



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

# Spend and Tax

What happens when a family spends more money than it earns over an extended period of time and fails to accumulate any savings? Eventually, the family dedicates most of its efforts to avoiding bankruptcy rather than accumulating wealth, because even the slightest setback becomes a major obstacle for a family living on the edge.

Luckily, Maryland enjoyed a temporary reprieve during the 1990s when hefty capital gains spiked revenue. Unluckily, previous administrations and legislatures spent every last cent, raided special reserve funds, and adopted other fiscally unsound measures. Slumped in a recession, the Ehrlich administration and the 2003 General Assembly desperately sought measures to avoid the edge, meet the constitutional mandate for a balanced budget, and retain the state's AAA bond rating.

## WHAT ABOUT SLOTS?

Governor Ehrlich's introduction of slots to help reduce the budget deficit was inevitable, since it was the only voluntary revenue enhancer available. By failing to legalize slots (See SB 322 on page 2), the General Assembly eliminated the only alternative to more taxes, severe budget cuts, or both. Of course, the General Assembly attempted to slap the business community with a 10 percent surcharge on corporate income tax and a two percent insurance premium tax on Health Maintenance Organizations (HMOs) to reduce the budget deficit (See HB 753 on pages 6 and 7). Fortunately, the Governor's veto soundly defeated this bad public policy and sent a loud message to state lawmakers that the era of spending and taxing had finally come to an end.

## GOVERNOR VETOES TAX BILL

MBRG commends the Governor for his strong, unwavering stance in opposition to HB 753. As he correctly noted in his veto letter, *"We need to do all we can to save Maryland jobs. The proposed increase in corporate taxes will only discourage companies from creating new employment opportunities or maintaining their businesses in the State."*

Unfortunately, the General Assembly's final package was not a comprehensive solution to a long-term, structural problem. It was, once again, a number of short-term fixes to keep the State from falling off the edge. Even if the Governor had signed the General Assembly's

**Only significant spending cuts and future discipline can achieve long-range, fiscal stability...**

proposed tax bill and even if slots were legalized, Maryland still would face a deficit and be liable to fully fund Thornton, a \$1.3 billion increase in education funding. Only significant spending cuts and future discipline can achieve long-range, fiscal stability and responsibility.

Many lawmakers tried to blame the final phase of the 1997, five-year income tax reduction as a contributor to the State's budget shortfalls. But that was only part of the tax reform efforts. Previously, Maryland used figures in the federal return as the starting point for the State's return, commonly referred to as "coupling." During the 2002 session, the legislature adopted a "decoupling" strategy so that Maryland's taxpayers would not see the

**MBRG calls for a blue ribbon task force ... to fix the structural deficit and codify spending affordability into law.**

benefit of the federal relief reflected in their state filings, thus optimizing the State's tax take. Worse, though, was a feature that alternatively and automatically "recouples" and "decouples" the Maryland return whenever it is to Maryland's tax advantage. Adopting such a variable formula is simply bad tax policy. It amounts to a huge, but hidden, tax increase on Maryland residents and businesses.

## WHAT ARE THE CURRENT SPENDING PROBLEMS?

Here are just a few:

- Obligating the State to a \$1.3 billion increase in education funding over the next five years with no funding source to pay for it...
- Creating numerous dedicated funds for specific programs, leaving fewer dollars in discretionary funds to be managed and adjusted according to current needs...
- Raiding monies from the Transportation Trust Fund to help bridge budget gaps...
- Spending hundreds of millions of dollars to preserve agricultural land...
- Paying for enormous increases in health care costs via state Medicaid expenses and employee health insurance premiums...

## WHAT ARE THE SOLUTIONS?

The Governor's goal of cutting state government by 7.5 percent, roughly \$500 million, is a

(continued on page 8)

## RESULTS OF THE 2003 SESSION

### VICTORIES

- ✓ A bill that adversely affects Maryland telemarketers by creating a state do-not-call database was defeated. See SB 3 on page 2.
- ✓ A bill to add vague and duplicative matter to the grounds for debarring a person from entering into a contract with the State was vetoed. See SB 122 on pages 2 and 6.
- ✓ A bill to unfairly restrict business contributions to state election campaigns was defeated. See SB 132 on page 2 and HB 660 on page 6.
- ✓ A bill to increase damages awarded from an employer for violating the Maryland Equal Pay for Equal Work law was defeated. See SB 250 on page 2.
- ✓ A bill to qualify Maryland workers for full unemployment benefits if able and available to work only part-time was defeated. See SB 251 on page 2.
- ✗ A bill to close a loophole in the Maryland cap on noneconomic damages in medical liability cases was approved. See SB 283 on page 2 and HB 294 on page 6.
- ✓ A bill to relax standards for recovering punitive damage awards in drunk or drugged driver cases was defeated. See SB 454 on page 2.
- ✓ A bill to require motor vehicle insurers to offer the same liability coverage for family members as non-family

### VICTORIES

- members was defeated. See SB 517 on page 7 and HB 502 on page 6.
- ✓ A bill to establish a low emissions vehicle program applicable to model year 2010 (and later) vehicles was defeated. See SB 542 on page 7 and HB 373 on page 6.
- ✓ A bill to require employers to either offer health care to employees or pay an annual payroll tax was defeated. See SB 557 on page 7 and HB 726 on page 6.
- ✓ A bill to apply a 10 percent surcharge on Maryland corporate income taxes and a 2 percent insurance premium tax on HMOs was vetoed. See HB 753 on pages 6 and 7.
- ✓ An amendment to require expenses paid by a corporation to an affiliated corporation be added to the federal taxable income of the corporation was defeated. See HB 935 on page 7.
- ✓ A bill to allow some local governments to purchase electricity as aggregators and resell it to all customers within their borders, including those now served by other providers was defeated. See HB 24 on page 6.
- ✓ A bill to allow a person convicted of a nonviolent felony crime to file a petition for expungement was defeated. See HB 372 on page 6.

### DEFEATS

- ✓ A bill that requires chemical manufacturers to make unreasonable and enormously expensive security upgrades to their facilities was defeated. See HB 796 on page 6.
- ✓ A bill to clarify that an admissions and amusement tax applies to merchandise, refreshments, food and beverage, or services sold or served in connection with entertainment was defeated. See HB 982 on page 6.
- ✗ A vote to nominate Lynn Buhl as the Maryland State Secretary of Environment was defeated. See SV 1 on page 2.
- ✗ A bill to authorize video lottery terminals at four Maryland horse racing tracks was defeated. See SB 322 on pages 2 and 6.
- ✗ A bill to authorize MDOT to enter into public-private partnership agreements with private parties to acquire, build, or improve highways was defeated. See SB 497 on page 2.
- ✗ A bill to prevent an uninsured motorist from collecting noneconomic damages for injuries caused by an insured motorist was defeated. See HB 742 on page 6.



## 2003 Senate Vote Descriptions



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

This Carroll & Frederick County Senator achieved the highest MBRG cumulative score (94) among all veterans in the Senate (minimum of four year service in the legislature).

### 1 Buhl Nomination Maryland State Secretary of Environment

Nominates Lynn Buhl as the Maryland State Secretary of Environment. Ms. Buhl formerly served as a respected environmental regulator for the state of Michigan and previously worked as an environmental attorney for the Chrysler Corporation and the EPA. As Secretary, she pledged to balance the interests of business and the environment.

A "+" indicates a vote for confirmation of Buhl and reflects MBRG's support for nominating policy-makers who strive to maintain a balance between environmental and business interests. Disagreeing with MBRG's position, the Senate rejected the Buhl nomination, 21-26, on March 11, 2003, at 12:13 p.m.

