MARYLAND BUSINESS FOR RESPONSIVE GOVERNMENT

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

Patty Hearst, Backstops, and the Golden Hour

The Governor’s unprecedented remarks at MBRG’s luncheon at the Baltimore Convention Center on April 22 go directly to the purpose of this publication — to provide a map for support of pro-business legislators and account for those who are not.

“Ehrlich lets loose...Blasts business community for failing to leverage its influence,” was the front page headline in the Gazette of Politics and Business. “Ehrlich scolds business for lack of lobbying... Rebuke delivered at luncheon,” said The Sun in another front page story. What business got was a two-part challenge in the Governor’s first major address after the 2004 legislative session ended.

Part one calls for business leaders to get in the political game and not depend solely on lobbyists, trade associations, and other intermediaries because there is no greater persuasive force than employers. Use them as your lieutenants not your substitutes. “You have yet to show a willingness to engage [legislators]....We need you to influence votes,” said the Governor, referring several times to the effectiveness of the Maryland State Teachers and the Maryland Trial Lawyers’ associations. Warning his audience that he was tired of playing defense by vetoing anti-business bills, he said, “I’m not going to sit down here [Annapolis] for another two years as a backstop. “Without his political game and not depend solely on lobbyists, employers. Use them as your lieutenants not your substitutes. You have an agenda run by the Maryland State Teachers Association and the trial bar...You have food stamps for felons, and expansion of an already extended Medicaid program.

Clearly the Governor recognizes it will take more than the power of his office to build a successful administration and for a business agenda to succeed.

Part two of the Governor’s address calls for business to stop slushy financial support of anti-business legislators, “...who enjoy your checks and endorsements but vote at critical times against jobs and growth and opportunity and prosperity.” The Governor emphasized his point by likening this afflication to the Patty Hearst syndrome where victims eventually identified with their captors as did Miss Hearst when she was abducted by the Symbionese Liberation Army in the late 1960s.

In large numbers, legislators with consistently poor voting records on business-related bills routinely and shamelessly solicit contributions from business people who fear loss of access from those who provide nothing else in return. Ironically, pro-business legislators do not receive the level of support from business that anti-business legislators enjoy. Business bankrolls incumbent legislators three to one compared to all other funding sources.

Admittedly, action on these two items is difficult, especially in Maryland. “The gulf between the business community and the legislature is greater in Maryland than any other state,” said Steven Fragapane, one the nation’s foremost site location executives at an MBRG program several years ago. MBRG research shows that in recent years more than half of our 188 legislators work or have worked for local, state, or federal government and have no identifiable private sector experience. Furthermore, Maryland has attracted three well funded, anti-business groups in recent years — Maryland Citizens Health Initiative, Progressive Maryland, and the Maryland Tax Institute — all funded by the AFL-CIO and George Soros’ Open Society foundation.

The good fortune of a determined pro-business governor, Maryland business will have to redouble its efforts to cope with a legislature largely unaware of the essential role of business in society and the adverse effects government often inflicts on it. If business can’t establish a beachhead for making public policy in Maryland with the help of this willing and able governor, it may never happen.

To borrow from the shock trauma vocabulary, to customers was withdrawn. See HB 503 on page 7.

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To borrow from the shock trauma vocabulary,
Disagreeing with MBRG’s position, the Senate Finance Committee rejected SB 172, 44-0, on February 19, 2004 at 10:26 a.m. The Senate approved SB 197, 27-18, on February 27, 2004, at 12:16 p.m. Subsequently, the House Ways and Means committee rejected SB 197, 216-0, on April 12, 2004.

**SB 170 Administration**

Prohibits the furnishing of any item or service to a medical professional who is the subject of a final decision of the Board of Public Works determining may seriously affect the integrity of the procurement process. This bill could be used to bar professionals from frivolous lawsuits and reducing late fees on customers who fail to pay their bills on time. After this date, a contract for payment of money, including utility bills, may not contain a late fee beyond the legal rate of six percent per year to septic users. The bill also provides funding for the purposes intended.

