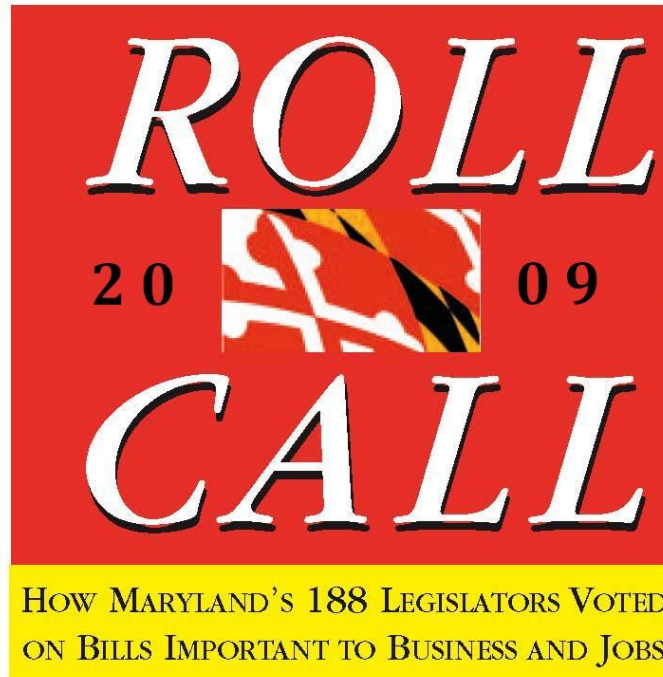


# Maryland Business for Responsive Government

## MBRG

Maryland Business for  
Responsive Government  
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### Two Marylands

Seasoned Annapolis observers are struck by the vacuum of recognition by legislators that Maryland businesses are hurting, saying this is in contrast to previous recessions. They point to an attitude by lawmakers that suggests the irrelevance of business. Some of the sharpest critics say that many in the legislature have gone from indifference to disdain, to contempt toward business; and that this attitude has become a palpable, cultural given in Annapolis.

*Two Marylands* means that certain industries do well in Maryland because of their need for proximity to Washington D.C. For them Maryland's historic anti-business climate is a secondary concern. The successes of these companies – success highly profiled by state and federal officials – mask the struggles that define other companies. Although manufacturing is a prime example of *Two Marylands*, it is not the only example; and for them Maryland's anti-business climate presents constant stress.

*(continued on page 19)*

### The Preakness Bill – Unprecedented in a Quarter Century

The "Preakness Bill," Senate Bill (SB) 1072, was introduced and signed into law in only nine days at the end of the Legislative Session and became effective April 14, 2009.

Its passage authorizes the State of Maryland to acquire by purchase or condemnation all in-state private property of the Canadian based Magna Entertainment Corporation (MEC). SB 1072 does what no other legislation has done in MBRG's 25 year history: it asserts a right to take the private property of a specific corporation doing business in Maryland and interferes with assets currently in bankruptcy thereby diminishing their value. It sets an extraordinary precedent worthy of careful consideration by current and prospective Maryland businesses.

*(continued on page 20)*



# Maryland Business for Responsive Government

## VICTORIES

Imposing new regulations on lease extension periods and the transfer of rental property was defeated.  
See Senate Bill 1 on Page 3

Allowing the state to impose additional fines against those seeking false payment from the state health department was defeated.  
See Senate Bill 2 on Page 3

Imposing onerous lead dust testing and risk reduction treatments on property owners was rejected.  
See Senate Bill 4 on Page 3

Increasing damages in wrongful death and noneconomic medical malpractice cases was defeated.  
See Senate Bill 6 on Page 4

Requiring that commercial users pay a disproportionate storm water user charge was defeated.  
See Senate Bill 8 on page 4

Creating additional restrictions and penalties for misclassification of employees of contracting and landscaping employers was approved.  
See Senate Bill 10 on page 5

Creating government mandated shift breaks for all employers of more than 50 employees was defeated.  
See House Bill 1 on page 6

Establishing a new group of persons for whom an employee may claim leave under the Family and Medical Leave Act of 1993 was defeated.  
See House Bill 5 on page 7

Permitting an employer (or insurer) to receive a credit for compensation paid to a covered employee who is temporarily totally disabled due if medical treatment for the employee is delayed or suspended to an unrelated medical condition was approved.  
See House Bill 6 on page 7

Requiring that an employer found to have violated the Maryland Wage and Hour Law to pay triple damages to

the employee and the employee's legal fees was defeated.  
See House Bill 7 on page 7

## DEFEATS

Broadening the scope of prosthetic devices required to be provided as a health insurance benefit was approved.  
See Senate Bill 3 on page 3 and House Bill 3 on page 6

Restarting the period during which an employee may sue for employment discrimination with each paycheck the employee receives was approved.  
See Senate Bill 5 on page 4 and House Bill 2 on page 6

Limiting credit and cost controls of workers compensation was approved.  
See Senate Bill 7 on page 4

Increasing taxes on electricity used by large commercial and industrial users was approved.  
See Senate Bill 9 on page 5

Creating additional restrictions and penalties for misclassification of employees of contracting and landscaping employers was approved.  
See Senate Bill 10 on page 5 and House Bill 4 on page 6

Authorizing the State of Maryland to acquire by purchase or condemnation all of the Maryland-based private property of Magna Entertainment Corporation was approved.  
See Senate Bill 11 on page 5 and House Bill 9 on page 8

Limiting the total amount of the appeal (supersedeas) bond required to stay the enforcement of a civil court judgment to \$100 million was defeated.  
See House Bill 8 on page 7



# Maryland Business for Responsive Government

## 2009 SENATE VOTE DESCRIPTION

### **1 SB 5 - Senator Harrington - Assisted Housing - Protected Actions - Extended Leases**

This bill increases from three to five years the lease extension period that must be offered to a designated household before a property owner of a rental unit covered by federal rental housing assistance may transfer the rental unit or take another protected action specified in statute. Landlords of affected rental housing would be further restricted from transferring a rental unit. Additionally, the bill alters the terms of contracts property owners entered into with the federal government. While the intent of the bill was to preserve affordable housing, this bill would have made preservation of existing affordable housing more difficult, and in the long run would have decreased the supply of housing available to residents with limited incomes.

A "+" indicates a vote against SB 5 and reflects MBRG's opposition to governmental interference with the terms and conditions of existing legal contracts and to undermining of private property rights. Agreeing with MBRG's position, the Senate rejected SB 5, 24-23, on March 23, 2009 at 8:44 p.m.

