Calm before the Perfect Storm

Wikipedia, the Internet encyclopedia, defines perfect storm as follows:
"... the simultaneous occurrence of events which, taken individually, would be far less powerful than the result of their chance combination."

Four fiscal storms are building in Maryland

General Fund Structural Deficit Storm —
For at least the last two decades, Maryland has suffered from a budget that is largely imbalanced. In periods of lean revenues, the constitutional mandate of a balanced budget has been achieved through combinations of reserve drawdowns, borrowings, and other creative measures to make the numbers add up. Efforts at a more permanent solution are perpetually put off. The outlook for the upcoming fiscal year is estimated at more than a $1.5 billion shortfall, which will require either deep spending cuts or hefty tax/fee increases, or a combination of both.

Transportation Trust Fund Storm —
The funding needs for Maryland’s transportation infrastructure have been neglected and deferred for years. The primary source of transportation revenue is the gas tax, which was last increased in 1992 by five cents per gallon (cpg). The gas tax is currently 25 cpg, which remains fixed regardless of the fluctuations in the retail price per gallon. Many will argue that an 8-10 cpg increase may be needed to restore adequate levels to maintain a quality transportation system. Arguments against raising the gas tax include existing lower taxes in the neighboring jurisdictions of District of Columbia - 20 cpg, Maryland - 17.5 cpg, and Delaware - 23 cpg. In Pennsylvania the gas tax is 25.5 cpg and in West Virginia it’s 27 cpg.

General Obligation Debt Authorizations Storm —
The amount of general obligation debt has grown at extremely high rates over the past five years. Traditionally, the growth rate of debt was on the order of five to six percent per year. The increase allowed swollen spending beyond the limits of revenues in the General Fund. This rate of debt creation cannot continue, which will put more pressure on the already stressed General Fund.

Retired State Employee Health Care Storm —
Unlike the pension obligations that Maryland funds through an actuarially responsible retirement plan, the state makes no such provisions for fund- retirees health benefits. Maryland is presently obligated to pay 80 percent of retirees’ health care

(continued on page 7)
SB 3 – Senator DeGrange
Real Property – Condemnation – Procedures and Compensation

Increases the maximum compensation for re-establishment expenses to small business and farm owners who are displaced as a result of a condemnation action by a government agency. The State executes its power of eminent domain when companies acquire land by condemnation. Current law mandates employment benefits.

SB 389 – Senator Stone
Civil Actions – Liability of Insurer – Bad Faith

Creates a new tort against insurers by allowing an insured to recover expenses, attorney's fees, and interest in addition to actual damages if the insured proves that an insurer did not act in good faith in a first-party property and casualty insurance claim. The bill also establishes that failure to act in good faith constitutes an unfair claim settlement practice for which the Insurance Commissioner may impose a fine of up to $125,000. This bill duplicates the current regulatory structure to stabilize the electric utility industry and related rate and regulatory matters. In the 2006 Regular and Special Sessions, the General Assembly sought to regulate, certain aspects of electric utility activities, including mergers, rates and other activities that had previously been regulated by the Public Service Commission for more than 90 years. These developments resulted in higher costs for electric utilities and adverse consequences for Maryland consumers of electricity. This bill returns these issues to the Public Service Commission, where they can be evaluated and decided by the technical expertise and adjudicatory capacities of an independent State agency.

SB 828 Healthy Families and Healthy Workplaces Act

Requires all employers - including government employers - to provide a thirty minute, paid meal break to employees who work more than five consecutive hours and provide a suitable place for employees to eat. An employer who fails to comply must pay for one hour at the employee's usual hourly wage for each day a meal period is not provided or an employee may bring a civil action against an employer. Federal regulations already require that an employee be completely relieved from duty for the purposes of eating regular meals. The ill-will will increase salary expenditures for all businesses that currently do not provide paid meal breaks to employees.

