

MBRG

Maryland Business for
Responsive Government
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**How Maryland's 188 Legislators Voted
On Bills Important to Business and Jobs**

Taxpayers Reel as States Meet Accounting Real Time

“Pain, despondent, gloomy, grappling, hard choices, wrestle, damage, slashed” are a few of the words used by reporters and elected officials to describe nearly \$380 million in recent budget cuts to Maryland’s fiscal 2010 budget. Measures taken in fall 2007 special legislative session were greeted with similar bloated prose. In both cases, the budget cuts and taxes were necessitated by unrestrained expenditures and shortfalls in anticipated revenues. As we’ll see, neither exercise really faces the future.

Modest budgetary deprivations may be austere for the “rich state” Maryland politicians constantly invoke. But, compared to the “wrestling” and “hard choices” that lie ahead for our legislature, they may look like Mary Sue Easter Eggs, or

A colossal yet little known unfunded liability that will saddle Maryland taxpayers for decades

Hershey Kisses for the legions of Maryland job holders who escape Maryland’s high costs by living in Pennsylvania.

Despite the massive tax increase imposed during the special session, unmentioned is a colossal yet little known unfunded liability that will saddle Maryland taxpayers for decades and potentially jeopardize Maryland’s prized Triple A bond rating. as much as \$14,420 in debt for every Maryland household or \$5,340 in debt for every person in the state. Nationally, according to the equity research, accounting, and tax firm

Credit Suisse, the tab is about \$1.6 trillion in unfunded retiree health care liabilities and other non-pension, post-employment benefits among the states and local governments. Maryland is among 18 states with obligations exceeding \$10 billion. Because of preliminary disclosure of these unfunded liabilities, only recently have officials even known the size of these obligations. Further reporting is due this November or December.

Where’s this info been hiding out? In accounting terms, this money, which is owed by taxpayers as guaranteed by state constitutions, has been camouflaged by something politicians euphemistically call “pay-as-you-go.” This method allowed legislators to postpone revelation of the staggering *(Continued on page 19)*

Inside: Results of the 2008 Session

Victories and Defeats

Senate and House Vote Descriptions

Full Record of House and Senate Votes



Maryland Business for Responsive Government

VICTORIES

A Bill increasing the fines imposed by the state in false health claims as well as increasing incentives for whistleblowers was defeated.

See Senate Vote 2 (SB 215) on page 3.

A Bill extending standing to parties that cannot claim a distinct, concrete injury, increasing litigation and further overburdening the court system was defeated.

See Senate Vote 3 (HB 246) on Page 3.

An Amendment requiring the Department of the Environment to seek legislative approval before imposing specific emissions standards was approved.

See Senate Vote 4 on page 4 (SB 309) and House Vote 2 (SB 309) on page 6.

A Bill that revised the information that corporations are required to file with the Comptroller's Office and added two additional business members to the Maryland Business Tax Reform Commission was passed.

See Senate Bill 5 (SB 444) on page 4 and House Bill 7 (HB 664) on page 7.

A Bill overturning a back-door tax increase on alcoholic products and preventing mischaracterization of a product was passed.

See Senate Bill 7 (SB 745) on page 5 and House Bill 3 (SB 745) on page 6.

A Bill restoring the rights of employers and employees to agree on the terms of compensation for accrued leave, free of interfering and intrusive governmental mandate was approved.

See Senate Bill 8 (SB 797) on page 5 and House Bill 4 (SB 797) on page 7.

A Bill attempting a dramatic expansion of Maryland's employment discrimination law that would have restarted the clock to file each time an employee received a paycheck was defeated.

See House Bill 6 (HB 439) on page 7.

A Bill imposing prevailing wage requirements on all projects in excess of \$500,000 receiving any amount of state funds was defeated.

See House Bill 8 (HB 970) on page 7.

A Bill creating onerous standards to be considered a responsible bidder for state projects was defeated.

See House Bill 9 (HB 990) on page 8.

A Bill allowing lead paint manufacturers to be held liable under any legally recognized theory of liability, including a market share theory of liability was defeated.

See House Bill 10 (HB 1241) on page 8

A Bill requiring every person or entity receiving a grant, loan, investment, tax exemption or other incentive or financial assistance of \$100,000 or more to adopt and implement the state minority business enterprise (MBE) procurement standards was defeated.

See House Bill 11 (HB 1304) on page 8

A Bill delaying funding for the Intercounty Connector until a study of greenhouse emissions impact could be completed was defeated.

See House Bill 12 (HB 1392) on page 9

A Bill adding additional regulatory requirements that exceed the federal IRS and common law requirements in defining employer/employee relationship, would subject employers to severe financial penalties and additional law suits, and would further hinder an employer's ability to fill staffing gaps was defeated.

See House Bill 14 (HB 1590) on page 9

DEFEATS

A Bill greatly increasing both the size and scope of the Maryland tax burden was passed.

See Senate Bill 1 (SB 2) on page 3 and House Vote 1 (SB 2) on page 6

A Bill authorizing the recovery of back pay for up to two years preceding the filing based on an unlawful employment practice that occurred outside the current statute of limitations for filing a complaint was passed.

See Senate Bill 6 (SB 563) on page 4.

A Bill authorizing employees of specified employers to use leave with pay for the illness of the employee's immediate family was approved.

See Senate Bill 9 (HB 40) on page 5 and House bill 5 (HB40) on page 7.

A Bill requiring the courts to award counsel fees, other costs, penalties and interest in addition to unpaid wages for any violation of the Maryland Wage and Hour Laws was approved.

See House Bill 12 (HB 1392) on page 9.



2008 SENATE VOTE DESCRIPTIONS

1 SB 2 - Special Session- The President (by Request- Administration) Tax Reform Act of 2007

Makes several significant changes to the state's tax structure, including increasing individual income tax rates, raising the corporate income tax rate, imposing a sales and use tax on computer services, establishing a recordation and transfer tax on the transfer of a controlling interest in an entity that owns real property in Maryland, and creating unprecedented reporting requirements for corporate income taxpayers. Each of these tax changes will negatively impact the state's business climate by adopting measures that will rank Maryland among the highest marginal tax rates in the country or by imposing taxes that few other states have chosen to enact.

A "+" indicates a vote against SB 2 and reflects MBRG's opposition to tax measures that make Maryland's business tax structure noncompetitive with other states. Disagreeing with MBRG's position, the Senate approved SB 2, 24-23 on November 9, 2007 at 1:32 p.m. Governor O'Malley signed SB 2 into law as Chapter 3 of the Acts of the 2007 Special Session.

