws, which is an essential element of a good business climate.

A "+" indicates a vote against SB 257 and reflects MBRG's opposition to legislation that retroactively changes the law. Agreeing with MBRG's position, the Senate rejected SB 257, 20-27, on March 24, 2006 at 11:57 a.m.

4 SB 320 – Senator Pinsky Public Safety – Emergency Management – Essential Goods and Services – Amendment

Amends SB 320 to authorize the Governor to impose price controls on any good or service in the State's economy, at any time, for unlimited duration. In a free market, prices are set by supply and demand. Price controls distort the marketplace by artificially restraining the prices of products that are in high demand, encouraging over consumption and causing a shortage of supply. This amendment diverts needed goods and services to neighboring states during times of emergency, depriving Maryland residents of essential goods and services at a time when they are most needed.

A "+" indicates a vote against the amendment to SB 320 and reflects MBRG's opposition to price controls. Agreeing with MBRG's position, the Senate rejected the amendment to SB 320, 18-28, on April 5, 2006 at 12:49 p.m.

5 SB 503 – Senator Kittleman Business Regulation – Motor Fuel – Below Cost Sales

Repeals a prohibition against retail service station dealers from selling motor fuel at below cost and removes the Comptroller's regulatory authority over the sale of fuel. Instead, sales are subject to the Maryland Sales Below Cost Act, which prevents retailers from selling merchandise below cost with the intent of diminishing or eliminating competition. The current law interferes with the free marketplace and unnecessarily inflates gas prices by an average of two to four cents per gallon.

A "+" indicates a vote for SB 503 and reflects MBRG's support for legislation that preserves competitive pricing and free enterprise. Disagreeing with MBRG's position, the Senate Finance Committee rejected SB 503, 0-11, on February 23, 2006.

6 SB 794 – Senator Hogan Procurement – eMaryland Marketplace

Eliminates all user fees for businesses that access eMaryland Marketplace (eMM) to obtain notices of State procurements and to submit contract bids. Currently, State agencies charge the winning bidder of a State procurement an amount sufficient to pay the costs of operating eMM. Typically, businesses increase the size of a bid by the amount of the fee that the agency will charge if the bid is accepted. Therefore, the cost of operating eMM is passed on to the State in the form of higher contract prices. This bill enables more businesses to compete for state contracts by eliminating an inaccurate and unfair fee system charged to winning bidders and replacing it with a more business friendly system.

A "+" indicates a vote for SB 794 and reflects MBRG's support for a business friendly State procurement system. Agreeing with MBRG's position, the Senate approved SB 794, 47-0, on March 24, 2006 at 11:18 a.m. The bill was signed into law on May 2, 2006.

7 SB 1099 – Senator Pipkin Constellation Energy Group, Inc. & Baltimore Gas & Electric Company – Return of Transition Costs

Forbids Constellation Energy from completing a merger with Florida Power and Light or from collecting a constitutionally guaranteed rate increase until Constellation Energy pays \$528 million to residential ratepayers in the BGE service territory. Under a court approved settlement between Constellation, the People's Counsel, and business customers in 1999, residential and business customers had to pay \$528 million to Constellation Energy for transition costs. This bill forces Constellation Energy to either give up the merger and rate increases or pay back the \$528 million to residential customers only. As a result, this bill unfairly subsidizes residential customers at the expense of business customers.

A "+" indicates a vote against SB 1099 and reflects MBRG's opposition to legislation that intervenes in private, corporate transactions. Disagreeing with MBRG's position, the Senate approved SB 1099, 42-5, on March 29, 2006 at 5:32 p.m. The bill was vetoed on April 8, 2006.

Senate Chart Key

- 1 SB 134 Consumer Protection - Personal Information Protection Act
- 2 SB 154 Healthy Air Act
- 3 SB 257 Critical Areas Program - Resource Conservation Area - Little Blackwater River
- 4 SB 320 Pinsky Amendment - Public Safety - Emergency Management - Essential Goods and Services
- 5 SB 503 Business Regulation - Motor Fuel - Below Cost Sales
- 6 SB 794 Procurement - eMaryland Marketplace
- 7 SB 1099 Constellation Energy Group, Inc., and Baltimore Gas and Electric Company - Return of Transition Costs
- 8 HB 311 Business and Economic Development - Research and Development Tax Credit
- 9 HB 391 (2005) Labor & Employment - Minimum Wage - Increase
- 10 HB 859 Tax Procedure - Refunds - Interest Rate
- 11 HB 927 Prince George's County - Liquefied Natural Gas Storage Facilities PG 415-06
- 12 HB 1284 (2005) Fair Share Health Care Fund Act
- 13 HB 1615 Green Amendment - Construction of Electric Generating Stations - Certificate of Public Convenience and Necessity
- 14 HB 1713 Public Service Companies - Mergers, Acquisitions, and Financing

8 HB 311 – Delegate Busch Business and Economic Development – Research and Development Tax Credit

Increases the amount of the Maryland Research and Development Tax Credit's basic credit cap to \$5 million and the growth credit cap to \$5 million. Currently, the Department of Business and Economic Development can approve a total of \$6 million in credits each tax year (\$3 million basic credit cap and \$3 million growth credit cap). This credit serves as an invaluable tool for attracting and retaining companies that perform research and development, along with the highly educated workforce these companies employ. Increasing the cap will increase business investment in research and development activities in Maryland.

A "+" indicates a vote for HB 311 and reflects MBRG's support for tax incentives that encourage investment in research and development. Agreeing with MBRG's position, the Senate Budget and Taxation Committee approved HB 311, 13-0 on April 10, 2006. Subsequently, the bill died in the Senate without a vote.

9 HB 391 (2005) Delegate D. Davis Labor and Employment – Minimum Wage - Increase

Decouples Maryland's minimum wage from the Federal minimum wage of \$5.15 per hour by increasing Maryland's rate to \$6.15 per hour. However, the bill exempts state and local governments from paying the higher wage mandate, thus increasing the overhead costs for private sector employers only. As a result, businesses will hire fewer new employees, low-skilled workers will be displaced, and businesses will have fewer dollars for investment and expansion. This bill also prevents the labor market from determining wage rates, which creates an unstable business environment for Maryland's small business owners who are most vulnerable to economic downturns.

