

Maryland Accountability Project

2006 Scorecard Explanations

**While MAP does not take positions on these bills, MAP uses the conservative position on these issues as the basis to determine each legislator's voting pattern, whether it be conservative or liberal. It is each constituent's responsibility to determine if his or her legislator is voting consistent with the wishes of the constituent base and to hold the legislators accountable for their voting records.*

1. 2007 Budget Bill = No

SB 110 is the 2007 Budget Bill. The bill was passed by the House 131-5 and the Senate 43-2 and became law without Governor Ehrlich's signature. Conservatives oppose the bill because it applies poor budget priorities, fails to cut spending, and increases taxes.

2. Beer Tax Repeal = Yes

SB 342 repealed the county tax on beer sold or delivered in Garrett County and repeals the misdemeanor penalty for those who willfully fail to pay the tax. The bill was passed by the House 132-0 and the Senate 47-0. Conservatives support the bill because it relieves citizens of burdensome taxes, streamlines tax policy as Garrett County was the only county with a separate beer tax, and promotes economic growth and stability.

3. Hotel Rental Tax = No

HB 351 extends Talbot County's authorization to increase from 3% to 4% the maximum hotel rental tax for the county. The bill was passed by the House 126-11 and the Senate 42-4 and was signed by Governor Ehrlich. Conservatives oppose tax increases and believe that tax laws must be simplified and that tax increases make Maryland's economy less competitive.

4. Personal Liability/Employer's Uninsurance Fund = No

HB 1035 makes an officer of a corporation with general management responsibility and a member of a limited liability company (LLC) with general management responsibility jointly and severally liable for the payment of workers' compensation awards or assessments, if the assets of the corporation or LLC are not sufficient for payment and the officer knowingly failed to secure workers' compensation insurance. The bill was passed by the House 90-45 and the Senate 28-18 and became law without Governor Ehrlich's signature. Conservatives oppose creating personal liability for officers of a corporation or an LLC in this situation. An employer who fails to comply with the workers' compensation laws can already be penalized under current law. However, this new law will expand liability to specific officers who may either not be involved in those decisions or those who may be extorted by the state government to settle or risk personal bankruptcy. Moreover, this law is in direct violation of the protections that are

afforded to those entities that incorporate in the state of Maryland and only continues the stigma that Maryland has an unfriendly business climate.

5. State Contract Affirmative Action Policy = No

SB 897 establishes a commercial nondiscrimination policy that prohibits the state from entering into a procurement contract with a business entity that has discriminated against subcontractors, suppliers, vendors, or commercial customers on the basis of race, color, religion, ancestry, national origin, sex, age, marital status, sexual orientation, or disability. The bill was passed by the House 136-0 and the Senate 38-9 and was signed by Governor Ehrlich. Conservatives oppose this bill because it permits the success of a business to rise or fall on the findings of the Maryland Commission on Human Relations and not a court of law. A business could be debarred or be denied a contract when nobody has been found guilty beyond a reasonable doubt. Conservatives are also opposed to such language that elevates sexual orientation to a protected class on par with race and sex.

6. Requiring Mastectomy Home Visits Benefit = No

SB 491 extends the law that mandates benefits for a patient who has a mastectomy to include home visits after surgery. The bill was passed by the House 137-0 and the Senate 44-2 and was signed by Governor Ehrlich. Conservatives oppose government mandates on what health plans should cover and instead believes that these matters are best negotiated between private parties. By mandating certain items be covered, the government is unjustifiably interfering in contract negotiations and tilting the advantage in the direction of the insured party, who no longer must negotiate over that term.

7. New Collective Bargaining Rights = No

HB 1091 makes it easier for unions to organize a bargaining unit at the Maryland-National Capital Park and Planning Commission by no longer requiring workers to separately decertify one union prior to certifying a new one. It also permits the new union to take over the existing collective bargaining agreement without having to negotiate its own. The bill was passed by the House 135-1 and the Senate 41-3 and became law without Governor Ehrlich's signature. Conservatives oppose this bill because it will make it easier for unions to organize and takes away worker protections. Prior to this legislation, workers had to first decertify a union and if successful, then a new union could try to organize the workers. This law was written to speed up a takeover by a union and also allows that union to take over the past union's collective bargaining agreement without having to negotiate its own agreement. The new union should be required to negotiate its own agreement since the parties are different, and in theory, the workers have changed union leadership and should benefit from what the new union leadership can negotiate with management.

