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Date: (Filing No. H-)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 100, L.D. 144, “An Act To Fund Capital Improvements to Career and Technical Education Centers and Regions To Bolster Maine's Future Workforce”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 4 MRSA §1603, sub-§3-A is enacted to read:

3-A. Career and technical education center. "Career and technical education center" has the same meaning as "center" in Title 20-A, section 8301-A, subsection 3.

Sec. 2. 4 MRSA §1603, sub-§3-B is enacted to read:

3-B. Career and technical education region. "Career and technical education region" has the same meaning as "region" in Title 20-A, section 8301-A, subsection 6.

Sec. 3. 4 MRSA §1603, sub-§4-A is enacted to read:

4-A. Equipment purchases. "Equipment purchases" means the purchase of new or updated equipment and any capital improvements necessary to use the new or updated equipment.

Sec. 4. 4 MRSA §1603, sub-§7, as amended by PL 1997, c. 788, §1, is further amended to read:

7. Project, projects or part of any project. "Project, projects or part of any project" means the acquisition, construction, improvement, reconstruction or equipping of, or construction of an addition or additions to, any structure designed for use as a court facility, state office or state activity space and intended to be used primarily by the State, any agency, instrumentality or department of the State or by any branch of State Government. The structure may include facilities for the use of related agencies of state, county or local government. "Project, projects or part of any project" includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, parking lots, parking facilities, rights-of-way, utilities, easements and other interests in

COMMITTEE AMENDMENT

1 land, machinery and equipment and all fixtures, appurtenances and facilities either on,
2 above or under the ground that are used or usable in connection with the structure, and also
3 includes landscaping, site preparation, furniture, machinery, equipment and other similar
4 items necessary or convenient for the operation of a particular facility or structure in the
5 manner for which its use is intended. "Project, projects or part of any project" also includes
6 the acquisition, construction, improvement, reconstruction or repair of any equipment,
7 device, technology, software or other personal property intended to be used primarily by
8 the State, any agency, instrumentality or department of the State or by any branch of State
9 Government or any related agency of state, county or local government. For the purpose
10 of implementing section 1610-M, "project, projects or part of any project" also includes
11 equipment purchases for career and technical education centers and career and technical
12 education regions. The exact scope of each project, projects or part of any project, other
13 than those for the Judicial Branch and the Legislative Branch, must be set forth in a written
14 designation by the Commissioner of Administrative and Financial Services to the authority
15 and the exact scope of each project, projects or part of any project for the Judicial Branch
16 must be set forth in a written designation by the State Court Administrator to the authority.
17 The scope of each project for the Legislative Branch must receive a majority vote of the
18 Legislative Council and be set forth in a written designation by the Executive Director of
19 the Legislative Council to the authority. "Project, projects or part of any project" does not
20 include such items as fuel, supplies or other items that are customarily considered as a
21 current operating charge.

22 **Sec. 5. 4 MRSA §1604, sub-§18**, as amended by PL 1997, c. 523, §9, is further
23 amended to read:

24 **18. Lease or rent any land, buildings, structures, facilities or equipment.** To lease
25 or rent any land, buildings, structures, facilities or equipment comprising all or a portion of
26 a project, projects or part of any project for such amounts as the authority determines to the
27 State or any agency, instrumentality or department of the State or a career and technical
28 education center or career and technical education region or by any branch of State
29 Government or any related agency of state, county or local government or a career and
30 technical education center or career and technical education region, to further the purposes
31 of the Act, provided that the obligation of the State or of any such agency, instrumentality,
32 department or branch or of a career and technical education center or career and technical
33 education region to make any rental or other payments is considered executory only to the
34 extent of money made available by the Legislature, and that no liability on account of the
35 state agency, instrumentality, department or branch or career and technical education center
36 or career and technical education region may be incurred by the State or any such agency,
37 instrumentality, department or branch or career and technical education center or career
38 and technical education region beyond the money available for that purpose;

39 **Sec. 6. 4 MRSA §1610-M** is enacted to read:

40 **§1610-M. Additional securities; career and technical education centers and regions**

41 **1. Additional securities.** Notwithstanding any limitation on the amount of securities
42 that may be issued pursuant to section 1606, subsection 2, the authority may issue
43 additional securities in an aggregate amount not to exceed \$20,000,000 for equipment
44 purchases to career and technical education centers and career and technical education

1 regions in accordance with this section, and the additional securities must be used for those
2 purposes.

3 **2. Delegation.** The authority may delegate those powers that may be delegated to the
4 Department of Administrative and Financial Services, Bureau of General Services pursuant
5 to section 1604, subsection 26 to the career and technical education region cooperative
6 board, as defined in Title 20-A, section 1, subsection 6, or the school administrative unit
7 that governs a career and technical education center subject to the same terms and
8 conditions.

