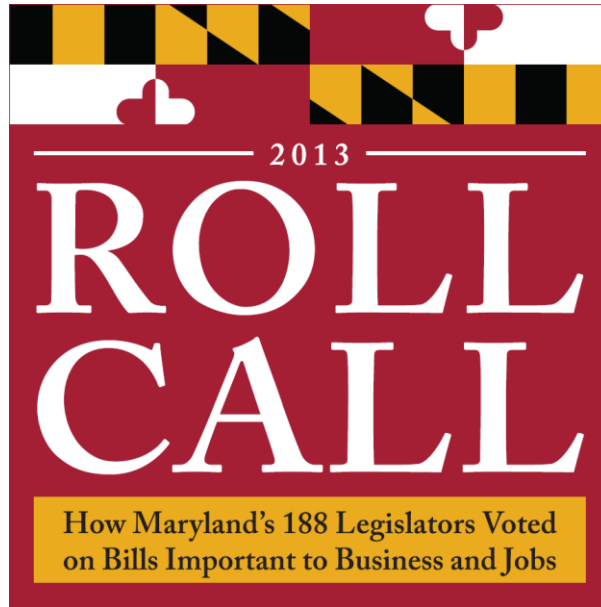


Maryland Business for Responsive Government

MBRG

Maryland Business for
Responsive Government
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Redefining “Business” in Maryland

There’s a revolution going on in Maryland, and it’s not even quiet anymore.

Technology companies, cybersecurity companies and other select special commercial interests declared 2013 to be a victorious legislative session for business. For them, it meant more government investment in their industries, which breeds more innovation and more jobs, as the argument goes.

But to other businesses in Maryland, 2013 meant higher taxes, more overburdensome regulations, fewer employees and a bigger bottom-line struggle to remain a going concern.

It’s a deep divide in the underpinning of Maryland’s economic development climate,

with serious implications in both the long and short term for our state’s economic future.

“There’s an axiom in business: Define yourself or someone else will.”

In One Corner

The General Assembly seemed to offset historic state-focused cost of living increases in the income, sales, corporate, alcohol and tobacco taxes from previous sessions by enacting funding for select tax credits for industries such as cybersecurity (HB 803), biotechnology (SB 779/HB 328), film production (\$7.5 million to \$25 million, SB 183) wine (HB 1017), and oyster shell recycling (SB484/HB184),

to name just a few. Whether State exploration of the offshore wind power industry on Maryland’s coast is quixotic remains to be seen, but it means an estimated \$1.50 per month increase to the average residential energy bill and a 1.5% annual increase to commercial customers’ energy bills to fund the program (HB 226).

And, with the support of some in the business community, the 2013 session of the Maryland General Assembly also brought substantial, fundamental change to Maryland’s excise tax structure. The gas tax legislation linked increases in the state excise tax on gasoline to the sales tax, and tied future increases to the Consumer Price Index-Urban.

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“Anything Worth Doing is Worth Measuring.”

In Memory of Richard E. Hug, January 11, 1935-May 4, 2013

By Ellen R. Sauerbrey, Co-Chairman MBRG

MBRG’s former Chairman Richard E. “Dick” Hug used to say “anything worth doing is worth measuring” and measure we do. With the unabashed support of business leaders like Dick for almost three decades, MBRG has been devoted to measuring legislator’s votes on jobs and issues affecting Maryland’s economic development climate through *Roll Call*.

The 2013 issue of *Roll Call* is dedicated to Dick Hug, who passed away May 4, 2013. Dick was a successful entrepreneur and a tireless champion of free enterprise. A generous supporter of countless philanthropic and political causes, he served on many boards and led many fundraising drives benefiting Maryland institutions. and pro-business candidates.

Dedicated to improving the Maryland business climate, Dick served as Chairman of the Maryland Chamber of

Commerce, Maryland Business for Responsive Government, and Leadership Maryland. He was equally well-known for his leadership and civic involvement in the National Aquarium in Baltimore, the Baltimore Symphony Orchestra, Kennedy Krieger Institute, United Way of Central Maryland, AAA, and the Duke University School of the Environment. Dick also served as a Regent on the University System of Maryland Board, and led numerous area fund drives including those benefiting the National Aquarium in Baltimore, the United Way and the University of Maryland Medical System.

A private and humble man, Dick quietly helped and mentored many young entrepreneurs as well as floundering young people whose lives he changed. He was incurably upbeat and optimistic. His death leaves a huge void in economic, civic and political leadership in Maryland. 🌟



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? 🌟

Maryland Business for Responsive Government

The Meaning of “Business Friendly”

The 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.
- 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.

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 framework that is fair, clear, and updated to take advantage of changes in technology and market forces.
- A regulatory structure that does not exceed federal standards and ensures that the costs of rules and regulations - which are always passed on to the public - are justifiable and consistent with public benefit.


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.

Civil Liability and Business Law

- A predictable, consistent legal system that treats all parties and resolves all disputes in civil actions fairly, efficiently and within reasonable time periods.
- A system of clearly written statutory and common laws that protects businesses and other defendants from frivolous or unwarranted lawsuits, imposes reasonable limits and standards for the award of damages for liability, and encourages investment and economic and job growth.

Social Responsibility

- A business climate that promotes a strong commitment to corporate and social responsibility, including charitable contributions, volunteer initiatives and other activities to advance development of Maryland and its communities. 

A Word About MBRG

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

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

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

Maryland Business for Responsive Government

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 regular and special General Assembly sessions 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

Senate Vote Key

- 1 **HB 226** Maryland Offshore Wind Energy Act of 2013
- 2 **HB 332** Public Safety- Emergency Management- Essential Goods and Services
- 3 **HB 508** Environment- Local Stormwater Management Charges- State Property
- 4 **SB 469** Business Relief and Tax Fairness Act of 2013
- 5 **SB 436** Recordation Taxes- Exemptions
- 6 **SB 555** Construction Safety and Health Training- Public Work Contracts
- 7 **SB 601** Maryland Hydraulic Fracturing Moratorium and Right to Know Act
2013
- 8 **SB 683** Labor and Employment- Maryland Wage and Hour Law- Payment of
Wages
- 9 **SB 701** Criminal Records- Shielding- Nonviolent Misdemeanor Convictions
- 10 **SB 758** Labor and Employment – Lien for Unpaid Wages - Establishment

House Vote Key

- 1 **HB 226** Maryland Offshore Wind Energy Act of 2013
- 2 **HB 332** Public Safety - Emergency Management- Essential Goods and Services
- 3 **HB 654** Worker's Compensation- Temporary Total Disability Benefits Credit
- 4 **HB 835** Environment- Retailer Service Station- Setback Certification
- 5 **HB 956** State and Local Government- Economic Aid- Award to Employers
- 6 **HB 1006** Criminal Records- Shielding- Nonviolent Misdemeanor Convictions
- 7 **HB 1098** Procurement- Prevailing Wage- Applicability
- 8 **HB 1130** Labor and Employment – Lien for Unpaid Wages - Establishment
- 9 **HB 1209** Recordation Taxes- Exemptions
- 10 **HB 1283** Prevailing Wage Enforcement Act
- 11 **HB 1310** Health Care Malpractice Claims- Definition of Healthcare Provider
- 12 **HB 1335** Labor and Employment- Short-Term Disability Insurance for Pregnancy

Maryland Business for Responsive Government

2013 SENATE VOTE DESCRIPTIONS

1 **HB 226- Maryland Offshore Wind Energy Act of 2013**

The Speaker (By Request - Administration) and Delegates Hucker, Anderson, Arora, Barkley, Barnes, Barve, Bobo, Branch, Braveboy, Busch, Carr, Clippinger, Conway, Cullison, Davis, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Healey, Hixson, Holmes, Howard, Hubbard, Ivey, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Love, Luedtke, McIntosh, A. Miller, Mitchell, Mizzeur, Nathan-Pulliam, Niemann, Reznik, B. Robinson, S. Robinson, Rosenberg, Sophocleus, Stein, Summers, V. Turner, Valderrama, Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, and Zucker

Requires electricity suppliers to include electricity from offshore wind generation within the renewable portfolio standard in the year 2017 and beyond by imposing an assessment of up to \$1.50 per month on residential users and up to a 1.5% increase of the total annual electric bill of non-residential customers. Effectively requires applicants for offshore wind energy projects to agree to a project labor agreement (PLA) and pay a prevailing wage during the construction, manufacturing and maintenance of sites. In Maryland, where roughly 90% of the workforce chooses to be non-union, these PLAs and prevailing wage requirements reduce competition and drive up costs.