A "+" indicates a vote against overriding the veto of HB 391 and reflects MBRG's opposition to legislating wage rates. Disagreeing with MBRG's position, the Senate overrode the veto of HB 391, 30-17, on January 17, 2006 at 10:36 a.m.

(continued - see Senate Vote Descriptions 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	2006 MBRG %	2003-2006 MBRG %	2003-2006 Percentile	MBRG CUM %
Allegany, Garrett & Washington Counties 1 John J. Hafer (R) *	+	+	+	+	-	+	+	■	+	+	+	+	+	+	92%	88%	89	81%
Washington County 2 Donald F. Munson (R) *	+	+	+	+	■	+	-	+	+	+	■	+	+	-	83%	79%	79	79%
Frederick & Washington Counties 3 Alexander X. Mooney (R) *	+	+	+	+	■	+	-	■	+	+	■	+	+	-	82%	72%	70	82%
Carroll & Frederick Counties 4 David R. Brinkley (R) *	+	+	+	+	■	+	+	+	+	+	■	+	+	+	100%	93%	96	93%
Baltimore & Carroll Counties 5 Larry E. Haines (R) *	+	+	+	+	■	+	-	■	+	+	■	+	+	+	91%	79%	79	86%
Baltimore County 6 Norman R. Stone, Jr. (D)	+	-	-	-	■	+	-	■	-	+	■	-	-	-	27%	37%	30	48%
Baltimore & Harford Counties 7 Andrew P. Harris (R) *	+	+	+	+	■	+	-	■	+	+	■	+	+	-	82%	79%	79	85%
Baltimore County 8 Katherine A. Klausmeier (D)	+	-	-	+	-	+	-	■	-	+	+	-	+	-	46%	54%	53	66%
Carroll & Howard Counties 9 Allan H. Kittleman (R)	+	+	+	+	■	+	+	■	+	+	■	+	+	+	100%	95%	98	95%
Baltimore County 10 Delores G. Kelley (D)	+	-	-	-	-	+	-	■	-	+	+	-	-	-	31%	29%	9	36%
Baltimore County 11 Paula Colodny Hollinger (D)	+	-	-	-	■	+	-	■	-	+	■	-	-	-	27%	35%	28	48%
Baltimore & Howard Counties 12 Edward J. Kasemeyer (D)	+	-	+	+	■	+	-	+	-	+	■	-	-	-	50%	59%	62	62%
Howard County 13 Sandra B. Schrader (R)	+	-	+	-	■	+	-	+	+	+	■	+	+	-	67%	66%	68	59%
Montgomery County 14 Rona E. Kramer (D)	+	-	+	+	■	+	-	+	-	+	■	-	+	-	58%	58%	60	58%
Montgomery County 15 Rob Garagiola (D)	+	-	-	+	■	+	-	■	-	+	■	-	-	-	36%	38%	34	38%
Montgomery County 16 Brian E. Frosh (D)	+	-	-	-	■	+	-	■	-	+	■	-	-	-	27%	26%	4	33%
Montgomery County 17 Jennie M. Forehand (D)	+	-	+	-	■	+	-	■	-	+	■	-	-	-	36%	32%	21	39%
Montgomery County 18 Sharon Grosfeld (D)	+	-	-	-	■	+	-	■	-	+	■	-	-	-	27%	22%	0	25%
Montgomery County 19 Leonard H. Teitelbaum (D)	+	-	+	-	-	+	-	■	-	+	+	-	+	nv	50%	37%	30	48%
Montgomery County 20 Ida G. Ruben (D)	+	-	-	-	■	+	-	+	-	+	■	-	-	-	33%	32%	21	39%
Anne Arundel & Prince George's Counties 21 John A. Giannetti, Jr. (D)	+	-	-	+	■	+	-	■	-	+	■	-	-	-	36%	44%	43	44%
Prince George's County 22 Paul G. Pinsky (D)	+	-	-	-	■	+	-	■	-	+	■	-	-	-	27%	23%	2	29%
Prince George's County 23 Leo E. Green (D)	nv-	-	-	-	■	+	-	■	-	+	■	-	-	-	18%	29%	9	41%
Prince George's County 24 Nathaniel Exum (D)	+	-	-	-	-	+	-	■	-	+	-	-	+	-	31%	31%	19	34%
Prince George's County 25 Ulysses Currie (D)	+	-	+	+	■	+	-	+	-	+	■	-	-	-	50%	53%	51	50%
Prince George's County 26 Gloria Lawlah (D)	+	-	+	+	■	+	-	+	-	+	■	-	-	-	50%	49%	45	49%
Calvert & Prince George's Counties 27 Thomas V. Mike Miller, Jr. (D)	+	-	+	nv	■	+	-	■	-	+	■	-	+	-	50%	54%	53	63%
Charles County 28 Thomas M. Middleton (D)	+	-	+	+	-	+	-	■	-	+	+	-	+	-	54%	49%	45	61%
Calvert, Charles, & St. Mary's Counties 29 Roy Dyson (D)	+	-	-	+	■	+	-	■	+	+	■	-	-	-	45%	40%	38	53%
Anne Arundel County 30 John C. Astle (D)	+	-	+	+	-	+	-	■	-	+	+	+	+	-	62%	56%	57	67%
Anne Arundel County 31 Philip C. Jimeno (D)	+	+	+	+	■	+	-	■	+	+	■	+	-	-	73%	64%	64	65%
Anne Arundel County 32 James E. DeGrange, Sr. (D)	+	+	+	+	■	+	-	+	+	+	■	+	+	-	83%	75%	74	68%
Anne Arundel County 33 Janet Greenip (R) *	+	+	+	+	■	+	+	■	+	+	■	+	+	+	100%	88%	89	91%
Cecil & Harford Counties 34 Nancy Jacobs (R) *	+	+	+	+	■	+	-	■	+	+	■	+	+	-	82%	89%	94	91%
Harford County 35 J. Robert Hooper (R) *	+	+	+	+	-	+	-	■	+	+	+	+	+	-	77%	73%	72	76%
Caroline, Cecil, Kent, & Queen Anne's Counties 36 E. J. Pipkin (R) *	+	-	+	+	-	+	-	■	+	+	-	+	+	-	62%	76%	77	76%
Caroline, Dorchester, Talbot & Wicomico Counties 37 Richard Colburn (R) *	+	+	+	+	■	+	-	■	+	+	■	+	+	+	91%	86%	87	83%
Somerset, Wicomico & Worcester Counties 38 J. Lowell Stoltzfus (R) *	+	+	+	+	■	+	+	+	+	+	■	+	+	+	100%	80%	85	82%
Montgomery County 39 Patrick J. Hogan (D) *	+	-	+	+	■	+	-	+	-	+	■	-	+	-	58%	64%	64	73%
Baltimore City 40 Ralph M. Hughes (D)	+	-	-	-	■	+	-	■	-	+	■	-	-	-	27%	26%	4	35%
Baltimore City 41 Lisa A. Gladden (D)	+	-	-	-	-	+	-	■	-	+	-	-	-	-	23%	33%	26	33%
Baltimore County 42 Jim Brochin (D)	+	-	-	+	■	+	-	■	-	+	■	-	-	-	36%	40%	38	38%
Baltimore City 43 Joan Carter Conway (D)	+	-	-	-	■	+	-	■	-	+	■	-	-	-	27%	30%	15	35%
Baltimore City 44 Verna L. Jones (D)	+	-	-	-	■	+	-	+	-	+	■	-	-	-	33%	39%	36	36%
Baltimore City 45 Nathaniel J. McFadden (D)	+	-	+	+	■	+	-	+	-	+	■	-	-	-	50%	52%	49	50%
Baltimore City 46 George W. Della, Jr. (D)	+	-	-	-	-	+	-	■	-	+	-	-	-	-	23%	30%	15	46%
Prince George's County 47 Gwendolyn Britt (D)	+	-	-	-	■	+	-	■	-	+	■	-	-	-	27%	29%	9	29%