A “+” indicates a vote for SB 172 and reflects MBRG’s support for legislation that should be determined voluntarily by business owners and customers. Agreeing with MBRG’s position, the Senate approved SB 140, 56-0, on February 20, 2004.

**SB 172 Senator Middleton Consumer Protection – Late Fee Requirements in Consumer Contracts – Real Estate**

Repeals the October 1, 2005 sunset of legislation that permits Maryland businesses to impose reasonable late fees on customers who fail to pay their bills on time. After this date, a contract for payment of money, including utility bills, may not contain a late fee beyond the legal rate of six percent per year to septic users. The bill also allows businesses to continue imposing a meaningful incentive for timely payment of bills and helps businesses cover the costs of late payments, including collection costs. The bill also helps businesses maintain cash flow and avoid passing on the cost of late paying customers to all customers.

A “+” indicates a vote for SB 172 and reflects MBRG’s position, the Senate approved SB 172, 44-0, on February 19, 2004 at 10:26 a.m. The bill was signed into law on April 27, 2004.

**SB 193 Administration**

Maryland Medical Injury Compensation Reform Act

C caps an award or verdict for noneconomic damages relating to personal injury and wrongful death arising from the same medical injury regardless of the number of claims, claimants, or defendants, at $500,000. This legislation seeks to alleviate the significant medical liability insurance availability and affordability problems facing Maryland health care providers. The bill also provides parameters on the calculation of economic damages; requires structured settlements for awards in excess of $250,000 establishes the federal “offer of judgment” rules for actions in state courts; and establishes that a jury may not be informed of the cap. The Senate approved SB 193, 4-7, on March 19, 2004.
### Maryland Senate Votes

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### MBRG Rating System

- **Legislators with stars next to their names served at least four years in the House or Senate and achieved an MBRG CUM % of 70% or greater.**
- **A “right” vote, supporting the MBRG position for business and jobs.**
- **A “wrong” vote, contrary to the MBRG position for business and jobs.**
- **Marked legislators excused from voting, resulting in no effect on a legislator’s rating.**
- **Marked legislators did not vote on a bill on which MBRG has taken a position of opposition, resulting in no effect on a legislator’s rating.**
- **Marked legislators did not vote on a bill on which MBRG has taken a position of support, resulting in the lowering of a legislator’s rating.**

Legislators with stars next to their names served at least four years in the House or Senate and achieved an MBRG CUM % of 70% or greater. The 2004 MBRG % is derived by dividing the total number of “+” votes by the number of bills on which the legislator voted plus the number of “NV” marks. A short red dash (―) in this column means a legislator is a freshman and therefore has no cumulative record.
### MARYLAND HOUSE OF DELEGATES

Please refer to pages 5, 6, & 8 for a full description of each vote.

| County & District | 1A | 1B | 1C | 2A | 2B | 2C | 3A | 3B | 3C | 4A | 4B | 4C | 5A | 5B | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 2004 MBRG % | 2004 Percentile | MDIG CUM % |
|-------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------------|----------------|------------|
| **Baltimore County** | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | 80% | 74 | 82% |
| **Howard County** | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | 75% | 70 | 63% |
| **Carroll & Howard Counties** | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | 93% | 90 | 83% |
| **Washington County** | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | 67% | 66 | 75% |
| **Frederick & Washington Counties** | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | 94% | 94 | 87% |
| **Carroll & Frederick Counties** | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | 43% | 59 | 63% |
| **Baltimore & Carroll Counties** | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | 100% | 96 | 91% |
| **Baltimore & Harford Counties** | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | 88% | 87 | 88% |
| **Baltimore & Howard Counties** | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | 93% | 90 | 91% |
| **Carroll & Howard Counties** | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | 94% | 94 | 91% |
| **Harford County** | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | + | 100% | 96 | 97% |
| **Baltimore County** | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 19% | 6 | 43% |
| **Howard County** | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 40% | 58 | 36% |
| **Montgomery County** | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 20% | 20 | 39% |
| **Anne Arundel & Prince Georges Counties** | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 20% | 20 | 33% |
| **Anne Arundel County** | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 19% | 6 | 67% |
| **Prince Georges County** | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 19% | 6 | 26% |