### **2 SB 272 - The President (By Request - Administration) and Senators Frosh, Harrington, Lenett, Madaleno, Pinsky, Raskin, Robey, and Forehand - Maryland False Health Claims Act**

Allows the State to impose treble damages, fines up to \$10,000 per violation, and costs, against those who seek false or fraudulent payment from the state health department. Authorizes a private citizen to file an action on behalf of the state and recover up to 30 percent of the damages awarded, expenses and attorney fees. Existing federal law provides sufficient incentives for private citizens to bring these cases, and existing state law enables the state attorney general's Office to prosecute health fraud and assist the state in

recovery of its damages. Enacting a duplicative state Statute adds parties to an already complex system and would delay the investigation and prosecution of meritorious cases. In addition, the proposed FY 2010 state budget included \$22 million in reductions contingent on enactment of SB 272.

A "+" indicates a vote against SB 272 and reflects MBRG's opposition to legislation creating a bounty system that encourages litigation for enforcement of laws already adequately enforced under comprehensive federal and state laws, subjecting health care providers to more litigation and duplicative penalties for the same allegedly wrongful act, and containing unfounded assumptions that monies can be recovered from health care providers immediately to balance the state budget. Agreeing with MBRG's position the Senate rejected SB 272, 24-23, on March 24, 2009 at 10:53 a.m.

### **3 SB 341 - Senators Pugh, Della, Exum, Gladden, Glassman, Harrington, Jones, Kelley, Klausmeier, Lenett, Madaleno, McFadden, Raskin, Rosapepe, Garagiola, and Middleton - Prosthetic Parity Act**

Broadens the scope of prosthetic devices required to be provided as a health insurance benefit, prohibits higher co – pays, and eliminates reasonable cost control caps on annual or lifetime benefits.

A "+" indicates a vote against SB 341 and reflects MBRG's opposition to adding to the already extensive list of mandates required and increasing the cost of health insurance. Disagreeing with MBRG's position the Senate approved SB 341, 41 – 2, on March 20, 2009 at 11:49 a.m.

### **4 SB 361 - Senator Gladden - Environment - Reducing Lead Risk in Housing - Lead Paint Dust Testing**

Requires an owner of an affected property under the Maryland Reduction of Lead Risk in Housing



# Maryland Business for Responsive Government

Program to satisfy the risk reduction standard at each change of occupancy by passing the test for lead contaminated dust and performing the specified lead hazard reduction treatments. The cost to perform the additional dust testing would add between \$125 to \$300 per unit and the risk reduction treatments range from \$300 to \$2,500 per unit.

A “+” indicates a vote against SB 361 and reflects MBRG’s opposition to imposing costly and unreasonable burdens on property owners that would increase rent and reduce the limited stock of affordable housing. Agreeing with MBRG’s position, the Senate rejected SB 361, 25-22, on April 11, 2009 at 1:56 p.m.

**5 SB 368 - Senators Raskin, Brochin, Frosh, Gladden, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Muse, Peters, Pugh, Robey, Rosapepe, Zirkin, Jones, and Forehand - Lilly Ledbetter Civil Rights Restoration Act of 2009**

Overturns the 2007 U.S. Supreme Court decision in *Ledbetter v. Goodyear Tire and Rubber Company*. The bill authorizes the recovery of back pay for up to two years preceding the filing of a complaint for employment discrimination based on an unlawful employment practice that occurred outside the statute of limitations for filing a complaint, but was similar or related to an unlawful practice with regard to discrimination in compensation that occurred during the complaint filing period.

A “+” indicates a vote against SB 368 and reflects MBRG’s opposition to instituting a “paycheck rule” that restarts the clock each time an employee receives a paycheck, undermining the Maryland tradition of timely resolution of discrimination cases, and forcing employers to defend untimely claims. Disagreeing with MBRG’s position the Senate approved SB 368, 31 – 16, March 16, 2009 at 8:29 p.m.

**6 SB 505 - Senator Gladden - Health Care Malpractice - Noneconomic Damages**

Increases from \$615,000 to \$710,000 the cap on noneconomic damages in medical malpractice cases beginning October 1, 2009. Also, beginning October 1, 2009, it increases from 125% to 150% of the cap the award for noneconomic damages in wrongful death medical malpractice actions and makes the new limit an individual limit rather than an aggregate limit.

A “+” vote indicates a vote against the bill and reflects MBRG’s support for effective and reasonable caps on noneconomic damages in medical malpractice cases in order to ensure the continued availability and affordability of medical malpractice liability insurance in Maryland. Agreeing with MBRG’s position, SB 505 was rejected by the Senate Judicial Proceedings Committee, 6-5, on March 19, 2009.

**7 SB 642 - Amendment - Senator Kittleman - Workers' Compensation - Temporary Total Disability Benefits – Credit**

Permits an employer, or its insurer, to receive a credit for compensation paid to a covered employee who is temporarily totally disabled due to an accidental personal injury or occupational disease if medical treatment for the employee is delayed or suspended due to a medical condition, or disease that is not related to the accidental personal injury or occupational disease. The credit would be a reasonable cost containment measure for employers and insurers.

A “+” indicates a vote against an amendment to SB 642 that substantially limited the credit and reflects MBRG’s opposition to weakening of reasonable cost controls in worker’s compensation. Disagreeing with MBRG position the Senate approved the amendment to SB 642, 24 – 22, April 1, 2009 at 5:59 p.m.

**8 SB 672 - Senators Raskin, Frosh, Harrington, King, Madaleno, Muse, Pinsky, and Rosapepe - Environment - Stormwater Management - Stormwater User Charge**

Requires each county and municipality to establish a storm water user charge to generate sufficient revenues to fund local storm water



# Maryland Business for Responsive Government

management activities. This bill requires the local government to set a commercial storm water user charge disproportionately greater than a residential storm water user charge. The commercial user charge will be based upon a square foot assessment of a greatly expanded definition of "impervious surface."

A "+" is a vote against SB 672 and reflects MBRG's opposition to the imposition of disproportionately greater cost on business. Agreeing with the MBRG's position, the Senate rejected SB 672, 29-18, on March 31, 2009 at 1:23 p.m.

**9** **SB 844 - The President (By Request - Administration) and Senators Middleton, McFadden, Pipkin, Rosapepe, Brochin, Conway, Dyson, Exum, Forehand, Frosh, Haines, Harrington, Muse, Peters, Pinsky, Raskin, Simonaire, Stone, and Zirkin - Public Service Commission - New Electric Generation Facilities - Rate Regulation an Contracts**

As part of comprehensive legislation re-regulating electric service for residential and small commercial customers, SB 844 authorizes the Public Service Commission to impose a tax on electricity used by large commercial and industrial customers. The tax would pay for electric generation to serve only residential and small commercial customers. Small commercial and residential customers also would lose the right to contract with an electric supplier of their choices to obtain more favorable terms and pricing.

A "+" indicates a vote against SB 844 and reflects MBRG's opposition to legislation that imposes new taxes and increased costs for businesses operating in Maryland. Disagreeing with MBRG's position, the Senate approved SB 844, 27-19, on April 1, 2009 at 7:34 p.m.