### 2 SB 3 Senator Frosh Telecommunications - Telephone Solicitations - Regulation

Duplicates federal law by requiring the Public Service Commission to create and operate a database of residential telephone subscribers in Maryland who choose not to receive telephone solicitations from certain business organizations. The bill requires telephone solicitors to purchase database updates, to refrain from calling listed telephone numbers, and not to block the recipient's Caller ID function. The bill funds this new government program with new user fees paid by Maryland businesses and residents. Internal company do-not-call databases are already federally mandated and offered at no charge by all businesses and organizations that conduct telemarketing in the State. Since the bill makes no provision for enforcement on out-of-state and international telemarketing operations, it discriminates in favor of out-of-state telemarketers and against Maryland businesses that telemarket their products and services in Maryland.

A "+" indicates a vote against SB 3 and reflects MBRG's opposition to legislation that overburdens and hinders the competitiveness of many Maryland businesses and is unnecessarily duplicative and more stringent than federal law. Agreeing with MBRG's position, the Senate Finance Committee rejected SB 3, 3-8, on February 19, 2003.

### 3 SB 122 - Senator Della Procurement - Debarment - Violations of Law

Adds to the grounds upon which a person may be debarred from entering into a contract with the state of Maryland. The bill uses impermissibly vague language to extend debarment to anyone with a "pattern" of violations of federal or state labor laws, civil rights laws, or environmental protection laws. Current law already establishes grounds for debarment for any cause the Board of Public Works determines may seriously affect the integrity of the procurement process. This bill unfairly and unreasonably debars well-qualified, reputable companies from public contracts based on alleged, minor "paper" violations. The bill also fails to improve the existing law and provides opportunities for mischief.

A "+" indicates a vote against SB 122 and reflects MBRG's opposition to legislation that limits participation in the State procurement process. Disagreeing with MBRG's position, the Senate approved SB 122, 35-12, on March 7, 2003 at 12:17 p.m. Subsequently, the Governor vetoed SB 122 on May 21, 2003.

### 4 SB 132 - Senator Frosh Election Law - Campaign Finance - Attribution of Contributions

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

A "+" indicates a vote against SB 132 and reflects MBRG's opposition to legislation that unfairly restricts business contributions to state election campaigns. Agreeing with MBRG's position, the Senate Education, Health, and Environmental Affairs Committee rejected SB 132, 3-7, on March 14, 2003.

### 5 SB 250 Senator Grosfeld Labor and Employment - Equal Pay for Equal Work

Expands the damages awarded from an employer who violates the Maryland Equal Pay for Equal Work law to include compensatory and punitive damage awards and requires the Commissioner of Labor and Industry to assess a civil penalty of up to 10 percent of the amount of damages owed against the employer. These fines will fund the administration and enforcement of the law and create an Equal Pay Commission for a period of two years to study wage disparities. Current law provides for liquidated damages only. This bill duplicates the existing law and expands the remedies.

A "+" indicates a vote against SB 250 and reflects MBRG's opposition to legislation that duplicates existing law and expands business' liability exposure. Agreeing with MBRG's position, the Senate Finance Committee rejected SB 250, 4-7, on February 27, 2003.

### 6 SB 251 Senator Kelley Unemployment Insurance - Eligibility - Part-Time Work

Qualifies Maryland workers for full unemployment benefits if able and available to work only part-time. Since current law provides benefits to full-time workers only, this bill will cost the Unemployment Insurance Trust Fund an estimated \$37 million annually in additional benefits at a time when the fund is already stressed. In addition, many small businesses rely heavily on a part-time workforce and frequently experience high turnover rates. This bill will significantly increase unemployment insurance costs for these businesses.

A "+" indicates a vote against SB 251 and reflects MBRG's opposition to legislation that will increase unemployment insurance costs. Agreeing with MBRG's position, the Senate Finance Committee rejected SB 251, 3-8, on March 10, 2003.

### 7 SB 283 Senator Jimeno Consumer Protection - Maryland Consumer Protection Act - Private Rights of Action

Closes a loophole used to circumvent Maryland's cap on noneconomic damages in medical liability cases by prohibiting a person from bringing a private civil action under the Maryland Consumer Protection Act for injuries sustained as a result of the professional services provided by a health care provider. Under the bill, a health care provider includes a hospital, a physician, an osteopath, an optometrist, a chiropractor, a registered or licensed practical nurse, a dentist, a podiatrist, a psychologist, a licensed certified social worker-clinical, and a licensed or authorized physical therapist. As a result, small business health care providers that are not already excluded from the Consumer Protection Act's scope will no longer be subject to legal action under the Act.

A "+" indicates a vote for SB 283 and reflects MBRG's support for legislation that maintains Maryland's tort system and reduces health care costs by limiting the proliferation of medical malpractice lawsuits. Agreeing with MBRG's position, the Senate approved SB 283, 41-6, on March 26, 2003 at 11:59 a.m. The governor signed the bill into law on May 22, 2003.

### 8 SB 322 Administration Public Education Bridge to Excellence - Funding - Video Lottery Terminals

Authorizes up to 11,500 video lottery terminals (VLTs) regulated by the State Lottery Commission at four horse racing tracks in the State, including Pimlico Race Course, Laurel Park, Rosecroft Raceway, and a race track to be built in Allegany County. All applicants for a VLT license are required to pay a \$5 million, one-time application fee. To operate at any of the three existing racetracks, applicants must also invest \$150 million in construction and related costs and provide at least 500 full-time jobs. By limiting the authorization of VLTs to venues already dedicated to gambling, the bill minimizes any adverse impact on existing businesses. The bill also creates an Education Trust Fund that will receive 46% of gross VLT revenues and fund the Bridge to Excellence in Public Schools Act of 2002. The bill reaffirms the current prohibition on additional forms of commercial gaming.

A "+" indicates a vote for SB 322 and reflects MBRG's support for legislation that creates jobs, stimulates economic growth, and generates a significant, new source of revenue to help reduce the state budget deficit and preserve educational funding commitments. Agreeing with MBRG's position, the Senate approved SB 322, 25-21, on March 22, 2003 at 12:19 p.m.

### 9 SB 454 Senator Forehand Punitive Damages - High Risk Drunk Drivers

Allows a party to recover punitive damages in addition to compensatory damages from a person who causes personal injury or wrongful death while driving and intoxicated. A large percentage of auto accidents in Maryland are litigated. This bill exposes innocent employers to punitive damages resulting from the acts of their employees. An attractive business climate maintains strict limitations on the awarding of punitive damages. Any weakening of Maryland's stringent punitive damages standards impedes competition with neighboring states and has little or no impact on combating drunk driving, a problem better addressed by criminal laws than by civil liability measures.

A "+" indicates a vote against SB 454 and reflects MBRG's opposition to legislation that weakens Maryland's standards for awarding punitive damages. Agreeing with MBRG's position, the Senate Judicial Proceedings Committee rejected SB 454, 4-7, on February 28, 2003.

### 10 SB 497 Senator Hogan Public-Private Transportation Act of 2003

Expands the definition of public-private partnership by authorizing the Maryland Department of Transportation (MDOT) to enter into public-private partnership agreements with private parties to acquire, build, or improve highways. The bill enables MDOT to receive and consider unsolicited proposals for the construction of roads and bridges that are part of the Consolidated Transportation Program. Currently MDOT regulations authorize these agreements for ports, airports and transit facilities, but not highways. The bill also authorizes MDOT to contract with private entities for maintenance and services related to new, expanded or purchased transportation facilities, such as roads and bridges.

