

BILL: House Bill 1108
TITLE: Environment – Municipal Stormwater Charges – Property Subject to Charges
POSITION: OPPOSE
DATE: March 2, 2016
COMMITTEE: Environment and Transportation Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the State's local boards of education, opposes House Bill 1108.

MABE opposes this legislation to authorize municipalities to charge stormwater management fees to property owned by a local school system. The current law, debated and deliberated over for several recent legislative sessions, resolved that Maryland's public school systems should not be mandated to pay stormwater management fees to municipalities for school properties within the boundaries of a municipality.

Under current law, the state and units of the state government, which includes public school systems, and certain other tax-exempt governmental organizations, are appropriately exempted from being charged stormwater management fees by municipalities. There is already a provision in state law which authorizes a county to collect stormwater management fees where the state, or unit of the state, can agree with a county to the collection of an annual stormwater remediation fee that is based on the share of stormwater management services. In this way the current law establishes a process for counties and state entities to address stormwater management costs.

Maryland's 24 local boards of education are entirely fiscally dependent on local, state, and federal funding. Unlike almost all of the other more than 14,000 local boards across the country, Maryland's boards are not authorized to collect taxes, instead relying on formula and grant allocations from other government entities. Therefore, legislation or regulations imposing new costs for local school systems pose a distinct challenge to Maryland's local boards of education. MABE opposes House Bill 1108 because it presents just such an unfunded cost.

Each year the General Assembly considers enacting legislation which would mandate that local school systems adopt new programs, procedures, or reporting requirements. Such proposals are generally referred to as "unfunded mandates" to reflect the fact that any new costs arising from the legislation would be borne with existing resources.

Again, MABE opposes this legislation's proposal to authorize municipalities to collect stormwater management fees from local school systems.

For these reasons, MABE requests an unfavorable report on House Bill 1108.