**10** **SB 909 Amendment - The President (By Request - Administration) and Senators Kelley, Raskin, Currie, Forehand, Gladden, Harrington, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Rosapepe, and Stone - Workplace Fraud Act of 2009**

Imposes additional restrictions and penalties for misclassification of employees of contracting and landscaping employers. Under this proposal, employers that follow federal guidelines in the use of independent contractors may be subjected to penalties and restrictions, while other businesses that operate in similar circumstances are exempted.

A "+" indicates a vote in favor of the amendment to SB 909 and reflects MBRG's opposition to unwarranted legal costs and tort claims on employers. Agreeing with MBRG's position, the Senate approved the amendment to SB 909, 26-20, on April 1, 2009 at 5:39 p.m.

**11** **SB 1072 - The President (By Request - Administration) and Senators Brinkley, Colburn, Conway, Currie, DeGrange, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Klausmeier, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pipkin, Pugh, Robey, and Rosapepe - Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes - State Purchase or Condemnation**

Please refer to the "Preakness Bill" editorial on pages one and 20 for explanation of MBRG position.

A "+" indicates a vote against SB 1072 and reflects MBRG's opposition to legislation that allows seizing private property, interference with federal bankruptcy law, and results in diminishing the value of private property assets in bankruptcy. Disagreeing with MBRG's position, the Senate approved SB 1072, 32-14, on April 11, 2009 at 12:53 p.m.



# Maryland Business for Responsive Government

## 2009 HOUSE VOTE DESCRIPTIONS

### **1** HB 16 – Delegate Manno - Labor and Employment - Shift Breaks

Imposes a government-mandated shift break benefit of 30 minutes break after six consecutive hours of work (and 15 minutes break for four to six consecutive hours of work) for all employers in Maryland with 50 or more employees except those in certain human service businesses. The legislation also creates a new private right-of-action for employees to sue their employers for alleged violations of these shift break requirements, and administrative burdens for employers seeking to comply with such a mandate.

*A “+” indicates a vote against HB 16 and reflects MBRG’s opposition to unnecessary expansion of state government regulations of the workplace; and to increased litigation from the creation of a new private right of action for employees. Agreeing with MBRG’s position, the House Economic Matters Committee rejected HB 16, 12-11, on March 31, 2009.*

### **2** HB 288 - Delegates Rosenberg, Mizeur, and Pena-Melnyk - Lilly Ledbetter Fair Pay Restoration Act of 2009

Overturns the 2007 U.S. Supreme Court decision in *Ledbetter v. Goodyear Tire and Rubber Company*. The bill authorizes the recovery of back pay for up to two years preceding the filing of a complaint for employment discrimination based on an unlawful employment practice that occurred outside the statute of limitations for filing a complaint, but was similar or related to an unlawful practice with regard to discrimination in compensation that occurred during the complaint filing period.

*A “+” indicates a vote against HB 288 and reflects MBRG’s opposition to instituting a “paycheck rule” that restarts the clock each time an employee receives a paycheck, undermining the Maryland tradition of timely resolution of discrimination*

*cases and forcing employers to defend untimely claims. Disagreeing with MBRG’s position, the House approved HB 288, 103-31, on March 30, 2009 at 4:55 p.m.*

### **3** HB 579 - Delegates Mizeur, Aumann, Barkley, Benson, Cane, Carr, Costa, Feldman, Frick, Guzzone, Hecht, Hubbard, Krysiak, Lafferty, Manno, McHale, Montgomery, Ramirez, Reznik, Robinson, Schuler, Tarrant, and Taylor – Prosthetic Parity Act

Broadens the scope of prosthetic devices required to be provided as a health insurance benefit, prohibits higher co - pays, and eliminates reasonable cost control caps on annual or lifetime benefits.

*A “+” indicates a vote against HB 579 and reflects MBRG’s opposition to adding to the already extensive list of mandates required and increasing the cost of health insurance. Disagreeing with MBRG’s position the House approved HB 579, 125-10, on March 28, 2009 at 12:39 p.m.*

### **4** HB 819 - The Speaker (By Request - Administration) and Delegates Glenn, Ali, Anderson, Barkley, Barnes, Barve, Beidle, Benson, Bobo, Bohanan, Branch, Braveboy, Bromwell, Bronrott, Burns, Cane, Cardin, Carr, Carter, G. Clagett, V. Clagett, Conaway, DeBoy, Doory, Dumais, Feldman, Frush, Gaines, Gilchrist, Griffith, Gutierrez, Guzzone, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Ivey, James, Jones, Kaiser, Kelly, Kirk, Kramer, Kullen, Lafferty, Lee, Levi, Love, Malone, Manno, McConkey, McHale, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan-Pulliam, Niemann, Oaks, Olszewski, Pena-Melnyk, Pendergrass, Proctor, Reznik, Rice, Riley, Robinson, Rosenberg, Ross, Schuler, Stein, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, and Waldstreicher - Workplace Fraud Act of 2009

Imposes additional restrictions and penalties for misclassification of employees on contracting and



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landscaping employers. Under this proposal, employers that follow federal guidelines in the use of independent contractors may be subjected to penalties and restrictions, while other businesses that operate in similar circumstances are exempted.

A “+” indicates a vote against HB 819 and reflects MBRG’s opposition to unwarranted legal costs and tort claims on employers. Disagreeing with MBRG’s position, the House approved HB 819, 101-34, on March 30, 2009 at 5:39 p.m.

## **5** **HB 902 – Delegates Mizeur, Barkley, Bronrott, Carr, Feldman, Frick, Gilchrist, Lafferty, Lee, Manno, Montgomery, F. Turner, and Waldstreicher - Maryland Family and Medical Leave Act**

Expands Maryland employer obligations under the federal Family and Medical Leave Act of 1993 by establishing a new group of persons related to employees for whom leave may be taken. These newly covered persons would include the employee’s brother, sister, grandparent, grandchild, domestic partner, and the child of an employee’s domestic partner.

A “+” indicates a vote against HB 902 and reflects MBRG’s opposition to unwarranted expansion of state government regulation of the workplace. Agreeing with MBRG’s position, the House Economic Matters Committee rejected HB 902, 13-7, on March 28, 2009.

## **6** **HB 1005 – Delegate Miller - Workers’ Compensation - Temporary Total Disability Benefits - Credit**

Permits an employer, or its insurer, to receive a credit for compensation paid to a covered employee who is temporarily totally disabled due to accidental personal injury or occupational disease if medical treatment for the employee is delayed or suspended due to an unrelated medical condition.

A “+” indicates a vote in favor of HB 1005 and reflects MBRG’s support for controlling employer and insurer costs for providing workers compensation.

Agreeing with the House of Delegates approved HB 1005, 138-1, on March 26, 2009 at 11:22 a.m.