A “+” vote indicates a vote against HB 226 and reflects MBRG’s opposition to workforce mandates, artificially increased wages, and construction costs that make Maryland noncompetitive with other states and stifles economic growth. Disagreeing with MBRG’s position, the Senate approved HB 226, 30-15, on March 15, 2013.

2 **HB 332 - Public Safety- Emergency Management- Essential Goods and Services**

Delegates Pena-Melnyk, Zucker, Barkley, Barnes, Braveboy, Cullison, Frush, Gaines, A. Kelly, Love, Luedtke, A. Miller, Rosenberg, Summers, Hammen, and Pendergrass

Prohibits business owners from selling or offering to sell essential goods and services during a state of

emergency for more than a price of 20% above any price charged in certain time periods before, during and after the state of emergency. With some exceptions, House Bill 332 provides that such a sale or offer for sale is an unfair and deceptive trade practice under Maryland commercial laws. Investigations following state of emergency periods could create unanticipated costs for businesses.

A “+” indicates a vote against HB 332 and reflects MBRG’s opposition to regulations that impose arbitrary price restrictions on businesses, especially in low-supply, high-demand market conditions arising in emergency situations. Such arbitrary price controls cannot accurately predict future market conditions and significantly restrict free enterprise by penalizing a rational response to demand-supply forces. Agreeing with MBRG’s position, the Senate Finance Committee rejected HB 332, 7-3, on April 8, 2013.

3 **HB 508 - Environment- Local Stormwater Management Charges- State Property**

Delegates Carr, Hucker, Niemann, and Reznik

Repeals the stormwater remediation fee exemption on state government property and establishes a workgroup to study whether that fee should be assessed on state and local government property. The Senate Amendment delays the assessment and collection of the stormwater remediation fee by counties and municipalities until July 1, 2015 and requires notice of such fees by July 1, 2014.

A “+” vote indicates a vote in support of HB 508 as it was amended on the floor of the Senate and reflects MBRG’s opposition to fees imposed on property owners that are not equitable, justified and adequately noticed. Legislation that exempts state and local governments, traditionally heavy users of storm water management services, creates a disproportionate burden on the private sector.

Maryland Business for Responsive Government

2013 SENATE VOTE DESCRIPTIONS

Agreeing with MBRG's position, the Senate approved the Floor Amendment to HB 508, 34-13, on April 8, 2013.

4 SB 469 - Business Relief and Tax Fairness Act of 2013

Senators Pinsky, Benson, Conway, Ferguson, Forehand, Frosh, Gladden, Jones-Rodwell, Kelley, Madaleno, Manno, Montgomery, Muse, Ramirez, Raskin, Rosapepe, and Stone

Requires certain affiliated corporations under common ownership to compute their Maryland corporate income tax liability as part of a combined group, rather than based on the profits and losses of each separate corporate entity. Senate Bill 469 causes massive shifts in tax liability among Maryland corporations and imposes a vague and complex tax system on employers that does not exist in Maryland's competitor states. Senate Bill 469 excessively delegates key issues to be determined by regulation, and unwisely ties those regulations to the Multistate Tax Commission, of which Maryland is not even a voting member. The Comptroller would be given broad authority to adopt regulations to define and implement the combined reporting legislation, consistent with standards of the Multistate Tax Commission. Introduced for several consecutive years, this year's bill also proposed to reduce certain filing fees for certain business entities in conjunction with the passage of the legislation.

A "+" indicates a vote against SB 469 and reflects MBRG's opposition to tax measures that make Maryland's business tax structure more complex and unstable, and less competitive with other states. Agreeing with MBRG's position, the Senate Budget and Taxation Committee rejected SB 469, 7-6, on March 25, 2013.

5 SB 436 - Recordation Taxes- Exemptions *Senators Peters, DeGrange, Brinkley, Colburn, Currie, Edwards, Robey, and Kittleman*

Restores some of the value of Indemnity Deeds of Trust (IDOTs) as a financing tool used by businesses to expand in Maryland. Chapter 2 of the First Special Session of 2012 (Senate *Roll Call* Vote #8 and House *Roll Call* Vote #12) applied the local recordation tax to an IDOT of over \$1 million. As a result of the findings of a workgroup created to study the impact of the tax in 2012 and preliminary tax revenue results that proved significantly higher than projected, the 2013 Maryland General Assembly revisited the issue. Senate Bill 436 increases the value of an IDOT exempt from recordation tax from \$1 million to \$3 million. The bill extends a refinancing exemption to commercial properties and second residential properties currently available only to owner-occupied residential real property. It provides clarification relative to the application of the tax by local governments.

A "+" vote indicates a vote in support of SB 436 and reflects MBRG's support for tax policy that is clear, definite and evenly applied across local jurisdictions. It also recognizes the legislature's willingness to revisit and revise a new tax on business financing activity imposed in 2012 that evidenced unanticipated and severe economic hardship on businesses, business expansion and job creation in Maryland. Agreeing with MBRG's position, the Senate approved SB 436, 132-0, on April 6, 2013.

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2013 SENATE VOTE DESCRIPTIONS

6 SB 555 - Construction Safety and Health Training- Public Work Contracts

Senators Garagiola, Manno, Benson, Forehand, King, Klausmeier, Madaleno, Montgomery, Peters, Ramirez, Rosapepe, and Stone

Requires contractors on public works contracts to ensure and certify that each individual, including subcontractors, performing manual labor on a project has completed a 30-hour construction safety training course within the last five years before performing work on a public works project. Senate Bill 555 subjects all workers to a training course intended only for project managers, and there are sufficient state safety requirements and industry practices already in place for all workers.

A “+” indicates a vote against SB 555 and reflects MBRG’s opposition to duplicative, costly and unnecessary workplace requirements and regulations. SB 555 increases the cost of doing business to the employer, resulting in higher bids and increased costs associated with public works projects. Agreeing with MBRG’s position, the Senate Finance Committee rejected SB 555, 6-5, on March 14, 2013.

7 SB 601 - Maryland Hydraulic Fracturing Moratorium and Right to Know Act 2013

Senators Zirkin, Raskin, Madaleno, Manno, Montgomery, Pinsky, and Ramirez

Prohibits the Department of the Environment (MDE) from issuing a permit for the hydraulic fracturing of a well for the exploration or production of natural gas until: (1) each requirement under the study required by Executive Order 01.01.2011.11 (the Governor’s Marcellus Shale Safe Drilling Initiative) is satisfied; (2) 18 months have passed since the date the study report is issued; and (3) MDE has adopted regulations that are specific to hydraulic fracturing. The bill would also authorize MDE to establish and collect a fee, and

requires a Maryland Department of Natural Resources risk assessment.

A “+” vote indicates a vote against SB 601 and reflects MBRG’s opposition to undue restriction on economic development in western Maryland, specifically Garrett and Allegany Counties. Enactment of this bill would further delay hydraulic fracturing until after February 2016 and therefore perpetuates Maryland’s effective moratorium on gas extraction permits. Some gas companies will allow their permits to expire, further frustrating economic development and job creation opportunities in Maryland. Agreeing with MBRG’s position, the Senate Education, Health and Environmental Affairs committee rejected SB 601, 6-5, on March 6, 2013.

