

April 4, 2018

The Honorable Michael E. Busch  
Speaker of the House  
State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1783 – *21st Century School Facilities Act*.

At a time when students, parents, teachers, and communities are demanding greater accountability and oversight of local education systems, this bill represents one of the most irresponsible, partisan, and tone-deaf legislative decisions ever made by members of the Maryland General Assembly. It is incredibly disappointing that Maryland's citizens are being deliberately ignored at a time when their concerns could not be more clear. This piece of legislation irresponsibly takes away fiscal oversight from statewide elected officials at the same time that a number of ethical lapses, criminal charges, grading irregularities, and procurement crises have occurred in multiple Maryland school systems.

Instead of listening to Marylanders, all forms of legislative chicanery and maneuvering have been utilized to pass House Bill 1783, stripping approval and real oversight of school construction funding away from the statewide elected and bipartisan Board of Public Works. For reasons only truly known by a handful of Annapolis insiders, this bill has placed billions of taxpayer dollars into the hands of the newly titled Interagency Commission on School Construction, composed of unelected and largely unaccountable political appointees and lobbyists – obviously ripe for potential conflicts of interest. As 50 years of history clearly prove, there is absolutely no substitute for the Board of Public Works when it comes to oversight of public funds and ensuring Maryland students are learning in school facilities that are safe and healthy.

Making matters even worse, public statements by legislative leadership, including the Senate President, have clearly indicated that this legislation is political payback against the Comptroller. It goes without saying, that ending 50 years of successful and proper executive and legislative oversight of school construction funds over petty political and personal differences is not responsible governance. This is just plain wrong, and no attempt to hide this truth will make it right.

The fact that the work product of the 21st Century School Facilities Commission – which has spent the last two years diligently studying how we can modernize Maryland’s public school construction program – has been expropriated makes this situation even more troubling. I was looking forward to signing House Bill 1783 as originally drafted, which was intended to streamline school construction and raise annual funding to \$400 million to be earmarked for school building and renovation. It also does a tremendous disservice to the citizen volunteers who worked for nearly two years on the 21st Commission to up–end their efforts to modernize school construction for purposes of political retribution.

As you are well aware, in an underhanded backroom deal, with no notice, no public hearings, or public input, and less than two weeks left in the legislative session, the House Appropriations Committee snuck in an amendment on House Bill 1783, stripping authority from the Board of Public Works over school construction. The Senate Budget and Taxation Committee then hastily passed the bill after being pulled off the floor of the Senate.

In the dwindling days of the legislative session, House and Senate leadership rushed through a major overhaul of state government that has operated well for decades, significantly curtailing oversight, accountability, and transparency. In a sad and dispiriting twist of irony, transparency was a key topic to the Commission’s deliberations, which Commission members added as a fifth theme during their 2017 deliberations. In the 21st Century School Facilities final report published in January of this year, it states “the entire process of designing, funding, building, and maintaining public school facilities **must be fully transparent.**”

Conversely, the process by which the final product of House Bill 1783 arrived on my desk has been fundamentally opaque. In contrast, the Board of Public Works operates in a completely transparent manner. Public meetings are held and advertised in advance, which are lived streamed and open to the public. The Board posts agendas and minutes promptly that are accessible for Maryland taxpayers to see how their dollars are being spent.

Since the Board of Public Works was granted the authority to oversee State funding for local school construction projects in 1943, the Board has overseen and managed the process to distribute billions of taxpayer dollars and assured the public that those funds were being spent wisely. The Board is composed of the state’s three fiscal officers. The Board embodies accountability and transparency, ultimately providing a final check over the billions of dollars spent on school construction funds.

House Bill 1783 eradicates this oversight process that has served students, teachers, and parents for decades. The Board has rightly exerted public pressure on local school systems to address serious, and in some instances inhumane, conditions in their schools. My fellow Board members and I have listened earnestly to the pleas and

concerns from Marylanders whose phone calls, emails, and letters went unanswered by their school officials and local elected officials.

When more than 50,000 students in the Baltimore region were enduring conditions that were completely unacceptable due to the lack of air conditioning in the summer and heat in the winter, the members of the Board were there to help them. When students, teachers, and families came to the Board in response to the mold crisis in Howard County, we were there to help them. These are just a few of the countless instances in which the Board directly addressed the clear deficiencies in our local school systems and have safeguarded taxpayer investments in school construction and maintenance.

The idea that an unelected group of political appointees will respond to the needs of the public in an appropriate and similar manner flies in the face of common sense and is insulting to our citizens. There are no term limits for these political appointees and no reference in the legislation to the selection and removal process of Commission members. Inexplicably, the House even voted down an amendment to prevent individuals deriving their income from lobbying from serving on the Commission, only giving rise to further concerns of future conflicts of interest.

At a time when criminality, unethical behavior and mismanagement continue to fester in our public school systems, House Bill 1783 will only serve to further reduce transparency and oversight. Our students, teachers, and families who depend on the Board of Public Works to hold local officials accountable for their actions are the ones being hurt by this legislation, and that will never be acceptable to me.

I will never sit by and allow our children to be used as political pawns in what is a perplexing and ultimately deeply depressing situation that you have chosen to create.

For these reasons, I have vetoed House Bill 1783.

Sincerely,

Lawrence J. Hogan, Jr.  
Governor

Cc: The Honorable Thomas V. Mike Miller, Jr.