## **7** **HB 1288 - Delegates Ramirez, Ali, Aumann, Barkley, Bronrott, Burns, Cane, Conaway, Davis, Dumais, Feldman, Frush, Glenn, Gutierrez, Haynes, Healey, Heller, Hucker, Ivey, Kaiser, Kirk, Krysiak, Lee, Manno, Mizeur, Murphy, Niemann, Pena-Melnyk, Reznik, Ross, Schuler, Stukes, Taylor, Valderrama, and Vaughn - Labor and Employment - Maryland Wage and Hour Law - Damages**

Requires that an employer found to have violated the Maryland Wage and Hour Law to pay triple damages to the employee and the employee’s reasonable legal fees and associated costs.

A “+” indicates a vote against HB 1288 and reflects MBRG’s opposition to increasing damages and mandating legal fees for the purpose of encouraging lawyers to file more actions for alleged violations of the Wage and Hour Law. Agreeing with MBRG’s position House Economic Matters Committee rejected HB 1288, 11-9, on March 31, 2009.

## **8** **HB 1372 - Delegates Conway, Anderson, DeBoy, Kullen, McHale, Schuh, Sophocleus, and Weir - Judgments - Appeals - Supersedeas Bond**

Limits the total amount of the appeal (supersedeas) bond required to stay the enforcement of a civil court judgment to \$100 million. This allows a defendant to appeal a large civil damage award without the threat of enforcement until all appeal rights have been exhausted. Currently, a defendant may be required either to post a bond for the amount of the damage award while the case is on appeal or be subjected to enforcement of the damage award. Obtaining a bond for a very large damage award may be impossible or cost-prohibitive, cause the defendant to settle the case on unfavorable terms, or forego appeal entirely.

A “+” indicates a vote for HB 1372 and reflects MBRG’s support for legislation that enhances due process for business defendants by enabling them to



# Maryland Business for Responsive Government

*appeal large damage awards.* Disagreeing with MBRG's position, the House Judicial Proceedings Committee rejected HB 1372, 13-7, on March 24, 2009.

**9 SB 1072 – The President (By Request - Administration) and Senators Brinkley, Colburn, Conway, Currie, DeGrange, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Klausmeier, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pipkin, Pugh, Robey, and Rosapepe - Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes - State Purchase or Condemnation**

Please refer to the "Preakness Bill" editorial on pages one and 20 for explanation of MBRG position.

A "+" indicates a vote against SB 1072 and reflects MBRG's opposition to legislation that allows seizing private property, interference with federal bankruptcy law, and results in diminishing the value of private property assets in bankruptcy. Disagreeing with MBRG's position, the House approved SB 1072, 93-43, on April 13, 2009 at 1:49 p.m.

## Senate Chart Key

- 1 SB 5 - Assisted Housing - Protected Actions - Extended Leases
- 2 SB 272 - Maryland Coverage Affordability and Revenue Efficiency Standards Act
- 3 SB 341 - Prosthetic Parity Act
- 4 SB 361 - Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing
- 5 SB 368 - Lilly Ledbetter Civil Rights Restoration Act of 2009
- 6 SB 505 - Health Care Malpractice – Noneconomic Damages
- 7 SB 642 - Worker's Compensation – Temporary Total Disability Benefits - Credit
- 8 SB 672 - Environment – Stormwater Management – Stormwater User Charge
- 9 SB 844 - Public Commission – New Electric Generation Facilities – Rate Regulation and Contracts
- 10 SB 909 - Workplace Fraud Act of 2009
- 11 SB 1072 - Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes - State Purchase or Condemnation

## House Chart Key

- 1 HB 16 - Labor and Employment – Shift Breaks
- 2 HB 288 - Lilly Ledbetter Civil Rights Restoration Act of 2009
- 3 HB 579 - Prosthetic Parity Act
- 4 HB 819 - Workplace Fraud Act of 2009
- 5 HB 902 - Maryland Family and Medical Leave Act
- 6 HB 1005 - Worker's Compensation – Temporary Total Disability Benefits - Credit
- 7 HB 1288 - Labor and Employment - Maryland Wage and Hour Law - Damages
- 8 HB 1372 - Judgments – Appeals – Supersedeas Bond
- 9 SB 1027 - Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes - State Purchase or Condemnation





# Maryland Business for Responsive Government

## MARYLAND SENATE VOTES

	1	2	3	4	5	6	7	8	9	10	11	MBRG CUM %	MBRG 2009	MBRG Percentile
Allegany, Garrett & Washington Counties 1 George C. Edwards (R) *	+	+	-	+	+	X	+	+	+	+	-	83%	80%	80
Washington County 2 Donald F. Munson (R) *	+	+	-	+	+	X	+	+	-	+	-	79%	70%	67
Frederick & Washington Counties 3 Alexander X. Mooney (R) *	+	+	-	+	+	+	-	+	+	+	+	84%	82%	84
Carroll & Frederick Counties 4 David R. Brinkley (R) *	+	+	-	+	+	X	+	+	+	+	-	92%	80%	80
Baltimore & Carroll Counties 5 Larry E. Haines (R) *	+	+	-	+	+	-	+	+	+	+	+	87%	82%	84
Baltimore County 6 Norman R. Stone, Jr. (D)	-	-	-	-	-	-	-	-	-	-	-	46%	0%	0
Baltimore & Harford Counties 7 Andrew P. Harris (R) *	+	+	-	+	+	X	+	+	+	+	+	88%	90%	89
Baltimore County 8 Katherine A. Klausmeier (D)	+	-	-	-	-	X	+	+	+	-	-	64%	40%	54
Carroll & Howard Counties 9 Allan H. Kittleman (R) *	+	+	+	+	+	X	+	+	+	+	+	96%	100%	97
Baltimore County 10 Delores G. Kelley (D)	+	-	-	-	-	X	-	+	-	-	+	39%	30%	36
11 Robert A. Zirkin (D)	+	+	-	-	-	X	-	+	-	-	-	36%	30%	36
Baltimore & Howard Counties 12 Edward J. Kasemeyer (D)	+	+	-	+	-	X	+	+	-	+	-	60%	60%	63
Howard County 13 James N. Robey (D)	-	-	o	+	-	X	-	-	-	+	-	43%	25%	32

## 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 that MBRG has taken a position of opposition, resulting in no change in the legislator’s rating

nv- Legislator did not vote on a bill that 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.

nvc As committee chairperson, legislator chose not to vote, resulting in no effect on a legislator’s rating.

X Legislator on the committee that reviewed the bill, resulting in no effect on the 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 2009. 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

**2009 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 2009 MBRG % rating ranks in relation to other legislators’ ratings. For example, a Senator with a percentile ranking of 78 has a 2009 MBRG rating greater than 78 percent of his or her fellow Senators during this time period.