8 SB 683 - Labor and Employment- Maryland Wage and Hour Law- Payment of Wages

Senators Garagiola, Benson, Conway, Currie, Ferguson, Forehand, Frosh, Gladden, Jones-Rodwell, Kelley, King, Madaleno, Manno, McFadden, Montgomery, Muse, Peters, Pinsky, Pugh, Ramirez, Raskin, Robey, Rosapepe, Stone, and Young

Requires employers in the State, as of July 1, 2013, to pay the greater of the federal minimum wage or a State minimum wage of \$8.25 per hour to employees effective July 1, 2013, increases the state minimum wage to \$9.00 per hour as of July 1, 2014, and increases it again to \$10.00 per hour as of July 1, 2015 subject to federal minimum wage requirements. After 2015, the bill requires the state minimum wage to be adjusted according increases in the Consumer Price Index for the Washington-Baltimore Metropolitan area and rounded up to the nearest five cents. The bill also applies Maryland’s Wage and Hour law to currently exempt industries and classes of workers, extends regulations pertaining to overtime to include currently exempt employers, and requires employers to pay tipped employees an hourly wage of 70% of minimum

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2013 SENATE VOTE DESCRIPTIONS

wage. Provides extensive mandatory penalties against the employer for violations of the act, including counsel fees.

A “+” indicates a vote against SB 683 and reflects MBRG’s vehement opposition to unwarranted wage rate mandates that make Maryland less competitive with other states. Tying increases in the minimum wage to automatic indices contributes significantly to volatile labor costs and an uncertain business climate. Agreeing with MBRG’s position, the Senate Finance Committee rejected SB 683, 8-3, on March 20, 2013.

9 SB 701 - Criminal Records- Shielding- Nonviolent Misdemeanor Convictions

Senators Jones-Rodwell, Frosh, Currie, Forehand, McFadden, Muse, and Pugh

Authorizes a person to apply for an order rendering specific convictions on the person’s criminal record inaccessible to certain prospective employers and other members of the public. The shield applies for a period of five years after the person satisfies the sentence imposed for the conviction. Senate Bill 701 allows the shielding of a specific conviction if the underlying conviction or group of related convictions falls into one of 17 arbitrary, non-violent misdemeanors committed by a person younger than 26. Only one conviction is shieldable during a person’s lifetime.

A “+” vote indicates a vote against SB 701 and reflects MBRG’s opposition to legislation that hinders employment by interfering with an employer’s ability to conduct a complete background check on prospective employees. An employer, not the government, is in the best position to judge whether a person convicted of a certain misdemeanor qualifies for employment. Disagreeing with MBRG’s position, the Senate approved SB 701, 41-6, on March 31, 2013.

10 SB 758 - Labor and Employment – Lien for Unpaid Wages – Establishment

Senators Ramriez and Kelley

Subjects any real or personal property of an employer to a lien for unpaid wages by empowering the Commissioner of Labor and Industry or an employee to establish a lien for unpaid wages, not including commissions, against an employer. Senate Bill 758 broadly defines an “employer” to include not only a business but also any person who acts directly or indirectly with the employee in the interest of the employer, including managerial employees. To dispute the lien for unpaid wages, the employer bears the burden of filing a complaint to oppose the lien in the Circuit Court, where either party can request an evidentiary hearing. If the employee prevails, the employee is *entitled* to an award of court costs and attorney’s fees, but conversely, if the employer prevails, the employer is *not* entitled to recover these costs and fees, and can only recover them if the court finds that the employee’s claim was made frivolously or in bad faith, and the court then elects to award them to the employer.

A “+” vote indicates a vote against SB 758 and reflects MBRG’s opposition to overbroad and vague legislation that saddles employers with the burden to contest liens for unpaid wage claims, and that ignores existing effective procedures that already afford employees the ability to recover unpaid wages. SB 758 contains costly and highly inappropriate provisions that allow entitlement to court costs and attorney’s fees for employees only, and that encourage a government official to interfere unnecessarily in the employer-employee relationship on behalf of the employee. Disagreeing with MBRG’s position, the Senate approved SB 758, 35-12, on March 25, 2013.

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2013 HOUSE VOTE DESCRIPTIONS

1 HB 226 - Maryland Offshore Wind Energy Act of 2013

The Speaker (By Request - Administration) and Delegates Hucker, Anderson, Arora, Barkley, Barnes, Barve, Bobo, Branch, Braveboy, Busch, Carr, Clippinger, Conway, Cullison, Davis, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Hammen, Healey, Hixson, Holmes, Howard, Hubbard, Ivey, Kaiser, A. Kelly, Kramer, Lafferty, Lee, Love, Luedtke, McIntosh, A. Miller, Mitchell, Mizaur, Nathan-Pulliam, Niemann, Reznik, B. Robinson, S. Robinson, Rosenberg, Sophocleus, Stein, Summers, V. Turner, Valderrama, Vaughn, Waldstreicher, Walker, A. Washington, M. Washington, and Zucker

See Senate Vote 1, on page 6 for a description of HB 226.

A “+” vote indicates a vote against HB 226 and reflects MBRG’s opposition to workforce mandates, artificially increased wages, and construction costs that make Maryland noncompetitive with other states and stifles economic growth. Disagreeing with MBRG’s position, the House approved HB 226, 88-48, on March 15, 2013.

2 HB 332 Public Safety - Emergency Management- Essential Goods and Services

Delegates Pena-Melnyk, Zucker, Barkley, Barnes, Braveboy, Cullison, Frush, Gaines, A. Kelly, Love, Luedtke, A. Miller, Rosenberg, Summers, Hammen, and Pendergrass

See Senate Vote 2, on page 6 for a description of HB 332.

A “+” indicates a vote against HB 332 and reflects MBRG’s opposition to regulations that impose arbitrary price restrictions on businesses, especially in low-supply, high-demand market conditions arising in emergency situations. Such arbitrary price controls cannot accurately predict future market conditions and significantly restrict free enterprise by penalizing a rational response to demand-supply forces. Disagreeing with MBRG’s position, the House approved HB 332, 93-44, on March 21, 2013.

3 HB 654 - Worker's Compensation- Temporary Total Disability Benefits Credit

Delegate Jameson

Provides a credit for Temporary Total Disability (TTD) benefits paid to an injured employee for any week if the employee’s medical treatment for the injury or disease is delayed or suspended due solely to an unrelated injury, disease, or medical condition. The credit must be allowed only for compensation paid during the period in which employee’s medical treatment was delayed or suspended.

A “+” vote indicates a vote in support of HB 654 and reflects MBRG’s position that TTD benefits should be attributable to a work-related illness or injury. Disagreeing with MBRG’s position, the House Economic Matters Committee rejected HB 654, 12-8, on March 20, 2013.

4 HB 835 - Environment- Retailer Service Stations - Setback Certification

Delegates Carr, Gutierrez, and Waldstreicher

Without any justification based on scientific or empirical evidence, House Bill 835 imposes a 1,000 foot setback certification requirement for gas service stations in Maryland selling more than 3.6 million gallons per year. This would be the most stringent setback requirement in the United States. House Bill 835 overturns a recent local zoning decision of the Montgomery County Council and effectively establishes a state government override mechanism for local zoning decisions that could be applied in all counties in Maryland.

A “+” indicates a vote against HB 835 and reflects MBRG’s opposition to unreasonable and unfounded business siting decisions. Land use decisions should not be made at the state level, but should continue to be made at the local level, where the views of businesses and other affected parties are best considered. Agreeing with MBRG’s position, the House Economic Matters Committee rejected HB 835, 18-2, on March 1, 2013.