A "+" indicates a vote for SB 497 and reflects MBRG's support for legislation that promotes alternative measures to support transportation projects and objectives. Agreeing with MBRG's position, the Senate approved SB 497, 26-20, on March 21, 2003 at 10:57 a.m.

MARYLAND SENATE VOTES

Please refer to pages 2 & 7 for a full description of each vote.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	2003 MBRG %	2003 Percentile	MBRG CUM %
<b>Allegany, Garrett &amp; Washington Counties</b> 1 John J. Hafer (R) *	+	+	-	■	+	+	+	+	■	+	+	■	+	-	+	83%	81	78%
<b>Washington County</b> 2 Donald F. Munson (R) *	+	■	-	■	■	■	+	+	■	+	+	■	■	+	+	88%	85	79%
<b>Frederick &amp; Washington Counties</b> 3 Alexander X. Mooney (R) *	+	■	+	■	■	■	+	-	+	-	+	-	■	+	+	70%	72	89%
<b>Carroll &amp; Frederick Counties</b> 4 David R. Brinkley (R) *	+	■	+	■	■	■	+	+	■	+	+	■	■	+	+	100%	87	94%
<b>Baltimore &amp; Carroll Counties</b> 5 Larry E. Haines (R) *	+	■	+	■	■	■	+	-	+	+	-	+	■	+	+	80%	79	88%
<b>Baltimore County</b> 6 Norman R. Stone, Jr. (D)	+	■	-	+	■	■	-	+	■	-	-	■	■	-	-	33%	23	50%
<b>Baltimore &amp; Harford Counties</b> 7 Andrew P. Harris (R) *	+	■	+	+	■	■	+	+	■	+	+	■	■	+	+	100%	87	93%
<b>Baltimore County</b> 8 Katherine A. Klausmeier (D) *	-	+	-	■	-	+	+	+	■	-	-	■	+	+	-	50%	43	70%
<b>Carroll &amp; Howard Counties</b> 9 Robert H. Kittleman (R) *	+	■	+	■	■	■	+	+	■	+	+	■	■	+	+	100%	87	86%
<b>Baltimore County</b> 10 Delores G. Kelley (D) 11 Paula Colodny Hollinger (D)	+	-	-	■	-	-	-	-	■	-	-	■	+	+	-	25% 33%	15 23	38% 50%
<b>Baltimore &amp; Howard Counties</b> 12 Edward J. Kasemeyer (D)	+	■	-	■	■	■	+	+	■	+	-	■	■	-	+	63%	62	63%
<b>Howard County</b> 13 Sandra B. Schrader (R)	+	■	+	+	■	■	+	+	■	-	-	■	■	-	+	67%	68	47%
<b>Montgomery County</b> 14 Rona E. Kramer (D) 15 Robert J. Garagiola (D) 16 Brian E. Frosh (D) 17 Jennie M. Forehand (D) 18 Sharon M. Grosfeld (D) 19 Leonard H. Teitlebaum (D) 20 Ida G. Ruben (D)	+	■	-	■	■	■	+	-	■	+	-	■	■	-	+	50% 40% 30% 20% 0% 33% 25%	43 38 19 9 0 23 15	- - 35% 40% 25% 50% 40%
<b>Anne Arundel &amp; Prince George's Counties</b> 21 John A. Giannetti, Jr. (D)	-	■	-	■	■	■	+	+	+	+	-	+	■	-	+	60%	60	46%
<b>Prince George's County</b> 22 Paul G. Pinsky (D) 23 Leo E. Green (D) 24 Nathaniel Exum (D) 25 Ulysses Currie (D) 26 Gloria G. Lawlah (D)	-	■	-	-	■	■	-	-	■	-	-	■	■	+	-	11% 30% 36% 50% 63%	2 19 36 43 62	30% 44% 35% 49% 49%
<b>Calvert &amp; Prince George's Counties</b> 27 Thomas V. Mike Miller, Jr. (D)	-	■	-	■	■	■	+	+	■	+	-	■	■	-	+	50%	43	64%
<b>Charles County</b> 28 Thomas M. Middleton (D)	-	+	-	■	+	+	+	-	■	+	-	■	+	-	-	50%	43	66%
<b>Calvert, Charles, &amp; St. Mary's Counties</b> 29 Roy P. Dyson (D)	-	■	-	-	■	■	+	-	■	-	-	■	■	+	+	33%	23	56%
<b>Anne Arundel County</b> 30 John C. Astle (D) * 31 Philip C. Jimeno (D) 32 James E. DeGrange, Sr. (D) 33 Janet Greenip (R) *	+	+	-	■	+	+	+	-	■	+	-	■	+	-	+	67% 50% 50% 100%	68 43 43 87	71% 64% 59% 93%
<b>Cecil &amp; Harford Counties</b> 34 Nancy Jacobs (R) *	+	■	+	■	■	■	+	+	+	+	+	+	■	+	+	100%	87	93%
<b>Harford County</b> 35 J. Robert Hooper (R) *	+	-	+	■	+	+	+	nv-	■	+	+	■	+	-	+	75%	74	77%
<b>Caroline, Cecil, Kent, &amp; Queen Anne's Counties</b> 36 E. J. Pipkin (R)	+	+	+	■	+	+	+	+	■	-	-	■	+	+	+	83%	81	-
<b>Caroline, Dorchester, Talbot &amp; Wicomico Counties</b> 37 Richard E. Colburn (R) *	+	■	+	+	■	■	+	+	■	+	+	■	■	+	+	100%	87	83%
<b>Somerset, Wicomico &amp; Worcester Counties</b> 38 J. Lowell Stoltzfus (R) *	+	■	+	■	■	■	+	-	■	+	-	■	■	+	+	75%	74	82%
<b>Montgomery County</b> 39 Patrick J. Hogan (D) *	+	■	-	■	■	■	+	+	■	+	-	■	■	-	+	63%	62	77%
<b>Baltimore City</b> 40 Ralph M. Hughes (D) 41 Lisa A. Gladden (D)	-	■	-	■	■	■	+	-	-	-	-	+	■	nv	-	22% 33%	11 23	37% 33%
<b>Baltimore County</b> 42 James Brochin (D)	-	■	-	■	■	■	+	+	-	-	-	+	■	+	-	40%	38	-
<b>Baltimore City</b> 43 Joan Carter Conway (D) 44 Verna L. Jones (D) 45 Nathaniel J. McFadden (D) 46 George W. Della, Jr. (D)	-	■	-	+	■	■	+	-	■	-	-	■	■	-	-	22% 13% 50% 33%	11 4 43 23	36% 30% 49% 50%
<b>Prince George's County</b> 47 Gwendolyn T. Britt (D)	-	■	-	-	■	■	+	-	■	-	-	■	■	o	o	14%	6	-

MBRG RATING SYSTEM

★ Legislators with a star next to their name served at least four years in the House or Senate and achieved an MBRG CUM % of 70% or greater.

+ A "right" vote, supporting the MBRG position for business and jobs.

- A "wrong" vote, contrary to the MBRG position for business and jobs.

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

nv Legislator did not vote on a bill on which MBRG has taken a position of opposition, resulting in no effect on a legislator's rating.

nv- Legislator did not vote on a bill on which MBRG has taken a position of support, resulting in the lowering of a legislator's rating. Therefore, a legislator is penalized when his or her vote

could have helped to achieve a constitutional majority (24 of 47 votes in the Senate and 71 of 141 votes in the House) for the passage of a bill.

nv▽ As committee chairperson, legislator chose not to vote, resulting in no effect on a legislator's rating.

■ Legislator did not serve on the committee that reviewed the bill, resulting in no effect on a legislator's rating.