**2004 MBRG %** and **2004 Percentile** refer to pages 5, 6, & 8 for a full description of each vote.
include real property management services and certain
removing a provision to expand the sales tax base to
state sales tax rate from five percent to six percent and
$1 billion in tax increases.
Committee heavily amended SB 508 to include over
several offered after the House Ways and Means
Calvert & Prince George's Counties
27A James Proctor, Jr. (D) + + + + + + + + + + + + 20% 20 42%
27A Joseph P. Wiltshire, Jr. (D) + + + + + + + + + + + + 20% 20 41%
27B George W. Owing, III (D) + + + + + + + + + + + + 63% 65 65%
Charles County
38 W. Louis Hansberry (D) + + + + + + + + + + + + 87% 79 74%
39 Sadie Y. Jameson (D) + + + + + + + + + + + + 63% 65 52%
28 Van T. Mitchell (D) + + + + + + + + + + + + 67% 66 76%
Calvert, St. Mary's, & Eastern Counties
26A John P. Wood, Jr. (D) + + + + + + + + + + + + 80% 74 74%
29B John L. Bohanan, Jr. (D) + + + + + + + + + + + + 60% 63 57%
30 Anthony J. O'Donnell (R) + + + + + + + + + + + + 100% 96 94%
Anne Arundel County
30 Michael E. Bush (D) + + + + + + + + + + + + 20% 20 57%
30 Virginia F. Craig (D) + + + + + + + + + + + + 19% 6 83%
30 Herbert H. McMillan (R) + + + + + + + + + + + + 81% 77 83%
31 John Caddow (D) + + + + + + + + + + + + 53% 60 69%
31 Donald H. Dover, Jr. (R) + + + + + + + + + + + + 94% 94 96%
31 John F. Leopold (R) + + + + + + + + + + + + 73% 68 74%
32 Terry B. Glennard, Jr. (R) + + + + + + + + + + + + 73% 68 63%
32 Mary Ann E. Love (D) + + + + + + + + + + + + 25% 42 53%
32 Theodore J. Sophocleous (D) + + + + + + + + + + + + 75% 68 67%
33A David G. Knodel (R) + + + + + + + + + + + + 73% 68 80%
33A Troy R. McCrory (R) + + + + + + + + + + + + 81% 73 83%
33B Robert A. Costa (D) + + + + + + + + + + + + 79% 73 77%
Cecil & Harford Counties
34A Charles B. Boutari (R) + + + + + + + + + + + + 79% 73 72%
34A Mary Jane June (D) + + + + + + + + + + + + 71% 67 63%
34B David D. Rudolph (D) + + + + + + + + + + + + 33% 55 53%
Harford County
35A Barry Glassman (R) + + + + + + + + + + + + 80% 74 77%
35A Joan S. Parrotti (R) + + + + + + + + + + + + 88% 87 79%
35B Susan K. McComas (R) + + + + + + + + + + + + 75% 70 75%
Talbot, Queen Anne, & Wicomico Counties
36 Michael D. Smigiel, Sr. (R) + + + + + + + + + + + + 87% 79 78%
36 Richard A. Sosin (R) + + + + + + + + + + + + 100% 96 92%
36 Mary Rose Walker (R) + + + + + + + + + + + + 87% 79 84%