Maryland Business for Responsive Government

2013 HOUSE VOTE DESCRIPTIONS

5 **HB 956 - State and Local Government-Economic Aid - Award to Employers** *Delegates V. Turner, Hucker, and McHale*

Prohibits a state, county or municipality from awarding economic aid, either directly or indirectly, of at least \$100,000 to an employer that does not comply with specified terms of employment related to wages, benefits, and working conditions for its employees. The bill requires employers who receive such aid to provide a living wage rate, sick leave benefits, and regular full-time employment of at least 30 hours to all employees unless the employer can provide clear and convincing evidence that use of part-time or temporary employees is necessary. The bill establishes a rebuttable presumption that an employer is violating this condition if at least 25% of employees are part-time or temporary employees. The bill does not apply to State, local, or municipal government agency or nonprofit organizations. The bill exempts employers that may be subject to a collective bargaining agreement that may violate these conditions.

A “+” vote indicates a vote against HB 956 and reflects MBRG’s opposition to oppressive government intrusion into the labor-management and employer-employee relationships within the private sector. HB 956 would increase costs significantly to Maryland employers and mandate certain workforce structures, presumptions and relationships. Agreeing with MBRG’s position, the House Economic Matters Committee rejected HB 956, 18-3, on March 12, 2013.

6 **HB 1006 - Criminal Records- Shielding-Nonviolent Misdemeanor Convictions** *Delegates Anderson, Waldstreicher, Braveboy, Carter, Conaway, Dumais, Haynes, Ivey, Swain, Valderrama, and M. Washington*

See Senate Vote 9, on page 9 for a description of HB 1006.

A “+” vote indicates a vote against HB 1006 and reflects MBRG’s opposition to legislation that hinders employment by interfering with an employer’s ability to conduct a complete background check on prospective employees. An employer, not the government, is in the best position to judge whether a person convicted of a certain misdemeanor qualifies for employment. Disagreeing with MBRG’s position, the House of Delegates approved HB 1006, 99-38, on March 26, 2013.

7 **HB 1098 - Procurement- Prevailing Wage-Applicability** *Delegates Olszewski, Minnick, Weir, Barnes, Braveboy, Frick, Healey, Hucker, Love, McHale, Mizeur, Murphy, Niemann, Vaughn, Wilson, and Zucker*

As amended in the House Economic Matters Committee, House Bill 1098 would have expanded the payment of prevailing wages in Maryland by extending the State prevailing wage requirement to any project receiving state funds, except for certain infrastructure and education-related public works projects.

A “+” vote indicates a vote against HB 1098 and reflects MBRG’s opposition to expanding prevailing wage requirements that would significantly increase the cost of construction and reduce the number of projects the State can construct. Disagreeing with MBRG’s position, the House of Delegates approved HB 1098, 92-44, on March 25, 2013.

8 **HB 1130 - Labor and Employment – Lien for Unpaid Wages - Establishment** *Delegate Barnes*

See Senate Vote 10, on page 9 for a description of HB 1130.

A “+” vote indicates a vote against HB 1130 and reflects MBRG’s opposition to overbroad and vague legislation that saddles employers with the burden to contest liens for unpaid wage claims, and that ignores existing effective procedures that already afford

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employees the ability to recover unpaid wages. *HB 1130 contains costly and highly inappropriate provisions that allow entitlement to court costs and attorney's fees for employees only, and that encourage a government official to interfere unnecessarily in the employer-employee relationship on behalf of the employee.*

Disagreeing with MBRG's position, the House approved HB 1130, 111-27, on March 20, 2013.

9 HB 1209 - Recordation Taxes- Exemptions
Delegates Frick, Aumann, Barve, Bohanan, Boteler, Branch, Cardin, Clagett, Fisher, George, Holmes, Myers, Serafini, Stukes, Szeliga, and Walker

See Senate Vote 5, on page 7 for a description of HB 1209.

A "+" vote indicates a vote in support of HB 1209 and reflects MBRG's support for tax policy that is clear, definite and evenly applied across local jurisdictions. It also recognizes the legislature's willingness to revisit and revise a new tax on business financing activity imposed in 2012 that evidenced unanticipated and severe economic hardship on businesses, business expansion and job creation in Maryland. Agreeing with MBRG's position, the House of Delegates approved HB 1209, 47-0, on April 8, 2013.

10 HB 1283 - Prevailing Wage Enforcement Act
Delegates Mizeur, Barkley, Barnes, Bobo, Braveboy, Cane, Frick, Frush, Glenn, Hubbard, Hucker, Kaiser, Luedtke, A. Miller, V. Turner, and M. Washington

Requires a contractor who is in violation of Maryland's prevailing wage law to pay all civil penalties and liquidated damages to the Division of Labor and Industry (DLI) within the Department of Labor, Licensing, and Regulation and not to the general fund. Currently, civil penalties are paid to the State's general fund regardless of whether the project is a State or local public works project.

Liquidated damages are paid to the public body (either the state or local government) that procured the project for which the violation occurs. House Bill 1283 redirects liquidated damages currently paid to local bodies to the Division of Labor and Industry.

A "+" vote indicates a vote against HB 1283 and reflects MBRG's opposition to requiring penalties to be paid directly to an enforcement agency. This bypasses state government's budgeting process, makes no provision for the allocation or expenditure of penalty revenue retained by DLI, and provides an inappropriate incentive for the agency to over enforce the law to generate revenue for the agency. Agreeing with MBRG's position, the House Economic Matters Committee rejected HB 1283, 14-7, on March 15, 2013.

11 HB 1310 – Health Care Malpractice Claims- Definition of Healthcare provider

Delegates Dumais, Carter, Frank, Frush, Gaines, Haddaway-Riccio, Hough, Howard, McComas, McDermott, Mitchell, Morhaim, Rosenberg, Stocksdales, Szeliga, Valentino-Smith, and M. Washington

Extends the civil liability protections available under the Health Care Malpractice Claims Act to certain health care providers and facilities licensed to provide health care services in the State. Protections under the Act include a noneconomic damage cap of \$725,000 in personal injury actions and a noneconomic damage cap of \$906,250 in wrongful death actions.

A "+" indicates a vote in support of HB 1310 and reflects MBRG's support for legislation protecting health care professionals and facilities from frivolous lawsuits and reducing health care costs by limiting awards from medical liability lawsuits. Agreeing with MBRG's position, the House approved HB 1310, 128-10, on March 24, 2013.

Maryland Business for Responsive Government

2013 HOUSE VOTE DESCRIPTIONS

12 **HB 1335 - Labor and Employment- Short-Term Disability Insurance for Pregnancy**

*Delegates A. Miller, A. Kelly, Cullison, Kaiser, Pena-Melnyk,
and S. Robinson*

Requires an employer to offer and pay 80% of the premium costs of short-term disability insurance to an employee who is pregnant. The short-term disability insurance would be required to provide income replacement for a percentage of the employee's income for up to 125 work days for an employee unable to work due to a pregnancy-related condition and for up to 30 work days for an employee on maternity leave.

A "+" indicates a vote against HB 1335 and reflects MBRG's opposition to legislation that mandates an employee benefit, and that fails to account for the difficulty for some businesses to obtain this type of insurance. Agreeing with MBRG's position, the House Economic Matters Committee rejected HB 1335, 17-5, on March 14, 2013, and the House Appropriations Committee rejected HB 1335, 22-2, on April 4, 2013.

Maryland Business for Responsive Government

MBRG RATING SYSTEM

* Legislators with stars next to their names served at least four years in the House or Senate and achieved an MBRG Cumulative Percentage (CUM %) of 70% or greater. Every four years, these legislators are recognized with *John Shaw Awards*.

+ A “right” vote, supporting MBRG’s position for business and jobs.

- A “wrong” vote, opposing MBRG’s position for business and jobs.

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

nvc As committee chairperson, legislator chose not to vote, 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.