2 SB 215 - Chair Judicial Proceedings (By Request- Departmental- Health and Hygiene) Maryland False Health Claims Acts

Maryland False Claims Acts would allow the state to impose treble damages, fines up to \$10,000.00 per violation, and costs, against those who seek false or fraudulent payment from the state health department. Whistleblowers would be allowed to file an action on behalf of the state and recover up to 25 percent of the damages awarded, expenses and attorney's fees. Existing federal law provides sufficient incentives for whistleblowers to bring these types of cases, as well as the ability for the state to recover its damages. Enacting a duplicative state statute simply adds parties to an already complex system and would further delay the investigation and prosecution of meritorious cases.

A "+" indicates a vote against SB 215 and reflects MBRG's support for opposing additional state causes of action that are adequately covered under existing state and federal law; would subject health care providers to duplicative penalties for the same

allegedly wrongful act and higher defense costs.

Agreeing with MBRG's position, the Senate opposed SB 215, 25-21, on March 18, 2008 at 10:16 a.m.

3 HB 246 - Delegate Bobo and Delegate Clagett Charter Counties - Land Use Appeals - Standing

Extends standing to any taxpayer in a charter county to appeal a decision of a board of appeals or a zoning action of a local legislative body. The bill enables plaintiffs who cannot claim a distinct, concrete injury to defend, intervene or participate in the appeals process. In order to prevent substantial overcrowding of court dockets, the Supreme Court has consistently held that plaintiffs are allowed standing only if they can show a specific injury. This standard is an important threshold that facilitates the stability of the government review process and reduces undue burden on the judicial appeals process. More specifically, the Supreme Court has stated that generalized grievances, such as taxpayer standing, are not sufficient to satisfy the injury requirement. This bill, if passed, would extend standing to parties who cannot claim a distinct, concrete injury; ultimately, increasing litigation and further overburdening the court system.

A "+" indicates a vote against HB 246 and reflects MBRG's opposition to the passage of the Bill. The Senate Education, Health, and Environmental Affairs Committee approved HB 246, 6-3, on April 4, 2008.

Senate Chart Key

- 1 SB 2 Special Session - Tax Reform Act of 2007
- 2 SB 215 Maryland False Health Claims
- 3 SB 246 Charter Counties - Land Use Appeals - Standing
- 4 SB 309 Amendment/ Global Warming Solutions Reductions in Greenhouse Gasses
- 5 SB 444 Corporate Income Tax - Reporting and Study
- 6 SB 563 Lilly Ledbetter Fair Pay Act of 2008
- 7 SB 745 Alcoholic Beverages - Definitions- Beer
- 8 SB 797 Labor and Employment - Wage Payment on Termination of Employment - Accrued Leave
- 9 HB 40 Flexible Leave Act



4 SB 309 - Amendment - Senator Exum Global Warming - Reductions in Greenhouse Gasses - Amendment

Amends SB 309 by requiring the Department of the Environment to obtain legislative authority before implementing specific measures to reduce greenhouse gas emissions. As reported to the Senate floor, the bill would have authorized the Department to take any action necessary to reduce greenhouse gas emissions by 25 percent by 2020, and to try to reach a target of a 90 percent reduction by 2050.

A “+” indicates a vote for the amendment to SB 309 and reflects MBRG’s support for legislative oversight of administrative decisions that could have far reaching effects on the Maryland economy and Maryland jobs. Total greenhouse gas emissions from Maryland are less than three-tenths of one percent of the national total, but, depending on how the Department chose to implement the requirement, the reductions could have placed Maryland businesses at a severe disadvantage compared to other states. Agreeing with MBRG’s position, the Senate adopted the amendment to SB 309, 27-20, on March 20, 2008 at 11:14 a.m.

5 SB 444 - Senator King Corporate Income Tax - Reporting and Study

Revises and limits the information that corporations are required to file with the Comptroller’s Office and adds two additional business members to the Maryland Business Tax Reform Commission. Chapter 3 of the 2007 Special Session of the General Assembly imposed burdensome and unprecedented requirements on corporations to submit detailed data regarding sales, income, corporate organization and tax filing practices in other states. SB 444 establishes much more reasonable data reporting requirements for corporations and terminates the reporting

requirements after January 1, 2011. The Comptroller’s Office will report summaries of the data to the Maryland Tax Reform Commission annually by March 1st.

A “+” indicates a vote for SB 444 and reflects MBRG’s support for corrective legislation establishing reasonable business tax reporting requirements that do not unduly burden corporations. Agreeing with MBRG’s position, the Senate approved SB 444, 47-0, on March 24, 2008 at 9:04 p.m. Governor O’Malley signed SB 444 into law as Chapter 177 of the Acts of 2008.

6 SB 563 - Senator Raskin Lilly Ledbetter Fair Pay Act of 2008

Attempts to overturn in Maryland the 2007 U.S. Supreme Court decision in *Ledbetter vs. Good Year Tire and Rubber Company* by applying the so called “Paycheck” rule broadly to permit old claims of employment discrimination outside the statute of limitations to be filed. Specifically, the bill authorizes the recovery of back pay for up to two years preceding the filing based on an unlawful employment practice that occurred outside the current statute of limitations for filing a complaint.

A “+” indicates a vote against SB 563 and reflects MBRG’s opposition to a dramatic expansion of Maryland’s employment discrimination law that would have restarted the clock to file each time an employee received a paycheck. Disagreeing with MBRG’s position, the Senate approved SB 563, 29-17, on March 17, 2008 at 9:33p.m.



7 SB745 - Senator Colburn Alcoholic Beverages – Definitions – Beer

Overturns a recent opinion of the Maryland Attorney General asserting that flavored beer has been misclassified for distribution and tax purposes for more than 40 years. Without this legislation, the Attorney General's Opinion would have required flavored beer to be reclassified as distilled spirits, resulting in 1,666 percent tax increase on flavored beer, depriving small businesses holding only a beer and wine license in Maryland of the right to distribute and sell this product, misleading consumers into thinking that flavored beer is a distilled spirit. The Attorney General's Opinion also subverts the legislative process by attempting to enact a large tax increase without legislation and the full scrutiny of the legislative hearing and review process.

A "+" indicates a vote for SB 745 and reflects MBRG's support for legislation that overturns a back-door tax increase attempted outside of the legislative process, preserves jobs and income for small businesses, and prevents mischaracterization of a product misleading consumers. Agreeing with MBRG's position, the Senate approved SB 745, 36-10, on March 20, 2008 at 12:15 p.m.

8 SB 797- Senator Astle Labor and Employment- Wage Payment on Termination of Employment- Accrued Leave

Overturns recent decisions of the Maryland Court of Special Appeals and the Department of Labor, Licensing and Regulation requiring Maryland employers to pay out all unused vacation leave to terminating employees, regardless of the terms of the employer's policy on payment of such leave. This emergency bill provides that any employer in Maryland is not required to pay accrued leave to terminating employee if the employer has a

written policy that limits the compensation for accrued leave, the employee was given notice of the policy when hired, and the employee is not entitled to payment of accrued leave under terms of the policy.