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.

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

2006 MBRG % 2006 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.

2003-2006 MBRG % 2003-2006 percentage is based on a legislator's votes on bills rated by MBRG from 2003 through 2006.

2003-2006 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 2006 MBRG % rating ranks in relation to other legislators' ratings. For example, a Senator with a percentile ranking of 78 has a 2006 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 2006. 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 6 and 7 for a full description of each vote.																	2006	2003-2006	2003-2006	MBRG
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	MBRG %	MBRG %	Percentile	CUM %
Allegany, Garrett & Washington Counties																				
1A	George C. Edwards (R) *	+	+	■	■	+	■	+	+	+	+	■	+	■	■	+	100%	80%	77	82%
1B	Kevin Kelly (D)	+	+	■	+	■	+	-	+	+	-	■	+	+	■	+	83%	74%	73	65%
1C	LeRoy Ellsworth Myers, Jr. (R) *	+	+	■	■	+	+	■	+	+	-	■	+	■	■	+	89%	83%	84	85%
Washington County																				
2A	Robert A. McKee (R) *	+	+	■	■	+	■	+	+	+	-	■	+	■	■	+	89%	71%	70	76%
2B	Christopher B. Shank (R) *	+	+	■	+	■	+	+	+	+	-	■	+	+	■	+	92%	85%	90	88%
2C	John P. Donoghue (D)	+	-	■	■	+	-	■	+	+	-	■	-	■	+	-	55%	43%	59	61%
Frederick & Washington Counties																				
3A	Galen R. Clagett (D)	-	-	■	■	+	-	■	+	+	0	■	-	■	■	0	43%	30%	48	30%
3A	Patrick N. Hogan (R) *	-	+	■	■	+	+	■	+	+	nv	■	+	■	■	+	88%	83%	84	83%
3B	Richard B. Weldon, Jr. (R) *	0	0	■	■	+	0	■	+	+	-	■	0	■	+	+	86%	73%	72	73%
Carroll & Frederick Counties																				
4A	Joseph R. Bartlett (R) *	+	+	■	■	+	■	+	+	+	-	■	+	■	■	+	89%	84%	89	86%
4A	Paul S. Stull (R) *	+	+	■	■	+	■	+	+	+	nv	■	+	■	■	+	100%	88%	93	90%
4B	Donald B. Elliott (R) *	+	+	■	■	+	+	■	+	+	-	■	+	■	+	+	91%	88%	93	86%
Baltimore & Carroll Counties																				
5A	Tanya Thornton Shewell (R)	+	+	■	+	■	+	+	+	+	-	■	+	+	■	-	83%	82%	82	82%
5A	Nancy R. Stocksdale (R) *	+	+	■	■	+	+	■	+	+	-	■	+	+	■	+	89%	85%	90	90%
5B	A. Wade Kach (R) *	-	-	■	■	+	+	■	+	+	+	■	+	■	+	-	64%	75%	74	79%
Baltimore County																				
6	John S. Arnick (D) *	nv	0	■	■	+	-	■	0	+	-	■	+	■	■	+	67%	79%	77	70%
6	Joseph J. Minnick (D)	nv	-	■	■	+	+	■	+	+	-	+	-	■	■	-	50%	55%	62	63%
6	Michael H. Weir, Jr. (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	+	44%	62%	65	62%
Baltimore & Harford Counties																				
7	Rick Impallaria (R) *	-	-	+	■	+	■	+	+	+	+	0	+	■	■	-	70%	84%	89	87%
7	J. B. Jennings (R) *	+	-	■	■	+	■	+	+	+	+	■	+	■	■	+	89%	88%	93	90%
7	Pat Mc Donough (R) *	-	-	■	■	+	+	■	+	+	+	■	+	■	+	-	73%	83%	84	86%
Baltimore County																				
8	Joseph C. Boteler, III (R) *	+	-	■	■	+	+	■	+	+	+	■	+	■	+	-	82%	91%	96	91%
8	Eric Bromwell (D)	-	-	■	■	+	+	■	+	+	-	■	0	■	+	-	60%	60%	64	62%
8	John W.E. Cluster, Jr. (R)	+	-	■	■	+	+	■	+	+	+	■	+	■	■	-	78%	91%	96	91%
Carroll & Howard Counties																				
9A	Gail H. Bates (R) *	+	+	■	■	+	■	+	+	+	+	■	+	■	■	+	100%	95%	98	98%
9A	Warren E. Miller (R) *	+	+	+	■	+	+	■	+	+	+	+	+	■	■	+	100%	100%	99	100%
9B	Susan W. Krebs (R) *	+	+	-	■	+	+	■	+	+	+	+	+	■	■	+	91%	87%	92	87%
Baltimore County																				
10	Emmett C. Burns, Jr. (D)	-	-	-	■	+	-	■	+	+	-	+	-	■	■	-	36%	27%	40	42%
10	Adrienne A. Jones (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	25%	31	30%
10	Shirley Nathan-Pulliam (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	-	-	27%	21%	7	29%
11	Jon S. Cardin (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	-	-	33%	23%	15	23%
11	Dan K. Morhaim (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	-	-	27%	21%	7	37%