# Maryland Business for Responsive Government

## MARYLAND SENATE VOTES

	1	2	3	4	5	6	7	8	9	10	11	MBRG CUM %	MBRG 2009	MBRG Percentile
Montgomery County														
14 Rona E. Kramer (D)	+	+	-	+	-	X	+	+	-	+	+	62%	70%	67
15 Rob Garagiola (D)	+	-	-	+	-	X	+	-	+	-	-	40%	40%	54
16 Brian E. Frosh (D)	-	-	-	-	-	+	-	-	-	-	+	32%	18%	26
17 Jennie M. Forehand (D)	+	-	o	+	-	-	+	+	+	+	-	40%	59%	60
18 Richard S. Madaleno, Jr. (D)	-	-	-	-	-	X	-	-	-	-	-	23%	0%	0
19 Michael G. Lenett (D)	-	-	-	-	-	X	-	-	-	-	-	31%	0%	0
20 Jamin B. Raskin (D)	-	-	-	-	-	-	-	-	-	-	-	26%	0%	0
Anne Arundel & Prince George's Counties														
21 James C. Rosapepe (D)	-	-	-	-	-	X	-	-	-	-	-	39%	0%	0
Prince George's County														
22 Paul G. Pinsky (D)	-	-	-	-	-	X	-	-	-	-	+	28%	10%	13
23 Douglas J.J. Peters (D)	-	+	-	-	-	X	+	-	-	+	-	43%	30%	36
24 Nathaniel Exum (D)	-	+	-	-	-	X	-	-	-	-	+	35%	20%	28
25 Ulysses Currie (D)	-	-	-	-	-	X	+	+	-	+	-	49%	30%	36
26 C. Anthony Muse (D)	-	+	-	-	-	+	-	+	-	+	-	43%	36%	52
Calvert & Prince George's Counties														
27 Thomas V. Mike Miller, Jr. (D)	-	-	o	+	-	X	-	-	-	-	-	60%	15%	21
Charles County														
28 Thomas M. Middleton (D)	-	-	-	+	-	X	+	+	-	-	-	59%	30%	36
Calvert, Charles, & St. Mary's Counties														
29 Roy Dyson (D)	-	-	-	+	-	X	-	+	+	+	+	53%	50%	58
Anne Arundel County														
30 John C. Astle (D)	+	+	-	+	+	X	+	+	-	-	-	67%	60%	63
31 Bryan W. Simonaire (R)	+	+	-	+	+	+	+	+	+	+	+	93%	91%	93
32 James E. DeGrange, Sr. (D) *	+	+	-	+	+	X	-	+	+	+	-	71%	70%	67
33 Janet Greenip (R) *	+	+	+	+	+	X	+	+	+	+	+	92%	100%	97
Cecil & Harford Counties														
34 Nancy Jacobs (R) *	+	+	-	+	+	+	+	+	+	+	+	91%	91%	93
Harford County														
35 Barry Glassman (R) *	+	+	-	+	+	X	+	+	o	+	-	81%	75%	78
Caroline, Cecil, Kent, & Queen Anne's Counties														
36 E. J. Pipkin (R) *	+	+	-	+	+	X	+	+	-	+	-	79%	70%	67
Caroline, Dorchester, Talbot & Wicomico Counties														
37 Richard Colburn (R) *	+	+	-	+	+	X	+	+	+	-	-	83%	70%	67
Somerset, Wicomico & Worcester Counties														
38 J. Lowell Stoltzfus (R) *	+	+	-	+	+	X	+	+	+	+	+	83%	90%	89
Montgomery County														
39 Nancy J. King (D)	-	-	-	+	-	X	-	+	+	-	-	27%	30%	36

# Maryland Business for Responsive Government

## MARYLAND SENATE VOTES

	1	2	3	4	5	6	7	8	9	10	11	MBRG CUM %	MBRG 2009	MBRG Percentile
Baltimore City														
40 Catherine E. Pugh (D)	-	+	-	-	-	X	-	-	+	+	-	41%	30%	36
41 Lisa A. Gladden (D)	-	-	-	-	-	-	-	-	+	-	nv	32%	14%	19
Baltimore County														
42 Jim Brochin (D)	+	-	-	-	-	+	-	-	-	+	-	38%	27%	34
Baltimore City														
43 Joan Carter Conway (D)	-	-	-	-	-	X	nv	-	-	+	-	33%	15%	21
44 Verna L. Jones (D)	-	-	nv	-	-	X	-	-	-	nv-	-	33%	5%	10
45 Nathaniel J. McFadden (D)	-	+	-	-	-	X	-	+	-	-	-	46%	20%	28
46 George W. Della, Jr. (D)	-	-	-	-	-	X	-	+	-	-	-	46%	10%	13
Prince George's County														
47 David C. Harrington (D)	-	-	-	-	-	X	-	-	-	+	-	22%	10%	13



Sen. Allan H Kittleman

This Carroll & Howard County Senator achieved the highest MBRG Cumulative score (95) among all Republican veterans in the Senate. (Minimum 4 years service)



Sen. James E Degrange, Sr.

This Anne Arundel County Senator achieved the highest MBRG cumulative score (71) of all Democratic 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	MBRG CUM%	MBRG 2009	MBRG 2009 Percentile
Allegany, Garrett & Washington Counties												
1A Wendell R. Beitzel (R)	X	+	-	+	X	+	X	X	+	81%	80%	82
1B Kevin Kelly (D)	X	-	-	-	X	+	X	+	-	65%	33%	60
1C LeRoy Ellsworth Myers, Jr. (R) *	X	+	-	+	X	+	X	X	o	85%	70%	77
Washington County												
2A Andrew A. Serafini (R) *	X	+	-	+	X	+	X	X	o	77%	70%	77
2B Christopher B. Shank (R) *	X	+	-	+	X	+	X	X	+	88%	80%	82
2C John P. Donoghue (D)	X	-	-	-	X	+	X	X	-	59%	20%	9
Frederick & Washington Counties												
3A Galen R. Clagett (D)	X	-	-	-	X	+	X	X	-	38%	20%	9
3A C. Sue Hecht (D)	-	-	-	-	-	+	-	X	-	56%	13%	0
3B Richard B. Weldon, Jr. (R) *	X	-	-	+	X	+	X	X	+	77%	60%	74
Carroll & Frederick Counties												
4A Joseph R. Bartlett (R) *	X	+	-	+	X	+	X	X	+	85%	80%	82
4A Paul S. Stull (R) *	X	o	-	o	X	+	X	X	+	90%	60%	74
4B Donald B. Elliott (R) *	X	+	-	+	X	+	X	X	+	85%	80%	82
Baltimore & Carroll Counties												
5A Tanya Thornton Shewell (R) *	X	nv	-	+	X	+	X	X	+	75%	70%	77
5A Nancy R. Stocksdales (R) *	X	+	-	+	X	+	X	X	+	87%	80%	82
5B A. Wade Kach (R) *	X	+	+	+	X	+	X	X	+	80%	100%	95
Baltimore County												
6 Joeseeph J. Minnick (D)	+	-	-	-	+	+	+	X	-	64%	50%	68
6 John A Olszewski, Jr. (D)	X	-	-	-	X	+	X	X	-	30%	20%	9
6 Michael H. Weir, Jr. (D)	X	-	-	-	X	+	X	X	-	58%	20%	9
Baltimore & Harford Counties												
7 Rick Impallaria (R) *	+	+	+	+	+	+	+	X	+	88%	100%	95
7 J. B. Jennings (R) *	X	+	-	+	X	+	X	+	+	89%	83%	91
7 Pat McDonough (R) *	X	+	-	+	X	+	X	X	+	85%	80%	82
Baltimore County												
8 Joseph C. Boteler, III (R) *	X	+	+	+	X	+	X	X	+	93%	100%	95
8 Eric Bromwell (D)	X	-	-	-	X	+	X	X	-	57%	20%	9
8 Todd L. Schuler Jr. (D)	X	-	-	-	X	-	X	-	-	31%	0%	0
Carroll & Howard County												
9A Gail H. Bates (R) *	X	+	-	+	X	+	X	X	+	94%	80%	82
9A Warren E. Miller (R) *	+	+	+	+	+	+	+	X	+	97%	100%	95
9B Susan W. Krebs (R) *	X	+	-	+	X	+	X	X	+	81%	80%	82