■ Votes on issues identified by the Maryland Chamber of Commerce's Business Agenda

2003 MBRG % 2003 percentage is derived by dividing the number of "+" votes by the number of bills on which the legislator voted plus the number of "NV-" marks.

2003 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 2003 MBRG % rating ranks in relation to other legislators' ratings. For example, a Senator with a percentile ranking of 78 has a 2003 MBRG rating greater than 78 percent of his or her fellow Senators during this time period.

MBRG CUM % Cumulative percentage is based on a legislator's voting record since the year MBRG began rating the legislator, as early as 1986 or since that legislator's first year in an earlier House seat, through 2003. The percentage is derived by dividing the total number of "+" votes by the number of bills on which the legislator voted plus the number of "NV-" marks. A short red dash (-) in this column means a legislator is a freshman and therefore has no cumulative record.



MARYLAND HOUSE OF DELEGATES

Please refer to page 6 for a full description of each vote.	1	2	3	4	5	6	7	8	9	10	11	12	13	2003 MBRG %	2003 Percentile	MBRG CUM %
<b>Allegany, Garrett &amp; Washington Counties</b>																
1A George C. Edwards (R) *	-	■	+	+	■	■	■	+	■	■	+	-	-	57%	67	82%
1B Kevin Kelly (D)	-	■	-	+	+	■	■	+	■	■	+	-	-	50%	61	61%
1C LeRoy Ellsworth Myers, Jr. (R)	+	-	+	+	■	■	■	+	■	■	+	-	-	63%	71	-
<b>Washington County</b>																
2A Robert A. McKee (R) *	+	+	-	+	■	■	■	-	■	■	+	-	-	50%	61	77%
2B Christopher B. Shank (R) *	+	■	-	+	+	■	■	-	■	■	+	-	+	63%	71	85%
2C John P. Donoghue (D)	-	■	-	+	■	■	■	-	+	■	-	-	-	25%	47	65%
<b>Frederick &amp; Washington Counties</b>																
3A Galen R. Clagett (D)	-	■	-	+	■	■	■	-	■	■	-	-	-	14%	27	-
3A Patrick N. Hogan (R)	+	■	+	-	■	+	■	-	■	■	+	-	+	63%	71	-
3B Richard B. Weldon, Jr. (R)	-	■	-	-	■	■	■	-	+	■	+	-	-	25%	47	-
<b>Carroll &amp; Frederick Counties</b>																
4A Joseph R. Bartlett (R) *	+	-	+	0	■	■	■	-	■	■	+	0	0	60%	70	82%
4A Paul S. Stull (R) *	+	■	+	+	■	+	■	+	■	■	+	-	-	75%	83	89%
4B Donald B. Elliott (R) *	+	■	+	+	■	■	■	-	+	■	+	-	+	75%	83	85%
<b>Baltimore &amp; Carroll Counties</b>																
5A Carmen Amedori (R) *	+	■	+	+	+	■	■	+	■	■	+	+	+	100%	97	94%
5A Nancy R. Stocksdale (R) *	+	■	+	+	■	■	■	+	■	■	+	-	+	86%	89	92%
5B A. Wade Kach (R) *	+	■	+	+	■	■	■	+	+	■	+	-	+	88%	91	80%
<b>Baltimore County</b>																
6 John S. Arnick (D)	-	■	+	0	■	+	■	+	■	■	nv	0	0	75%	83	68%
6 Joseph J. Minnick (D)	-	■	-	+	■	■	-	+	■	-	nv	+	+	50%	61	66%
6 Michael H. Weir, Jr. (D)	-	■	+	+	■	+	■	+	■	■	-	+	+	75%	83	-
<b>Baltimore &amp; Harford Counties</b>																
7 Richard K. Impallaria (R)	+	■	+	+	■	■	-	+	■	+	+	+	+	89%	96	-
7 J. B. Jennings (R)	-	■	+	+	■	0	■	+	■	■	+	-	+	71%	79	-
7 Patrick L. Mc Donough (R)	-	■	+	+	■	■	■	+	+	■	+	-	+	75%	83	-
<b>Baltimore County</b>																
8 Joseph C. Boteler, III (R)	-	■	+	+	■	+	■	+	■	■	+	+	+	88%	91	-
8 Eric M. Bromwell (D)	-	■	+	+	■	■	■	+	+	■	-	-	+	63%	71	-
8 Alfred W. Redmer, Jr. (R) *	-	■	+	+	■	■	■	+	+	■	+	+	+	88%	91	89%
<b>Carroll &amp; Howard County</b>																
9A Gail H. Bates (R)	+	■	+	+	■	■	■	+	■	■	+	-	+	86%	89	94%
9A Warren E. Miller (R)	+	■	+	+	■	■	+	+	■	+	+	+	+	100%	97	-
9B Susan W. Krebs (R)	+	■	nv	+	■	■	+	+	■	+	+	+	+	88%	91	-
<b>Baltimore County</b>																
