What makes a business climate?

• Enacting the Healthy Air Act—feel good legislation imposing huge cleanup costs to remove pollution coming from power plants in other states, exceeding costs imposed in any other state, and guaranteeing high additional future costs to consumers with virtually no environmental benefit.

WBE and Constellation are justifiably proud of being a world class organization. It’s a Fortune 200 company on its way to becoming a Fortune 100 company if the merger is approved. They’ll be a magnet for other prestigious firms they’ve brought over 1000 highly sophisticated, high paying new jobs to Maryland in the last four and a half years. They pay 20 percent of all the corporate taxes in the state, and now Wal-Mart, BGE—who’s next? Maryland has become the nation’s Aberdeen Proving ground for bad public policy.

The Meaning of “Business Friendly”

Following are elements of a positive business climate that have been identified by MBRG business leaders.

MBRG urges Maryland’s elected and appointed officials to strive for a balanced public policy approach that includes the consideration of the impact of new laws and regulations on the state’s business climate. The following attributes of “business friendly” public policy would have significant, measurable, and positive impact on all citizens in the state.

Fiscal responsibility

• A budget process that limits new spending and prohibits unfunded mandates that inevitably result in new taxes, fees or surcharges.

• A tax structure that is focused on attracting and retaining private jobs and investment in Maryland.

(continued on page 8)
2006 Senate Vote Descriptions

1. **SB 134 – Senator Kelley**
   Consumer Protection – Information Protection Act
   Requires businesses to take reasonable precautions when destroying personal information of a customer and notify individuals if a security breach of computerized personal information occurs. Currently, Maryland does not regulate business practices regarding records that contain personal information. This bill addresses the security breach in a meaningful and workable manner without imposing unnecessarily on-market burdens. A “+” indicates a vote for SB 134 and reflects MBRG’s support for legislation that enhances the security of personal information. MBRG’s position, the Senate approved SB 134, 46-0 on March 9, 2006 at 11:42 a.m. The bill later died in the House Economic Matters Committee without a vote.

2. **SB 154 – Senator Pinsky**
   Healthy Air Act
   Establishes limits on power plant emissions of Mercury, nitrogen oxide, and sulfur dioxide and requires the State to participate in the Regional Greenhouse Gas Initiative (RGGI), which imposes stringent standards for carbon dioxide emissions. Affected facilities must submit annual emissions performance reports to the Maryland Department of the Environment (MDE), the Department of Natural Resources, and the Public Service Commission. Approximately two-thirds of the electricity generated in Maryland comes from the burning of fossil fuels (coal, oil, and natural gas) which produce a much larger amount of air pollutants. Currently, MDE follows the guidelines established by the federal Clean Air Act to control air pollution. This bill will force the closure of many coal burning power plants, raise the price of electricity by more than a billion dollars per year, and threaten reliability before 2026. A “+” indicates a vote against SB 154 and reflects MBRG’s opposition to legislation that threatens the economic viability of Maryland. A “−” indicates a vote for SB 154 and reflects MBRG’s support for legislation that enhances the security of personal information. MBRG’s position, the Senate approved SB 154, 34-14, on March 20, 2006 at 8:51 p.m. The bill was signed into law on April 6, 2006.

3. **SB 257 – Senator Brochin**
   Critical Areas Program – Resource Conservation Areas – Little Blackwater River
   Prohibits the development of all property located near the waters of a major tidal tributary of a national Wildlife Refuge. This bill establishes in and 2006. The bill applies to the Blackwater Resort Communities in Dorchester County, which already had received court approval. The federal government is seeking to secure the critical area by purchasing private property located near the waters of a major tidal tributary of a national Wildlife Refuge using growth allocation, including those under threat. A “+” indicates a vote against SB 257 and reflects MBRG’s opposition to legislation that retroactively changes the law. Agreeing with MBRG’s position, the Senate rejected SB 257, 20-27, on March 24, 2006 at 11:57 a.m.