8. Changes to State Collective Bargaining Law = No

SB 348 established the State Labor Relations Board (SLRB) as an independent unit of State government. It allows either party in the collective bargaining process for any bargaining unit to

request that a neutral third-party fact finder be employed if negotiations for the next fiscal year do not conclude by October 25. The bill was passed by the House 113-20 and by the Senate 35-12 and was vetoed by Governor Ehrlich. The House overruled the veto 97-40 and the Senate did so 33-14, and it became law. Conservatives oppose this bill because it ties the hands of management in being able to fulfill its role to negotiate a fiscally responsible contract. The contract negotiations would be prematurely taken from the parties and placed in the hands of an “independent” Board to take sides. Management negotiators will now be pressured to settle contract negotiations that are not fiscally responsible so they do not have to go to the SLRB to justify their negotiating positions. This will result in a more inefficiently run government, costing taxpayers more than necessary or reasonable.

9. Healthy Air Act = No

SB 154 establishes specified limits on the emissions of nitrogen oxides (NO_x), sulfur dioxide (SO₂), and mercury from specified electric generating facilities in the State. The bill also requires the Governor to include the State in the Regional Greenhouse Gas Initiative (RGGI) and requires affected facilities to submit annual reports. The bill was passed by the Hill 107-27 and the Senate 32-11 and was signed by Governor Ehrlich. Conservatives oppose this bill because it infringes on separation of powers by imposing on the executive branch a requirement that it enter into a regional pact, which should be the prerogative of the Governor. Conservatives also believe that if this issue is to be addressed, it is better to address it at the federal level since smog and air pollutants easily cross state boundaries and should be addressed nationally. Conservatives also oppose the bill because it places burdensome restrictions on the private sector, which will raise the cost of utilities for citizens and will have a negative impact on the economy. Conservatives would prefer that financial incentives be offered to businesses to reduce emissions.

10. Task Force on Minorities and Environment = No

SB 350 establishes a Task Force on Minority Participation in the Environmental Community to evaluate and make recommendations regarding methods of improving minority participation in the environmental community. The University System of Maryland (USM), the Department of Natural Resources (DNR), and the Maryland Department of the Environment (MDE) are required to divert staff for the task force. The bill was passed by the House 134-0 and the Senate 45-0 and became law without Governor Ehrlich’s signature. Conservatives oppose this bill for creating yet another task force that is not the jurisdiction of government and is nothing more than a diversion and waste of government resources.

11. College Tuition Freeze = No

SB 959 prohibits University System of Maryland (USM) institutions and Morgan State University (MSU) from increasing resident undergraduate tuition for the 2006-2007 academic year beyond the rates charged in the 2005-2006 academic year and limits fall 2006 resident tuition increases at St. Mary’s College of Maryland (SMCM) to 4.8%. The bill was passed by the House 135-0 and the Senate 47-0 and became law without Governor Ehrlich’s signature. Conservatives oppose this bill because they believe that tampering with the marketplace, such as

price fixing, creates an artificial rate that will hurt the consumer later on down the road. Case in point is the utility sector where the General Assembly imposed a price freeze, and now consumers have seen their costs go up dramatically as the market price takes effect after being kept artificially low. Conservatives would also argue that the government's role in providing student grants and low-interest student loans has created an artificially high demand on higher education, thus, drastically increasing the cost of going to school for all students. Without the government's tampering in higher education, there likely would not be a rising tuition rate concern.

12. Court Review/Changes to College Curriculum = No

SB 998 authorizes judicial review in the circuit court of a decision by the Maryland Higher Education Commission (MHEC) regarding the duplication of academic programs. Decisions are only subject to judicial review when an institution of higher education has specifically requested a determination about program duplication or has filed an objection to the implementation of a new program based on unreasonable program duplication. The bill was passed by the House 134-1 and the Senate 43-4 and was vetoed by Governor Ehrlich. There was no attempt to override the veto. Conservatives oppose this bill because it takes school administration decisions out of the hands of educators and places them in the hands of judges with no school administration experience. Educators with limited resources should be provided leeway to make curriculum decisions, and parents and taxpayers should be able to hold them accountable for poor decisions.

13. Task Force on Universal Preschool = No

HB 1466 establishes a Task Force on Universal Preschool Education to recommend to the legislature a framework for increasing the government's role in preschool education. The bill was passed by the House 136-2 and the Senate 35-12 and was signed by Governor Ehrlich. Conservatives oppose this bill because it expands the government's inappropriate role in education and is yet another task force dedicated to wasting taxpayer money. Ironically, this task force misuses taxpayer money all in an effort to figure out how the government can misuse taxpayer money in the education sector.