A "+" indicates a vote for SB 797 and reflects MBRG's support for legislation that restores the rights of employers and employees to agree on the terms of compensation for accrued leave, free of interfering and intrusive governmental mandate. Agreeing with MBRG's position, the Senate approved SB 797, 45-0, on April 7, 2008 at 12:14 p.m.

9 HB 40 - Delegate Doory Flexible Leave Act

Authorizing employees of specified employers to use leave with pay for the illnesses of the employees' immediate families; providing that an employee may only use leave with pay that has been earned; providing that an employee who earns more than one type of leave with pay may elect the type and amount of leave with pay to be used; requiring an employee who uses leave with pay under the Act to comply with terms of a collective bargaining agreement or employment policy with a specified exception, etc.

A "+" indicates a vote against HB 40 and reflects MBRG's opposition to unnecessary expansion of state government regulation of the workplace. Disagreeing with MBRG's position, the Senate approved HB 40, 29-18, on April 7, 2008 at 11:23 p.m.



2008 HOUSE VOTE DESCRIPTIONS

1 SB 2 - 2007 Special Session – The President (By Request - Administration) Tax Reform Act of 2007

See Senate Vote 1, on page 3 for a description of SB 2.

A “+” indicates a vote against SB 2 and reflects MBRG’s opposition to tax measures that make Maryland’s business tax structure noncompetitive with other states. Disagreeing with MBRG’s position, the House approved SB 2, 78 - 56, on November 18, 2007 at 10:56 p.m. Governor O’Malley signed SB 2 into law as Chapter 3 of the Acts of the 2007 Special Session.

2 SB 309 - Senator Pinsky Global Warming Solutions – Reductions in Greenhouse Gases

See Senate Vote 4, on page 4 for a description of SB 309.

A “+” indicates a vote against SB 309 and reflects MBRG’s opposition to arbitrary environmental standards that could have far reaching effects on the Maryland economy and Maryland jobs. Total greenhouse gas emissions from Maryland are less than three-tenths of one percent of the national total, but, depending on how the Department chose to implement the requirement, the reductions could have placed Maryland businesses at a severe disadvantage compared to other states. Agreeing with MBRG’s position, the House Economic Matters Committee rejected SB 309, 18 - 2, on April 7, 2008.

3 SB745 - Senator Colburn Alcoholic Beverages- Definitions- Beer

See Senate Vote 7, on page 5 for a description of SB 745.

A “+” indicates a vote for SB 745 and reflects MBRG’s support for legislation that

overturns a back-door tax increase attempted outside of the legislative process, preserves jobs and income for small businesses, and prevents mischaracterization of a product and misleading of consumers. Agreeing with MBRG’s position, the House approved SB 745, 96-40, on April 7, 2008 at 11:53p.m.

House Chart Key

- 1 SB 2 Special Session- Tax Reform Act of 2007
- 2 SB 309 Global Warming Solutions – Reductions in Greenhouse Gases
- 3 SB 745 Alcoholic Beverages- Definitions- Beer
- 4 SB 797 Labor and Employment - Wage Payment on Termination of Employment- Accrued Leave
- 5 HB 40 Flexible Leave Act
- 6 HB 439 Lilly Ledbetter Fair Pay Act of 2008
- 7 HB 664 Corporate Income Tax- Reporting and Study
- 8 HB 970 Procurement– Prevailing Wage
- 9 HB 990 Procurement - Responsible Bidder or Offeror – Standards
- 10 HB 1241 Maryland State and Children's Lead Poisoning Recovery Act
- 11 HB 1304 Recipients of State Incentives or Financial Assistance – Diversity Initiatives
- 12 HB 1392 Labor and Employment- Maryland Wage and Hour Law – Civil Penalties
- 13 HB 1416 Intercounty Connector - Impact on Global Warming - Study
- 14 HB 1590 Employer Misclassification of Employees as Independent Contractors



4 SB 797 - Senator Astle Labor and Employment-Wage Payment on Termination of Employment-Accrued Leave

See Senate Vote 8, on page 5 for a description of SB 797.

A “+” indicates a vote for SB 797 and reflects MBRG’s support for legislation that restores the rights of employers and employees to agree on terms of compensation for accrued leave, free of interfering and intrusive governmental mandates. The House approved SB 797, 140-0, on April 5, 2008 at 6:56 p.m.

5 HB 40 - Delegate Doory Flexible Leave Act

Authorizing employees of specified employers to use leave with pay for illness of an employee's immediate family; providing that an employee may use leave only with pay that has been earned; providing that an employee who earns more than one type of leave with pay may elect the type and amount of leave with pay to be used; requiring an employee who uses leave with pay under the Act to comply with the terms of a collective bargaining agreement or employment policy with a specified exception; etc.

A “+” indicates a vote against HB 40 and reflects MBRG’s opposition to unnecessary expansion of state government regulation of the workplace. The House of Delegates approved HB 40, 97-43, on April 7, 2008 at 10:09 p.m.

6 HB 439 - Delegate Rosenberg Lilly Ledbetter Fair Pay Act of 2008

Attempts to overturn in Maryland the 2007 U.S. Supreme Court decision in *Ledbetter vs. Good Year Tire and Rubber Company* by applying the so called “Paycheck” rule broadly to permit old claims of employment discrimination outside the statute of limitations to be filed. Specifically, the bill authorizes recovery of back pay for up to two years

preceding the filing based on an unlawful employment practice that occurred outside the current statute of limitations for filing a complaint.

A “+” indicates a vote against HB 439 and reflects MBRG’s opposition to a dramatic expansion of Maryland’s employment discrimination law that would have restarted the clock to file each time an employee received a paycheck. Agreeing with MBRG’s position, the House Health & Government Operations Committee rejected HB 439, 21-2, on March 7, 2008.

7 HB 664- Delegate Barve Corporate Income Tax - Reporting and Study

See Senate Vote 5, SB 444, on page 4 for a description of HB 664.

A “+” indicates a vote for HB 664 and reflects MBRG’s support for corrective legislation establishing reasonable business tax reporting requirements. Agreeing with MBRG’s position, the House approved HB 664, 137-0, on March 24, 2008 at 1:22 p.m. Governor O’Malley signed SB 664 into law as Chapter 178 of the Acts of 2008.

8 HB 970- Delegate Braveboy Procurement - Prevailing Wage

This Bill Would impose the prevailing wage requirements on all projects in excess of \$500,000 receiving any amount of state funds. Using a conservative estimate that prevailing wage rates will increase the cost of projects by 5 percent, the cost to the State and local jurisdictions will be in the millions of dollars.

A “+” indicates a vote against HB 970 and reflects MBRG’s opposition to legislation that increases the cost of public works project. Agreeing with MBRG’s position the House Economic Matters Committee rejected HB 970, 16-5, on March 7, 2008.