4. **SB 320 – Senator Pinsky**
   Public Safety – Emergency Management – Essential Goods and Services – Amendment
   Amends SB 320 to authorize the Governor to impose price controls on any good or service in the State’s economy, at any time, for unlimited duration. In a free market, prices are set by supply and demand. Price controls distort the marketplace by artificially restraining the prices of goods, thus eliminating the sale of fuel. Instead, prices are subject to the Maryland Sales Below Cost Act, which prevents sellers from selling merchandise below cost with the intent of eliminating competition. A “+” indicates a vote against the amendment to SB 320 and reflects MBRG’s opposition to price controls. Agreeing with MBRG’s position, the Senate rejected the amendment to SB 320, 18-28, on April 5, 2006 at 12:49 p.m.

5. **SB 503 – Senator Kittlemen**
   Business Regulation – Motor Fuel – Below Cost Sales
   Requires Constellation Energy to charge more than a billion dollars per year, and threaten reliability before 2026. This bill forces Constellation Energy to either give up the highly educated workforce these companies employ. Increasing the cap will increase business investment in research and development activities in Maryland. A “+” indicates a vote for SB 503 and reflects MBRG’s support for legislation that preserves competitive pricing and free enterprise. Disagreeing with MBRG’s position, the Senate Finance Committee rejected SB 503, 0,14, on February 25, 2006.

6. **SB 794 – Senator Hogan**
   Procurement – eMaryland Marketplace
   Eliminates all user fees for businesses that access eMaryland Marketplace (eMM) to obtain notices of State procurements and to submit contract bids. Currently State agencies charge the winning bidder and any other suppliers a fee to submit a bid. The bill sets a State procurement an amount sufficient to pay the agency will charge if the bid is accepted. Therefore, the cost of operating eMM is passed on to the State in the form of higher contract prices. This bill enables businesses to compete for state contracts by eliminating an inaccurate and unfair fee system charged to winning bidders and replacing it with a more business friendly system. A “+” indicates a vote for SB 794 and reflects MBRG’s support for legislation that reduces business costs of operating eMM. Typically, businesses increase the size of a bid by the amount of the fee that the agency charges, if the bid is accepted. Therefore, the cost of operating eMM is passed on to the State in the form of higher contract prices. This bill enables more businesses to compete for state contracts by eliminating an inaccurate and unfair fee system charged to winning bidders and replacing it with a more business friendly system. A “−” indicates a vote for SB 794 and reflects MBRG’s opposition to legislation that inter- venes in private, corporate transactions. Disagreeing with MBRG’s position, the Senate approved SB 794, 47-0, on March 24, 2006 at 11:18 a.m. The bill was signed into law on May 2, 2006.

7. **SB 1099 – Senator Pipkin**
   Constellation Energy Group, Inc. & Baltimore Gas & Electric Company – Return of Transition Costs
   Forbids Constellation Energy from completing a merger with Florida Power and Light or from forming a constitutional monopoly guaranteed rate increase until Constellation Energy pays $528 million to residential ratepayers in the BGE service territory. Under a court approved settlement between Constellation, the People’s Counsel and business customers in 1999, residential and business customers had to pay $528 million to Constellation Energy for transition costs. This bill forces Constellation Energy to either give up the merger and rate increases or pay back the $528 million to residential customers only. As a result, this bill unfairly subsidizes low income and low ability customers at the expense of business customers. A “−” indicates a vote against SB 1099 and reflects MBRG’s opposition to legislation that intervenes in private, corporate transactions. Disagreeing with MBRG’s position, the Senate approved SB 1099, 45-2, on March 29, 2006 at 5:52 p.m. The bill was vetoed on April 8, 2006.

