

MAINE STATE LEGISLATURE

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SEN. KEVIN L. RAYE
CHAIR

REP. ROBERT W. NUTTING
VICE-CHAIR

EXECUTIVE DIRECTOR
DAVID E. BOULTER



125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

SEN. JONATHAN T. E. COURTNEY
SEN. BARRY J. HOBBS
SEN. DEBRA D. PLOWMAN
SEN. JUSTIN L. ALFOND
REP. PHILIP A. CURTIS
REP. EMILY ANN CAIN
REP. ANDRE E. CUSHING III
REP. TERRY HAYES

**MEETING OF LEGISLATIVE COUNCIL
SEPTEMBER 22, 2011
2:30 PM
REVISED AGENDA**

<u>Page</u>	<u>Item</u>	<u>Action</u>
	CALL TO ORDER	
	ROLL CALL	
1	SUMMARY OF THE AUGUST 25, 2011 MEETING OF THE LEGISLATIVE COUNCIL	Acceptance
	REPORTS FROM EXECUTIVE DIRECTOR AND STAFF OFFICE DIRECTORS	
10	▪ Executive Director's Report (Mr. Boulter)	Information
11	▪ Fiscal Report (Mr. Pennoyer)	Information
15	▪ Status of Legislative Studies (Mr. Clark)	Information
	REPORTS FROM COUNCIL COMMITTEES	
	• Personnel Committee	Information
	• State House Facilities Committee (No Report)	
	OLD BUSINESS	
	None	

NEW BUSINESS

- | | | |
|-----------|---|--------------------|
| 16 | Item #1: OPEGA Biennial Work Plan for 2011-2012 (Status)
(Ms. Ashcroft) | Information |
| 17 | Item #2: Acceptance of Private Contribution from the Maine Affordable
Housing Coalition to Support the Blue Ribbon Commission on
Affordable Housing | Acceptance |
| | Item #3: Collective Bargaining Matters (EXECUTIVE SESSION) | |

ANNOUNCEMENTS AND REMARKS

ADJOURNMENT

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MEETING SUMMARY
August 25, 2011

CALL TO ORDER

Legislative Council Chair, Senate President Raye called the August 25, 2011 Legislative Council meeting to order at 1:45 p.m. in the Legislative Council Chamber.

ROLL CALL

Senators: President Raye, Senator Courtney, Senator Hobbins and Senator Alfond

Absent: Senator Plowman

Representatives: Speaker Nutting, Representative Curtis, Representative Cushing, Representative Cain

Absent: Representative Hayes

Legislative Officers: Joseph Carleton, Secretary of the Senate
Shawn Roderick, Assistant Clerk of the House
David E. Boulter, Executive Director of the Legislative Council
Jon Clark, Deputy Director, Office of Policy and Legal Analysis
Grant Pennoyer, Director, Office of Fiscal and Program Review
Suzanne Gresser, Revisor of Statutes
Scott Clark, Director, Legislative Information Technology
John Barden, Director, Law and Legislative Reference Library
Rose Breton, Legislative Finance Director
Debra Olken, Human Resources Director

Senate President Raye convened the meeting at 1:45 P.M. with a quorum of members present.

SUMMARY OF JUNE 28, 2011 MEETING OF LEGISLATIVE COUNCIL

Motion: That the Meeting Summary of June 28, 2011 be accepted and placed on file. Motion by Representative Cushing. Second by Representative Cain. **Motion passed unanimous (8-0, with Senator Plowman and Representative Hayes absent).**

Note: The Legislative Council did not meet in July.

REPORTS FROM EXECUTIVE DIRECTOR AND COUNCIL OFFICES

Executive Director's Report

1. E-Filing of Rulemaking Notices

State agencies may now file statutorily required notices of rulemaking electronically with the Legislature and notices will be sent to legislative committees electronically as well. Testing of the application this past session went well and the Executive Director's office will conclude offering agency training in the use of the e-filing application to all major departments and agencies this month. The notices will also be posted to the legislature's website beginning this fall.