9 HB 990 - Delegate Feldman and Delegate Hucker Procurement - Responsible Bidder or Offerer

The responsible bidders' or offerers' bill would have created onerous standards to be considered a responsible bidder for state projects. The bill would have required employee training and apprenticeship opportunities, an exemplary record with regard to compliance with employee health and safety laws, a record of compliance with prevailing wage laws, and compliance with Federal Fair Labor Standards Act.

A "+" indicates a vote against HB 990 and reflects MBRG's opposition to legislation that increases the cost of State contracts by decreasing competition, delaying contract awards, increasing the number of bid protests from unsuccessful bidders. Agreeing with MBRG's position, the House Health and Government Operations Committee rejected HB 990, 20-3, on March 18, 2008.

10 HB 1241 - Delegate Rosenberg Maryland State and Children's Lead Poisoning Recovery Act

Requires a manufacturer of lead-based paint to pay damages to any person affected by the presence of lead-based paint in a residential building. Manufacturers may be held liable under any legally recognized theory of liability, including a market share theory of liability. Current law sets an appropriate standard: to establish liability, an individual must prove that a particular manufacturer produced the paint that caused the damage. Under a market share theory, an individual is no longer required to prove this causation, virtually any manufacturer will be found liable, and damages owed are equal to the manufacturer's share of the market at the time it sold the paint that caused the damage. This bill will implement a radical weakening of Maryland's appropriate standard for determining liability in tort cases.

A "+" indicates a vote against HB 1241 and reflects MBRG's opposition to legislation that expands liability for tort actions. Agreeing with MBRG's position, the House Judiciary Committee rejected HB 1241, 10-8, on March 18, 2008.

11 HB 1304 - Delegate Vaughn Recipients of State Incentives or Financial Assistance - Diversity Initiatives

Requires every person or entity receiving a grant, loan, investment, tax exemption, or other incentive or financial assistance of \$100,000 or more to adopt and implement the state Minority Business Enterprise (MBE) procurement standards. Each affected person or entity would be required to submit reports annually to the Governor's Office of Minority Affairs detailing its MBE contracting practices. The bill would vastly expand the state MBE goals to an undetermined number of public and private entities such as local governments, school boards, colleges, hospitals, and private businesses. The state has had great difficulty in obtaining reliable MBE data from its own agencies in attempts to meet MBE statutory procurement goals. The fiscal note reflects an estimated cost of over \$4.5 million to extend these requirements to hundreds or thousands of additional entities.

A "+" indicates a vote against HB 1304 and reflects MBRG's opposition to legislation that imposes procurement mandates on the private sector that the state itself is unable to meet. The bill is unworkable as many of the entities subject to the legislation cannot even be identified. Agreeing with MBRG's position, the House Health and Government Operations Committee rejected HB 1304, 18-5, on March 18, 2008.



12 **HB 1392** Delegate Ramirez **Labor and Employment-Maryland Wage and Hour Law- Civil Penalties**

This legislation would require courts to award counsel fees, other costs, penalties, and interest in addition to unpaid wages for any violation of the Maryland Wage and Hour Laws. Current law permits but does not require the court to award attorney fees, court costs and other penalties plus interest. This discretion is limited to cases where it has been established that the employer has deliberately violated the Wage and Hour Law. The law in question can be difficult to interpret and for employers to correctly apply depending on the kind of work involved. Such issues as overtime, termination pay, earned vacation and holiday pay can be complicated and unintentional errors are common.

A “+” indicates a vote against HB 1392 and reflects MBRG’s opposition to Law Suit Abuse. Maryland law permits an employee to take a dispute to court, regardless of any decision by the Commissioner of Labor and Industry, which would likely encourage frivolous complaints due to the likelihood that the courts would be required to assign legal fees and other damages. Disagreeing with MBRG’s position, the House of Delegates approved HB 1392, 98-38, March 24, 2008 at 1:04p.m.

13 **HB1416** - Delegates Stein, Ali, Barnes, Bobo, Bromwell, Cane, Carter, V. Clagett, Frush, Gutierrez, Healey, Holmes, Hubbard, Hucker, Kaiser, Kipke, Lafferty Malone, McConkey, Mizeur, Montgomery, Niemann, Olszewski, Pena-Melnyk, Schuh, Schuler, Tarrant, and F. Turner **Intercounty Connector - Impact on Global Warming-Study**

This bill would prohibit the State from issuing any debt or expending any funds from any source for the Intercounty Connector (ICC) until the Maryland Departments of

Transportation and the Environment jointly study the potential direct and indirect impact that the ICC could have on greenhouse gas emissions in the State.

A “+” indicates a vote against HB 1416 and reflects MBRG’s opposition to further environmental study of the ICC for the purpose of delaying and thereby killing the ICC, an important transportation project that has already received extensive review and approval. Agreeing with MBRG’s position, the House Environmental Matters Committees rejected HB 1416, 11-10, on March 19, 2008.

14 **HB 1590- Request of the Department of DLLR Chair, Economic Matters Committee (By Request - Departmental - Labor, Licensing and Regulation) Employer Misclassification of Employees as Independent Contractors**

The bill would create a new presumption of an employer/employee relationship that, under the current IRS and common law tests, would be considered an independent contractor. Employers failing to classify an individual properly as an employee would be subject to significant penalties for noncompliance and a new private cause of action, including class action law suits. Employers would be required to create detailed paper trails to overcome the presumption of an employer/employee relationship.

A “+” indicates a vote against HB 1590 and reflects MBRG’s support for opposing additional regulatory requirements that exceed the federal IRS and common law requirements in defining employer/employee relationship; subject employers to severe financial penalties and additional law suits; and further hinder employers ability to fill staffing gaps. Agreeing with MBRG’s position, the House Economic Matters Committee rejected HB 1590, 18-3, on March 25, 2008.



MARYLAND SENATE VOTES

	1	2	3	4	5	6	7	8	9	MBRG CUM %	MBRG 2008	MBRG Percentile
Allegany, Garrett & Washington Counties												
1 George C. Edwards (R) *	+	+	X	+	+	+	+	+	+	83%	100%	73
Washington County												
2 Donald F. Munson (R) *	+	+	X	+	+	+	+	+	+	80%	100%	73
Frederick & Washington Counties												
3 Alexander X. Mooney (R) *	+	+	X	+	+	+	-	+	+	84%	88%	65
Carroll & Frederick Counties												
4 David R. Brinkley (R) *	+	+	X	+	+	+	+	nv-	+	92%	88%	65
Baltimore & Carroll Counties												
5 Larry E. Haines (R) *	+	+	X	+	+	+	+	+	+	87%	100%	73
Baltimore County												
6 Norman R. Stone, Jr. (D)	+	-	X	+	+	-	+	+	-	48%	63%	50
Baltimore & Harford Counties												
7 Andrew P. Harris (R) *	+	+	+	+	+	+	+	+	+	88%	100%	73
Baltimore County												
8 Katherine A. Klausmeier (D)	+	+	X	+	+	+	+	+	-	66%	88%	65
Carroll & Howard Counties												
9 Allan H. Kittleman (R) *	+	+	X	+	+	+	+	+	+	95%	100%	73

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 change in the 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.