11	Robert A. Zirkin (D)	-	-	■	+	+	-	-	+	+	-	■	-	+	■	-	42%	37%	56	35%
Baltimore & Howard Counties																				
12A	Steven J. DeBoy, Sr. (D)	-	-	■	■	+	-	■	+	+	-	■	+	■	■	-	44%	43%	59	43%
12A	James E. Malone, Jr. (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	26%	35	48%
Howard County																				
12B	Elizabeth Bobo (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	15%	0	24%
13	Shane Pendergrass (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	-	-	27%	20%	4	38%
13	Neil Quinter (D)	-	-	■	-	+	-	-	+	+	-	■	-	nv	■	-	27%	22%	11	22%
13	Frank S. Turner (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	23%	15	33%
Montgomery County																				
14	Anne Kaiser (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	22%	11	22%
14	Karen S. Montgomery (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	19%	2	19%
14	Herman Taylor, II (D)	-	-	0	■	+	-	■	+	+	-	+	-	■	■	-	40%	24%	22	24%
15	Jean Cryor (R)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	46%	60	62%
15	Kathleen M. Dumais (D)	-	-	■	■	+	-	-	+	+	-	■	-	■	■	-	25%	24%	22	24%
15	Brian J. Feldman (D)	-	-	-	■	+	-	■	+	+	nv	+	-	■	■	-	40%	27%	40	27%
16	William A. Bronrott (D)	-	-	■	■	+	-	■	+	+	0	■	-	■	■	-	38%	28%	44	32%
16	Marilyn Goldwater (D)	0	0	■	■	+	-	■	0	0	0	■	-	■	0	0	25%	19%	2	40%
16	Susan Lee (D)	-	-	■	■	+	-	-	+	+	-	■	-	-	■	-	25%	24%	22	22%
17	Kumar P. Barve (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	+	-	36%	29%	46	44%
17	Michael R. Gordon (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	28%	44	42%
17	Luiz Simmons (D)	-	-	■	■	+	-	■	+	+	nv	■	-	+	■	-	36%	24%	22	24%
18	Ana Sol Gutierrez (D)	-	-	■	■	+	-	-	+	+	-	■	-	0	■	-	27%	22%	11	22%
18	Jane E. Lawton (D)	-	-	■	■	+	-	■	+	+	-	■	-	0	■	-	33%	33%	52	-
18	Richard S. Madaleno, Jr. (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	26%	35	26%
19	Henry B. Heller (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	22%	11	38%
19	Adrienne A. Mandel (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	27%	20%	4	32%
19	Carol S. Petzold (D)	-	-	■	+	+	-	-	+	+	+	■	-	+	■	-	50%	33%	52	47%
20	Peter Franchot (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	24%	22	36%
20	Sheila Ellis Hixson (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	26%	35	38%
20	Gareth E. Murray (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	-	-	27%	23%	15	23%
Anne Arundel & Prince George's Counties																				
21	Barbara Frush (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	18%	1	31%
21	Pauline H. Menes (D)	-	-	■	+	+	-	-	+	+	-	■	-	-	■	-	33%	20%	4	31%
21	Brian R. Moe (D)	-	-	-	■	+	-	■	+	+	-	+	-	■	■	-	36%	22%	11	27%
Prince George's County																				
22	Tawanna P. Gaines (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	23%	15	22%
22	Anne Healey (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	21%	7	34%
22	Justin D. Ross (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	24%	22	22%
23A	Mary A. Conroy (D)	-	-	-	0	+	-	■	+	+	-	-	-	■	■	-	20%	24%	22	32%
23A	James W. Hubbard (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	-	-	27%	18%	1	23%
23B	Marvin E. Holmes, Jr. (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	27%	40	27%
24	Joanne C. Benson (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	-	-	27%	21%	7	34%
24	Carolyn J. B. Howard (D)	-	-	■	■	+	-	■	+	+	-	■	-	■	■	-	33%	23%	15	38%
24	Michael L. Vaughn (D)	-	-	-	■	+	-	■	+	+	-	+	-	■	■	-	36%	27%	40	27%
25	Anthony Brown (D)	-	-	■	■	+	-	■	+	+	-	■	-	+	■	-	33%	23%	15	32%
25	Dereck Davis (D)	-	-	nv	■	+	-	■	+	+	-	nv	-	■	■	-	33%	26%	35	41%
25	Melony Griffith (D)	-	-	■	■	+	-	■	+	+	-	■	-</							

