

THE WEEKLY WHIP

TUESDAY, MARCH 20, 2007

VOTER VERIFIABLE PAPER TRAIL (HB 18)

Voters in Allegany, Dorchester and Prince George's Counties cast their ballots on mechanical lever voting machines as recently as the 2000 presidential election. That same year political operatives and the press descended on Florida for a recount which sparked nationwide concerns about the integrity of voting systems. In Maryland, then-Governor Glendening convened a committee to make recommendations to ensure accessible, accurate and secure elections.

The committee recommended a uniform voting system to be used in polling places statewide, and a uniform absentee voting system to be used by all jurisdictions. The legislature enacted those recommendations, and the State Board of Elections selected the touch-screen voting machine produced by Diebold Election Systems. The new machines were phased in during the 2002 and 2004 election, and were in use statewide in the 2006 election.

The Diebold machines do not produce a paper trail, which has raised concerns that individual voters cannot be certain their votes are recorded correctly, and election officials cannot conduct a full recount in a close election. Responding to these concerns, the House of Delegates unanimously passed emergency legislation last year requiring the state to lease optical scan machines for the 2006 primary and general elections. The Governor included funding for these machines in a supplementary budget, but the Senate failed to act.

This year the House will take up HB 18, requiring the State Board of Elections to implement a voting system by 2010 that produces a paper receipt available to each voter to inspect and verify before the ballot is cast, suitable for the purpose of a random audit, and not part of a continuous roll of ballots. HB 18 requires a hand-counted, random audit comparing electronic records with paper records for ballots cast in at least 5% of the polling places in each county. Finally, the bill requires the system to provide equivalent access to disabled individuals as it does to individuals without disabilities.

A direct response to concerns about accuracy and integrity of elections, HB 18 will give voters renewed confidence that Maryland's elections are secure and fair.

GOVERNOR NAMES NEW MEMBER TO PSC

Governor O'Malley nominated Judge Lawrence Brenner to the Public Service Commission on Thursday. Judge Brenner is an Administrative Law Judge at the Federal Energy Regulatory Commission (FERC), where he oversees the economic, environmental and security aspects of the energy industry. Brenner served as an attorney and supervisor at the U.S. Nuclear Regulatory Commission and its predecessor, the Atomic Energy Commission. He also served as an administrative law judge at the U.S. Department of Labor.

Judge Curtis Wagner, FERC's Chief Judge, said: "Judge Brenner has done a wonderful job for us, and has mediated some of the toughest cases that have come before the Commission successfully."

Judge Brenner is a veteran regulator who has mediated high level federal energy cases, and his nomination is another clear signal that the current administration is committed to appointing impartial and experienced regulators who will restore public trust in the PSC.

GOVERNOR CLOSES TROUBLED PRISON

Governor O'Malley and Secretary of Public Safety Gary Maynard announced the closing of the Maryland House of Correction in Jessup on Monday. The move comes after several incidents of inmate violence, including the murder of Correctional Officer David McGuinn last year and the stabbing of Correctional Officer Edouardo Edouazin earlier this month.

The House of Correction was built in 1878 and has been in continuous use since then. Public safety officials report that the facility's antiquated design makes it one of the most dangerous and expensive prisons in the state, with average daily cost per inmate approximately 1/3 higher than other facilities in the state.

Employees will be transferred to other facilities in Jessup and Baltimore – and no employees will lose their jobs as a result of the closure. The majority of inmates were transferred other Maryland prisons, and 97 inmates considered the most disruptive were transferred to state prisons in Kentucky and Virginia or into the custody of the Federal Bureau of Prisons.

CHESAPEAKE BAY GREEN FUND (HB 1220)

As the commercial crabbing season opens, officials in the Chesapeake region are worried about the decline of the Bay's blue crab population. The Bay was home to 800 million blue crabs in 1990, but only 345 million last year. Scientists attribute the sharp population decline to the small number of female crabs and the loss of underwater grasses as crab habitat. Joe Melzer, who buys crabs from watermen, told the AP: "The juvenile crabs don't stand a chance... there's no place for them to hide because all the grass beds have died off."

This serves as a timely reminder that Chesapeake Bay restoration remains a work in progress. The legislature took a major step forward by creating the Chesapeake Bay Restoration Fund in 2004, which targeted pollution from wastewater treatment plants. The legislature took another major step with the Agricultural Stewardship Act in 2006, which targeted farm runoff.

This year, with the Chesapeake Bay Green Fund, the legislature has a chance to reduce the impact of runoff pollution from development. HB 1220 creates an incentive for developers to build in a way that minimizes the environmental impact of projects, or pay into a fund devoted to Bay clean up and smart growth.

The bill divides development into two categories: (1) residential and (2) commercial and industrial. Residential projects will be assessed fifty cents per square foot for impervious surfaces, like roads and sidewalks, and a flat fee on each home ranging from \$100 to \$1,500 based on the structure's footprint. Commercial and industrial projects will be assessed \$1.00 per square foot for all impervious surfaces, including parking lots and roofs.

A developer can offset up to 75% of the fee using green building technology, investing in wetland and buffer restoration, or using other low impact development techniques.

Over 30% of the revenue generated will go directly to local governments for tributary strategies and zoning projects to limit growth outside of priority funding areas. The Department of Agriculture will receive 30% to support cover crops and other environmentally sound agriculture practices. The Department of Natural Resources will receive funds for BayStat, wetland and buffer restoration, and aquatic habitat restoration, and the Department of the Environment will receive funds to implement tributary strategies.

HB 1220 recognizes the link between development and the Bay's health, and represents another major step for the legislature in reducing runoff pollution into the Bay.

CAPITAL BUDGET (HB 51)

Education remains a top priority for the House of Delegates. We have invested a record sum in K – 12 education, and we must ensure our students are learning in state-of-the-art classrooms. The Governor pledged \$400 million for school construction, and the House version of the Capital Budget helps him reach that goal.

The Capital Budget also makes a significant investment in higher education, including enhancements at Coppin State University, Morgan State University, Saint Mary's College, Salisbury University, Towson University, UB, UMBC, UMUC, and UMCP. It includes \$56 million for the Community College Grant Program, an 18% increase over the previous budget.

Recognizing the challenges facing the Department of Public Safety and Correctional Services, the Capital Budget invests in a new 192-cell housing unit and site utilities upgrade at Maryland Correctional Training Center. It also includes funding for local detention centers in Garrett, Harford, Prince George's, Somerset, and Washington Counties.

The Capital Budget fulfills our commitment to open space and the environment, with funds for nutrient removal from the Chesapeake Bay, oyster restoration programs, and community parks and playgrounds. The budget also includes funds for enhancements at the Oyster Hatchery at Horn Point, where shellfish specialists, biologists, educators come together to promote oyster restoration projects in the Bay.

TENTATIVE SCHEDULE

Monday 3/19 – Beginning of Crossover Week
Drop 24 hour rule on 2nd & 3rd Readers

Tuesday, 3/20 – Committee reporting courtesy date
Double sessions possible

Wednesday, 3/21 – Double sessions possible

Thursday, 3/22 – Double sessions possible

Friday, 3/23 – Double sessions possible

Saturday, 3/24 – Morning session

Monday, 3/26 – Crossover date
Afternoon session

Saturday, 3/31 – No session

Monday, 4/2 – Afternoon session (Passover)

Monday, 4/9 – Adjourn *sine die*