(continued on page 7)
### MARYLAND SENATE VOTES

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### MARYLAND 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.
- **Legislator excused from voting, resulting in no effect on a legislator’s rating.**
- **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.**
- **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.**

**MBRG CUM %** Cumulative percentage is based on a legislator’s voting record since the year MBRG began rating the legislator, as early as 1988 or since that legislator’s first year in an earlier House seat, through 2007. 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 “–” marks. A short red dash (“-”) in this column means a legislator is a freshman and therefore has no cumulative record. **2007 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 his or her voting record since the year MBRG began rating the legislator, as early as 1988 or since that legislator’s first year in an earlier House seat, through 2007. The percentile is derived by dividing the total number of “+” votes by the number of bills on which the legislator voted plus the number of “–” marks. A short red dash (“-”) in this column means a legislator is a freshman and therefore has no cumulative record.
# Maryland Business for Responsive Government

## Maryland House of Delegate Votes

|   | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 2007 MBRG | 2007 Percentile | MBRG Cum% |
|---|---|---|---|---|---|---|---|---|---|----|----|----|----|---|---|---|
| Allegany, Garrett & Washington Counties |   |   |   |   |   |   |   |   |   |   |   |   |   | 67% | 75 |   |
| Baltimore County |   |   |   |   |   |   |   |   |   |   |   |   |   | 69% | 78 | 66% |
| Carroll & Howard County |   |   |   |   |   |   |   |   |   |   |   |   |   | 92% | 97 | 87% |
| Frederick & Washington Counties |   |   |   |   |   |   |   |   |   |   |   |   |   | 85% | 88 | 77% |
| Carroll & Frederick Counties |   |   |   |   |   |   |   |   |   |   |   |   |   | 85% | 88 | 86% |
| Baltimore & Carroll Counties |   |   |   |   |   |   |   |   |   |   |   |   |   | 58% | 70 | 63% |
| Baltimore County |   |   |   |   |   |   |   |   |   |   |   |   |   | 25% | 9 |   |
| Baltimore County |   |   |   |   |   |   |   |   |   |   |   |   |   | 33% | 44 | 56% |
| Baltimore County |   |   |   |   |   |   |   |   |   |   |   |   |   | 92% | 97 | 91% |
| Baltimore County |   |   |   |   |   |   |   |   |   |   |   |   |   | 42% | 63 | 57% |
| Baltimore County |   |   |   |   |   |   |   |   |   |   |   |   |   | 42% | 63 | 57% |
| Baltimore County |   |   |   |   |   |   |   |   |   |   |   |   |   | 42% | 63 | 57% |
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| Howard County |   |   |   |   |   |   |   |   |   |   |   |   |   | 50% | 66 | 79% |
| Howard County |   |   |   |   |   |   |   |   |   |   |   |   |   | 50% | 66 | 79% |
| Montgomery County |   |   |   |   |   |   |   |   |   |   |   |   |   | 50% | 66 | 79% |
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| Prince George's County |   |   |   |   |   |   |   |   |   |   |   |   |   | 50% | 66 | 79% |
| Anne Arundel & Prince George's Counties |   |   |   |   |   |   |   |   |   |   |   |   |   | 50% | 66 | 79% |
| Prince George's County |   |   |   |   |   |   |   |   |   |   |   |   |   | 50% | 66 | 79% |
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| Prince George's County |   |   |   |   |   |   |   |   |   |   |   |   |   | 50% | 66 | 79% |
2007 House Vote Descriptions

1  SB 3 – Senator DeGrange
   Real Property – Condemnation – Procedures and Compensation
   See Senate Vote 1 on page 2 for a description of SB 3.
   A “+” indicates a vote for SB 3 and reflects MBRG's support for legislation that provides govern-
   ment agencies to fairly compensate business owners and their customers. Disagreeing with MBRG's posi-
   tion, the House approved SB 3, 13400, on April 6, 2007 at 6:49 p.m.

2  SB 400 – Senator Pipkin
   See Senate Vote 7 on page 2 for a description of SB 400.
   A “+” indicates a vote for SB 400 and reflects MBRG's support for legislation that stabilizes Maryland’s regulatory climate by restoring the regulatory powers of the Public Service Commis-
   sion. Agreeing with MBRG's position, the House approved SB 400, 118-16, on April 9, 2007 at 11:22 p.m.

3  HB 131 – Delegate Bobo
   Maryland Clean Cars Act of 2007
   See Senate Vote 4, SB 103, on page 2 for a description of HB 131, its companion bill.
   A “+” indicates a vote against HB 131 and reflects MBRG's opposition to legislation that duplicates federal law and increases manufactur-
   ing costs with respect to fuel efficiency and other technological differe-
   nces. Agreeing with MBRG's position, the House approved HB 131, 132-16, on February 20, 2007 at 10:18 a.m. The bill was signed into law on April 24, 2007.