MARYLAND HOUSE OF DELEGATES

Please refer to pages 6 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	2006 MBRG %	2003-2006 MBRG %	2003-2006 Percentile	MBRG CUM %
Calvert & Prince George's Counties																					
27A	James E. Proctor, Jr. (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	nv▽	■	-	33%	23%	15	41%
27A	Joseph F. Vallario, Jr. (D)	-	-	■	nv▽	+	■	-	nv▽	+	+	0	■	-	■	0	43%	25%	31	41%	
27B	Sue Kullen (D)	-	-	■	■	+	0	-	■	+	+	+	■	-	■	+	50%	39%	57	39%	
Charles County																					
28	Sally Jameson (D)	+	+	-	■	+	■	-	■	+	+	+	+	+	■	■	-	73%	58%	62	58%
28	Murray D. Levy (D)	+	+	■	■	+	■	-	■	0	+	+	■	+	■	■	-	75%	65%	67	65%
28	W. Daniel Mayer (R)	+	+	■	+	+	■	+	+	+	+	+	■	+	+	■	-	92%	82%	82	82%
Calvert, Charles, & St. Mary's Counties																					
29A	John F. Wood, Jr. (D) *	+	+	0	■	+	■	+	■	+	+	+	+	+	■	■	+	100%	81%	79	76%
29B	John L. Bohanan, Jr. (D)	-	+	■	■	+	■	+	■	+	+	-	■	-	■	■	+	67%	63%	67	61%
29C	Anthony J. O'Donnell (R) *	+	+	■	■	+	■	+	■	+	+	+	■	+	■	■	+	100%	98%	99	94%
Anne Arundel County																					
30	Michael E. Busch (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	25%	31	55%
30	Virginia P. Clagett (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	21%	7	42%
30	Herb McMillan (R) *	-	-	■	+	+	■	+	■	+	+	-	■	+	+	■	-	67%	83%	84	83%
31	Joan Cadden (D)	-	-	■	■	+	■	-	■	+	+	-	■	+	■	■	-	44%	58%	62	60%
31	Don Dwyer (R) *	+	-	■	+	+	■	+	-	+	+	+	■	+	+	■	-	75%	89%	95	91%
31	John R. Leopold (R) *	-	-	■	■	+	■	+	■	+	+	+	■	+	■	■	-	67%	68%	69	73%
32	Terrill R. Gilleland, Jr. (R)	-	-	■	■	+	■	+	■	+	+	-	■	+	■	■	-	56%	70%	70	70%
32	Mary Ann E. Love (D)	-	-	-	■	+	■	-	■	+	+	-	+	-	■	■	-	36%	30%	48	51%
32	Theodore Sophocleus (D)	-	-	■	+	+	■	+	-	+	+	-	■	+	+	■	-	58%	61%	65	66%
33A	David Boschert (R) *	-	-	■	■	+	■	+	■	+	+	-	■	+	■	■	-	56%	71%	70	79%
33A	Tony McConkey (R) *	+	-	■	■	+	■	+	■	+	+	+	■	+	■	■	-	78%	80%	77	80%
33B	Robert A. Costa (R) *	-	-	■	■	+	+	+	■	+	+	+	■	+	■	+	-	73%	81%	79	81%
Cecil & Harford Counties																					
34A	Mary-Dulany James (D)	-	-	■	■	+	■	+	■	+	+	-	■	+	■	■	-	56%	62%	65	68%
34A	Sheryl Davis Kohl (R)	0	0	■	■	+	+	+	■	+	+	+	■	+	■	+	-	89%	89%	95	-
34B	David D. Rudolph (D)	-	-	■	■	+	+	+	■	+	+	-	■	-	■	+	-	55%	40%	58	51%
Harford County																					
35A	Barry Glassman (R) *	0	0	■	■	+	■	+	■	+	+	0	■	+	■	■	0	100%	81%	79	80%
35A	Joanne S. Parrott (R) *	+	+	+	■	+	■	+	■	+	+	-	+	+	■	■	-	82%	83%	84	80%
35B	Susan K. McComas (R) *	+	+	■	+	+	■	+	+	+	+	-	■	+	+	■	-	83%	78%	75	78%
Caroline, Cecil, Kent, & Queen Annes Counties																					
36	Michael D. Smigiel, Sr. (R)	-	-	■	-	+	■	+	-	+	+	-	■	+	+	■	-	50%	67%	68	69%
36	Richard Sossi (R) *	+	-	■	■	+	■	+	■	+	+	-	■	+	■	■	-	67%	83%	84	86%
36	Mary Roe Walkup (R) *	-	+	0	■	+	■	+	■	+	+	-	+	+	■	■	+	80%	81%	79	84%
Caroline, Dorchester, Talbot & Wicomico Counties																					
37A	Rudolph C. Cane (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	27%	40	37%
37B	Adelaide C. Eckardt (R) *	-	+	■	■	+	■	+	■	+	+	+	■	+	■	■	+	89%	83%	84	85%
37B	Jeannie Haddaway (R)	-	+	-	■	+	■	+	■	+	+	-	+	+	■	■	+	73%	78%	75	78%
Somerset, Wicomico & Worcester Counties																					
38A	D. Page Elmore (R) *	-	-	■	■	+	■	+	■	+	+	-	■	+	■	■	-	56%	75%	74	75%
38B	K. Bennett Bozman (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	23%	15	55%
38B	Norman H. Conway (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	26%	35	64%
Montgomery County																					
39	Charles Barkley (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	20%	4	23%
39	Nancy J. King (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	24%	22	24%
39	Joan F. Stern (D)	-	-	■	■	+	■	-	■	+	+	+	■	-	■	■	-	44%	26%	35	33%
Baltimore City																					
40	Marshall "Toby" Goodwin (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	47%	61	52%
40	Salima Siler Marriott (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	24%	22	30%
40	Catherine E. Pugh (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	33%	52	-
41	Jill P. Carter (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	25%	25%	31	25%
41	Nathaniel T. Oaks (D)	-	-	■	■	+	+	-	■	+	+	nv	■	-	■	-	-	40%	37%	56	37%
41	Samuel I. Rosenberg (D)	-	-	■	-	+	■	-	-	+	+	-	■	-	-	■	-	25%	23%	15	41%
Baltimore County																					
42	Susan L. M. Aumann (R) *	-	-	■	■	+	■	+	■	+	+	+	■	+	■	■	+	78%	80%	77	80%
42	William J. Frank (R) *	-	-	■	■	+	+	+	■	+	+	+	■	+	■	+	+	82%	86%	91	86%
42	John G. Trueschler (R) *	0	0	-	■	+	■	-	■	+	+	0	+	+	■	0	71%	72%	72	72%	
Baltimore City																					
43	Curt Anderson (D)	-	-	■	-	nv-	■	-	-	+	+	-	■	-	-	■	-	17%	24%	22	34%
43	Ann Marie Doory (D)	-	-	-	■	+	■	-	■	+	+	-	+	-	■	■	-	36%	32%	52	48%
43	Maggie L. McIntosh (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	26%	35	39%
44	Keith E. Haynes (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	34%	55	34%
44	Ruth M. Kirk (D)	-	-	-	■	+	■	-	■	+	+	-	+	-	■	■	-	36%	28%	44	42%
44	Jeffrey A. Paige (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	22%	11	32%
45	Talmdage Branch (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	33%	52	48%
45	Clarence Davis (D)	-	-	■	■	+	■	nv	■	0	+	-	■	nv	■	■	-	33%	24%	22	44%
45	Hattie N. Harrison (D)	-	-	0	■	+	■	-	■	+	+	-	+	-	■	■	-	40%	30%	48	50%
46	Peter A. Hammen (D)	-	-	-	■	+	nv▽	-	■	+	+	-	■	-	■	nv▽	-	33%	29%	46	42%
46	Carolyn Krysiak (D)	-	-	-	■	+	■	-	■	+	+	-	+	-	■	■	-	36%	30%	48	46%
46	Brian K. McHale (D)	-	-	-	■	+	■	-	■	0	+	-	+	-	■	■	-	30%	27%	40	39%
Prince George's County																					
47	Doyle Niemann (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	31%	51	31%
47	Rosetta C. Parker (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	30%	48	30%
47	Victor R. Ramirez (D)	-	-	■	■	+	■	-	■	+	+	-	■	-	■	■	-	33%	24%	22	24%