■ Legislator did not serve on the committee that voted the bill, resulting in no effect on the legislator’s rating.

MBRG 2012 A legislator’s score for 2012, provided for comparative purposes.

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 2013. 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.

2013 %tile (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 2013 MBRG % rating ranks in relation to other legislators’ ratings. For example, a Senator with a percentile ranking of 78 has a 2013 MBRG rating greater than 78 percent of his or her fellow Senators during this time period.

Maryland Business for Responsive Government

M A R Y L A N D S E N A T E V O T E S

	HB 226	HB 332	HB 508	SB 469	SB 436	SB 555	SB 601	SB 683	SB 701	SB 758	MBRG 2013	MBRG 2012	MBRG CUM %	2013 %tile
	1	2	3	4	5	6	7	8	9	10				
Allegany, Garrett & Washington Counties 1 George C. Edwards (R) *	+	■	+	+	+	■	■	■	-	+	83%	100%	84%	80
Washington County 2 Christopher B. Shank (R) *	+	■	+	■	+	■	■	■	-	-	60%	100%	89%	60
Frederick & Washington Counties 3 Ronald N. Young (D)	nv	■	+	■	+	■	-	■	-	-	40%	38%	41%	36
Carroll & Frederick Counties 4 David R. Brinkley (R) *	+	■	+	+	+	■	■	■	-	+	83%	100%	92%	80
Baltimore & Carroll Counties 5 Joseph M. Getty (R) *	+	■	+	■	+	■	■	■	+	+	100%	100%	95%	93
Baltimore County 6 Norman R. Stone, Jr. (D)	-	■	+	■	+	■	■	■	-	-	40%	67%	46%	36
Baltimore & Harford Counties 7 J.B. Jennings (R) *	+	■	+	■	+	■	+	■	-	+	83%	100%	91%	80
Baltimore County 8 Katherine A. Klausmeier (D)	-	-	+	■	+	+	■	+	-	-	50%	50%	62%	47
Carroll & Howard Counties 9 Allan H. Kittleman (R) *	+	+	+	■	+	+	■	+	-	+	88%	100%	97%	89
Baltimore County 10 Delores G. Kelley (D)	o	+	+	■	+	-	■	+	-	-	57%	13%	37%	58
11 Robert A. Zirkin (D)	-	■	+	■	+	■	■	■	+	+	80%	63%	39%	76
Baltimore & Howard Counties 12 Edward J. Kasemeyer (D)	-	■	+	+	+	■	■	■	-	-	50%	33%	58%	47
Howard County 13 James N. Robey (D)	-	■	+	+	+	■	■	■	+	-	67%	25%	42%	69
Montgomery County 14 Karen S. Montgomery (D)	-	■	-	■	+	■	-	■	-	-	17%	25%	23%	2
15 Robert J. Garagiola (D)	-	+	+	■	+	-	■	-	-	-	38%	13%	36%	34
16 Brian E. Frosh (D)	-	■	-	■	+	■	■	■	-	-	20%	11%	31%	19
17 Jennie M. Forehand (D)	-	■	-	■	+	■	■	■	-	-	20%	11%	37%	19
18 Richard S. Madaleno, Jr. (D)	-	■	-	-	+	■	■	■	-	-	17%	11%	22%	2
19 Roger P. Manno (D)	-	■	-	-	+	■	■	■	-	-	17%	11%	21%	2
20 Jamie B. Raskin (D)	-	■	-	■	+	■	■	■	-	-	20%	13%	19%	19
Anne Arundel & Prince George's Counties 21 James C. Rosapepe (D)	-	■	-	■	+	■	-	■	-	-	17%	13%	34%	2
Prince George's County 22 Paul G. Pinsky (D)	-	■	-	■	+	■	-	■	-	-	17%	13%	27%	2
23 Douglas J.J. Peters (D)	-	■	+	-	+	■	■	■	-	-	33%	22%	33%	30
24 Joanne C. Benson (D)	-	■	+	■	+	■	+	■	-	-	50%	25%	34%	47

Maryland Business for Responsive Government

M A R Y L A N D S E N A T E V O T E S

	HB 226	HB 332	HB 508	SB 469	SB 436	SB 555	SB 601	SB 683	SB 701	SB 758	MBRG 2013	MBRG 2012	MBRG CUM %	2013 %tile
	1	2	3	4	5	6	7	8	9	10				
25 Ulysses Currie (D)	-	■	+	-	+	■	■	■	-	-	33%	22%	46%	30
26 C. Anthony Muse (D)	-	■	+	■	+	■	■	■	-	-	40%	50%	42%	36
Calvert & Prince George's Counties														
27 Thomas V. Mike Miller, Jr. (D)	-	■	+	■	+	■	■	■	-	-	40%	25%	56%	36
Charles County														
28 Thomas M. Middleton (D)	-	+	+	■	+	+	■	+	-	-	63%	25%	56%	65
Calvert, Charles, & St. Mary's Counties														
29 Roy P. Dyson (D)	+	■	+	■	+	■	+	■	-	-	67%	75%	56%	69
Anne Arundel County														
30 John C. Astle (D)	-	+	+	■	+	+	■	+	-	-	63%	50%	67%	65
31 Bryan W. Simonaire (R) *	+	■	+	■	+	■	+	■	+	+	100%	100%	93%	93
32 James E. DeGrange, Sr. (D) *	+	■	+	+	+	■	■	■	-	-	67%	44%	71%	69
33 Edward R. Reilly (R) *	+	■	+	■	+	■	+	■	+	+	100%	100%	100%	93
Cecil & Harford Counties														
34 Nancy Jacobs (R) *	+	■	+	■	+	■	■	■	-	+	80%	100%	92%	76
Harford County														
35 Barry Glassman (R) *	+	+	+	■	+	+	■	+	-	+	88%	100%	83%	89
Caroline, Cecil, Kent, & Queen Anne's Counties														
36 E. J. Pipkin (R) *	+	+	+	■	+	+	■	+	+	+	100%	100%	86%	93
Caroline, Dorchester, Talbot & Wicomico Counties														
37 Richard F. Colburn (R) *	+	■	+	+	+	■	■	■	-	+	83%	100%	84%	80
Somerset, Wicomico & Worcester Counties														
38 James N. Mathias, Jr. (D)	-	nv	+	■	+	-	■	+	-	-	43%	63%	54%	45
Montgomery County														
39 Nancy J. King (D)	-	■	-	-	+	■	■	■	-	-	17%	22%	30%	2
Baltimore City														
40 Catherine E. Pugh (D)	-	-	+	■	+	-	■	-	-	-	25%	25%	35%	28
41 Lisa A. Gladden (D)	+	■	+	■	+	■	■	■	-	-	60%	11%	31%	60
Baltimore County														
42 James Brochin (D)	-	■	-	■	+	■	■	■	-	-	20%	67%	40%	19
Baltimore City														
43 Joan Carter Conway (D)	-	■	+	■	+	■	+	■	-	-	50%	13%	33%	47
44 Verna L. Jones-Rodwell (D)	-	■	-	-	+	■	■	■	-	-	17%	22%	30%	2
45 Nathaniel J. McFadden (D)	-	■	+	+	+	■	■	■	-	-	50%	33%	44%	47
46 William C. Ferguson, IV (D)	-	■	-	■	+	■	-	■	-	-	17%	25%	22%	2
Prince George's County														
47 Victor R. Ramirez (D)	-	-	-	■	+	-	■	-	-	-	13%	11%	23%	0