# Maryland Business for Responsive Government

## MARYLAND HOUSE OF DELEGATES VOTES

	1	2	3	4	5	6	7	8	9	MBRG CUM%	MBRG 2009	MBRG 2009 Percentile
<b>Baltimore County</b>												
10 Emmett C. Burns, Jr. (D)	-	o	-	o	o	+	-	X	-	39%	31%	60
10 Adrienne A. Jones (D)	X	-	-	-	X	+	X	X	-	30%	20%	9
10 Shirley Nathan-Pulliam (D)	X	-	-	-	X	+	X	X	-	31%	20%	9
11 Jon S. Cardin (D)	X	-	-	-	X	+	X	X	-	27%	20%	9
11 Dan K. Morhaim (D)	X	-	-	-	X	+	X	X	-	37%	20%	9
11 Dana M. Stein (D)	X	-	-	-	X	+	X	X	-	36%	20%	9
<b>Baltimore &amp; Howard Counties</b>												
12A Steven J. DeBoy, Sr. (D)	X	-	-	-	X	+	X	X	-	43%	20%	9
12A James E. Malone, Jr. (D)	X	-	-	-	X	+	X	X	-	47%	20%	9
12B Elizabeth Bobo (D)	X	-	-	-	X	+	X	X	-	24%	20%	9
<b>Howard County</b>												
13 Shane Pendergrass (D)	X	-	-	-	X	+	X	X	-	38%	20%	9
13 Guy Guzzone (D)	X	-	-	-	X	+	X	X	-	30%	20%	9
13 Frank S. Turner (D)	X	o	o	o	X	o	X	X	o	34%	50%	68
<b>Montgomery County</b>												
14 Anne R. Kaiser (D)	X	-	-	-	X	+	X	X	-	25%	20%	9
14 Karen S. Montgomery (D)	X	-	-	-	X	+	X	X	-	24%	20%	9
14 Herman L. Taylor, Jr. (D)	-	-	-	-	+	+	-	X	-	28%	25%	51
15 Kathleen M. Dumais (D)	X	-	-	-	X	+	X	-	-	26%	17%	2
15 Brian J. Feldman (D)	-	-	-	-	-	+	-	X	-	29%	13%	0
15 Craig L. Rice (D)	X	-	-	-	X	+	X	X	-	26%	20%	9
16 William A. Bronrott (D)	X	-	-	-	X	+	X	X	-	31%	20%	9
16 C. William Frick (D)	X	-	-	-	X	+	X	X	-	39%	20%	9
16 Susan C. Lee (D)	X	-	-	-	X	+	X	-	-	22%	17%	2
17 Kumar P. Barve (D)	X	-	-	-	X	+	X	X	-	42%	20%	9
17 James W. Gilchrist (D)	X	-	-	-	X	+	X	X	-	30%	20%	9
17 Luiz R.S. Simmons (D)	X	-	-	-	X	+	X	-	+	25%	33%	60
18 Ana Sol Gutierrez (D)	X	-	-	-	X	+	X	X	+	25%	40%	65
18 Alfred C. Carr, Jr. (D)	X	-	-	-	X	+	X	X	-	38%	20%	9
18 Jeffrey D. Waldstreicher Jr. (D)	X	-	-	-	X	+	X	-	+	31%	33%	60
19 Henry B. Heller (D)	X	-	-	-	X	+	X	X	-	36%	20%	9
19 Benjamin F. Kramer (D)	X	-	-	-	X	+	X	-	+	38%	33%	60
19 Roger Manno (D)	-	-	-	-	-	+	-	X	+	23%	25%	51
20 Sheila E. Hixson (D)	X	-	-	-	X	+	X	X	-	37%	20%	9
20 Tom Hucker (D)	X	-	-	-	X	+	X	X	-	25%	20%	9
20 Heather R. Mizeur (D)	X	o	-	-	X	+	X	X	-	33%	30%	57