X Legislator did not serve on the committee that reviewed the bill, resulting in not effect on a legislator's rating.

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 2008. 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

MBRG 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 2008 MBRG % rating ranks in relation to other legislators’ ratings. For example, a Senator with a percentile ranking of 78 has a 2008 MBRG rating greater than 78 % of his or her fellow Senators during this time period.



MARYLAND SENATE VOTES

	1	2	3	4	5	6	7	8	9	MBRG CUM %	MBRG 2008	MBRG Percentile
Baltimore County												
10 Delores G. Kelley (D)	-	+	X	+	+	-	+	+	+	39%	75%	60
11 Robert A. Zirkin (D)	+	+	X	-	+	-	+	+	-	37%	63%	50
Baltimore & Howard Counties												
12 Edward J. Kasemeyer (D)	-	+	X	-	+	-	+	+	-	60%	50%	36
Howard County												
13 James N. Robey (D)	-	+	X	-	+	-	+	+	-	53%	50%	36
Montgomery County												
14 Rona E. Kramer (D)	+	+	X	+	+	-	+	+	+	61%	88%	65
15 Rob Garagiola (D)	-	-	X	-	+	-	+	+	-	40%	38%	15
16 Brian E. Frosh (D)	-	-	X	-	+	-	-	+	-	32%	25%	4
17 Jennie M. Forehand (D)	-	-	X	+	+	-	-	+	-	39%	38%	15
18 Richard S. Madaleno, Jr. (D)	-	-	X	-	+	-	-	+	-	27%	25%	4
19 Michael G. Lenett (D)	-	-	-	-	+	-	+	+	-	37%	33%	13
20 Jamin B. Raskin (D)	-	-	X	-	+	-	-	+	-	31%	25%	4
Anne Arundel & Prince George's Counties												
21 James C. Rosapepe (D)	-	-	-	-	+	-	-	+	-	42%	22%	2
Prince George's County												
22 Paul G. Pinsky (D)	-	-	-	-	+	-	-	nv-	-	29%	11%	0
23 Douglas J.J. Peters (D)	-	+	X	-	+	-	+	+	-	44%	50%	36
24 Nathaniel Exum (D)	-	-	X	+	+	-	+	+	-	36%	50%	36
25 Ulysses Currie (D)	-	+	X	+	+	-	+	+	-	50%	63%	50
26 C. Anthony Muse (D)	-	-	X	-	+	-	-	+	-	44%	25%	4
Calvert & Prince George's Counties												
27 Thomas V. Mike Miller, Jr. (D)	-	-	X	-	+	o	+	+	-	62%	43%	34
Charles County												
28 Thomas M. Middleton (D)	-	-	X	-	+	-	nv-	+	-	61%	38%	15
Calvert, Charles, & St. Mary's Counties												
29 Roy Dyson (D)	+	-	-	+	+	-	+	+	+	53%	67%	58
Anne Arundel County												
30 John C. Astle (D)	+	+	X	-	+	+	+	+	-	68%	75%	60
31 Bryan W. Simonaire (R)	+	+	X	+	+	+	+	+	+	75%	100%	73
32 James E. DeGrange, Sr. (D) *	+	+	X	+	+	+	+	+	+	71%	100%	73
33 Janet Greenip (R) *	+	+	+	+	+	+	+	+	+	92%	100%	73

MARYLAND SENATE VOTES

	1	2	3	4	5	6	7	8	9	MBRG CUM %	MBRG 2008	MBRG Percentile
Cecil & Harford Counties 34 Nancy Jacobs (R) *	+	+	X	+	+	+	+	+	+	91%	100%	73
Harford County 35 Barry Glassman (R) *	+	+	X	+	+	+	+	+	+	82%	100%	73
Caroline, Cecil, Kent, & Queen Anne's Counties 36 E. J. Pipkin (R) *	+	+	X	+	+	+	+	+	+	80%	100%	73
Caroline, Dorchester, Talbot & Wicomico Counties 37 Richard Colburn (R) *	+	+	+	+	+	+	+	+	+	84%	100%	73
Somerset, Wicomico & Worcester Counties 38 J. Lowell Stoltzfus (R) *	+	+	X	+	+	+	+	+	+	82%	100%	73
Montgomery County 39 Nancy J. King (D)	-	-	X	-	+	-	+	+	-	27%	38%	15
Baltimore City 40 Catherine E. Pugh (D)	-	-	X	+	+	-	+	+	-	45%	50%	36
41 Lisa A. Gladden (D)	-	-	X	-	+	-	+	+	-	34%	38%	15
Baltimore County 42 Jim Brochin (D)	+	-	X	-	+	-	+	+	-	40%	50%	36
Baltimore City 43 Joan Carter Conway (D)	-	o	-	-	+	-	+	+	-	35%	38%	15
44 Verna L. Jones (D)	-	-	X	+	+	-	-	+	-	35%	38%	15
45 Nathaniel J. McFadden (D)	-	-	X	+	+	-	-	+	-	48%	38%	15
46 George W. Della, Jr. (D)	+	-	X	+	+	-	+	+	-	47%	63%	50
Prince George's County 47 David C. Harrington (D)	o	-	-	-	+	-	+	+	-	-	38%	15



Sen. James E. DeGrange, Sr.

This Anne Arundel County Senator achieved the highest MBRG cumulative score (71) among all Democratic Veterans in the Senate (Minimum 4 Years Service)



Sen. Allan H. Kittleman

This Carol & Howard County Senator achieved the highest MBRG Cumulative score (95) among all Republican veterans in the Senate (Minimum 4 Years Service)