9 **3. Issuance.** The authority may not issue any additional securities pursuant to this
10 section after June 30, 2023.

11 **4. Report.** The authority shall report to the joint standing committee of the Legislature
12 having jurisdiction over education and cultural affairs upon the allocation of all bond
13 proceeds pursuant to this section. The joint standing committee of the Legislature having
14 jurisdiction over education and cultural affairs may report out a bill to repeal this section
15 and any related provisions of law upon receipt of that report.

16 **5. Department of Education national industry standards evaluation.** A career and
17 technical education center or career and technical education region may submit an
18 application for a project, projects or part of any project to the Department of Education.
19 The Department of Education shall establish criteria, including an evaluation pursuant to
20 Title 20-A, section 15688-A, subsection 6, for the approval of any project, projects or part
21 of any project. The Department of Education shall notify the authority of any approved
22 project, projects or part of any project under this subsection.

23 **6. Debt service.** Debt service costs for bonds issued by the authority to career and
24 technical education centers and career and technical education regions for equipment
25 purchases pursuant to this section must be paid by the State. On or before September 1st
26 of each year, the authority shall prepare and submit to the Department of Education
27 estimates of the appropriation requirements necessary to pay the debt service for each fiscal
28 year of the ensuing biennium for bonds issued by the authority to career and technical
29 education centers and career and technical education regions for equipment purchases.

30 Debt service costs must be paid by the Commissioner of Education to the authority
31 according to each career and technical education center's or career and technical education
32 region's debt retirement schedule developed by the authority.

33 All debt service costs must be paid by the Commissioner of Education to the authority one
34 business day prior to the date of the center's or region's next debt service cost payment as
35 outlined in the career and technical education center's or career and technical education
36 region's debt retirement schedule. If the payment date falls on a Monday, payment must
37 be made to the authority on the preceding Friday.

38 **Sec. 7. Maine Governmental Facilities Authority report.** The executive
39 director of the Maine Governmental Facilities Authority shall report to the joint standing
40 committee of the Legislature having jurisdiction over education and cultural affairs no later
41 than January 15, 2022 if the Maine Governmental Facilities Authority determines that
42 additional legislation is necessary to carry out the purposes of this Act, including but not
43 limited to any legislation necessary to ensure that securities issued pursuant to this Act are
44 tax-exempt. The joint standing committee of the Legislature having jurisdiction over

1 education and cultural affairs may report out legislation on the subject matter of the report
2 to the Second Regular Session of the 130th Legislature.'

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
4 number to read consecutively.

5 SUMMARY

6 This amendment replaces the bill. It adds equipment purchases, defined as the purchase
7 of new or updated equipment and any capital improvements necessary to use the new or
8 updated equipment, of career and technical education centers and regions to the definition
9 of "project, projects or part of any project" in the Maine Governmental Facilities Authority
10 Act and to the authority to lease or rent any land, buildings, structures, facilities or
11 equipment. The amendment also adds equipment purchases as a purpose for issuing
12 additional securities, allows the Maine Governmental Facilities Authority to delegate
13 certain powers to the cooperative board or school administrative unit that governs a career
14 and technical education region or center, respectively, and provides that the Maine
15 Governmental Facilities Authority may not issue any additional securities pursuant to this
16 provision after June 30, 2023. The amendment requires the Maine Governmental Facilities
17 Authority to report to the joint standing committee of the Legislature having jurisdiction
18 over education and cultural affairs upon the allocation of all bond proceeds. The joint
19 standing committee of the Legislature having jurisdiction over education and cultural
20 affairs may report out a bill to repeal the provision regarding the issuance of additional
21 securities and any other provision of law relating to that provision. The amendment also
22 provides that the executive director of the Maine Governmental Facilities Authority must
23 report to the joint standing committee of the Legislature having jurisdiction over education
24 and cultural affairs no later than January 15, 2022 if the authority determines that additional
25 legislation is necessary to carry out the purposes of this legislation, including but not
26 limited to any legislation necessary to ensure that securities issued pursuant to this
27 legislation are tax-exempt.

28 Career and technical education centers and regions are without sufficient funds to
29 provide for equipment purchases and as such require additional mechanisms to raise funds
30 for this purpose. It is the intent of this legislation to provide a limited alternative
31 mechanism for career and technical education centers and regions to fund equipment
32 purchases at career and technical education centers and regions to better serve the State's
33 students.

34 FISCAL NOTE REQUIRED

35 (See attached)