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

	HB 226	HB332	HB 654	HB 835	HB 956	HB1006	HB 1098	HB 1130	HB 1209	HB 1283	HB 1310	HB 1335	MBRG 2013	MBRG 2012	MBRG CUM%	2013 %tile
Allegany, Garrett & Washington Counties																
1A Wendell R. Beitzel (R) *	+	+	■	■	■	+	+	-	+	■	+	+	88%	100%	83%	82
1B Kevin Kelly (D)	+	+	■	■	■	-	-	-	+	■	+	■	57%	70%	65%	62
1C LeRoy E. Myers, Jr. (R) *	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	88%	87
Washington County																
2A Andrew A. Serafini (R) *	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	90%	87
2B Neil C. Parrott (R)	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	100%	87
2C John P. Donoghue (D)	o	nv	■	■	■	+	-	-	+	■	+	■	60%	45%	57%	65
Frederick & Washington Counties																
3A Galen R. Clagett (D)	-	o	o	+	+	o	o	-	o	+	+	+	71%	27%	36%	69
3A Patrick N. Hogan (R) *	+	+	■	■	■	-	+	-	+	■	+	■	71%	100%	84%	69
3B Michael J. Hough (R)	+	+	■	■	■	-	+	+	+	■	+	■	86%	100%	93%	76
Carroll & Frederick Counties																
4A Kathryn L. Afzali (R)	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	100%	87
4A Kelly M. Schulz (R)	+	+	+	+	+	+	+	-	+	+	+	+	92%	100%	97%	85
4B Donald B. Elliott (R) *	+	-	■	■	■	-	+	-	+	■	+	■	57%	91%	83%	62
Baltimore & Carroll Counties																
5A Justin D. Ready (R)	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	100%	87
5A Nancy R. Stocksdale (R) *	+	+	■	■	■	+	+	+	+	■	-	+	88%	100%	87%	82
5B A. Wade Kach (R) *	+	+	■	■	■	+	+	-	+	■	+	■	86%	100%	81%	76
Baltimore County																
6 Joseph J. Minnick (D)	+	+	-	+	+	-	-	-	+	+	+	+	67%	73%	65%	67
6 John A. Olszewski, Jr. (D)	-	+	+	+	+	-	-	-	+	+	+	+	67%	36%	36%	67
6 Michael H. Weir, Jr. (D)	-	+	■	■	■	-	-	-	+	■	+	■	43%	70%	58%	58
Baltimore & Harford Counties																
7 Richard K. Impallaria (R) *	+	+	+	+	+	+	+	+	+	+	+	-	92%	100%	89%	85
7 Patrick L. McDonough (R) *	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	89%	87
7 Kathy Szeliga (R)	+	+	■	■	■	+	+	+	+	■	+	+	100%	100%	100%	87
Baltimore County																
8 Joseph C. Boteler, III (R) *	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	93%	87
8 Eric M. Bromwell (D)	+	+	■	■	■	+	-	-	+	■	+	■	71%	64%	57%	69
8 John W.E. Cluster, Jr. (R) *	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	95%	87
Carroll & Howard Counties																
9A Gail H. Bates (R) *	+	o	■	■	■	o	o	+	o	■	o	+	100%	100%	94%	87
9A Warren E. Miller (R) *	+	+	+	+	+	+	+	+	+	+	+	+	100%	100%	96%	87
9B Susan W. Krebs (R) *	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	86%	87
Baltimore County																
10 Emmett C. Burns, Jr. (D)	-	-	o	+	+	-	-	-	+	+	+	+	55%	10%	38%	62
10 Adrienne A. Jones (D)	-	-	■	■	■	-	-	-	+	■	+	+	38%	9%	28%	49
10 Shirley Nathan-Pulliam (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	9%	29%	7
11 Jon S. Cardin (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	13%	24%	7
11 Dan K. Morhaim (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	38%	35%	7
11 Dana M. Stein (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	27%	7

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

	HB 226	HB332	HB 654	HB 835	HB 956	HB1006	HB 1098	HB 1130	HB 1209	HB 1283	HB 1310	HB 1335	MBRG 2013	MBRG 2012	MBRG CUM%	2013 %tile
Baltimore & Howard Counties																
12A Steven J. DeBoy, Sr. (D)	-	-	■	■	■	-	-	-	+	■	+	+	38%	36%	41%	49
12A James E. Malone, Jr. (D)	-	○	■	■	■	○	○	-	○	■	○	■	0%	10%	44%	0
12B Elizabeth Bobo (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	23%	7
Howard County																
13 Guy Guzzone (D)	-	-	■	■	■	-	-	-	+	■	+	+	38%	9%	34%	49
13 Shane E. Pendergrass (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	18%	30%	7
13 Frank S. Turner (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	11%	31%	7
Montgomery County																
14 Anne R. Kaiser (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	23%	7
14 Eric G. Luedtke (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	14%	7
14 Craig J. Zucker (D)	-	-	■	■	■	-	-	-	+	■	+	+	38%	9%	17%	49
15 Kathleen M. Dumais (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	24%	7
15 Brian J. Feldman (D)	-	-	-	+	+	-	-	-	+	-	+	+	42%	9%	27%	57
15 Aruna Miller (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	14%	7
16 C. William Frick (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	19%	7
16 Ariana B. Kelly (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	36%	23%	7
16 Susan C. Lee (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	21%	7
17 Kumar P. Barve (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	39%	7
17 James W. Gilchrist (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	23%	7
17 Luiz R.S. Simmons (D)	-	-	■	■	■	-	-	-	+	■	-	■	14%	17%	23%	0
18 Alfred C. Carr, Jr. (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	25%	7
18 Ana Sol Gutiérrez (D)	-	-	■	■	■	-	-	-	+	■	+	+	38%	18%	26%	49
18 Jeffrey D. Waldstreicher (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	24%	7
19 Sam Arora (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	14%	7
19 Bonnie F. Cullison (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	18%	17%	7
19 Benjamin F. Kramer (D)	-	-	-	+	+	-	-	-	+	-	+	+	42%	18%	31%	57
20 Sheila E. Hixson (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	35%	7
20 Tom Hucker (D)	-	-	-	-	○	-	-	○	+	-	+	-	20%	9%	20%	3
20 Heather R. Mizeur (D)	-	-	■	■	■	-	-	-	+	■	+	-	25%	9%	21%	4
Anne Arundel & Prince George's Counties																
21 Benjamin S. Barnes (D)	-	-	-	-	-	-	-	-	+	-	+	-	17%	9%	19%	2
21 Barbara A. Frush (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	29%	7
21 Joseline A. Peña-Melnyk (D)	○	-	■	■	■	-	-	-	+	■	+	■	33%	9%	23%	45
Prince George's County																
22 Tawanna P. Gaines (D)	-	-	■	■	■	-	-	-	+	■	+	+	38%	9%	23%	49
22 Anne Healey (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	32%	7
22 Alonzo T. Washington (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	29%	7
23A James W. Hubbard (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	9%	25%	7
23A Geraldine Valentino-Smith (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	11%	19%	7
23B Marvin E. Holmes, Jr. (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	17%	27%	7
24 Carolyn J. B. Howard (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	35%	7
24 Darren M. Swain (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	-	39%	7
24 Michael L. Vaughn (D)	-	-	-	+	+	-	-	-	+	+	+	+	50%	18%	33%	60