8. **HB 311 – Delegate Busch**
   Business and Economic Development – Research and Development Tax Credit
   Increases the amount of the Maryland Research and Development Tax Credit’s basic credit cap to $5 million and the growth credit cap to $5 million. Currently, the Department of Business and Economic Development can approve a total of $6 million in credits each tax year ($5 million basic credit cap and $5 million growth credit cap). This credit serves as an invaluable tool for attracting and retaining companies that perform research and development activities in Maryland. A “+” indicates a vote for HB 311 and reflects MBRG’s support for legislation that encourages investment in research and development. Agreeing with MBRG’s position, the Senate Budget and Taxation Committee approved HB 311, 13-0 on April 10, 2006. Subsequently the bill died in the Senate without a vote.

9. **HB 391 (2005) Delegate D. Davis**
   Labor and Employment – Minimum Wage - Increase
   Increases Maryland’s minimum wage from the federal minimum wage of $5.15 per hour by increasing Maryland’s rate to $6.15 per hour. However, the bill exempts small and local governments from paying the higher wage mandate, thus increasing the overhead costs for private sector employers. As a result, businesses will hire fewer new employees; low-salaried workers will be displaced, and businesses will have fewer dollars for investment and expansion. This bill also prevents the labor market from determining the fair market wage and limits the ability of employers to hire the highly educated workforce these companies employ. Increasing the cap will increase business investment in research and development activities in Maryland. A “−” indicates a vote against HB 391 and reflects MBRG’s opposition to legislation that increases the minimum wage. A “+” indicates a vote for HB 391 and reflects MBRG’s support for legislation that increases the minimum wage. A “−” indicates a vote against HB 391 and reflects MBRG’s opposition to legislation that increases the minimum wage. A “−” indicates a vote against HB 391 and reflects MBRG’s opposition to legislation that increases the minimum wage. A “−” indicates a vote against HB 391 and reflects MBRG’s opposition to legislation that increases the minimum wage.

(continued - see Senate Vote Descriptions on page 7)
In order to compare a legislator’s score in 2006 to his or her cumulative record, the 2006 MBRG rating is based on a 2003-2006 MBRG rating greater than 78 percent of his or her fellow senators. Therefore, a legislator is penalized when his or her vote could have resulted in no effect on a legislator’s rating.

The MBRG CUM % of 70% or greater.

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.

Legislators serving at least two terms in the House or Senate and 71 of 141 votes in the House) for the passage of a bill. Therefore, a legislator is penalized when his or her vote could have resulted in no effect on a legislator’s rating.

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Votes on issues identified by the Maryland Chamber of Commerce’s Business Agenda.

Ratings are based on a 2003-2006 MBRG rating greater than 78 percent of his or her fellow senators. Therefore, a legislator is penalized when his or her vote could have resulted in no effect on a legislator’s rating.

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In 2005-2006, a 2006 MBRG rating of greater than 78 percent of his or her fellow senators. Therefore, a legislator is penalized when his or her vote could have resulted in no effect on a legislator’s rating.

2003-2006 MBRG % 2006 MBRG % is derived by dividing the number of “+” votes by the number of bills on which the legislator voted.

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*Note: The table above represents the voting results for the Maryland House of Delegates for the years 2003-2006.*
### MARYLAND HOUSE OF DELEGATES

Please refer to pages 6 and 7 for a full description of each vote.

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### House Chart Key

1. SB 154 Healthy Air Act
2. SB 1099 Constellation Energy Group, Inc., and Baltimore Gas and Electric Company - Return of Transition Costs
3. HB 127 Business Regulation - Motor Fuel - Below Cost Sales
4. HB 311 Business and Economic Development - Research and Development Tax Credit
5. HB 311 Business and Economic Development - Research and Development Tax Credit
6. HB 375 Clean Indoor Air Act of 2006
8. HB 767 Civil Actions - Limitations on Awards for Noneconomic Damages - Latent Diseases or Injuries
9. HB 819 Procurement - eMaryland Marketplace
10. HB 859 Tax Procedure - Returns - Interest Rate
11. HB 927 Prince George’s County - Liquefied Natural Gas Storage Facilities PG 415-06
14. HB 1344 Lead-Based Paint Damages - Reimbursement by Manufacturer - Market Share Liability
15. HB 1510 Public-Private Partnership for Health Coverage for All Marylanders
16. HB 1713 Public Service Companies - Mergers, Acquisitions, and Financing
2006 House Vote Descriptions

