

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE
Revised

House Bill 727 (Delegate McMillan, *et al.*)
Ways and Means

Anne Arundel County Board of Education - Wireless Telecommunications
Towers - Moratorium and Report

This bill prohibits a person from constructing a wireless telecommunications tower on the grounds of a public school in Anne Arundel County from June 1, 2015, to June 30, 2016, unless all necessary permits have been issued. The bill requires the Anne Arundel County Board of Education to submit a report on the use of public school property for wireless telecommunications towers to the members of the Anne Arundel County delegation to the General Assembly on or before December 31, 2015.

The bill takes effect June 1, 2015, and terminates June 30, 2016.

Fiscal Summary

State Effect: None.

Local Effect: Anne Arundel County Public Schools (AACPS) revenue decreases by up to \$112,200 for each wireless telecommunications tower prevented from being constructed during the moratorium imposed by the bill. AACPS expenditures increase by a significant amount in FY 2016 to comply with the bill's reporting requirement. **The bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The school system report to the county delegation must include (1) how the board chooses vendors and contractors for the construction of wireless

telecommunications towers on public school grounds; (2) how the board evaluates and chooses the locations on the public school grounds to be used for the construction of wireless telecommunications towers; (3) whether the revenue received in connection with the construction of wireless telecommunications towers will be allocated for use at the school where the wireless telecommunications tower is located or paid into the school system fund; and (4) a list of all potential locations on public school grounds in Anne Arundel County that satisfy the zoning and other regulatory criteria applicable to the construction of wireless telecommunications towers, including the following information for each school: the name and address of the school; the enrollment by grade, race, and ethnicity; and the number of students eligible for free or reduced-price meals.

By December 31, 2015, the Anne Arundel County Board of Education must publish the list of potential locations and other specified information on the AACPS website.

Background: In 2012, AACPS entered into a contract with Milestone Communications for the construction of cell phone towers on property owned by the school system. AACPS reports that, to date, one cell phone tower has been built (Broadneck High School); another tower is nearing completion (Center for Applied Technology – North); one has been issued permits, but construction has not yet begun (Annapolis Middle School); and one has a permit application undergoing review (Magothy/Severn River Middle School). AACPS advises that the initial phases of public comment are beginning at Corkran Middle School.

Several other jurisdictions in the State, including Baltimore City and Montgomery County have agreements allowing the construction of cell phone towers on school property. Reports indicate that in 2013, Baltimore City Public Schools collected nearly \$678,000 by allowing more than a dozen cellphone towers on school property and Montgomery County Public Schools collected approximately \$832,000 from cell phone towers. In Montgomery County, the school board allows for parent approval before towers are constructed.

Local Fiscal Effect: AACPS reports that the school system, through its contract with Milestone Communications, receives a \$25,000 site fee from the first telecommunications carrier to use a newly constructed cell phone tower and a \$5,000 site fee for each additional (up to four) telecommunications carrier to use the tower. In addition, each telecommunications carrier pays Milestone Communications an annual user fee of which \$13,440 per telecommunications carrier is distributed to the school system. As a result, AACPS can receive up to \$112,200 in the first year a cell phone tower is constructed and up to \$67,200 in each subsequent year. As a result of the moratorium imposed by the bill, AACPS will not receive the anticipated revenue for each tower prevented from being constructed during this time. As noted, one cell phone tower currently has permits issued and another has permits under review.

AACPS also advises that the school system will undergo a significant expenditure increase to comply with the reporting requirements of the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel County, Anne Arundel County Public Schools, Maryland State Department of Education, Public Service Commission, Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2015
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