10 Emmett C. Burns, Jr. (D)	-	■	-	+	■	■	-	+	■	-	-	-	-	22%	44	48%
10 Adrienne A. Jones (D)	-	-	-	+	■	■	■	-	■	■	-	-	-	13%	10	31%
10 Shirley Nathan-Pulliam (D)	-	■	-	+	■	■	■	-	-	■	-	-	-	13%	10	31%
11 Jon S. Cardin (D)	-	-	-	+	■	■	■	-	■	■	-	-	-	13%	10	-
11 Dan K. Morhaim (D)	-	■	-	+	■	■	■	-	0	■	-	-	-	14%	27	42%
11 Robert A. Zirkin (D)	-	■	-	+	+	■	■	-	■	■	-	-	-	25%	47	32%
<b>Baltimore &amp; Howard Counties</b>																
12A Steven J. DeBoy, Sr. (D)	-	■	-	+	■	■	■	+	■	■	-	-	-	29%	54	-
12A James E. Malone, Jr. (D)	-	■	-	+	■	-	■	-	■	■	-	-	-	13%	10	55%
12B Elizabeth Bobo (D)	-	■	-	-	■	-	■	-	■	■	-	-	-	0%	0	26%
<b>Howard County</b>																
13 Shane E. Pendergrass (D)	-	■	-	-	■	■	■	-	-	■	-	-	-	0%	0	43%
13 Neil F. Quinter (D)	-	■	-	-	+	■	■	-	■	■	-	-	-	13%	10	-
13 Frank S. Turner (D)	-	■	-	+	■	■	■	-	■	■	-	-	-	14%	27	36%
<b>Montgomery County</b>																
14 Anne R. Kaiser (D)	-	-	-	+	■	■	■	-	■	■	-	-	-	13%	10	-
14 Karen S. Montgomery (D)	-	■	-	-	■	-	■	-	■	■	-	-	-	0%	0	-
14 Herman L. Taylor, II (D)	-	■	-	+	■	■	-	-	■	-	-	-	-	11%	8	-
15 Jean B. Cryor (R)	-	+	-	+	■	■	■	-	■	■	+	-	+	50%	61	68%
15 Kathleen M. Dumais (D)	-	■	-	+	+	■	■	-	■	■	-	-	-	25%	47	-
15 Brian J. Feldman (D)	-	■	-	+	■	■	-	-	■	-	-	-	-	11%	8	-
16 William A. Bronrott (D)	-	■	-	+	■	-	■	-	■	■	-	-	-	13%	10	33%
16 Marilyn R. Goldwater (D)	-	■	-	+	■	■	■	-	-	■	-	-	-	13%	10	45%
16 Susan C. Lee (D)	-	■	-	+	+	■	■	-	-	■	-	-	-	25%	47	18%
17 Kumar P. Barve (D)	-	■	-	+	■	0	■	-	■	■	-	-	-	14%	27	47%
17 Michael R. Gordon (D)	-	-	-	+	■	■	■	-	■	■	-	nv	-	14%	27	44%
17 Luiz R. S. Simmons (D)	-	■	-	-	+	■	■	-	■	■	-	-	-	13%	10	-
18 Ana Sol Gutierrez (D)	-	■	-	+	+	■	■	-	■	■	-	-	-	25%	47	-
18 John A. Hurson (D)	-	■	-	+	■	■	■	-	nv▽	■	-	-	-	14%	27	38%
18 Richard S. Madaleno, Jr. (D)	-	■	-	+	■	■	■	-	■	■	-	-	-	14%	27	-
19 Henry B. Heller (D)	-	-	-	+	■	■	■	-	■	■	-	-	-	13%	10	40%
19 Adrienne A. Mandel (D)	-	■	-	+	■	■	■	-	-	■	-	-	-	13%	10	35%
19 Carol S. Petzold (D)	-	■	+	+	+	■	■	-	■	■	-	-	-	38%	58	51%
20 Peter Franchot (D)	-	nv▽	-	+	■	■	■	nv	■	■	-	nv	-	20%	43	38%
20 Sheila Ellis Hixson (D)	-	nv▽	-	+	■	■	■	-	■	■	-	-	-	14%	27	40%
20 Gareth E. Murray (D)	-	■	-	+	■	■	■	-	-	■	-	-	-	13%	10	-
<b>Anne Arundel &amp; Prince George's Counties</b>																
21 Barbara A. Frush (D)	-	■	-	+	■	-	■	-	■	■	-	-	-	13%	10	35%
21 Pauline H. Menes (D)	-	■	-	-	-	■	■	-	■	■	-	-	-	0%	0	33%
21 Brian R. Moe (D)	-	■	-	+	■	■	-	-	■	-	-	nv	-	13%	10	28%
<b>Prince George's County</b>																
22 Tawanna P. Gaines (D)	-	■	-	+	■	■	■	-	■	■	-	-	-	14%	27	19%
22 Anne Healey (D)	-	-	-	+	■	■	■	-	■	■	-	nv	-	14%	27	37%
22 Justin D. Ross (D)	-	-	-	+	■	■	■	-	■	■	-	-	-	13%	10	-
23A Mary A. Conroy (D)	-	■	0	+	■	■	+	-	■	-	-	nv	-	29%	54	34%
23A James W. Hubbard (D)	-	■	-	+	■	■	■	-	-	■	-	-	-	13%	10	24%
23B Marvin E. Holmes, Jr. (D)	-	■	-	-	■	+	■	+	-	■	-	-	-	25%	47	-
24 Joanne C. Benson (D)	-	■	-	-	■	■	■	-	-	■	-	-	-	0%	0	36%
24 Carolyn J. B. Howard (D)	-	-	-	nv-	■	■	■	0	■	■	-	nv	-	0%	0	40%
24 Michael L. Vaughn (D)	-	■	-	+	■	■	+	-	■	-	-	-	-	22%	44	-
25 Anthony G. Brown (D)	-	■	-	+	0	■	■	-	■	■	-	-	-	14%	27	37%
25 Dereck E. Davis (D)	-	■	-	+	■	■	nv▽	-	■	nv▽	-	-	-	14%	27	46%
25 Melony G. Griffith (D)	-	■	-	+	■	■	■	-	■	■	-	-	-	14%	27	38%
26 Darryl A. Kelley (D)	-	■	-	+	-	■	■	-	■	■	-	-	-	13%	10	-
26 Obie Patterson (D)	-	-	-	nv-	■	■	■	-	■	■	-	-	-	0%	0	34%
26 Veronica L. Turner (D)	-	■	-	+	■	■	■	-	-	■	-	-	-	13%	10	-