House Chart Key

- | | |
|---|--|
| 1 SB 154 Healthy Air Act | 9 HB 819 Procurement - eMaryland Marketplace |
| 2 SB 1099 Constellation Energy Group, Inc., and Baltimore Gas and Electric Company - Return of Transition Costs | 10 HB 859 Tax Procedure - Refunds - Interest Rate |
| 3 HB 127 Business Regulation - Motor Fuel - Below Cost Sales | 11 HB 927 Prince George's County - Liquefied Natural Gas Storage Facilities PG 415-06 |
| 4 HB 306 Maryland Medical Injury Compensation Reform Act | 12 HB 1142 Minimum Wage - Constitutional Right and Provisions |
| 5 HB 311 Business and Economic Development - Research and Development Tax Credit | 13 HB 1284 (2005) Fair Share Health Care Fund Act |
| 6 HB 375 Clean Indoor Air Act of 2006 | 14 HB 1394 Lead-Based Paint Damages - Reimbursement by Manufacturer - Market Share Liability |
| 7 HB 391 (2005) Labor & Employment - Minimum Wage - Increase | 15 HB 1510 Public-Private Partnership for Health Coverage for All Marylanders |
| 8 HB 767 Civil Actions - Limitations on Awards for Noneconomic Damages - Latent Diseases or Injuries | 16 HB 1713 Public Service Companies - Mergers, Acquisitions, and Financing |



2006 House Vote Descriptions



Del. Warren Miller (R)
Highest MBRG CUM - 100%

This Howard County Republican achieved the highest MBRG cumulative score among all 188 legislators.

1 SB 154 – Senator Pinsky Healthy Air Act

See Senate Vote 2 on page 2 for a description of SB 154.

A “+” indicates a vote against SB 154 and reflects MBRG’s opposition to legislation that exceeds federal requirements and significantly increases the cost of producing electricity in Maryland. Disagreeing with MBRG’s position, the House approved SB 154, 107-27, on March 31, 2006 at 2:36 p.m.

2 SB 1099 – Senator Pipkin Constellation Energy Group, Inc. & Baltimore Gas & Electric Company – Return of Transition Costs

See Senate Vote 7 on page 2 for a description of SB 1099.

A “+” indicates a vote against SB 1099 and reflects MBRG’s opposition to legislation that intervenes in private, corporate transactions. Disagreeing with MBRG’s position, the House approved SB 1099, 110-25, on March 31, 2006 at 2:35 p.m.

3 HB 127 – Delegate Miller Business Regulation – Motor Fuel – Below Cost Sales

See Senate Vote 5, SB 503, on page 2, for a description of HB 127.

A “+” indicates a vote for HB 127 and reflects MBRG’s support for legislation that preserves competitive pricing and free enterprise. Disagreeing with MBRG’s position, the House Economic Matters Committee rejected HB 127, 3-15, on February 17, 2006.

4 HB 306 – 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, tightens procedures governing the use of expert testimony, strengthens the apology statute, and alters the calculation of interest on a judgment. 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 insurance costs.

A “+” indicates a vote for HB 306 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 306, 11-11, on March 22, 2006.

5 HB 311 – Delegate Busch Business and Economic Development – Research and Development Tax Credit

See Senate Vote 8 on page 2 for a description of HB 311.

A “+” indicates a vote for HB 311 and reflects MBRG’s support for tax incentives that encourage investment in research and development. Agreeing with MBRG’s position, the House approved HB 311, 139-0, on April 10, 2006 at 2:35 p.m.

6 HB 375 – Delegate Frush Clean Indoor Air Act of 2006

Bans smoking in all public places in Maryland, including restaurants, bars, and tobacco shops. Revenues from smoking customers at bars and restaurants, especially those within close proximity to Pennsylvania, Virginia, and West Virginia borders, will likely decline as smokers opt to stay home, patronize restaurants and bars in nearby states, or reduce the time and money they spend in Maryland bars and restaurants.

A “+” indicates a vote against HB 375 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 House Health and Government Operations Committee rejected HB 375, 11-11, on February 23, 2006.

7 HB 391 (2005) – Delegate D. Davis Labor and Employment - Minimum Wage - Increase

See Senate Vote 9 on page 2 for a description of HB 391.

A “+” indicates a vote against overriding the veto of HB 391 and reflects MBRG’s opposition to legislating wage rates. Disagreeing with MBRG’s position, the House overrode the veto of HB 391, 91-48, on January 12, 2006 at 5:49 p.m.

8 HB 767 - Delegate McComas Civil Actions – Limitations on Awards for Noneconomic Damages – Latent Diseases or Injuries

Restores the cap on noneconomic damage awards in latent disease and latent injury cases by establishing that a cause of action for damages in such cases arises the earlier of either the diagnosis or the manifestation of symptoms. For actions arising on or after October 1, 1994, Maryland currently limits noneconomic damage awards to \$665,000. The limit increases by \$15,000 on October 1 of each year. In the case of Crane v. Scribner, the Maryland Court of Appeals held that the plaintiff’s last exposure to asbestos determined the date of the cause of action. In doing so, the Court’s decision exposed a wide segment of the Maryland business community to litigation with unlimited damages for latent disease and latent injury cases. This bill will protect Maryland businesses from paying millions of dollars annually in damages from these types of personal injury lawsuits.

A “+” indicates a vote for HB 767 and reflects MBRG’s support for legislation that limits the liability exposure of many Maryland businesses. Disagreeing with MBRG’s position, the House Judiciary Committee rejected HB 767, 5-17, on March 17, 2006.

9 HB 819 - Delegate Morhaim Procurement – eMaryland Marketplace

See Senate Vote 6, SB 794, on page 2 for a description of HB 819, its companion bill.

A “+” indicates a vote for HB 819 and reflects MBRG’s support for a business friendly State procurement system. Agreeing with MBRG’s position, the House approved HB 819, 136-0, on March 22, 2006 at 11:26 a.m.