Caroline, Wicomico, & Somerset Counties
37A Rudolph C. Cano (D) + + + + + + + + + + + + 19% 6 38%
37B Ace Bailey C. Erkeld (R) + + + + + + + + + + + + 87% 79 84%
37B Jeanne Haldwelly (R) + + + + + + + + + + + + 81% 77 77
Somerset, Wicomico & Worcester Counties
38A D. Page Elmore (D) + + + + + + + + + + + + 87% 82 82%
38B K. Bennett Bosman (D) - - - - - - - - - - - - 14% 3 58%
38B Norman H. Concrete (D) - - - - - - - - - - - - 14% 3 67%
Monocacy County
39 Charles E. Barkley (D) + + + + + + + + + + + + 20% 20 22%
39 Nancy J. King (D) + + + + + + + + + + + + 20% 20 17%
39 John F. Smith (D) + + + + + + + + + + + + 19% 6 31%
Baltimore City
40 Tony E. Piccione (D) - - - - - - + + + + + + 57% 62 53%
40 Michael "Bo" Goodwine (D) - - - - - - + + + + + + 29% 6 51%
40 Salima Siler Martiott (D) - - - - - - + + + + + + 27% 47 36%
40 Peter D. Carrier (D) - - - - - - + + + + + + 28% 20 13%
40 Nahaniel T. Otis (D) - - - - - - + + + + + + 36% 57 35%
41 Samuel J. Rosenthal (D) - - - - - - + + + + + + 20% 20 42%
Baltimore County
42 Susan L. Ammann (R) + + + + + + + + + + + + 87% 82 82%
42 William J. Frank (R) + + + + + + + + + + + + 87% 79 79%
42 John G. Traversher (R) + + + + + + + + + + + + 75% 70 75%
Prince George's County
43 Curt D. Anderson (D) - - - - - - + + + + + + 25% 42 36%
43 Joan Marie Dorsey (D) - - - - - - + + + + + + 29% 51 49%
43 Maggie L. McIntosh (D) - - - - - - + + + + + + 21% 38 40%
44 Keith E. Hayes (D) - - - - - - + + + + + + 27% 47 35%
44 Ruth M. Kirk (D) - - - - - - + + + + + + 31% 54 43%
44 Jeffrey A. Page (D) - - - - - - + + + + + + 20% 20 33%
45 Talomade Branch (D) - - - - - - + + + + + + 33% 55 51%
45 Clarence Davis (D) - - - - - - + + + + + + 20% 20 46%
45 Steve M. Henson (D) - - - - - - + + + + + + 27% 47 51%
46 Peter A. Hamburger (D) - - - - - - + + + + + + 20% 20 44%
46 Carolyn J. Kozyak (D) - - - - - - + + + + + + 19% 47 67%
46 Brian K. McHale (D) - - - - - - + + + + + + 19% 47 40%
Prince George's County
47 Doyle L. Niemann (D) + + + + + + + + + + + + 27% 47 23%
47 Russell C. Parker (D) + + + + + + + + + + + + 27% 27 27%
47 Victor R. Ramirez (D) + + + + + + + + + + + + 27% 47 22%
Disagreeing with MBRG’s position, the House rejected the amendment to SB 508, 50-87, on March 24, 2004 at 6:32 p.m. Subsequently, the tax increase approved by the House was rejected by the conference committee for SB 508.