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

	HB 226	HB332	HB 654	HB 835	HB 956	HB1006	HB 1098	HB 1130	HB 1209	HB 1283	HB 1310	HB 1335	MBRG 2013	MBRG 2012	MBRG CUM%	2013 %tile
Prince George's County																
25 Aisha N. Braveboy (D)	-	-	-	+	-	-	-	+	-	+	-	-	25%	9%	23%	4
25 Dereck E. Davis (D)	-	-	nvc	nvc	nvc	-	nv	-	+	nvc	+	nvc	33%	10%	36%	45
25 Melony G. Griffith (D)	-	-	■	■	■	-	-	-	+	■	+	+	38%	9%	30%	49
26 Veronica L. Turner (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	0%	25%	7
26 Kris Valderrama (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	17%	24%	7
26 Jay Walker (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	22%	33%	7
Calvert & Prince George's Counties																
27A James E. Proctor, Jr. (D)	-	-	■	■	■	-	-	-	+	■	+	+	38%	9%	37%	49
27A Joseph F. Vallario, Jr. (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	37%	7
27B Mark N. Fisher (R)	+	+	■	■	■	+	+	-	+	■	-	■	71%	100%	89%	69
Charles County																
28 Sally Y. Jameson (D)	-	+	+	+	+	-	+	-	+	+	+	+	75%	18%	50%	73
28 Peter F. Murphy (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	18%	25%	7
28 C.T. Wilson (D)	-	-	■	■	■	-	-	-	nv-	■	+	■	17%	20%	21%	2
Calvert, Charles, & St. Mary's Counties																
29A John F. Wood, Jr. (D) *	+	+	■	■	■	-	+	+	+	■	-	+	75%	91%	76%	73
29B John L. Bohanan, Jr. (D)	-	+	■	■	■	o	o	-	o	■	+	+	60%	36%	54%	65
29C Anthony J. O'Donnell (R) *	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	94%	87
Anne Arundel County																
30 Michael E. Busch (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	47%	7
30 Ronald A. George (R) *	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	89%	87
30 Herbert H. McMillan (R) *	+	-	■	■	■	+	+	-	+	■	-	■	57%	90%	81%	62
31 Donald H. Dwyer, Jr. (R) *	+	+	■	■	■	+	+	-	+	■	+	■	86%	100%	90%	76
31 Nicholas R. Kipke (R) *	+	-	■	■	■	+	+	o	+	■	-	■	67%	80%	75%	67
31 Steven R. Schuh (R) *	+	-	+	o	+	+	+	-	+	o	+	+	80%	100%	90%	75
32 Pamela G. Beidle (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	44%	47%	7
32 Mary Ann E. Love (D)	-	-	-	+	+	-	-	-	+	+	+	+	50%	18%	47%	60
32 Theodore J. Sophocleus (D)	-	-	■	■	■	-	-	-	+	■	+	+	38%	33%	59%	49
33A Tony McConkey (R) *	+	+	■	■	■	-	+	+	+	■	+	+	88%	100%	84%	82
33A Cathleen M. Vitale (R)	+	-	■	■	■	+	+	+	+	■	+	■	86%	100%	93%	76
33B Robert A. Costa (R) *	+	-	■	■	■	+	+	+	+	■	+	■	86%	73%	78%	76
Cecil & Harford Counties																
34A Glen Glass (R)	+	+	■	■	■	+	+	o	+	■	+	■	100%	100%	100%	87
34A Mary-Dulany James (D)	+	-	■	■	■	-	-	-	+	■	+	+	50%	50%	59%	60
34B David D. Rudolph (D)	-	-	-	+	+	+	-	-	+	+	+	+	58%	55%	52%	65
Harford County																
35A Wayne Norman, Jr. (R) *	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	86%	87
35A Donna M. Stifler (R) *	o	+	+	o	+	+	+	-	+	+	+	+	90%	100%	88%	85
35B Susan K. McComas (R) *	+	+	■	■	■	+	+	+	+	■	+	■	100%	100%	85%	87
Caroline, Cecil, Kent, & Queen Anne's Counties																
36 Stephen S. Hershey (R)	+	+	-	+	+	+	+	-	+	+	+	+	83%	100%	95%	75
36 Jay A. Jacobs (R)	+	+	■	■	■	+	+	-	+	■	+	■	86%	100%	97%	76
36 Michael D. Smigiel, Sr. (R) *	+	+	■	■	■	+	+	+	+	■	-	■	86%	100%	76%	76

Maryland Business for Responsive Government

MARYLAND HOUSE OF DELEGATES VOTES

	HB 226	HB332	HB 654	HB 835	HB 956	HB1006	HB 1098	HB 1130	HB 1209	HB 1283	HB 1310	HB 1335	MBRG 2013	MBRG 2012	MBRG CUM%	2013 %tile
Caroline, Dorchester, Talbot & Wicomico Counties																
37A Rudolph C. Cane (D)	nv	-	■	■	■	-	-	-	+	■	+	■	33%	10%	34%	45
37B Adelaide C. Eckardt (R) *	+	+	■	■	■	+	+	-	+	■	+	+	88%	100%	87%	82
37B Jeannie Haddaway-Riccio (R) *	+	+	+	+	+	+	+	-	+	+	+	+	92%	100%	85%	85
Somerset, Wicomico & Worcester Counties																
38A Charles J. Otto (R)	+	+	■	■	■	-	+	-	+	■	+	■	71%	100%	93%	69
38B Norman H. Conway (D)	-	-	■	■	■	-	-	-	+	■	+	+	38%	20%	56%	49
38B Michael A. McDermott (R)	+	+	■	■	■	-	+	+	+	■	-	■	71%	100%	93%	69
Montgomery County																
39 Charles E. Barkley (D)	-	-	-	+	+	-	-	-	+	-	-	-	25%	27%	25%	4
39 Kirill Reznik (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	27%	31%	7
39 Shane Robinson (D)	-	-	■	■	■	-	-	-	+	■	+	+	38%	10%	17%	49
Baltimore City																
40 Frank M. Conaway, Jr. (D)	+	-	■	■	■	-	-	-	+	■	+	■	43%	25%	32%	58
40 Barbara A. Robinson (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	9%	22%	7
40 Shawn Z. Tarrant (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	9%	27%	7
41 Jill P. Carter (D)	nv	-	■	■	■	-	-	-	+	■	+	■	33%	10%	25%	45
41 Nathaniel T. Oaks (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	33%	7
41 Samuel I. Rosenberg (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	11%	37%	7
Baltimore County																
42 Susan L. M. Aumann (R) *	+	+	■	■	■	+	+	+	+	■	+	+	100%	100%	85%	87
42 William J. Frank (R) *	+	+	■	■	■	-	+	+	+	■	+	■	86%	100%	88%	76
42 Stephen W. Lafferty (D)	-	-	■	■	■	-	-	-	+	■	-	■	14%	10%	26%	0
Baltimore City																
43 Curtis S. Anderson (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	32%	7
43 Maggie L. McIntosh (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	29%	7
43 Mary L. Washington (D)	-	-	■	■	■	-	-	-	+	■	+	-	25%	9%	35%	4
44 Keith E. Haynes (D)	-	-	■	■	■	-	-	-	+	■	o	+	29%	9%	27%	7
44 Keiffer J. Mitchell Jr. (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	14%	16%	7
44 Melvin L. Stukes (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	23%	7
44 Talmadge Branch (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	40%	7
45 Cheryl D. Glenn (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	25%	7
45 Nina R. Harper (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	14%	29%	7
46 Luke Clippinger (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	14%	7
46 Peter A. Hammen (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	18%	36%	7
46 Brian K. McHale (D)	-	-	-	+	-	-	-	-	+	-	+	+	33%	18%	36%	45
Prince George's County																
47 Jolene Ivey (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	23%	7
47 Doyle L. Niemann (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	27%	7
47 Michael G. Summers (D)	-	-	■	■	■	-	-	-	+	■	+	■	29%	10%	14%	7

Maryland Business for Responsive Government

(Continued from Page 1)

This will allow legislators to avoid any future responsibility for state gas tax increases, passing it instead to the CPI and State Comptroller (HB 1515).

Then, some in the General Assembly claimed victory in legislation that purportedly ensured funds collected from the gas tax would be reserved for infrastructure improvements and development (SB 829, contingent on referendum). Opponents of the gas tax legislation argued the so called “lock box” provision in the waning hours of the session was more like a wet paper bag and did little or nothing to protect taxpayer funds (See “Who Holds the Key,” page 22).

Finally, subtle, though hardly inconsequential, changes to Maryland’s medicaid system will further bloat the rolls of Medicaid and interfere in market-driven solutions (HB 228).