10 HB 859 – Delegate Rosenberg Tax Procedure – Refunds – Interest Rate

See Senate Vote 10 on page 7 for a description of HB 859.

A “+” indicates a vote for HB 859 and reflects MBRG’s support for legislation that promotes tax fairness. Agreeing with MBRG’s position, the House approved HB 859, 140-0, on March 24, 2006 at 4:48 p.m.

11 HB 927 – Prince George’s Delegation Prince George’s County – Liquefied Natural Gas Storage Facilities PG 415-06

See Senate Vote 11 on page 7 for a description of HB 927.

A “+” indicates a vote against HB 927 and

reflects MBRG’s opposition to legislation that retroactively interferes with local zoning authority and threatens the supply of natural gas in Maryland. Disagreeing with MBRG’s position, the House approved HB 927, 104-26, on March 27, 2006 at 2:29 p.m.

12 HB 1142 – Delegate Quinter Minimum Wage - Constitutional Right and Provisions

Amends the Maryland Constitution to include a minimum wage rate in Maryland set by the General Assembly and annually adjusted by the Commissioner of Labor and Industry to account for inflation. Only 17 other states and the District of Columbia mandate a minimum wage higher than the federal minimum wage, and of those, only seven states mandate some type of indexing. Currently, Maryland’s private sector employers must pay the State minimum wage rate of \$6.15 per hour to employees. Market-based wages reflect changes in the U.S. economy and ensure that all workers are compensated based on performance and value in the marketplace. By mandating a minimum wage and indexing it according to inflation, this bill places the employment of the least skilled and educated members of the workforce at risk and places Maryland employers at a competitive disadvantage with employers in neighboring states that only mandate the federal minimum wage rate of \$5.15 per hour.

A “+” indicates a vote against HB 1142 and reflects MBRG’s opposition to legislating wage rates. Agreeing with MBRG’s position House Economic Matters Committee rejected HB 1142, 1-20, on February 28, 2006.

13 HB 1284 (2005) – Delegate Healey Fair Share Health Care Fund Act

See Senate Vote 12 on page 7 for a description of HB 1284.

A “+” indicates a vote against overriding the veto of HB 1284 and reflects MBRG’s opposition to legislation that creates a state mandated level of employer funded health insurance benefits. Disagreeing with MBRG’s position, the House overrode the veto of HB 1284, 88-50, on January 12, 2006 at 6:58 p.m.

14 HB 1394 – Delegate Carter Lead-Based Paint Damages- Reimbursement By Manufacturer-Market Share Liability

Requires a manufacturer of lead-based paint to reimburse a person for damages caused by the presence of lead-based paint in a residential, public, or commercial building. Manufacturers may be held liable under any legally recognized theory of liability, including a market share theory of liability. Currently, to establish liability an individual must prove that a particular manufacturer produced the paint that caused the damage. Under a market share theory, a lead-based paint manufacturer’s liability is equal to its share of the market at the time it sold lead-based paint. This bill will implement a radical change in Maryland’s standard for determining liability in tort cases.

A “+” indicates a vote against HB 1394 and reflects MBRG’s opposition to legislation that weakens liability standards for tort actions. Agreeing with MBRG’s position, the House Judiciary Committee rejected HB 1394, 6-14, on March 24, 2006.

(continued - see House Vote Descriptions on page 7)



Del. John F. Wood, Jr. (D)

Highest MBRG CUM among House Democrats - 76%
Among all Democrats in the House of Delegates who have served a minimum of four years in the legislature, this Charles and St. Mary’s County delegate has the highest MBRG cumulative score.

2006 House Vote Descriptions *(continued from page 6)*

15 HB 1510 – Delegate Hubbard Public-Private Partnership For Health Coverage For All Marylanders

Expands health care coverage for state residents by, among other things, mandating for profit employers to spend a certain percentage of payroll on employee health care. For profit employers with over 10,000 employees must pay at least eight percent of payroll on employee health care, while those with fewer than 10,000 employees must pay at least 4.5 percent. Employers that do not meet these criteria must pay the Department of Labor, Licensing and Regulation the difference between what was spent and the required percentage of total wages

paid. The bill also imposes a tax surcharge on individuals who cannot prove health insurance but whose federal adjusted gross income is greater than 350 percent of the federal poverty level. This bill creates a government run health care system that bypasses market incentives and puts no emphasis on cost or affordability.

A “+” indicates a vote against HB 1510 and reflects MBRG’s opposition to legislation that creates a state mandated level of employer funded health insurance benefits. Agreeing with MBRG’s position, the House Health and Government Operations Committee rejected HB 1510, 9-13, on March 17, 2006.

16 HB 1713 – Delegate D. Davis Public Service Companies – Mergers, Acquisitions, and Financing

See Senate Vote 14 below for a description of HB 1713.

A “+” indicates a vote against HB 1713 and reflects MBRG’s opposition to legislation that over-regulates corporate mergers, acquisitions, and other transactions. Disagreeing with MBRG’s position, the House approved HB 1713, 111-25, on March 27, 2006 at 3:19 p.m.

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.

2006 Senate Vote Descriptions *(continued from page 2)*

10 HB 859 Delegate Rosenberg Tax Procedure – Refunds – Interest Rate

Requires the State to pay the same rate of interest on tax refunds as it charges taxpayers for delinquent taxes. Currently, state law unfairly provides two different formulas for computing interest on taxes: a high rate of interest (currently 13%) for delinquent taxes and a low rate of interest (currently 4%) for the few circumstances when the State must pay interest on refunds. Since taxpayer money is as valuable as state money, nearly 75 percent of states fairly apply the same rate of interest to both delinquent taxes and refunds, including those states that surround Maryland. This bill will require Maryland to do the same.

A “+” indicates a vote for HB 859 and reflects MBRG’s support for legislation that promotes tax fairness. Agreeing with MBRG’s position, the Senate approved HB 859, 47-0, on April 7, 2006 at 12:16 p.m. The bill became law on May 26, 2006 without the governor’s signature.