SB 508 Delegate McComas
Budget Reconciliation and Financing Act of 2004 - Amendment
Amends SB 508 by removing a provision that increases the maximum state income tax rate from 4.75 percent to 6 percent during calendar years 2004 through 2008 for individuals with a taxable income of over $200,000. This amendment is one of several offered after the House Ways and Means Committee heavily amended SB 508 to include over $1 billion in tax increases.

A “+” indicates a vote for the amendment to SB 508 approved by the House and reflects MBRG’s support for an amendment to prevent an increase in Maryland’s vehicle titling tax for general fund spending. Disagreeing with MBRG’s position, the House rejected the amendment to SB 508, 50-87, on March 24, 2004 at 6:32 p.m. Subsequently, the tax increase approved by the House was rejected by the conference committee for SB 508.

HB 1 Speaker
Public School Construction Assistance Act of 2004
Prohibits local transfer and recordation taxes on the transfer of real property valued at $1 million or more and dedicates specific amounts of the funds collected to school construction for fiscal years 2004-2005. This is a new tax on Maryland commercial real estate transactions. Under existing laws, Maryland’s transfer and recordation taxes are imposed on changes in legal title to real property. Such transactions use Maryland’s land records, and the tax supports this essential government service. However, this bill extends the tax to transactions that do not affect land records or title to real property. The new tax applies to transactions such as an issuance of equity interests by a real estate entity, stockholders, or partner buyouts, and transactions such as issuance of equity interests by a real estate entity, stockholders, or partner buyouts, and transactions such as issuance of equity interests by a real estate entity, stockholders, or partner buyouts, and transactions such as issuance of equity interests by a real estate entity, stockholders, or partner buyouts, and transactions such as issuance of equity interests by a real estate entity, stockholders, or partner buyouts.

A “+” indicates a vote against HB 1 and reflects MBRG’s opposition to legislation that creates new taxes and fees on Maryland commercial real estate business at a competitive disadvantage with neighboring states. Disagreeing with MBRG’s position, the House approved HB 1, 124-17, on March 18, 2004 at 10:56 a.m. Subsequently, the Senate Budget and Taxation Committee took no action on this bill.

HB 183 Delegate Menes
Procurement - Services Rendered in Connection with State Procurement
Amends HB 183, 125-16, on March 18, 2004 at 10:56 a.m.

A “+” indicates a vote against HB 183 and reflects MBRG’s opposition to legislation that undermines the State’s competitive bidding process and impedes operation of free markets. Disagreeing with MBRG’s position, the House approved HB 183, 125-16, on March 18, 2004 at 10:56 a.m.

HB 220 Delegate Cumber
Admissions and Amusement Tax - Charges Subject to Tax
See Senate Vote 13 for a description of HB 220. A “+” indicates a vote against HB 220 and reflects MBRG’s opposition to legislation that burdens businesses with unnecessary taxes. Disagreeing with MBRG’s position, the House approved HB 220, 93-40, on March 11, 2004 at 10:15 a.m.

HB 234 Delegate McAuley
Labor and Employment - Broadcast Industry Employment Contracts
Prohibits “a broadcast industry employment contract” from containing any provision that restricts the right of an employee to seek or obtain employment with another employer in the broadcast industry after expiration or termination of the employment contract or employment relationship. Employers are identified as television stations; television networks; radio stations; radio networks; satellite-based services similar to broadcast stations or networks; any entity affiliated with any of the previous businesses; and any other entity that provides broadcasting services such as news, weather, traffic, sports, or entertainment programming. Noncompete provisions prohibited under this bill are void and unenforceable. Employers may seek reasonable civil damages, attorney’s fees, and associated legal costs arising from an employer attempting to enforce a noncompete provision in a contract. A “+” indicates a vote against HB 234 and reflects MBRG’s opposition to legislation that interferes with private-contract negotiations between employers and employees. Disagreeing with MBRG’s position, the House approved HB 234, 106-31, on April 9, 2004 at 11:44 a.m. Subsequently, the Senate Rules Committee took no action on this bill.

HB 287 Administration
Maryland Medical Injury Compensation Reform Act
See Senate Vote 3, SB 193, for a description of HB 287, its companion bill. A “+” indicates a vote for HB 287 and reflects MBRG’s support for legislation that reduces health care costs by limiting awards from medical liability lawsuits. Disagreeing with MBRG’s position, the House Judiciary Committee rejected HB 287, 10-10, on March 26, 2004.

HB 314 Delegate Bobo
Environment - 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, 2004 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 thereafter. This change creates unnecessary new costs for manufacturers but fails to produce any air quality benefit. The federal government already has adopted standards that provide the same benefit as the California standards without increasing manufacturing costs. A “+” indicates a vote against HB 314 and reflects MBRG’s opposition to legislation that duplicates federal law and increases manufacturing costs without providing additional environmental benefits. Disagreeing with MBRG’s position, the House Environment Matters Committee rejected HB 314, 8-12, on March 11, 2004.