MARYLAND HOUSE OF DELEGATES

Please refer to page 6 for a full description of each vote.		1	2	3	4	5	6	7	8	9	10	11	12	13	2003 MBRG %	2003 Percentile	MBRG CUM%
<b>Calvert &amp; Prince George's Counties</b>																	
27A	James E. Proctor, Jr. (D)	-	■	-	+	■ <sup>▽</sup>	■	■	-	■	■	-	-	-	14%	27	45%
27A	Joseph F. Vallario, Jr. (D)	-	■	-	+	nv <sup>▽</sup>	■	■	-	■	■	-	-	nv	17%	43	43%
27B	George W. Owings, III (D)	-	■	+	+	■	o	■	-	■	■	-	-	+	43%	60	65%
<b>Charles County</b>																	
28	W. Louis Hennessy (R)	-	■	+	+	-	■	■	-	■	■	+	-	+	50%	61	-
28	Sally Y. Jameson (D)	-	■	-	nv-	■	■	-	+	■	+	-	-	+	33%	56	-
28	Van T. Mitchell (D) *	-	■	-	+	■	■	■	+	■	■	o	+	+	67%	77	78%
<b>Calvert, Charles, &amp; St. Mary's Counties</b>																	
29A	John E. Wood, Jr. (D) *	-	■	+	+	■	■	-	+	■	+	+	-	+	67%	77	74%
29B	John L. Bohanan, Jr. (D)	-	■	+	+	■	■	■	nv	■	■	-	-	+	50%	61	56%
29C	Anthony J. O'Donnell (R) *	-	■	+	+	+	■	■	+	■	■	+	+	+	88%	91	92%
<b>Anne Arundel County</b>																	
30	Michael E. Busch (D)	-	■	-	+	■	■	■	-	■	■	-	-	-	14%	27	60%
30	Virginia P. Clagett (D)	-	■	-	+	■	-	■	-	■	■	-	-	-	13%	10	48%
30	Herbert H. McMillan (R)	+	■	+	+	+	■	■	+	■	■	+	-	+	88%	91	-
31	Joan Cadden (D)	-	■	+	+	■	■	■	+	■	■	-	-	+	57%	67	61%
31	Donald H. Dwyer, Jr. (R)	+	■	+	+	+	■	■	+	■	■	+	+	+	100%	97	-
31	John R. Leopold (R) *	-	■	+	+	■	■	■	-	■	■	+	-	+	57%	67	74%
32	Mary Ann E. Love (D)	-	■	-	+	■	■	-	-	■	+	-	-	-	22%	44	58%
32	James E. Rzepkowski (R) *	+	+	+	+	■	■	■	+	■	■	+	+	+	100%	97	89%
32	Theodore J. Sophocleus (D)	-	■	+	+	+	■	■	+	■	■	-	-	+	63%	71	69%
33A	David G. Boschert (R) *	-	-	+	+	■	■	■	+	■	■	+	-	+	63%	71	82%
33A	Tony McConkey (R)	+	■	+	+	■	+	■	-	■	■	+	+	+	88%	91	-
33B	Robert A. Costa (R)	-	■	+	+	■	■	■	+	+	■	+	-	+	75%	83	-
<b>Cecil &amp; Harford Counties</b>																	
34A	Charles R. Boutin (R) *	-	■	-	+	■	■	■	+	+	■	+	nv	+	71%	79	70%
34A	Mary-Dulany James (D)	-	■	+	+	■	■	■	-	■	■	+	-	+	57%	67	60%
34B	David D. Rudolph (D)	-	■	-	+	■	■	■	-	+	■	+	-	-	38%	58	56%
<b>Harford County</b>																	
35A	Barry Glassman (R) *	-	■	o	+	■	■	+	-	■	+	+	-	+	63%	71	76%
35A	Joanne S. Parrott (R) *	-	■	+	+	■	■	+	+	■	-	+	-	+	67%	77	76%
35B	Susan K. McComas (R)	-	■	+	+	+	■	■	+	■	■	+	-	+	75%	83	-
<b>Caroline, Cecil, Kent, &amp; Queen Annes Counties</b>																	
36	Michael D. Smigiel, Sr. (R)	-	■	-	-	■	■	■	+	+	■	+	+	+	63%	71	-
36	Richard A. Sossi (R)	-	■	+	-	■	+	■	+	■	■	+	+	+	75%	83	-
36	Mary Roe Walkup (R) *	-	■	+	+	■	■	+	+	■	-	+	-	+	67%	77	84%
<b>Caroline, Dorchester, Talbot &amp; Wicomico Counties</b>																	
37A	Rudolph C. Cane (D)	-	■	-	+	■	+	■	-	■	■	-	-	-	25%	47	44%
37B	Adelaide C. Eckardt (R) *	-	■	+	+	■	■	■	-	■	■	+	-	+	57%	67	84%
37B	Kenneth D. Schisler (R) *	-	■	+	+	■	o	■	+	■	■	+	+	+	86%	89	89%
<b>Somerset, Wicomico &amp; Worcester Counties</b>																	
38A	D. Page Elmore (R)	-	+	+	+	■	■	■	+	■	■	+	-	nv	71%	79	-
38B	K. Bennett Bozman (D)	-	-	-	+	■	■	■	-	■	■	-	-	-	13%	10	63%
38B	Norman H. Conway (D) *	-	■	-	+	■	■	■	-	■	■	-	-	-	14%	27	72%
<b>Montgomery County</b>																	
39	Charles E. Barkley (D)	-	■	-	-	■	■	■	-	■	■	-	-	-	0%	0	22%
39	Nancy J. King (D)	-	-	-	+	■	■	■	-	■	■	-	-	-	13%	10	-
39	Joan F. Stern (D)	-	■	-	+	■	-	■	-	■	■	-	-	-	13%	10	35%
<b>Baltimore City</b>																	
40	Tony E. Fulton (D)	-	■	-	+	■	■	-	+	■	+	nv	-	+	50%	61	53%
40	Salima Siler Marriott (D)	-	-	-	nv-	■	■	■	-	■	■	-	-	-	0%	0	37%
40	Howard P. Rawlings (D)	-	■	-	o	■	■	■	-	■	■	-	o	o	0%	0	48%
41	Jill P. Carter (D)	-	■	-	nv-	-	■	■	-	■	■	nv	-	+	14%	27	-
41	Nathaniel T. Oaks (D)	-	■	-	nv-	■	■	■	nv	-	■	-	-	+	14%	27	35%
41	Samuel I. Rosenberg (D)	-	■	-	+	■	■	■	-	o	■	-	-	-	14%	27	44%
<b>Baltimore County</b>																	
42	Susan L. M. Aumann (R)	-	■	+	+	■	■	■	+	■	■	+	-	+	71%	79	-
42	William J. Frank (R)	-	■	+	+	■	■	■	+	■	■	+	-	+	71%	79	-
42	John G. Trueschler (R)	-	■	nv	+	■	■	+	+	■	+	+	-	+	75%	83	-
<b>Baltimore City</b>																	
43	Curtis S. Anderson (D)	-	■	-	+	-	■	■	-	■	■	-	-	-	13%	10	39%
43	Ann Marie Doory (D)	-	■	-	+	■	■	+	-	■	-	-	-	-	22%	44	51%
43	Maggie L. McIntosh (D)	-	■	-	+	■	nv <sup>▽</sup>	■	-	■	■	-	-	-	14%	27	43%
44	Keith E. Haynes (D)	-	■	-	+	■	■	■	+	+	■	-	-	+	50%	61	-
44	Ruth M. Kirk (D)	-	■	-	+	■	■	■	-	■	-	-	-	-	11%	8	44%
44	Jeffrey A. Paige (D)	-	■	-	+	■	■	■	-	■	■	-	-	-	14%	27	37%
45	Talmadge Branch (D)	-	■	-	+	■	■	■	+	■	■	-	-	-	29%	54	54%
45	Clarence Davis (D)	-	+	-	-	■	■	■	-	■	■	-	+	-	25%	47	48%
45	Hattie N. Harrison (D)	-	■	-	o	■	■	■	-	■	-	-	nv	nv	0%	0	53%
46	Peter A. Hammen (D)	-	■	-	+	■	■	■	-	+	■	-	-	+	38%	58	48%
46	Carolyn J. Krysiak (D)	-	■	-	+	■	■	■	+	■	-	-	-	+	33%	56	50%
46	Brian K. McHale (D)	-	■	-	+	■	■	■	+	■	-	-	-	+	33%	56	42%
<b>Prince George's County</b>																	
47	Doyle L. Niemann (D)	-	■	-	+	■	■	■	-	■	■	-	-	-	14%	27	-
47	Rosetta C. Parker (D)	-	■	-	+	■	+	■	-	■	■	-	-	-	25%	47	-
47	Victor R. Ramirez (D)	-	-	-	+	■	■	■	-	■	■	-	-	-	13%	10	-



# 2003 House Vote Descriptions



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

Among all veteran Democrats in the House of Delegates and Senate (minimum of four years of service), this Charles County legislator has the highest MBRG cumulative score (78).

## 1 SB 122 Senator Della Procurement – Debarment – Violations of Law

See Senate Vote 3 on page 2 for a description of SB 122.

A “+” indicates a vote against SB 122 and reflects MBRG’s opposition to legislation that limits participation in the State procurement process. Disagreeing with MBRG’s position, the House approved SB 122, 123-18, on April 5, 2003 at 1:10 p.m.

## 2 SB 322 Administration Public Education Bridge to Excellence – Funding – Video Lottery Terminals

See Senate Vote 8 on page 2 for a description of SB 322.

A “+” indicates a vote for SB 322 and reflects MBRG’s support for legislation that creates jobs, stimulates economic growth, and generates a significant, new source of revenue to help reduce the state budget deficit and preserve educational funding commitments. Disagreeing with MBRG’s position, the House Ways and Means Committee rejected SB 322, 16-5, on April 2, 2003.

## 3 HB 24 – Delegate Hubbard Electric Industry – Aggregation Pilot Program – Counties and Municipal Corporations

Permits Montgomery and Prince George’s Counties, and the municipal corporations therein, to purchase electricity as an aggregator and capture all electricity customers residing within or near their boundaries. Electricity purchased then will be provided to these customers under local government supervision. Customers will be released from such a program only if they each obtain, complete and submit within 30 days an affirmative written statement opting out of the program. This bill is an unwarranted attempt by local governments to generate new revenue by entering the electricity business. It constitutes governmental slamming of electric customers away from the supplier they have already selected under Maryland’s existing electricity deregulation regime, leading to confusion among businesses consuming electricity and adverse consequences for businesses engaged in electricity distribution. This bill also creates risk of massive movement of customers from one supplier to another, which will increase the cost of electricity to businesses in Maryland.

A “+” indicates a vote against HB 24 and reflects MBRG’s opposition to legislation that creates unfair competition, higher electricity prices, and unwarranted governmental intrusion into the electricity business. Disagreeing with MBRG’s position, the House approved HB 24, 93-44, on April 1, 2003 at 11:41 a.m. Subsequently, the Senate took no action on the bill.

## 4 HB 294 – Delegate Sophocleus Consumer Protection – Maryland Consumer Protection Act – Private Rights of Action

See Senate Vote 7, SB 283, on page 2 for a description of HB 294, its companion bill.