6 HB 375 – Delegate Frush
Clean Indoor Air Act of 2006

Bars smoking in all public places in Maryland, including restaurants, bars, and tobacco shops. Revenues from smoking customers at bars and restaurants, especially those close in proximity to neighborhoods and parks, will likely decline as smokers opt to stay home, patronize restaurants and bars in nearby states or reduce the time and money they spend in Maryland bars and restaurants.

7 HB 391 (2005) – Delegate D. Davis
Labor and Employment - Minimum Wage - Increase

A “+” indicates a vote against HB 391 and reflects MBRG’s opposition to legislation that increases the cost of producing electricity in Maryland. Disagreeing with MBRG’s position, the House approved HB 391, 107-27, on March 5, 2006 at 2:58 p.m.

8 HB 767 – Delegate McComas
Civil Actions – Limitations on Awards for Noneconomic Damages – Latent Diseases or Injuries

Restores the cap on noneconomic damages in latent disease cases. HB 819 caps awards in latent disease and latent injury cases by establishing that a cause of action for damages in such cases arises the earlier of either the diagnosis or the manifestation of symptoms. For actions arising on or after October 1, 1994, Maryland currently limits noneconomic damage awards to $665,000. The limit increases by $15,000 on October 1 of each year. In the case of Crane v. Scribner, the Maryland Court of Appeals held that the plaintiff’s last exposure to asbestos determined the date of the cause of action. In doing so, the Court’s decision exposed a wide segment of the Maryland business community to litigation with unlimited damages for latent disease and latent injury cases. This bill will protect Maryland businesses from paying millions of dollars annually in damages from these types of personal injury lawsuits.

9 HB 819 - Delegate Morhaim
Procurement – Maryland Marketplace
See Senate Vote 5, SB 794, on page 2 for a description of HB 819, its companion bill.

A “+” indicates a vote against HB 819 and reflects MBRG’s support for legislation that limits liability exposure of many Maryland businesses. Disagreeing with MBRG’s position, the House Judiciary Committee rejected HB 817, 5-15, on February 17, 2006.

10 HB 859 – Delegate Rosenberg
Tax Procedure – Refunds – Interest Rate

A “+” indicates a vote for HB 859 and reflects MBRG’s support for legislation that promotes tax fairness. Agreeing with MBRG’s position, the House approved HB 859, 15-0, on March 22, 2006 at 11:26 a.m.

11 HB 927 – Prince George’s Delegation
Prince George’s County – Liquidated Natural Gas Storage Facilities

A “+” indicates a vote against HB 927 and reflects MBRG’s opposition to legislation that retroactively interferes with local zoning authority and threatens the supply of natural gas in Maryland. Disagreeing with MBRG’s position, the House approved HB 927, 104-26, on March 27, 2006 at 2:29 p.m.

12 HB 1142 – Delegate Quinter
Minimum Wage - Constitutional Right and Provisions

A “+” indicates a vote against HB 1142 and reflects MBRG’s opposition to legislation that creates a state mandated level of minimum wage and indexing it according to inflation. This bill places the employment of the least skilled and educated members of the workforce at risk and places Maryland employers at a competitive disadvantage with employers in neighboring states that already mandate the federal minimum wage rate of $5.15 per hour.

13 HB 1284 (2005) – Delegate Healey
Fair Share Health Care Fund Act

A “+” indicates a vote against HB 1284 and reflects MBRG’s opposition to legislation that creates a state mandated level of minimum wage and indexing it according to inflation. This bill places the employment of the least skilled and educated members of the workforce at risk and places Maryland employers at a competitive disadvantage with employers in neighboring states that already mandate the federal minimum wage rate of $5.15 per hour.