HB 396 Delegate Wood
Procurement - Prevailing Wage - School Construction
Limits state prevailing wage law by increasing the required amount of school construction funds paid by the state from 50 percent to 75 percent of projects with construction costs of $500,000 or more in the law for the year to prevale. Prevailing wage laws require contractors for public works projects to pay the prevailing wage scale in the area as determined by the State. Studies indicate prevailing wages increase as much as 15 percent to construction costs. By setting construction wages and inflating taxpayer costs for public projects, prevailing wage laws increase state construction costs and create inefficient work rules. A “+” indicates a vote for HB 396 and reflects MBRG’s support for legislation that reduces school construction costs. Disagreeing with MBRG’s position, the House Economic Matters Committee rejected HB 396, 10-10, on March 27, 2004.

Del. Carmen Ameduri (R)
Among veteran Republicans minimally one quarter of service in the Maryland House of Delegates, this Carroll County legislator achieved the highest MBRG cumulative score (76).

HB 455 Delegate Krysiak
Consumer Protection - Late Fee Requirement in Consumer Contracts - Repeal of Sunset
See Senate Vote 2, SB 172, for a description of HB 455, its companion bill. A “+” indicates a vote for HB 455 and reflects MBRG’s support for legislation that allows the free market to determine appropriate business charges. Agreeing with MBRG’s position, the House approved HB 455, 135-1, on February 26, 2004 at 10:21 a.m. The bill was signed into law through SB 172.

HB 555 Administration
Water Pollution–Nutrients – State Waters–Chesapeake Bay Watershed–Restoration
See Senate Vote 5, SB 120, for a description of HB 555, its companion bill. A “+” indicates a vote for HB 555 and reflects MBRG’s support for legislation that helps protect the ecosystem 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 HB 555 and reflects MBRG’s opposition to legislation that unduly restricts business contributions to state election campaigns. Disagreeing with MBRG’s position, the House approved HB 555, 53-4, on March 15, at 2:59 p.m.

HB 679 Delegate Hixson
Maryland Heritage Structure Rehabilitation Tax Credit Program
See Senate Vote 15 for a description of HB 679. A “+” indicates a vote for HB 679 and reflects MBRG’s support for legislation that provides tax credits for commercial rehabilitation projects. Agreeing with MBRG’s position, the House approved HB 679, 133-0, on April 10, 2004 at 12:03 p.m.

HB 931 Delegate Bobo
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 $2,000 to $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 HB 931 and reflects MBRG’s opposition to legislation that unduly restricts business contributions to state election campaigns. Disagreeing with MBRG’s position, the House approved HB 931, 78-0, on March 27, 2004 at 4:34 p.m. Subsequently, the Senate Education and Environment Matters Committee took no action on this bill.

HB 1188 Delegate A. Jones
Higher Education Affordability and Access Act of 2004 - Supplementary Appropriations
See Senate Vote 16 for a description of HB 1188. A “+” indicates a vote against HB 1188 and reflects MBRG’s opposition to legislation that increases the State’s corporate income tax and budget deficit. Disagreeing with MBRG’s position, the House approved HB 1188, 83-60, on March 29, 2004 at 4:22 p.m.

HB 1192 Delegate Taylor
State Procurement Contracts - Living Wage
See Senate Vote 10, SB 621, for a description of HB 1192, its companion bill. A “+” indicates a vote against HB 1192 and reflects MBRG’s opposition to legislation that prohibits state procurement contracts, undermines the state’s competitive bidding process, and allows the government to establish artificial wage rates. Disagreeing with MBRG’s position, the House approved HB 1192, 79-58, on April 12, 2004 at 11:50 a.m.

2004 House Vote Descriptions

See House ...continued on page B
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?

2. If the answer is yes, will the added costs of the legislation and subsequent regulations exceed the added benefit to Maryland’s residents?

3. Will the added costs 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?

4. Will the legislation encourage or discourage companies from adding new jobs or keeping current jobs in Maryland?

5. Will the legislation encourage or discourage individuals and/or businesses from investing, building, owning or renting property, or selling and buying goods and services in Maryland?