A “+” indicates a vote for HB 294 and reflects MBRG’s support for legislation that maintains Maryland’s tort system and reduces health care costs by limiting the proliferation of medical malpractice lawsuits. Agreeing with MBRG’s position, the House approved HB 294, 117-14, on March 24, 2003 at 3:38 p.m.

## 5 HB 372 - Delegate Marriott Police and Court Records – Nuisance Crimes - Expungement

Allows a person convicted of a nonviolent, felony crime to file a petition for expungement once the offender completes the sentence and probation. Such crimes include theft, bad check writing, and drug dealing. However, the bill makes no provisions for the expungement of misdemeanor convictions. Many businesses depend on the accuracy of credit reports and criminal background checks when making important business decisions such as hiring employees and issuing credit to customers. This bill increases an employer’s liability exposure when engaging in these common business practices.

A “+” indicates a vote against HB 372 and reflects MBRG’s opposition to legislation that prevents employers from making informed business decisions. Agreeing with MBRG’s position, the House Judiciary Committee rejected HB 372, 5-15, on February 27, 2003.

## 6 HB 373 - Delegate Hubbard Establishment of Low Emissions Vehicle Program – Emissions Standards and Compliance Requirements

See Senate Vote 12, SB 542, on page 7 for a description of HB 373, its companion bill.

A “+” indicates a vote against HB 373 and reflects MBRG’s opposition to legislation that duplicates existing federal law without providing any additional benefits. Agreeing with MBRG’s position, the House Environmental Matters Committee rejected HB 373, 7-10, on March 17, 2003.

## 7 HB 502 - Delegate Krysiak Private Passenger Motor Vehicle Liability Insurance – Coverage for Claims of Family Members

See Senate Vote 11, SB 517, on page 7 for a description of HB 502, its companion bill.

A “+” indicates a vote against HB 502 and reflects MBRG’s opposition to legislation that increases automobile liability insurance premiums in Maryland. Disagreeing with MBRG’s position, the House Economic Matters Committee approved HB 502, 14-9, on April 7, 2003. However, the House took no action on the bill.

## 8 HB 660 – Delegate Bobo Election Law – Campaign Finance – Attribution of Contributions

See Senate Vote 4, SB 132, on page 2 for a description of HB 660, its companion bill.

A “+” indicates a vote against HB 660 and reflects MBRG’s opposition to legislation that reduces business contributions to state election campaigns. Disagreeing with MBRG’s position, the House approved HB 660, 88-49, on March 14, 2003 at 12:05 p.m.

## 9 HB 726 – Delegate Hubbard Public-Private Partnerships for Health Coverage for All Marylanders

See Senate Vote 13, SB 557, on page 7 for a description of HB 726, its companion bill.

A “+” indicates a vote against HB 726 and reflects MBRG’s opposition to legislation that mandates employers pay for health care. Agreeing with MBRG’s position, the House Health & Government Operations Committee rejected HB 726, 9-13, on March 12, 2003.

## 10 HB 742 – Delegate Kach Vehicle Laws – Uninsured Motorists – Waiver of Right to Noneconomic Damages

Prevents an owner of an uninsured motor vehicle who is injured in a car accident from recovering noneconomic damages in an action against the driver of an insured vehicle. Exceptions are made for those who are injured by drunk or drugged drivers, by drivers convicted of reckless or aggressive driving, or by drivers convicted of vehicular homicide while operating a vehicle while impaired, drunk or drugged. Uninsured motorists increase automobile insurance premiums for all private and commercial automobile owners in Maryland. This bill encourages motor

vehicle owners to purchase and maintain automobile insurance as required by Maryland law and denies punitive damage awards to those who do not.

A “+” indicates a vote for HB 742 and reflects MBRG’s support for legislation that helps reduce automobile insurance costs in Maryland. Disagreeing with MBRG’s position, the House Economic Matters Committee rejected HB 742, 9-14, on March 14, 2003.

## 11 HB 753 – Delegate Hixson Taxes and Revenues

See Senate Vote 14 on page 7 for a description of HB 753.

A “+” indicates a vote against HB 753 and reflects MBRG’s opposition to legislation that increases corporate tax rates and health care costs in Maryland. Disagreeing with MBRG’s position, the House approved HB 753, 89-47, on March 19, 2003 at 4:59 p.m.

## 12 HB 796 – Delegate Zirkin State Police – Facility Security

Requires chemical manufacturers and railroads to install fences, walls, cameras, patrols, or other facility monitoring technologies or services to secure hazardous materials within their facilities. These businesses are required to analyze and implement safety measures every three years in consultation with the Maryland Emergency Management Agency. Failure to handle hazardous materials in a secure and prudent manner can result in formidable civil penalties. Federal laws like the federal Clean Air Act and the Hazardous Materials Transportation Act already require owners and operators of facilities storing hazardous materials to prepare risk management plans, to design and maintain safe facilities, and to take appropriate protective measures when shipping hazardous materials. This bill establishes a 23 member Task Force on the Security of Hazardous Materials to be staffed by the state police. The requirements established by this bill will greatly increase costs for Maryland businesses compared to competitors in other states. Subsequently, the Senate Education, Health, and Environmental Affairs Committee rejected HB 796, 1-9, on April 4, 2003.

A “+” indicates a vote against HB 796 and reflects MBRG’s opposition to legislation that exceeds federal requirements and places Maryland businesses at a competitive disadvantage. Disagreeing with MBRG’s position, the House approved HB 796, 114-16, on March 24, 2003 at 2:59 p.m. Subsequently, the Senate Education, Health, and Environmental Affairs Committee rejected HB 796, 1-9, on April 4, 2003.

## 13 HB 982 – Delegate Jones Admissions and Amusement Tax – Charges Subject to Tax

Clarifies that an admissions and amusement tax applies to merchandise, refreshments, food and beverage, or a service sold or served in connection with entertainment. The bill also limits claims for refunds on certain admissions and amusement taxes. Many restaurants provide free entertainment. If there is no financial connection between entertainment and the sale of food (i.e. cover charge, minimum drink purchase, inflated prices during periods of live entertainment, etc.), these restaurants have no means of recouping the cost of the admissions and amusement tax from patrons. This measure is an attempt to change statutory language to ensure that the tax applies regardless of whether a financial nexus exists. Subsequently, the Senate Budget and Taxation Committee took no action on the bill.

A “+” indicates a vote against HB 982 and reflects MBRG’s opposition to legislation that imposes a tax on non-purchasers of a service. Disagreeing with MBRG’s position, the House approved HB 982, 81-54, on March 24, 2003 at 3:35 p.m. Subsequently, the Senate Budget and Taxation Committee took no action on the bill.



**Del. Carmen Amedori (R)**

Among veteran Republicans (minimum of four years of service) in the house, this Carroll County legislator achieved the highest MBRG cumulative score (94).



# A Message to Our Legislators

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

1. Would the legislation increase the cost of doing business for companies in Maryland?  
If yes, would the added costs of the legislation and subsequent regulations exceed the added benefit to Maryland's residents?

2. Would the legislation and subsequent regulations be more stringent than, or contradictory to, federal law and regulations, or would it give Maryland a competitive disadvantage with other states?

3. Would the legislation discourage companies from adding new jobs or keeping current jobs in Maryland?

4. Would the legislation discourage individuals and/or businesses from investing, building, owning or renting property, or selling and buying goods and services in Maryland?
5. Would the legislation interfere in the competitive market by 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. Would merely introducing the bill send a negative message about Maryland's business climate?
- If the answer to any of these questions is yes, the legislation could be bad for Maryland's business climate.