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	MBRG CUM%	MBRG 2008	MBRG 2008 Percentile
Allegany, Garrett & Washington Counties																	
1A Wendell R. Beitzel (R)	+	X	+	+	+	+	+	X	+	X	+	+	X	X	81%	100%	83
1B Kevin Kelly (D)	+	X	+	+	+	X	+	X	X	+	X	-	X	X	66%	86%	76
1C LeRoy Ellsworth Myers, Jr. (R) *	+	X	-	+	+	X	+	X	X	X	X	+	X	X	86%	83%	70
Washington County																	
2A Andrew A. Serafini (R) *	+	X	-	+	+	X	+	X	X	X	X	+	X	X	77%	83%	70
2B Christopher B. Shank (R) *	+	X	+	+	+	X	+	X	X	+	X	+	X	X	88%	100%	83
2C John P. Donoghue (D)	-	X	+	+	-	X	+	X	+	X	+	-	X	X	60%	63%	57
Frederick & Washington Counties																	
3A Galen R. Clagett (D)	-	X	+	+	+	X	+	X	X	X	X	-	X	X	40%	67%	57
3A C. Sue Hecht (R)	-	-	-	+	-	X	+	+	X	X	X	-	X	+	59%	44%	22
3B Richard B. Weldon, Jr. (R) *	+	X	+	+	+	+	+	X	+	X	+	+	X	X	79%	100%	83
Carroll & Frederick Counties																	
4A Joseph R. Bartlett (R) *	+	X	-	+	+	X	+	X	X	X	X	+	X	X	85%	83%	70
4A Paul S. Stull (R) *	+	X	+	+	+	X	+	X	X	X	X	+	o	X	91%	100%	83
4B Donald B. Elliott (R) *	+	X	+	+	+	+	+	X	+	X	+	+	X	X	85%	100%	83
Baltimore & Carroll Counties																	
5A Tanya Thornton Shewell (R) *	+	X	-	+	+	X	+	X	X	X	X	+	+	X	76%	86%	76
5A Nancy R. Stocksdale (R) *	o	X	-	+	+	X	+	X	X	X	X	+	X	X	88%	80%	70
5B A. Wade Kach (R) *	+	X	+	+	+	X	+	X	+	X	+	+	X	X	80%	100%	83
Baltimore County																	
6 Joseph J. Minnick (D)	+	+	+	+	+	X	+	X	X	X	X	+	X	+	65%	100%	83
6 John A Olszewski, Jr. (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	33%	50%	26
6 Michael H. Weir, Jr. (D)	+	X	+	+	+	X	+	X	X	X	X	+	+	X	61%	100%	83
Baltimore & Harford Counties																	
7 Rick Impallaria (R) *	+	+	+	+	+	X	+	+	X	X	X	+	X	-	87%	89%	80
7 J. B. Jennings (R) *	+	X	+	+	+	X	+	X	X	X	X	+	X	X	90%	100%	83
7 Pat McDonough (R) *	+	X	+	+	+	+	+	X	+	X	+	+	X	X	86%	100%	83
Baltimore County																	
8 Joseph C. Boteler, III (R) *	+	X	+	+	+	X	+	X	X	X	X	+	+	X	92%	100%	83
8 Eric Bromwell (D)	+	X	+	+	-	+	+	X	+	X	+	-	X	X	60%	78%	67
8 Todd L. Schuler Jr. (D)	+	X	+	+	-	X	+	X	X	-	X	-	X	X	40%	57%	48
Carroll & Howard County																	
9A Gail H. Bates (R) *	o	X	+	+	+	X	+	X	X	X	X	+	X	X	96%	100%	83
9A Warren E. Miller (R) *	+	+	+	+	+	X	+	+	X	X	X	+	X	+	97%	100%	83
9B Susan W. Krebs (R) *	+	X	+	+	+	X	+	X	X	X	X	+	X	X	81%	100%	83



Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	MBRG CUM%	MBRG 2008	MBRG 2008 Percentile
Baltimore County																		
10	Emmett C. Burns, Jr. (D)	o	o	o	o	-	X	nv-	-	X	X	nv	-	X	+	39%	20%	0
10	Adrienne A. Jones (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	31%	50%	26
10	Shirley Nathan-Pulliam (D)	o	X	+	+	nv	+	+	X	+	X	-	-	X	X	31%	71%	65
11	Jon S. Cardin (D)	-	X	+	+	-	X	+	X	X	X	nv	-	X	X	28%	50%	26
11	Dan K. Morhaim (D)	+	X	-	+	-	+	+	X	+	X	+	-	-	X	38%	60%	55
11	Dana M. Stein (D)	-	X	+	+	-	X	+	X	X	X	X	X	X	X	41%	60%	55
Baltimore & Howard Counties																		
12A	Steven J. DeBoy, Sr. (D)	+	X	+	+	-	X	+	X	X	X	X	-	X	X	45%	67%	57
12A	James E. Malone, Jr. (D)	-	X	+	+	-	X	+	X	X	X	X	-	+	X	48%	57%	48
12B	Elizabeth Bobo (D)	-	X	-	+	-	X	+	X	X	X	X	-	-	X	24%	29%	1
Howard County																		
13	Shane Pendergrass (D)	-	X	+	+	-	+	+	X	+	X	+	-	X	X	38%	67%	57
13	Guy Guzzone (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	33%	50%	26
13	Frank S. Turner (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	34%	50%	26
Montgomery County																		
14	Anne R. Kaiser (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	26%	50%	26
14	Karen S. Montgomery (D)	o	X	-	+	-	+	+	X	-	X	+	-	X	X	24%	50%	26
14	Herman L. Taylor, Jr. (D)	-	+	-	+	-	X	+	-	X	X	X	-	X	+	28%	44%	22
15	Kathleen M. Dumais (D)	-	X	+	+	-	X	+	X	X	+	X	-	X	X	27%	57%	48
15	Brian J. Feldman (D)	-	+	-	+	-	X	+	+	X	X	X	-	X	+	31%	56%	42
15	Craig L. Rice (D)	-	X	-	+	-	X	+	X	X	X	X	-	X	X	28%	33%	7
16	William A. Bronrott (D)	-	X	-	+	-	X	+	X	X	X	X	-	X	X	31%	33%	7
16	C. William Frick (D)	-	X	-	+	-	X	+	X	X	X	X	-	X	X	40%	33%	7
16	Susan C. Lee (D)	-	X	-	+	-	X	+	X	X	-	X	-	X	X	23%	29%	1
17	Kumar P. Barve (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	43%	50%	26
17	James W. Gilchrist (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	33%	50%	26
17	Luiz R.S. Simmons (D)	-	X	-	+	-	X	+	X	X	-	X	-	X	X	25%	29%	1
18	Ana Sol Gutierrez (D)	-	X	-	+	-	X	+	X	X	X	X	-	X	X	24%	33%	7
18	Alfred C. Carr, Jr. (D)	+	X	+	+	-	X	+	X	X	X	X	-	-	X	-	57%	48
18	Jeffrey D. Waldstreicher Jr. (D)	-	X	-	+	-	X	+	X	X	+	X	-	X	X	30%	43%	17
19	Henry B. Heller (D)	-	X	-	+	-	X	+	X	X	X	X	-	X	X	37%	33%	7
19	Benjamin F. Kramer (D)	+	X	-	+	-	X	+	X	X	+	X	-	X	X	40%	57%	48
19	Roger Manno (D)	-	-	-	+	-	X	+	-	X	X	X	-	X	-	23%	22%	0
20	Sheila E. Hixson (D)	-	X	nv-	+	-	X	+	X	X	X	X	-	X	X	38%	33%	7
20	Tom Hucker (D)	-	X	-	+	-	X	+	X	X	X	X	-	-	X	26%	29%	1
20	Heather R. Mizeur (D)	-	X	-	+	-	-	+	X	-	X	+	-	X	X	33%	33%	7