2004 Senate Vote Descriptions (continued from page 2)

MBRG’s position, the Senate Budget and Taxation Committee rejected HB 220, 5-8, on April 2, 2004.

HB 503 - Senator Green
Environmental Trust Fund - Extension of Environmental Surcharge - Amendment
Amends HB 1188 to extend the Public Service Commission to establish a program enabling counties and municipalities to purchase electricity as an aggregate and provide electricity to customers under local government supervision. The amendment enables a local government to capture all electricity customers residing within its boundaries, and permits customers to return to their supplier of choice by submitting a written statement to opt out of the program. This amendment legislates governmental slamming of electric customers away from previously selected suppliers, causing adverse consequences for businesses engaged in electricity sales. The amendment also creates a massive movement of customers from one supplier to another, which will increase the electric rates Maryland businesses and residents pay.

HB 679 - Delegate Hixon
Maryland Heritage Structure Rehabilitation Tax Credit Program
Reestablishes the Maryland Heritage Structure Rehabilitation Tax Credit Program to assist developers with the financially prohibitive process of rehabilitating and redeveloping existing historic homes and commercial structures. The existing Heritage Structure Rehabilitation Tax Credit Program terminated June 1, 2004. The bill also increases the total commercial cap to $25 million and creates a competitive process for awarding commercial credits. Many historic neighborhoods across the state have benefited from this critical economic development stimulus. Over the past five years, the program has stimulated over $750 million of investment in historic buildings in Maryland. This bill preserves our history while creating homes, communities, and jobs for Maryland residents.

HB 1467 - Administration
Transportation Trust Fund - Transportation Financing - Increased Revenues
Increases the State motor vehicle registration fee by $23.50 per year for light vehicles and $36 per year for heavy vehicles, raises other Motor Vehicle Administra tion (MVA) fees; and increases the debt limit on consolidated transportation bonds. This increase in fees will enhance Transportation Trust Fund (TTF) revenues by $166 million per year. Improvement projects funded may include upgrading I-695 in Baltimore, constructing new ramp facilities for Route 4 in Prince George’s County; making safety improvements on US 113 and Route 404; and providing technology upgrades for the State rail system. A modern trans portation system is vital for an efficient exchange of goods and services. Adequately funding this transportation system has been an important need for the Maryland business community for many years. This bill represents a balanced approach to transportation revenue increases and begins to resolve impending shortfalls in the TTF.

A “+”indicates a vote for HB 679 and reflects MBRG’s support for legislation that stimulates investment stimulus. Over the past five years, the program has stimulated over $750 million of investment in historic buildings in Maryland. This bill preserves our history while creating homes, communities, and jobs for Maryland residents.

A “+”indicates a vote for HB 1467 and reflects MBRG’s support for legislation that increases investment in Transportation Trust Fund (TTF) revenues to stimulate economic development in Maryland businesses with unnecessary taxes. Agreeing with MBRG’s position, the Senate Budget and Taxation Committee rejected HB 220, 5-8, on April 2, 2004.

HB 503 - Senator Green
Environmental Trust Fund - Extension of Environmental Surcharge - Amendment
Amends HB 1188 to extend the Public Service Commission to establish a program enabling counties and municipalities to purchase electricity as an aggregate and provide electricity to customers under local government supervision. The amendment enables a local government to capture all electricity customers residing within its boundaries, and permits customers to return to their supplier of choice by submitting a written statement to opt out of the program. This amendment legislates governmental slamming of electric customers away from previously selected suppliers, causing adverse consequences for businesses engaged in electricity sales. The amendment also creates a massive movement of customers from one supplier to another, which will increase the electric rates Maryland businesses and residents pay.

A “+”indicates a vote against the amendment to HB 679 and reflects MBRG’s opposition to an amendment that impedes free market competition by impairing prior contracts. Agreeing with MBRG’s position, the Senate rejected the amendment to SB 869, 14-33, on April 9, 2004 at 11:06 a.m.