14 HB 1394 – Delegate Carter
Reimbursement By Manufacturer-Market Share Liability

A “+” indicates a vote against HB 1394 and reflects MBRG’s opposition to legislation that weakens liability standards for tort actions. Agreeing with MBRG’s position, the House Judiciary Committee rejected HB 1394, 6-14, on March 24, 2006. (continued - see House Vote Descriptions on page 7)
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. Will the legislation and subsequent regulations be more or less stringent than, or contradictory to, federal law and regulations, or will it give Maryland a competitive advantage with other states?
3. Will the legislation encourage or discourage companies from adding new jobs or keeping current jobs in Maryland?
4. Will the legislation encourage or discourage individuals and/or businesses from investing, building, owning or renting property, or selling and buying goods and services in Maryland?

5. Will the legislation promote or impede the competitive market by removing or imposing legal, economic and/or regulatory burdens, taxes, or costs?
6. Is there another way to solve the problem or address the issue without legislation, or is there existing legislation addressing the matter?
7. Will introducing the bill send a positive or negative message about Maryland’s business climate?

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

2006 House Vote Descriptions (continued from page 6)

15. HB 1510 – Delegate Hubbard
   Public-Private Partnership For Health Care Coverage For All Marylanders
   Expands health care coverage for state residents by, among other things, mandating for profit employers to spend a certain percentage of payroll on employee health care. For profit employers with over 10,000 employees must pay at least eight percent of payroll on employee health care, while those with fewer than 10,000 employees must pay at least 4.5 percent. Employers that do not meet these requirements must pay the Department of Labor, Licensing and Regulation the difference between what was spent and the required percentage of total wages.

16. HB 1713 – Delegate D. Davis
   Public Service Companies – Mergers, Acquisitions, and Financing
   See Senate Vote 14 below for a description of HB 1713.

2006 Senate Vote Descriptions (continued from page 2)

10. HB 859 Delegate Rosenberg
    Tax Procedure – Refunds – Interest Rate
    Requires the State to pay the same rate of interest on tax refunds as it charges taxpayers for delinquent taxes. Currently, state law unfairly provides two different formulas for computing interest on taxes: a high rate of interest (currently 15%) for delinquent taxes and a low rate of interest (currently 4%) for the few circumstances when the State must pay interest on refunds. Since taxpayer money is as valuable as state money, nearly 75 percent of states fairly apply the same rate of interest to both delinquent taxes and refunds, including those states that surround Maryland. This bill will require Maryland to do the same.

11. HB 927 Prince George’s County Delegate
    Prince George’s County – Liquefied Natural Gas Storage Facilities PG 415-06
    Retrospectively prohibits the Prince George’s County District Council from approving a special exception for property to be used as a liquefied natural gas storage facility without a three-fourths majority vote of the District Council. To prevent shortages of natural gas in the Washington suburbs and Southern Maryland, Washington Gas must obtain approval to replace and expand a natural gas storage facility that has safely operated in Chillum for over 65 years. This bill retroactively changes the law to make it more difficult to obtain the necessary approval. To build an alternative supply pipeline, Washington Gas customers could be burdened with $400 million in capital costs.

12. HB 1284 (2005) Delegate Healey
    Fair Share Health Care Fund Act
    Establishes the Fair Share Health Care Fund with revenues collected from a payroll tax on any business with more than 10,000 employees in Maryland unless the business annually spends more than eight percent of its wages on health insurance costs. Each business with over 10,000 employees must report extensive information annually to the Secretary of Labor, Licensing and Regulation on January 1st, including identifying the source of health insurance benefits for each employee that has declined health insurance coverage. However, the bill fails to address the rising cost of health care for businesses and uninsured workers. This bill will make Maryland the only state in the country with a mandated level of employer-funded health insurance benefits.