11 HB 927 Prince George’s Delegation Prince George’s County – Liquefied Natural Gas Storage Facilities PG 415-06

Retroactively prohibits the Prince George’s County District Council from approving a special exception for property to be used as a liquefied natural gas storage facility without a three-fourths majority vote of the District Council. To prevent shortages of natural gas in the Washington suburbs and Southern Maryland areas, Washington Gas must obtain approval to replace and expand a natural gas storage facility that has safely operated in Chillum for over 65 years. This bill retroactively changes the law to make it more difficult to obtain the necessary approval. To build an alternative supply pipeline, Washington Gas customers could be burdened with \$400 million in capital costs.

A “+” indicates a vote against HB 927 and reflects MBRG’s opposition to legislation that retroactively interferes with local zoning authority and threatens the supply of natural gas in Maryland. Agreeing with MBRG’s position, the Senate Finance Committee rejected HB 927, 4-7, on April 7, 2006.

12 HB 1284 (2005) - Delegate Healey Fair Share Health Care Fund Act

Establishes the Fair Share Health Care Fund with revenues collected from a payroll tax on any business with more than 10,000 employees in Maryland unless the business annually spends more than eight percent of its wages on health insurance costs. Each business with over 10,000 employees must report extensive information annually to the Secretary of Labor, Licensing and Regulation on January 1st, including identifying the source of health insurance benefits for each employee that has declined health insurance coverage. However, the bill fails to address the rising cost of health care for businesses and uninsured workers. This bill will make Maryland the only state in the country with a mandated level of employer-funded health insurance benefits.

A “+” indicates a vote against overriding the veto of HB 1284 and reflects MBRG’s opposition to legislation that creates a state mandated level of employer funded health insurance benefits. Disagreeing with MBRG’s position, the Senate overrode the veto of HB 1284, 30-17, on January 17, 2006 at 10:41 a.m. Subsequently, the law was struck down by U.S. District Court Judge J. Frederick Motz on July 19, 2006 on the grounds that it was pre-empted by the federal Employee Retirement Income Security Act.

13 HB 1615 - Senator Green Construction of Electric Generating Stations – Certificate of Public Convenience and Necessity - Amendment

Amends HB 1615 to enable counties and municipalities to purchase electricity as an aggregator and to provide electricity to customers under local government supervision. The amendment enables local governments to capture all electricity customers residing within their boundaries, and customers can only return to their original suppliers by affirmatively submitting a written statement to opt out of the program. This amendment legislates governmental slamming of electric customers away from previously selected suppliers, stifling competition and causing adverse consequences for businesses that provide electricity to residential consumers. To protect themselves from a massive movement of customers, suppliers will increase the electric rates Maryland customers pay.

A “+” indicates a vote against the amendment to HB 1615 and reflects MBRG’s opposition to legislation that creates unfair competition, higher electricity prices, and unwarranted governmental intrusion into the electricity business. Disagreeing with MBRG’s position, the Senate approved the amendment to HB 1615, 24-23, on April 5, 2006 at 11:27 a.m. Subsequently, the House rejected the Senate amendment.

14 HB 1713 - Delegate D. Davis Public Service Companies – Mergers, Acquisitions, and Financing

Establishes numerous requirements related to electric or gas company acquisitions and mergers involving either a public or a nonpublic service company and creates an Office of Special Counsel to investigate the proposed merger between Constellation Energy Group and FPL Group. The bill also replaces the Governor’s appointed People’s Counsel with one appointed by the Attorney General and delays until April 2007 any approval of the merger by the Public Service Commission without the General Assembly’s consent. This bill creates numerous requirements not mandated by the federal government or other states in order to interfere with the proposed merger of these two companies.

A “+” indicates a vote against HB 1713 and reflects MBRG’s opposition to legislation that over-regulates corporate mergers, acquisitions, and other transactions. Disagreeing with MBRG’s position, the Senate approved HB 1713, 39-7, on March 30, 2006 at 12:17 p.m. The bill was vetoed on April 8, 2006.



Sen. Patrick J. Hogan (D)

Highest MBRG CUM among Senate Democrats – 73%
Among all Democrats in the Senate with a minimum of four years of service in the legislature, this Montgomery County Senator has the highest MBRG cumulative score.

How the Votes are Selected

To get an accurate picture of the Maryland legislature's attitudes toward business, jobs, economic growth, and investment in the state, MBRG's 30-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. MBRG also surveyed the General Assembly on their views of important legislation affecting business and industry. The council reviewed all survey responses during the selection process.

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. *

The Meaning of "Business Friendly" (continued from page 1)

- A stable, consistent investment program to maintain and upgrade critical infrastructure and education needs.
- A regulatory framework that is fair, clear, and updated to take advantage of changes in technology and market forces.
- Regulations**
- A regulatory process that does not interfere with the free market's economic forces and upholds existing contracts to give businesses and institutions the confidence to continue bringing jobs and investment to Maryland.
- A regulatory structure that does not exceed federal standards and ensures that the cost of rules and regulations—which is always passed on to the public—is justifiable and consistent with public benefits.
- **Employer-employee relations**
- A market based wage and benefit structure that reflects changes in the U.S. economy and ensures that all workers are compensated based on performance and value in the marketplace.
- A workers compensation, unemployment and health insurance system that yields benefits consistent with the reasonable needs of the beneficiary.
- A labor environment that allows every worker free choice concerning union affiliation. *

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.

We recognize that among businesses there are many variables in choosing a membership level. Please consider the following criteria in selecting an appropriate level of membership: gross revenues, net earnings, number of employees, presence in state, and interest and commitment to MBRG's purpose—to improve the role of business in Maryland's public policy and provide support for pro-business candidates of both parties.

Name _____

Title _____

Company _____

Address _____

City _____ State _____ Zip Code _____

Phone _____ Fax _____

E-Mail _____

MBRG Membership Levels	
<input type="checkbox"/> Trustees' Circle	\$15,000
<input type="checkbox"/> Director	\$10,000
<input type="checkbox"/> Chairman	\$ 5,000
<input type="checkbox"/> President	\$ 2,500
<input type="checkbox"/> Leadership	\$ 1,500
<input type="checkbox"/> Benefactor	\$ 1,000
<input type="checkbox"/> Member	\$ 500

Enclosed is a check in the amount of \$ _____

Please make all checks payable to **MBRG** and mail with membership application to: MBRG, 1122 Kenilworth Drive, Suite 503, Baltimore, MD 21204.

For more information visit our web site: www.mbrg.org or call 410-296-5621.

Contributions and dues to MBRG are not tax-deductible as charitable contributions; however, they may be tax-deductible as ordinary and necessary business expenses.



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