In the Other Corner


But this year, others in Maryland’s private sector pushed back. Attempts to increase the minimum wage to \$10 per hour by 2015, which would make Maryland’s minimum wage one of the highest in the country (HB 1204/SB 683), were rebuffed. Union-backed proposals to make Maryland among the first states to adopt a mandatory “sick and safe leave policy” for employers (HB735/SB698) were defeated by a coalition of Maryland businesses. Proponents, however, vow to bring both proposals back to Annapolis in the face of next year’s elections.

On a positive note, legislation passed that reduced taxation begun in 2012 on special financing tools called Indemnity Deeds of Trust (IDOTs), restoring at least some of the value of real estate investments in Maryland. As a result of the findings of a workgroup established to study the preliminary recordation tax revenue that came in significantly

higher than projected from IDOTs, the General Assembly took a hard look at the issue again in 2013 and crafted a more modest, predictable and enforceable regime for taxation of IDOTs (See 2013 Senate Roll Call vote #3 and 2013 House Roll Call vote #8). Industry groups estimate the impact of the 2013 corrective legislation (HB 1209/SB 436) will still yield the state \$103 million in additional revenues. This is more than enough to cover the State’s \$30 million cost commitment related to the 2012 pension shift to the counties and still significantly more than the Department of Legislative Services’ 2012 revenue estimate of \$34.5 million.

Maryland’s economy, like the rest of the country’s, is changing. In 2013, Maryland had only four Fortune 500 companies that called the Old Line State home. Our manufacturing economy continues to reposition itself in the face of technology and innovation, as our state’s GDP in 2010-11 fell below the national state average (.9 v. 1.5 nationally according to Chief Executive.net). Federal government dysfunction and uncertainty poses a serious threat to Maryland’s defense industry and the jobs it provides. Growth in mandated funding formulas continue to eat away at Maryland’s revenues.

Whether Maryland businesses allow elected officials to redefine business in Maryland consistent with prevailing philosophies or finally step up with a cohesive and realistic plan focused on developing the health of all of Maryland’s private sector remains to be seen. The 2014 elections present an opportunity for a fractured business community to assume a more united, direct and effective role in keeping pace with Maryland’s future.

There’s an axiom in the business world: Define yourself or someone else will. The Maryland business community would be wise to consider the results either way. 

Maryland Business for Responsive Government

“Who Holds the Key?: Unlocking Maryland’s Transportation Trust Fund Lock Box”

by Delegate Susan Krebs and Delegate Herb McMillan

Most supporters of a gas tax increase in Maryland, including the Maryland State Chamber of Commerce, predicated their position of support for a gas tax increase on the passage of a constitutional amendment that would protect the State’s special fund, called the Transportation Trust Fund (or “TTF”) from raids and use of the funds for other, unrelated purposes. In the waning hours of the 2013 session on the final day, legislative leadership passed SB829--Transportation Trust Fund - Use of Funds. As a result, the issue of a “lock box” on these revenues will be referred to the voters in the 2014 election, but many questioned as the bill was passing, whether it really was a lock box to protect taxpayer money or just political chicanery.

Senate Bill 829, Transportation Trust Fund – Use of Funds, fashioned as a “lock box” for the Transportation Trust Fund (TTF), is anything but. Not only does the bill fail to include any meaningful safeguards for transportation dollars, it takes the practice of raiding the fund for other purposes and enshrines it in Maryland’s Constitution.

Late on the last day of the session, the House Appropriations Committee hastily took up SB 829, stripped out most of the language, and rewrote it. Gone were the safeguards that gave the bill the teeth needed to protect the TTF. The heavily amended bill was brought to the House floor for discussion but there was no copy of the amended bill available for legislators or the press to review. Legislators scurried to try to amend the bill back to its original form, but they were defeated as floor leaders in the majority party argued that we had to “pass something”, this was “better than nothing.” We disagree – here’s why.

Problem #1 – Redefines Transportation Trust Fund and its funding sources. Struck from the bill was language that defined the funding streams that go into the TTF like the gas tax, vehicle titling tax and registration fees. Without these funding streams identified in the Constitution, the legislature simply has to redefine what taxes go into the TTF; in other words, the General Assembly can take the money before it gets into the TTF. Example: This session, a portion of the Motor Fuel Tax was diverted to the Waterway Improvement Fund.

Problem #2 - Vague nature of a “Fiscal Emergency”: SB 829 requires that in order for TTF funds to be diverted for

other purposes, the Governor must first declare a “fiscal emergency” by Executive Order. There is NO definition or guideline as to what constitutes a “fiscal emergency,” leaving it entirely up to the interpretation of any sitting Governor.

Problem #3 – Required 3/5ths majority is easily achieved and easily disguised: SB 829 also requires that in order for TTF funds to be diverted, the General Assembly must approve the transfer by a 3/5ths majority. Since there is NO requirement for the transfer to be presented to the General Assembly in a stand-alone bill, transfers of TTF dollars would most likely be a part of an omnibus budget financing bill. Historically, such bills have passed by large margins. For example, the Budget Reconciliation and Financing Act of 2011 transferred \$100 million out of the TTF. Over 70% of the members of the General Assembly voted in favor of that bill.

Problem #4 – NO Repayment Provisions: Unlike other bills that were offered to truly protect the TTF, SB 829 requires NO plan to repay funds diverted from the TTF for purposes other than transportation.

The bottom line: SB 829 does nothing to truly protect the Transportation Trust Fund. The hundreds of millions of dollars diverted from the TTF over the last decade could still have occurred even if SB 829 had been law then. Future Governors and general assemblies will be free to raid the TTF at will, with the constitutional protections that SB 829 provides for them, but NOT for the TTF.

This editorial was submitted by the authors to MBRG. Consistent with MBRG’s mission to educate and inform readers, we are publishing it here. It is not an endorsement of either the legislation or the point of view expressed by the authors.

Maryland Business for Responsive Government



Senator Edward R. Reilly

This Anne Arundel County senator achieved the highest MBRG Cumulative score (100) among all Republican veterans in the Senate. (Minimum 4 years service)



Senator 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)



Delegate Warren E. Miller

This Howard County Delegate achieved the highest MBRG cumulative score (96) among all Republican veterans in the House of Delegates. (Minimum 4 years service)



Delegate John F. Wood, Jr.

This Charles and St. Mary's County Delegate achieved the highest MBRG cumulative score (76) among all Democratic veterans in the House of Delegates. (Minimum 4 years service)

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Maryland Business for Responsive Government

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I am interested in joining at the following level:

Trustee Level (\$15,000)

Invitation to join Board of Directors ★ Exclusive Invitation to VIP Events ★ Named Table and Display Sponsors for all events (includes 2 tickets to each event) ★ Open invitations to statewide policy meetings ★ Invitation to during the Session webcasts ★ Invitation to Expert Webcast ★ Copies of Roll Call ★ Quarterly newsletter that includes policy analysis, education and interviews with elected officials ★ MBRG Website Banner Advertisement ★ All-access to special, members only passworded site.

Chairman (\$5,000)

Consideration for Board of Directors ★ Invitation to MBRG After the Session Exclusive VIP Event ★ Table & Display Sponsorships to one MBRG event (includes 2 tickets to event) ★ Open invitation to statewide smaller policy meetings ★ Invitation to during the session webcasts ★ Invitation to Expert Webcast ★ Copies of Roll Call ★ Quarterly MBRG Newsletter that includes policy analysis, education and interviews with elected officials ★ MBRG Website Banner Advertisement ★ All-access to special, members only passworded site.

President (\$2,500)

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Member rates to MBRG's Before and After the Session Events ★ Notification of Roll Call publication ★ Quarterly MBRG Newsletter that includes policy analysis, education and interviews with elected officials ★ All-access to special, members only passworded site.

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