HB 183 - Delegate Menes
Procurement - Services Rendered in Foreign Country
Allows procurement officers of State agencies to consider during the contract bidding process whether a contractor or subcontractor renders services from a location outside Maryland. A competitive bidding process obtains the best service at the lowest price. By reducing the potential number of companies bidding on service contracts, this bill interferes with the operation of free markets, which in turn, will inflate State procurement costs. The bill also includes retaliation against Maryland by foreign governments from which the State seeks foreign investment.

A “+”indicates a vote against HB 183 and reflects MBRG’s opposition to legislation that obstructs global market competition. Disagreeing with MBRG’s position, the Senate approved HB 183, 41-3, on April 12, 2004 at 9:35 p.m. The bill failed to pass on May 25, 2004.

HB 220 - Departmental - Comptroller
Admissions and Assessment Tax - Charges Subject to Tax
Clarifies that an admissions and assessment tax applies to merchandise, refreshments, food and beverages, or a service sold or served in connection with entertainment. Many restaurants provide free entertainment in the form of a live band or disk jockey. If there is no financial connection between entertainment and the sale of food or beverage (i.e., cover charge, minimum drink purchase, inflated prices during periods of live entertainment, etc.), the Maryland Court of Appeals has ruled that the tax is not applicable. This measure is an attempt to change statutes in order to ensure that the tax applies regardless of whether a financial nexus exists.

A “+”indicates a vote against HB 220 and reflects MBRG’s opposition to legislation that applies taxes or fees on businesses with unnecessary taxes. Agreeing with MBRG’s position, the Senate Budget and Taxation Committee rejected HB 220, 5-8, on April 2, 2004.

2. If the answer is yes, will the added costs of the legislation and subsequent regulations exceed the added benefit to Maryland’s residents?

3. Will the added costs 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?

4. Will the legislation encourage or discourage companies from adding new jobs or keeping current jobs in Maryland?

5. Will the legislation encourage or discourage individuals and/or businesses from investing, building, owning or renting property, or selling and buying goods and services in Maryland?
How the Votes Are Selected

To determine an accurate picture of the Maryland legislator’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 legislator’s position on business matters, we include votes taken from different stages of the legislative process: final (third reader), in committee, votes on amendments and critical motions, and votes on gubernatorial nominations. We may at times omit a particular piece of legislation due to a lack of strong consensus within the business community.

Although this evaluation process summarizes a legislative system that involves weeks of debate, amendment, and compromise, voting records remain the best indicator of a legislator’s inclination. MBRG neither gives pass/fail scores nor expressly 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.*

2004 House Vote Descriptions (continued from page 6)

17 HB 1271 Delegate Hurson
Community Health Care Access and Safety Net Act of 2004
Repeals the HMO premium tax exemption and levies a one percent premium tax on HMOs and dedicates the funds collected to increasing Medicaid specialist fees, funding primary medical care for low income individuals, and creating a Maryland Community Health Care Commission to increase access to health care through community health resources. Since employers are already experiencing double-digit increases in health care insurance costs, it is not prudent to add a one percent premium tax that will add further health care costs for employers and employees who may forgo their health insurance, and thus contribute to the tax burden of caring for the uninsured.

A “+” indicates a vote against HB 1271 and reflects MBRG’s opposition to legislation that increases health care costs in Maryland. Disagreeing with MBRG’s position, the House approved HB 1271, 86-54, on April 2, 2004 at 12:54 a.m.

18 HB 1467 Administration
Transportation Trust Fund–Transportation Financing–Increased Revenues
See Senate Vote 18 for a description of HB 1467. Adequately funding this transportation system has been a high priority of the Maryland business community for many years. This bill represents a balanced approach to transportation revenue increases and begins to resolve impending shortfalls in the TTF.

A “-” indicates a vote for HB 1467 and reflects MBRG’s support for legislation to help adequately fund Maryland’s transportation system. Agreeing with MBRG’s position, the House approved HB 1467, 92-69, on March 19, 2004 at 2:10 p.m.

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