13. HB 1615 Senator Green
    Construction of Electric Generating Stations – Certificate of Public Convenience and Necessity – Amendment
    Amends HB 1615 to enable counties and municipalities to purchase electricity as an aggregator and to provide electricity to customers under local government supervision. The amendment enables local governments to capture all electricity customers residing within their boundaries and can only return to their original suppliers by affirmatively submitting a written statement to opt out of the program. This amendment legislates governmental slandering of electric customers away from previously selected suppliers, stifling competition and causing adverse consequences for businesses that provide electricity to residential customers. To protect themselves from a massive movement of customers, suppliers will increase the electric rates Maryland customers pay.

14. HB 1713 Delegate D. Davis
    Public Service Companies – Mergers, Acquisitions, and Financing
    Establishes numerous requirements related to electric or gas company acquisitions and mergers involving either a public or a nonpublic service company and creates an Office of Special Counsel to investigate the proposed merger between Constellation Energy Group and Time Warner. The bill also replaces the Governor’s appointed People’s Counsel with one appointed by the Attorney General and delays until April 2007 any approval of the merger by the Public Service Commission without the General Assembly’s consent. This bill creates numerous requirements not mandated by the federal government or other states in order to interfere with the proposed merger of these two companies.

Sen. Patrick J. Hogan (D)
Highest MBRG Cum score among Senate Democrats - 73%
Among all Democrats in the Senate with a minimum of four years of service in the legislature, this Montgomery County Senator has the highest MBRG cumulative score.
T
o get an accurate picture of the Maryland legislature’s attitudes toward business, jobs, economic growth, and investment in the state, MBRG’s 30-member State Advisory Council selects those recorded votes from the last General Assembly session having practical or philosophical importance to the widest possible range of Maryland businesses, trade associations, and chambers of commerce. MBRG also surveyed the General Assembly on their views of important legislation affecting business and industry. The council reviewed all survey responses during the selection process.

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

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.

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The Meaning of “Business Friendly” (continued from page 1)

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

Regulations
- A regulatory process that does not interfere with the free market’s economic forces and upholds existing contracts to give businesses and institutions the confidence to continue bringing jobs and investment to Maryland.
- A regulatory structure that does not exceed federal standards and ensures that the cost of rules and regulations—which is always passed on to the public—is justifiable and consistent with public benefits.
- A regulatory framework that is fair, clear, and updated to take advantage of changes in technology and market forces.

Employer-employee relations
- A market based wage and benefit structure that reflects changes in the U.S. economy and ensures that all workers are compensated based on performance and value in the marketplace.
- A workers compensation, unemployment and health insurance system that yields benefits consistent with the reasonable needs of the beneficiary.
- A labor environment that allows every worker free choice concerning union affiliation.

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MBRG Membership Application

Please photocopy and mail.

We recognize that among businesses there are many variables in choosing a membership level. Please consider the following criteria in selecting an appropriate level of membership: gross revenues, net earnings, number of employees, presence in state, and interest and commitment to MBRG’s purpose—to improve the role of business in Maryland’s public policy and provide support for pro-business candidates of both parties.

Name ____________________________

Title ____________________________

Company ____________________________

Address ____________________________

City________________________State____  Zip Code __________

Phone______________________ Fax________________________

E-Mail ______________________________________________

MBRG Membership Levels
- Trustees’ Circle $15,000
- Director $10,000
- Chairman $ 5,000
- President $ 2,500
- Leadership $ 1,500
- Benefactor $ 1,000
- Member $ 500

Enclosed is a check in the amount of $ ____________

Please make all checks payable to MBRG and mail with membership application to: MBRG, 1122 Kenilworth Drive, Suite 503, Baltimore, MD 21204.

For more information visit our web site: www.mbrg.org or call 410-296-5621.

Contributions and dues to MBRG are not tax-deductible as charitable contributions; however, they may be tax-deductible as ordinary and necessary business expenses.

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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.

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