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	MBRG CUM%	MBRG 2008	MBRG 2008 Percentile
Anne Arundel & Prince George's Counties																	
21 Benjamin S. Barnes (D)	-	X	+	+	-	X	+	X	X	-	X	-	X	X	30%	43%	17
21 Barbara A. Frush (D)	-	X	+	+	-	X	+	X	X	X	X	-	-	X	31%	43%	17
21 Joseline A. Pena-Melnyk (D)	-	X	-	+	-	+	+	X	+	X	-	-	X	X	33%	44%	22
Prince George's County																	
22 Tawanna P. Gaines (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	25%	50%	26
22 Anne Healey (D)	-	X	+	+	-	X	+	X	X	X	X	-	-	X	34%	43%	17
22 Justin D. Ross (D)	-	X	-	+	-	X	+	X	X	X	X	-	X	X	24%	33%	7
23A James W. Hubbard (D)	-	X	-	+	-	+	+	X	+	X	+	-	X	X	26%	56%	42
23A Gerron S. Levi (D)	-	X	-	+	-	X	+	X	X	nv-	X	-	X	X	25%	29%	1
23B Marvin E. Holmes, Jr. (D)	-	X	-	+	-	X	+	X	X	X	X	-	-	X	27%	29%	1
24 Joanne C. Benson (D)	-	X	+	+	-	+	+	X	+	X	+	-	X	X	36%	67%	57
24 Carolyn J. B. Howard (D)	o	X	+	+	-	X	+	X	X	X	X	-	X	X	38%	60%	55
24 Michael L. Vaughn (D)	-	+	+	+	-	X	+	-	X	X	X	-	X	+	33%	56%	42
25 Aisha N. Braveboy (D)	-	+	+	+	-	X	+	-	X	X	X	-	X	-	32%	44%	22
25 Dereck E. Davis (D)	-	nvc	+	+	-	X	+	nvc	X	X	X	-	X	nvc	40%	50%	26
25 Melony G. Griffith (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	35%	50%	26
26 Veronica Turner (D)	-	X	+	+	-	+	+	X	+	X	-	-	X	X	28%	56%	42
26 Kris Valderrama (D)	-	X	+	+	-	X	+	X	X	nv-	X	-	X	X	30%	43%	17
26 Jay Walker (D)	+	X	+	+	-	X	+	X	X	X	X	-	X	X	63%	67%	57
Calvert & Prince George's Counties																	
27A James E. Proctor, Jr. (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	41%	50%	26
27A Joseph F. Vallario, Jr. (D)	-	X	+	+	-	X	+	X	X	nvc	X	-	X	X	40%	50%	26
27B Sue Kullen (D)	-	X	-	+	-	-	+	X	+	X	+	-	X	X	36%	44%	22
Charles County																	
28 Sally Jameson (R)	+	+	+	+	+	X	o	o	X	X	o	-	X	+	60%	86%	76
28 Murray D. Levy (R)	+	X	+	+	+	X	+	X	X	X	X	-	X	X	66%	83%	70
28 Peter F. Murphy (D)	-	X	nv-	+	-	X	+	X	X	X	X	-	X	X	33%	33%	7
Calvert, Charles, & St. Mary's Counties																	
29A John F. Wood, Jr. (D) *	+	X	+	+	-	X	+	X	X	X	X	+	X	X	76%	83%	70
29B John L. Bohanan, Jr. (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	58%	50%	26
29C Anthony J. O'Donnell (R) *	+	X	+	+	+	X	+	X	X	X	X	+	+	X	94%	100%	83

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	MBRG CUM%	MBRG 2008	MBRG 2008 Percentile
Anne Arundel County																		
30	Michael E. Busch (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	53%	50%	26
30	Virginia P. Clagett (D)	-	X	-	+	-	X	+	X	X	X	X	-	-	X	41%	29%	1
30	Ronald A. George (R)	+	X	+	+	+	X	+	X	X	X	+	+	X	X	74%	100%	83
31	Donald H. Dwyer, Jr. (R) *	+	X	+	+	+	X	+	X	X	-	X	+	X	X	88%	86%	76
31	Nicholaus R. Kipke (R)	+	X	+	+	+	+	+	X	+	X	+	+	X	X	86%	100%	83
31	Steven R. Schuh (R)	+	X	+	+	+	X	+	X	X	X	X	+	X	X	78%	100%	83
32	Pamela G. Beidle (D)	+	X	+	+	-	X	+	X	X	X	X	-	-	X	42%	57%	48
32	Mary Ann E. Love (D)	+	+	+	+	-	X	+	+	X	X	X	-	X	+	52%	78%	67
32	Theodore Sophocleus (D)	+	X	+	+	-	X	+	X	X	X	X	-	X	X	64%	67%	57
33A	James J. King (R)	+	+	+	+	+	X	+	+	X	X	X	-	X	o	81%	88%	79
33A	Tony McConkey (R) *	+	-	+	+	+	X	+	X	X	+	X	+	X	X	79%	88%	79
33B	Robert A. Costa (R) *	+	X	+	+	+	+	+	X	+	X	+	+	X	X	83%	100%	83
Cecil & Harford Counties																		
34A	Mary-Dulany James (D)	+	X	+	+	-	X	+	X	X	X	X	+	X	X	67%	83%	70
34A	B. Daniel Riley (D)	+	X	+	+	-	+	+	X	-	X	+	-	X	X	45%	67%	57
34B	David D. Rudolph (D)	+	+	+	+	-	X	+	+	X	X	X	-	X	+	53%	78%	67
Harford County																		
35A	H. Wayne Norman, Jr. (R)	+	X	+	+	+	X	+	X	X	X	X	+	+	X	81%	100%	83
35A	Donna Stifler (R)	+	+	+	+	+	X	+	-	X	X	X	+	X	+	91%	89%	80
35B	Susan K. McComas (R) *	+	X	+	+	+	X	+	X	X	+	X	+	X	X	80%	100%	83
Caroline, Cecil, Kent, & Queen Annes Counties																		
36	Michael D. Smigiel, Sr. (R)	+	X	-	+	+	X	+	X	X	-	X	+	X	X	69%	71%	65
36	Richard A. Sossi (R) *	+	X	+	+	+	X	+	X	X	X	X	+	+	X	87%	100%	83
36	Mary Roe Walkup (R) *	+	+	-	+	+	X	+	+	X	X	X	+	X	+	84%	89%	80
Caroline, Dorchester, Talbot & Wicomico Counties																		
37A	Rudolph C. Cane (D)	o	X	+	+	-	X	nv-	X	X	X	nv	-	+	X	39%	50%	26
37B	Adelaide C. Eckardt (R) *	+	X	+	+	+	X	+	X	X	X	X	-	X	X	85%	83%	70
37B	Jeannie Haddaway (R) *	+	+	+	+	+	X	+	+	X	X	X	-	X	+	81%	89%	80
Somerset, Wicomico & Worcester Counties																		
38A	D. Page Elmore (R) *	+	X	+	+	+	X	+	X	X	X	X	-	X	X	72%	83%	70
38B	Norman H. Conway (D)	-	X	nv-	+	-	X	+	X	X	X	X	-	X	X	62%	33%	7
38B	James N. Mathias, Jr. (D)	+	o	+	+	-	X	+	+	X	X	X	-	X	+	57%	75%	67
Montgomery County																		
39	Saqib Ali (D)	-	X	-	+	-	X	+	X	X	X	X	-	-	X	26%	29%	1
39	Charles Barkley (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	25%	50%	26
39	Kirill Reznik (D)	-	X	-	+	-	+	+	X	+	X	+	-	X	X	-	56%	42