If you are unsure, we encourage you to contact a representative from the potentially affected industry to solicit assistance.

## BUSINESS BEWARE!

The business community should be aware of two bills having potentially disastrous impact on Maryland businesses. One bill, HB 470, made it illegal to discriminate against an individual with a criminal record during the hiring process, essentially dictating to private business to offer employment to criminals. Another bill, HB 134, prohibited businesses from requesting a Social Security number from persons seeking to obtain consumer goods or services. Preventing a business from verifying identity and credit history only leads to increased fraud, bad debt, and other negative consequences for business. Although quickly defeated or withdrawn, the mere introduction of these bills sends a negative message about Maryland's business climate. The defeat or withdrawal of these bills requires effort and resources better spent elsewhere.

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## 2003 Senate Vote Descriptions (continued from page 2)



Sen. Patrick J. Hogan (D)

Among veteran Democrats (minimum of four years of service) in the Senate, this Montgomery County legislator has the highest MBRG cumulative score (77).

### 11 SB 517 - Senator Gladden Private Passenger Motor Vehicle Insurance – Coverage for Claims of Family Members

Requires motor vehicle insurers to offer liability coverage for claims made by family members in the same amount as the liability coverage for claims made by non-family members under the policy. Insurers already pay exorbitant litigation costs because a large percentage of Maryland auto accidents are litigated. This bill increases the opportunities for family members to conspire and make fraudulent bodily injury insurance claims against automobile insurers, which will increase automobile insurance premiums for all private and commercial automobile owners in Maryland.

A "+" indicates a vote against SB 517 and reflects MBRG's opposition to legislation that increases automobile liability insurance premiums in Maryland. Disagreeing with MBRG's position, the Senate approved SB 517, 37-10, on March 26, 2003 at 11:38 a.m. Subsequently, the House rereferred SB 517 to committee.

### 12 SB 542 - Senator Grosfeld Establishment of Low Emissions Vehicle Program – Emissions Standards and Compliance Requirements

Requires the Department of Environment and the Motor Vehicle Administration to adopt regulations by December 31, 2006 to establish a low emissions vehicle program equivalent to California's LEV

Program. The standards are applicable to vehicles of the model year 2010 and each model year thereafter. This change would fail to produce any air quality benefit. The federal government has already adopted standards, that provide the same benefit as the California standards without the cost.

A "+" indicates a vote against SB 542 and reflects MBRG's opposition to legislation that duplicates existing federal law and creates unnecessary new costs for manufacturers without providing any additional environmental benefits. Agreeing with MBRG's position, the Senate Judicial Proceedings Committee rejected SB 542, 2-9, on March 13, 2003.

### 13 SB 557 Senator Pinsky Public-Private Partnership for Health Coverage for All Marylanders

Requires all employers to pay an annual payroll tax equal to 5 percent of wages paid during the calendar year if the employer has fewer than 1,000 employees or 8 percent if the employer has more than 1,000 employees. Employers can claim credit against the payroll tax equal to the amount of the employer's expenditures to provide health insurance to employees. The bill also creates a state health insurance program, MDCare, for individuals whose gross income is below 350 percent of the federal poverty level. Those who are eligible, however, must pay the applicable annual premium for MDCare as an additional State income tax. This bill is the initiative to mandate government-run health care coverage for all Marylanders.

A "+" indicates a vote against SB 557 and reflects MBRG's opposition to legislation that mandates that employers pay for health care. Agreeing with MBRG's position, the Senate Finance Committee rejected SB 557, 2-8, on March 19, 2003.

### 14 HB 753 Delegate Hixson Taxes and Revenues

Legislates sweeping revisions to Maryland's corporate tax structure by creating a 10 percent surcharge on corporate income tax for years 2003, 2004 and 2005; requiring certain expenses made by a corporation to an affiliated corporation be added to the corporation's

federal taxable income; imposing a "throwback" rule for all corporations that apportions to Maryland the profits from the sale of tangible personal property to an out-of-state buyer under certain circumstances; and allocating all of a corporation's "nonoperational" income to Maryland if its principal place of business is in Maryland. Additionally, the bill attempts to close the so-called "Delaware holding company loophole" and subjects HMOs to a 2 percent insurance premium tax. In the first year alone, this bill will cost Maryland businesses approximately \$130 million dollars in new taxes. In addition, it weakens Maryland's business climate, because a stable business environment is a strong attraction for businesses considering relocation or expansion.

A "+" indicates a vote against HB 753 and reflects MBRG's opposition to legislation that increases corporate tax rates and health care costs in Maryland. Disagreeing with MBRG's position, the Senate approved HB 753, 26-18, on March 28, 2003 at 10:06 a.m. Subsequently, the Governor vetoed HB 753 on May 21, 2003.

### 15 HB 935 Senator Pinsky Budget Reconciliation and Financing Act of 2003 – Amendment

Amends HB 935 to require that interest expenses and intangible expenses made by a corporation to an affiliated corporation be added to the federal taxable income of the corporation. This, in turn, determines a corporation's Maryland modified income. This extremely broad amendment attempts to close the so-called "Delaware holding company loophole." In doing so, it attacks valid business transactions not driven by tax considerations and weakens Maryland's business climate.

A "+" indicates a vote against the amendment to HB 935 and reflects MBRG's opposition to legislation that increases fees and adds to the cost of doing business in Maryland. Agreeing with MBRG's position, the Senate rejected the amendment to HB 935, 17-28 on March 28, 2003 at 1:19 p.m.



## How the Votes Are Selected

To determine an accurate picture of the Maryland legislature's attitudes toward business, jobs, economic growth, and investment in the state, MBRG's 25-member State Advisory Council selects those recorded votes from the last General Assembly session having practical or philosophical importance to the widest possible range of Maryland businesses, trade associations, and chambers of commerce.

In order to arrive at the most accurate measure of the legislature's position on business matters, we include votes taken from different stages of the legislative process: final (third reader), in committee, votes on amendments and critical motions, and votes on gubernatorial nominations. We may at times omit a particular piece of legislation due to a lack of strong consensus within the business community.

Although this evaluation process summarizes a legislative system which involves weeks of debate, amendment, and compromise, voting records remain the best indicator of a legislator's inclination. MBRG neither gives pass/fail scores nor expressly or implicitly endorses or rejects any incumbent on the basis of certain selected votes.

A complete evaluation of a legislator's support for business should be made by examining committee and floor votes and considering unrecorded matters such as performance on subcommittees, communication with business representatives, and service to constituent businesses.

As it has since 1986, MBRG includes bills in *Roll Call* that also are prominent in the Maryland Chamber of Commerce's annual Business Agenda. By incorporating this additional information, *Roll Call* can depict which bills were defined clearly to legislators as important business legislation. Although not all of the votes on Business Agenda bills appear in this evaluation, those that do are shaded in yellow and are weighted equally with other selected votes.

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

### A Word About MBRG

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

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

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

## Spend and Tax

(continued from page 1)

good start toward fixing Maryland's structural deficit. Selling off state assets, privatizing government functions, establishing more public-private partnerships, and legalizing slots may be other necessary alternatives. Since the fiscal outlook for 2004 is even bleaker, Maryland law-makers will do well to remember MBRG's earlier warning in the 2000 edition of *Roll Call*. "The propensity to spend and tax is at the very crux of Maryland's problematic business climate." Time after time, an increase in taxes led to an increase in spending. And so, *MBRG calls for a blue ribbon task force ... to fix the structural deficit and codify spending affordability into law*. Maryland has a structural, spend and tax problem, not a revenue problem. Only cuts and future, fiscal restraints will protect Maryland taxpayers from continuously living on the edge. \*



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