4  HB 314 – Delegate Rosenberg
   Maryland Human Relations Commission – Hearings and Civil Actions – Relief
   See Senate Vote 10, SB 678, on page 7 for a description of HB 314, its companion bill.
   A “+” indicates a vote against HB 314 and reflects MBRG's opposition to legislation that in-
   creases businesses exposure to civil penalties and compensatory damages. Disagreeing with MBRG's posi-
   tion, the House approved HB 314, 135-70, on March 24, 2007 at 2:22 p.m.

5  HB 359 – Delegate Fresh
   Clean Indoor Air Act of 2007
   See Senate Vote 5, SB 919, on page 2 for a description of HB 359, its companion bill.
   A “+” indicates a vote against HB 359 and reflects MBRG's opposition to legislation that cre-
   ates new businesses and increases the cost of doing business. Agreeing with MBRG's position, the House approved HB 359, 98-40, on March 24, 2007 at 2:03 p.m.

6  HB 430 – Delegate Taylor
   State Procurement Contracts – Living Wage
   See Senate Vote 12 on page 7 for a description of HB 430.
   A “+” indicates a vote against HB 430 and reflects MBRG's opposition to legislation that requires govern-
   ment agencies to set aside contracts for award to small businesses. Disagreeing with MBRG's position, the House approved HB 430, 88-90, on April 6, 2007 at 10:59 a.m.

7  HB 475 – Delegate Healey
   Public School Construction Assistance Act of 2007
   Imposes Maryland transfer and recordation taxes on the transfer of real property valued at $1 million or more when the transfer occurs through the sale of a business that is controlled by a business entity. The bill also requires Baltimore City and county govern-
   ments to dedicate specified amounts of recordation tax revenue to public school construction in fiscal 2008 through 2011. Under existing laws, Maryland’s transfer and recordation taxes are imposed on changes in legal title to real property. Such transac-
   tions are subject to a county building permit which may not affect land records or title to real property.
   A “+” indicates a vote against HB 475 and reflects MBRG's opposition to legislation that cre-
   ates new businesses and increases the cost of doing business. Disagreeing with MBRG's position, the House approved HB 475, 101-35, on March 22, 2007 at 12:29 p.m. Subsequently, the House was instructed to refer the Senate Budget and Taxation Committee without a vote.

8  HB 495 – Delegate Anderson
   Action or Claim for Medical Injury – Attesting Experts – Reports
   Remove the requirement in medical liability cases that a copy of a party’s report of a medical expert be attached to the certificate of merit. Currently, a claim for medical injury against a health care provider must be dismissed unless the claimant or plaintiff files a certificate of a qualified expert attesting to departure from standards of care and the expert's determination of the proximate cause of injury, unless the sole issue in the claim is lack of informed consent. This certificate must be filed with the Director of the Health Care Alternative Dispute Resolution Office within 90 days of the filing of the complaint. A report of the attesting expert must be attached to the certificate of merit. This bill will make it easier to file medical liability lawsuits. A “+” indicates a vote against HB 495 and reflects MBRG's opposition to legislation that will make it easier to file medical liability lawsuits. Agreeing with MBRG's position, the House approved HB 495, 65-71, on March 20, 2007 at 11:29 a.m.

9  HB 525 – Delegate Barve
   Municipal Corporations – Building Excise Tax
   Authorizes municipalities to impose a building excise tax instead of an impact fee to avoid meet-
   ing the requirements for establishing an impact fee. Current impact fees can be a valid regulatory fee, a mu-
   ncipality needs to show a reasonable connection between the new development and infrastructure as well as a reasonable connection between use of the resulting revenue and benefit to the property assessed. Enabling municipalities to impose a building excise tax in addition to the county building excise tax could significantly increase the cost of housing in Maryland.
   A “+” indicates a vote against HB 525 and reflects MBRG's opposition to legislation that en-
   sures local governments to bypass procedures for imposing regulatory fees. Disagreeing with MBRG's position, the House approved HB 525, 102-55, on March 22, 2007 at 12:48 p.m. Subsequently, the bill died in the Senate Budget and Taxation Committee without a vote.

10  HB 807 – Delegate Conway
   Municipal Workplaces Act
   Limits the total amount of the appeal (super-
   seded) bond required to stay the enforcement of a civil court judgment to $100 million. This allows a defendant to appeal a large civil damage award without the threat of enforcement until all appeal rights have been exhausted. Currently, a defen-
   dant may be required either to post a bond for the amount of the damage award while the case is on appeal or be subjected to enforcement of the damage award. Obtaining a bond for a very large damage award may be impossible or cost prohibi-
   tive and cause the defendant to settle the case on unfavorable terms or forego appeal entirely. Neigh-
   boring states such as Virginia, Pennsylvania, North Carolina, West Virginia and New Jersey, have enacted such limits. A “+” indicates a vote against HB 807 and reflects MBRG's support for legislation that enhances due process for business defendants by enabling them to appeal large damage awards. Disagreeing with MBRG's position, the House Judiciary Committee rejected HB 807, 7-14, on March 22, 2007.