14. Free Health Care for Immigrants = No

HB 89 requires the Governor to include in the budget bill for fiscal year 2008 at least \$3 million in general funds for an immigrant health initiative to provide health care services for all legal immigrant children under the age of 18 and pregnant women who meet program eligibility standards and arrived in the United States on or after August 22, 1996. This bill was passed by the House 135-1 and the Senate 47-0 and was signed by Governor Ehrlich. Conservatives oppose this bill because it smacks of socialism in that it expands the inappropriate role of government in the health care industry by providing taxpayer-subsidized benefits to non-citizens.

15. Police Arrest Powers for Driving w/o License = Yes

HB 524 alters arrest procedures and penalties for a person who operates a motor vehicle without a driver's license. If a police officer has probable cause to believe that a person is driving or attempting to drive a vehicle without a license, the police officer may now arrest the person without a warrant. The maximum penalty for a first offense of driving without a license is altered to provide imprisonment for up to 60 days as an alternative or in addition to the current maximum fine of \$500. For a second or subsequent offense, the maximum penalty remains a fine of \$500 and/or imprisonment for one year. This bill passed the House 136-1 and the Senate 47-0 and was signed by Governor Ehrlich. Conservatives support this common sense law for empowering law enforcement to do their job and to address the drastic increase in persons driving without a driver's license.

16. Establishing Speed Limit for Balt County Alleys = No

HB 888 establishes a speed limit of 15 miles per hour in alleys in Baltimore County. The bill was passed by the House 131-4 and the Senate 45-0 and became law without Governor Ehrlich's signature. Conservatives oppose this bill because speed limits in local alleys should be addressed by local government and not state government. There ought to be more important matters before the state government than to deal with local speed limits. This is the first time the state has set a speed limit for an alley and sets a dangerous precedent.

17. Confidentiality of Domestic Violence Victims = Yes

SB 25 requires the Secretary of State to establish an "Address Confidentiality Program" for domestic violence victims. The bill passed the House 136-3 and the Senate 44-3 and was signed by Governor Ehrlich. Conservatives support this bill because it provides additional protections to victims of domestic violence, who have already suffered enough. Evidence shows that address confidentiality programs can help keep victims safe from their abusers and provide the peace of mind to start rebuilding their lives.

18. Allowing Deer Hunting on Sundays = Yes

HB 939 repeals the prohibition regarding deer hunting on private land in Montgomery County on Sundays. The bill was passed by the House 124-10 and the Senate 32-14 and was signed by Governor Ehrlich. Conservatives support this bill as it removes inappropriate restrictions on the rights of citizens as guaranteed under the Second Amendment.

19. Court Transfer of Personal Property in Divorce = No

SB 353 provides that in a divorce or annulment proceeding, a court may transfer, subject to the terms of any lien, ownership of an interest in real property jointly owned by the parties, and used as the principal residence of the parties when they lived together, by: (1) ordering the transfer of ownership of the real property or any interest of one of the parties in the real property to the other party if the party to whom the real property is transferred obtains the release of the other party from any lien against the real property; (2) authorizing one party to purchase the interest of

the other party in the real property, in accordance with the terms and conditions ordered by the court; or (3) both. The bill was passed by the House 121-17 and the Senate 44-3 and was signed by Governor Ehrlich. Conservatives oppose this bill because while divorce is always a tragic end to a marriage, this places too much power in the hands of a judge and not enough in the parties that need to come to a resolution on their own. A judge should not be empowered to force a party to give up his or her home. There is often sentimental value that cannot be placed in monetary terms, and a party may wish to buy out the other. A judge should not be able to cast aside these considerations. There is a divorce crisis in society whereby too many marriages are ending in divorce. By making divorce easier and less painful, this law will only make divorce more attractive to those in troubled relationships that would be better served to enter counseling and heal (if at all possible) than to take the drastic course of divorce.

20. State Funding of Stem Cell Research = No

SB 144 creates a Maryland Stem Cell Research Fund to promote State-funded stem cell research and cures through grants and loans to public and private entities in Maryland. The bill was passed by the House 90-48 and the Senate 29-18 and was signed by Governor Ehrlich. Conservatives oppose this bill because it commits taxpayer funds to the destruction of human life and even human cloning. Conservatives believe that all life should be valued, especially those most vulnerable in society, and that this bill will do more to diminish the value of life and encourage the creation of and destruction of life in the name of science. Science and ethics need not be at odds with one another. Conservatives support all stem cell research, except that which uses embryonic stem cells.