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

		1	2	3	4	5	6	7	8	9	10	11	12	13	14	MBRG CUM%	MBRG 2008	MBRG 2008 Percentile
Baltimore City																		
40	Frank M. Conaway, Jr. (D)	+	X	+	+	-	X	+	X	X	+	X	-	X	X	40%	71%	65
40	Barbara A. Robinson (D)	-	X	+	+	-	X	o	X	X	X	o	-	X	X	29%	40%	16
40	Shawn Z. Tarrant (D)	-	X	+	+	-	+	+	X	+	X	-	-	X	X	38%	56%	42
41	Jill P. Carter (D)	+	X	+	+	-	X	+	X	X	-	X	-	X	X	29%	57%	48
41	Nathaniel T. Oaks (D)	-	X	+	+	-	+	+	X	+	X	-	-	X	X	37%	56%	42
41	Samuel I. Rosenberg (D)	-	X	-	+	-	X	+	X	X	-	X	-	X	X	40%	29%	1
Baltimore County																		
42	Susan L. M. Aumann (R) *	+	X	+	+	+	X	+	X	X	X	X	+	X	X	81%	100%	83
42	William J. Frank (R) *	+	X	+	+	+	X	+	X	X	+	X	+	X	X	87%	100%	83
42	Stephen W. Lafferty (D)	+	X	-	+	-	X	+	X	X	X	X	-	+	X	42%	57%	48
Baltimore City																		
43	Curt Anderson (D)	+	X	-	+	-	X	+	X	X	-	X	-	X	X	34%	43%	17
43	Ann Marie Doory (D)	-	X	-	+	-	X	+	X	X	X	X	-	X	X	47%	33%	7
43	Maggie L. McIntosh (D)	-	X	+	+	-	X	+	X	X	X	X	-	nvc	X	39%	50%	26
44	Keith E. Haynes (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	34%	50%	26
44	Ruth M. Kirk (D)	-	+	+	+	-	X	+	+	X	X	X	-	X	+	43%	67%	57
44	Melvin L. Stukes (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	33%	50%	26
45	Talmadge Branch (D)	-	X	+	+	-	X	+	X	X	X	X	-	X	X	46%	50%	26
45	Cheryl D. Glenn (D)	-	X	+	+	-	X	+	X	X	X	X	-	+	X	37%	57%	48
45	Hattie N. Harrison (D)	-	+	+	+	-	X	+	+	X	X	X	-	X	+	50%	67%	57
46	Peter A. Hammen (D)	-	X	+	+	-	nvc	+	X	nvc	X	nvc	-	X	X	41%	50%	26
46	Carolyn Krysiak (D)	-	+	+	+	-	X	+	+	X	X	X	-	X	+	46%	67%	57
46	Brian K. McHale (D)	-	+	+	+	-	X	+	-	X	X	X	-	X	+	39%	56%	42
Prince George's County																		
47	Jolene Ivey (D)	-	X	-	+	-	X	+	X	X	X	X	-	X	X	28%	33%	7
47	Doyle L. Niemann (D)	-	X	+	+	-	X	+	X	X	X	X	-	-	X	31%	43%	17
47	Victor R. Ramirez (D)	-	X	+	+	-	X	+	X	X	nv-	X	-	X	X	27%	43%	17



Del. Warren E. Miller

This Howard County Delegate achieved the highest MBRG Cumulative score (97) among all Republican veterans in the senate.
(Minimum 4 years service)



Del. John F. Wood, Jr.

This Saint Mary's County Delegate achieved the highest MBRG Cumulative score (76) among all Democratic veterans in the senate.
(Minimum 4 years service)



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?
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.

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 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. For this 2008 edition, MBRG surveyed members of the General Assembly regarding their views on 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 lack of strong consensus in the business community.

Although this evaluation process summarizes a legislative system that involves weeks of debate, amendment, and compromise, voting records remain the best indicator of a legislator's inclination towards business. MBRG neither gives pass/fail scores nor assigns greater weighted value to any bill or bills.

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.

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”

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.
- A stable, consistent investment program to maintain and upgrade critical infrastructure and education needs.

Regulations

- A regulatory process that does not interfere with the free market’s economic forces and upholds existing contracts to give businesses and institutions the confidence to 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.

- A regulatory framework that is fair, clear, and updated to take advantage of changes in technology and market forces.

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.

Taxpayers Reel as States Meet Accounting Real Time *(continued from page 1)*

...costs until retirement. But, put into effect for states in 2007 by the independent Governmental Accounting Standards Board (GASB)* is the transparent “accrual” method where future payments are acknowledged and set aside as state employees actually incur future retirement and health care costs. In other words, every dollar of state and local pension benefits will be funded as the benefits are accrued -- not kicked into an unspecified future when legislatures or city councils halt their procrastination and discharge their obligations.

The accrual method is the same used by the private sector. But there’s a major difference. Unsustainable overhead or legacy costs imposed by labor and agreed to by management will greatly diminish or sink a private sector enterprise. Not so with government, which has few checks and balances to personnel growth and costs.

In the recently published *While America Aged*,

bestselling author Roger Lowenstein writes “...the states and localities, which have promised pensions to millions of present and future retired policemen, teachers, clerical workers and others, are *hundreds of billions* of dollars behind on their payments to state pension funds.” The deficits, Lowenstein believes, “...will require ... layoffs, budget cuts, and higher taxes in a majority of states for decades ...”

Options are limited. State legislators can either (a) raise taxes to cover these horrendous health costs; (b) impose savage cuts in health benefits; or (c) make structural changes that limit taxpayers exposure while harnessing free market forces to control costs. Structural changes make the most sense -- particularly a transition from defined benefit to defined contribution -- but that will require brains, guts, and imagination. In any case, there is no way Maryland state legislators can shirk responsibility. Ball’s in their court. The private sector is eager to help.



Maryland Business for Responsive Government

MBRG Membership Application



Please photocopy and mail with your check or visit www.mbrg.org to purchase an MBRG membership today.

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 _____

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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