11  HB 832 – Delegate Jones
   Healthy Families and Healthy Workplaces Act
   See Senate Vote 9, SB 614, on page 7 for a description of HB 832, its companion bill.
   A “+” indicates a vote against HB 832 and reflects MBRG's opposition to legislation that mandates employment benefits. Agreeing with MBRG's position, the House Economic Matters Committee rejected HB 852, 5-17, on March 9, 2007.

12  HB 983 – Delegate Barve
   Income Tax Withholding – Nonresident Contractors
   See Senate Vote 15, HB 983, on page 7 for a description of HB 983, its companion bill.
   A “+” indicates a vote against HB 983 and reflects MBRG's opposition to legislation that mandates withholding of taxes for nonresident and nonresident contractors. Disagreeing with MBRG's position, the House approved HB 983, 96-41, on March 26, 2007 at 5:48 p.m.

13  HB 1143 – Delegate McNichol
   Economic and Atlantic Coastal Bays Green Fund
   Establishes that a local government may not grant a building permit to a person for the development of new nonresidential use unless the person has paid an impervious surface fee to the local government of 50 cents per square foot for new nonresidential development and $1 per square foot for commercial and industrial development with the money going to at least 10 different entities that are focused on the creation of new homes and businesses planning to relocate or expand in Maryland. As a result, Maryland econom-
   ic development activities could decrease due to the impact of the fee on the cost of development.
   A “+” indicates a vote for HB 1143 and reflects MBRG's support for legislation that eliminates the tax collecting burden placed on many Maryland businesses. Agreeing with MBRG's position, the House approved HB 1143, 1386, on March 26, 2007 at 5:21 p.m. The bill was signed into law on May 17, 2007.

14  HB 1220 – Delegate McNichol
   Economic and Atlantic Coastal Bays Green Fund
   Establishes that a local government may not grant a building permit to a person for the development of new nonresidential use unless the person has paid an impervious surface fee to the local government of 50 cents per square foot for new nonresidential development and $1 per square foot for commercial and industrial development with the money going to at least 10 different entities that are focused on the creation of new homes and businesses planning to relocate or expand in Maryland. As a result, Maryland econom-
   ic development activities could decrease due to the impact of the fee on the cost of development.
   A “+” indicates a vote against HB 1220 and reflects MBRG's opposition to legislation that increases development fees and taxes for businesses. Agreeing with MBRG's position, the House approved HB 1220, 96-41, on March 24, 2007 at 2:20 p.m. Subsequently, the bill died in the Senate Health and Environmental Affairs and Budget and Taxation Committees without a vote.
Service providers are facing a minimum $8 billion dollar unfunded liability in the reserve for retiree health costs. Today, the State faces at least 16 years of employment by the state. Marylanders are entitled to a living wage. Employers who violate the living wage requirements must pay $20 per day per employee for noncompliance, and authorizes an employee to file against the State for nonpayment of sick leave.
To determine an accurate picture of the Maryland legislature’s attitudes toward business, jobs, economic growth, and investment in the state, MBRG’s 50-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. For this 2007 edition, MBRG surveyed the General Assembly regarding their views on 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 in the business community.

Although this evaluation process summarizes a legislative system that involves weeks of debate, amendment and compromise, voting records remain the best 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.

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.

The Meaning of “Business Friendly”

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

Fiscal responsibility

• A budget process that limits new spending and prohibits unfunded mandates that inevitably result in new taxes, fees, or surcharges.
• A tax structure that is focused on attracting and retaining private jobs and investment in Maryland.
• A stable, consistent investment program to maintain and upgrade critical infrastructure and education needs.

Regulations

• A regulatory process that does not interfere with the free market’s economic forces and uphold 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 and state 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 up-to-date to take advantage of changes in technology and market forces.

Employee-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.

MBRG Membership Application

Please photocopy and mail with your check or visit www.mbrg.org to purchase an MBRG membership today.

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
• 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 ______________________________________________

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.

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 wellbeing 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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