# Maryland Business for Responsive Government

## MARYLAND HOUSE OF DELEGATES VOTES

	1	2	3	4	5	6	7	8	9	MBRG CUM%	MBRG 2009	MBRG 2009 Percentile
<b>Anne Arundel &amp; Prince George's Counties</b>												
21 Benjamin S. Barnes (D)	X	-	-	-	X	+	X	-	-	27%	17%	2
21 Barbara A. Frush (D)	X	-	-	-	X	+	X	X	-	31%	20%	9
21 Joseline A. Pena-Melnyk (D)	X	-	-	-	X	+	X	X	-	31%	20%	9
<b>Prince George's County</b>												
22 Tawanna P. Gaines (D)	X	-	-	-	X	+	X	X	-	25%	20%	9
22 Anne Healey (D)	X	-	-	-	X	+	X	X	-	34%	20%	9
22 Justin D. Ross (D)	X	-	-	-	X	+	X	X	-	23%	20%	9
23A James W. Hubbard (D)	X	-	-	-	X	+	X	X	-	26%	20%	9
23A Gerron S. Levi (D)	X	-	-	-	X	+	X	-	-	23%	17%	2
23B Marvin E. Holmes, Jr. (D)	X	-	-	-	X	+	X	X	-	27%	20%	9
24 Joanne C. Benson (D)	X	-	-	-	X	+	X	X	-	35%	20%	9
24 Carolyn J. B. Howard (D)	X	-	-	-	X	+	X	X	-	37%	20%	9
24 Michael L. Vaughn (D)	-	-	-	-	+	+	-	X	-	32%	25%	51
25 Aisha N. Braveboy (D)	-	-	o	-	o	+	-	X	-	30%	25%	51
25 Dereck E. Davis (D)	-	-	-	-	nvc	+	nvc	X	-	39%	21%	50
25 Melony G. Griffith (D)	X	-	-	-	X	+	X	X	-	34%	20%	9
26 Veronica Turner (D)	X	-	-	-	X	+	X	X	-	28%	20%	9
26 Kris Valderrama (D)	X	-	-	-	X	+	X	-	-	27%	17%	2
26 Jay Walker (D)	X	-	-	-	X	+	X	X	-	52%	20%	9
<b>Calvert &amp; Prince George's Counties</b>												
27A James E. Proctor, Jr. (D)	X	nv	-	o	X	o	X	X	o	41%	40%	65
27A Joseph F. Vallario, Jr. (D)	X	-	-	-	X	+	X	nvc	-	40%	25%	51
27B Sue Kullen (D)	X	-	-	-	X	+	X	X	-	34%	20%	9
<b>Charles County</b>												
28 Sally Jameson (R)	+	-	-	-	+	+	+	X	-	59%	50%	68
28 Murray D. Levy (D)	X	-	-	+	X	+	X	X	-	63%	40%	65
28 Peter F. Murphy (D)	X	-	-	-	X	+	X	X	nv	33%	30%	57
<b>Calvert, Charles, &amp; St. Mary's Counties</b>												
29A John F. Wood, Jr. (D) *	X	+	-	+	X	+	X	X	-	76%	60%	74
29B John L. Bohanan, Jr. (D)	X	-	-	-	X	+	X	X	-	56%	20%	9
29C Anthony J. O'Donnell (R) *	X	+	-	+	X	+	X	X	+	93%	80%	82
<b>Anne Arundel County</b>												
30 Michael E. Busch (D)	X	-	-	-	X	+	X	X	-	52%	20%	9
30 Virginia P. Clagett (D)	X	-	-	-	X	+	X	X	-	40%	20%	9
30 Ronald A. George (R)	X	+	+	+	X	+	X	X	+	79%	100%	95
31 Donald H. Dwyer, Jr. (R) *	X	+	+	+	X	+	X	+	+	89%	100%	95
31 Nicholaus R. Kipke (R)	X	-	+	-	X	+	X	X	+	81%	60%	74
31 Steven R. Schuh (R)	X	+	+	+	X	+	X	X	+	83%	100%	95

# Maryland Business for Responsive Government

## MARYLAND HOUSE OF DELEGATES VOTES

	1	2	3	4	5	6	7	8	9	MBRG CUM%	MBRG 2009	MBRG 2009 Percentile
<b>Anne Arundel County</b>												
32 Pamela G. Beidle (D)	X	-	-	-	X	+	X	X	+	42%	40%	65
32 Mary Ann E. Love (D)	-	-	-	-	-	+	+	X	-	51%	25%	51
32 Theodore Sophocleus (D)	X	-	-	nv	X	+	X	X	+	64%	50%	68
33A James J. King (R)	+	-	-	-	+	+	o	X	+	75%	57%	73
33A Tony McConkey (R) *	X	+	-	+	X	+	X	+	+	79%	83%	91
33B Robert A. Costa (R) *	X	+	-	+	X	+	X	X	+	83%	80%	82
<b>Cecil &amp; Harford Counties</b>												
34A Mary-Dulany James (D)	X	-	-	-	X	+	X	X	-	65%	20%	9
34A B. Daniel Riley (R)	X	-	-	-	X	+	X	X	-	43%	20%	9
34B David D. Rudolph (D)	+	-	-	-	+	+	+	X	-	53%	50%	68
<b>Harford County</b>												
35A H. Wayne Norman, Jr. (R)	X	nv	+	+	X	+	X	X	+	82%	90%	94
35A Donna Stifler (R)	+	+	-	-	+	+	o	X	+	86%	71%	80
35B Susan K. McComas (R) *	X	+	-	+	X	+	X	+	+	81%	83%	91
<b>Caroline, Cecil, Kent, &amp; Queen Annes Counties</b>												
36 Michael D. Smigiel, Sr. (R)	X	+	o	+	X	+	X	o	+	70%	83%	91
36 Richard A. Sossi (R) *	X	+	-	+	X	+	X	X	+	86%	80%	82
36 Mary Roe Walkup (R) *	+	+	-	+	o	+	+	X	+	84%	81%	90
<b>Caroline, Dorchester, Talbot &amp; Wicomico Counties</b>												
37A Rudolph C. Cane (D)	X	-	-	-	X	+	X	X	-	38%	20%	9
37B Adelaide C. Eckardt (R) *	X	+	+	+	X	+	X	X	+	85%	100%	95
37B Jeannie Haddaway (R) *	+	+	-	+	+	+	+	X	-	81%	75%	81
<b>Somerset, Wicomico &amp; Worcester Counties</b>												
38A D. Page Elmore (R) *	X	+	o	-	X	+	X	X	+	72%	70%	77
38B Norman H. Conway (D)	X	-	-	-	X	+	X	X	-	61%	20%	9
38B James N. Mathias, Jr. (D)	+	-	-	-	+	+	+	X	-	55%	50%	68
<b>Montgomery County</b>												
39 Saqib Ali (D)	X	-	-	-	X	+	X	X	-	25%	20%	9
39 Charles Barkley (D)	-	-	-	-	-	+	-	X	+	25%	25%	51
39 Kirill Reznik (D)	X	-	-	-	X	+	X	X	+	31%	40%	65
<b>Baltimore City</b>												
40 Frank M. Conaway, Jr. (D)	X	-	-	-	X	+	X	-	-	35%	17%	2
40 Barbara A. Robinson (D)	X	-	-	-	X	+	X	X	-	27%	20%	9
40 Shawn Z. Tarrant (D)	X	-	o	-	X	+	X	X	-	37%	30%	57

# Maryland Business for Responsive Government

## MARYLAND HOUSE OF DELEGATES VOTES

	1	2	3	4	5	6	7	8	9	MBRG CUM%	MBRG 2009	MBRG 2009 Percentile
<b>Baltimore City</b>												
41 Jill P. Carter (D)	X	-	-	-	X	+	X	-	-	28%	17%	2
41 Nathaniel T. Oaks (D)	X	-	-	-	X	+	X	X	-	36%	20%	9
41 Samuel I. Rosenberg (D)	X	-	-	-	X	+	X	-	-	39%	17%	2
<b>Baltimore County</b>												
42 Susan L. M. Aumann (R) *	X	+	-	+	X	+	X	X	+	81%	80%	82
42 William J. Frank (R) *	X	-	-	+	X	+	X	+	+	85%	67%	77
42 Stephen W. Lafferty (D)	X	-	-	-	X	+	X	X	-	38%	20%	9
<b>Baltimore City</b>												
43 Curt Anderson (D)	X	-	-	-	X	+	X	+	-	34%	33%	60
43 Ann Marie Doory (D)	X	-	-	-	X	+	X	X	-	47%	20%	9
43 Maggie L. McIntosh (D)	X	-	-	-	X	+	X	X	-	38%	20%	9
44 Keith E. Haynes (D)	X	-	-	-	X	+	X	X	-	33%	20%	9
44 Ruth M. Kirk (D)	+	-	-	nv	+	+	+	X	-	43%	56%	72
44 Melvin L. Stukes (D)	X	-	-	-	X	+	X	X	-	30%	20%	9
45 Talmadge Branch (D)	X	-	-	-	X	+	X	X	-	45%	20%	9
45 Cheryl D. Glenn (D)	X	-	-	-	X	+	X	X	-	33%	20%	9
45 Hattie N. Harrison (D)	o	-	-	-	+	+	o	X	-	50%	36%	64
46 Peter A. Hammen (D)	X	-	-	-	X	+	X	X	-	40%	20%	9
46 Carolyn Krysiak (D)	-	-	-	-	-	+	+	X	-	45%	25%	51
46 Brian K. McHale (D)	-	-	-	-	-	+	-	X	-	38%	13%	0
<b>Prince George's County</b>												
47 Jolene Ivey (D)	X	-	o	-	X	+	X	X	-	28%	30%	57
47 Doyle L. Niemann (D)	X	-	-	-	X	+	X	X	-	30%	20%	9
47 Victor R. Ramirez (D)	X	-	-	-	X	+	X	-	-	26%	17%	2



**Del. Warren E. Miller**

This Carroll and 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 Calvert, Charles, and St. Mary's county delegate achieved the highest MBRG cumulative score (76) among all Democratic veterans in the senate. (Minimum 4 years service)



# Maryland Business for Responsive Government

## *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 businesses from investing and building?
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?

## 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 recorded votes from the last General Assembly session that have practical or philosophical importance to the widest possible range of Maryland businesses, trade associations, and chambers of commerce.

In order to arrive at the most accurate measure of the legislature's position on business matters, we include votes from different stages of the legislative process: final (third reader), 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 indicators 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.

*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.



# Maryland Business for Responsive Government

## *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 costs of

rules and regulations—which always passed on to the public - are 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.

# Maryland Business for Responsive Government

(Continued from Two Marylands on page one)

The present recession teaches again that Maryland is not immune from national and now global economic troubles; many industries battle the marketplace for survival. Almost all the job creation in Maryland over the last eighteen months is with government and government supported private entities. Unemployment levels also show that while officials always tout Maryland's unemployment level as "comfortably" below the federal level, Maryland has a higher unemployment rate than sixteen other states and ties with West Virginia. Amidst its federal trophies, the State of Maryland has plenty of warts, including some of the highest taxes in the nation.

At the executive level, specifically the Department of Business and Economic Development (DBED) recognition of the private sector is pallid. Consider its "Short Term Goals" as stated on its web site: 1 – Restore business confidence; 2 - Re-establish DBED as the voice of Maryland business; 3 – Build on core strengths and leverage scientific, medical and university assets; 4 – Link Maryland business with opportunities from the American Recovery and Reinvestment Act. The most cheerful among business ranks site the department secretary's remarks as summarizing the state's policy as one centered on "eds, meds, beds, and feds." But what's being done to preserve and augment jobs independent of the feds?

In an effort to explain Maryland's oft-lamented anti-business climate, in a 1986 *Baltimore Sun* editorial, business editor Phil Mohler wrote "We have an economically illiterate electorate...from which our elected officials are drawn." Since that time, pro-business Democrats in the legislature have greatly diminished, having been replaced by many legislators with lifelong government backgrounds for

whom the omnipotence of government is as comfortable as an old shoe. Weld this to the unrelenting growth of the federal cornucopia in Maryland since World War II. (Maryland preens itself as having more federal facilities and receives the most per capita federal dollars of any state.)

So, is it surprising that our legislature treats fiscal discipline like water boarding? Or that its federal stimulus funds were used to fill the budget gap? Or that the legislation enacted to expropriate private property -- The Preakness -- through the glaring abuse of eminent domain? (Please see accompanying editorial.)

In their "pathbreaking" book, *Good Capitalism Bad Capitalism*, authors William Baumol, Robert Litan, and Carl Schramm offer a simple truth Marylanders everywhere, more than those in other states, should ponder: "The most astonishing thing about the extraordinary outpouring of growth and innovation that the United States [has] achieved over the past two centuries is that it does not astonish us....Economic growth has been equally astounding. It is estimated that the purchasing power of an average American a century ago was one-tenth what it is today." It is the private sector with a nurturing, measured, *stable* public sector that has allowed this to occur.

These authors observe "the most successful economies are those that have a mix of innovative entrepreneurs and larger, more established firms...that refine and mass-produce the innovations that entrepreneurs bring to market." This is the kind of balanced plan that our self-appointed "voice of Maryland business" would do well to consider.



# Maryland Business for Responsive Government

(Continued from Preakness Bill on page one)

Under SB 1072, private property subject to condemnation by the State includes: (1) Pimlico, Laurel, and Bowie race tracks and training facilities and any and all property or property rights (including a catering company) associated with these facilities, wherever located; (2) the multi-million dollar Preakness trophy known as the Woodlawn Vase; (3) the name, copyrights, service marks, trademarks, trade names and all other intellectual property associated with the Preakness and the Woodlawn Vase; and (4) all property and property rights of the Maryland Jockey Club, and Laurel Racing Association, and their affiliates.

Legal and economic effects of SB 1072 make for a Triple Crown of consequences. First, MEC filed for bankruptcy on March 5, 2009, placing its horse racing assets, including assets subject to condemnation in the bill, up for auction. In accordance with long-established federal bankruptcy laws, auctions will be conducted to achieve the foremost objective of those laws, which is to preserve the value of the company's assets for its creditors. By its threat of condemnation of assets in bankruptcy, SB 1072 restricts the bankruptcy court's ability to achieve this objective, and creates material risks for buyers seeking to purchase these assets. Such conditions necessarily devalue the assets, as buyers will offer lower prices to account for risks that they may lose out to the state, or end up in litigation with the state, over possession of these assets. Creditors doing business with Maryland companies now find that their claims against a Maryland business may not be assured, and they may not be entitled to their share of the full value of the assets of their debtors.

Second, these assets are subject not only to regular condemnation action, but also to the single-

most accelerated and powerful form of taking – known as “quick-take” condemnation – that historically has been reserved only for state highway projects. “Quick-take” condemnation allows the state to seize property immediately upon filing of a petition and payment of an estimated value of the assets, as set by the state. If the property owner disagrees with the state - determined payment amount, the seizure is carried out anyway, and that owner must file suit against the State to recover full value.

Third, one must ask what does this mean for business in Maryland? If such legislation can pass in Maryland, what corporations, and what assets, are next to be condemned?

Beyond the impact on MEC, the “Preakness Bill” undermines the purpose of the federal bankruptcy code. SB 1072 declares that no business or its assets in Maryland are safe. It shows that business assets are subject to immediate taking. Also, SB 1072 creates risks and uncertainties for every bank and other creditor seeking to lend money, assets, or resources to companies doing business in Maryland. It is hard to conceive of a more detrimental precedent for Maryland businesses.



# Maryland Business for Responsive Government

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