2. Digitization of Library Materials

Over the last 2 years, the Law and Legislative Reference Library has made a concerted effort to digitize legislative materials so they may be made available electronically. Included in the digitization project are joint standing committee master files and legislative documents and amendments. To date, the following have been digitized:

- Over 7,000 committee-related items
- Nearly 15,000 legislative documents and amendments
- 33,000 pages of Laws of Maine
- 20,000 pages of the Legislative Record
- 14,000 pages of Revised Statutes (early editions)
- Other materials such as Legislative Council materials and news clippings.

The project is on-going.

3. Cloture Date Established

By ballot vote, the Legislative Council has established Friday, September 30, 2011 at 4:00 PM as the date by when Legislators must file their bill requests for the second regular session and accompanying materials with the Office of the Revisor of Statutes.

Fiscal Report

Grant Pennoyer, Director, Office of Fiscal and Program Review, reported on the following:

Revenue Update

Total General Fund Revenue - FY 2012 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
July	\$224.4	\$207.2	(\$17.2)	-7.6%	\$216.7	-4.4%
FYTD	\$224.4	\$207.2	(\$17.2)	-7.6%	\$216.7	-4.4%

General Fund revenue was under budget by \$17.2 million (7.6%) for the first month of FY 2012. This performance represented a decline of 4.4% compared with July 2010. A single month's variance is not a reliable indicator of a change in trend. July's variance appears to have been caused primarily by a \$15.8 million variance in individual income tax withholding receipts. Some of this is a timing issue, but much of the variance is unexplained at this point. An additional \$1.3 million of the negative variance was from revenue sharing transfers that were based on strong income and sales tax collections in June 2010.

There are some areas that merit closer scrutiny over the next few months including fine revenue, cigarette and tobacco tax revenue, racino revenue and lottery revenue. Inland Fisheries and Wildlife revenue was on budget for July, but requires monitoring after ending FY 2011 with a negative variance of \$1.3 million. Sales tax collections may be a concern based on higher growth rate assumptions in FY 2012.

Highway Fund Revenue Update

Total Highway Fund Revenue - FY 2012 (\$'s in Millions)

	Budget	Actual	Var.	% Var.	Prior Year	% Growth
July	\$27.6	\$26.8	(\$0.8)	-2.9%	\$27.8	-3.9%
FYTD	\$27.6	\$26.8	(\$0.8)	-2.9%	\$27.8	-3.9%

Highway Fund revenue was under budget by \$0.8 million (2.9%) for the first month of FY 2012 and declined by 3.9% compared with July 2010. Mr. Pennoyer noted that it is too early to determine whether July's performance represents a negative trend. Fuel tax collections were modestly under budget and have been variable each month as receipts are due late in the month. Much of the remaining negative variance resulted from a variance in motor vehicle registration fees receipts, which is related to a delay in processing receipts this summer.

Cash Balances

The average total cash pool balance for July was \$576.1 million, \$90.1 million higher than one year ago. General Fund internal cash flow borrowing was \$115.6 million less than a year ago, reflecting significant improvement in General Fund reserve balances. Some decline in the status of General Fund cash balances is expected over the course of FY 2012 as a result of interfund advance of \$43 million in FY 2012 to be repaid in FY 2013. Absent any significant revenue or expenditure variances, the State appears to have a sufficiently strong cash position to avoid external borrowing in FY 2012. The last time the State issued a Tax Anticipation Note or borrowed externally for cash flow purposes was in FY 2006.

Revenue Forecasting Committee and Consensus Economic Forecasting Commission

The Revenue Forecasting Committee and the Consensus Economic Forecasting Commission met in a joint retreat last week. It was noted that though unemployment figures are decreasing, it is likely due to those who are leaving the labor market.

There was a vacancy on the Consensus Economic Forecasting Commission as a result of a resignation of one of the members. A new member, Michael Lavert, former state economist, was appointed to fill that vacancy.

Status of Legislative Studies

Jon Clark, Deputy Director of the Office of Policy and Legal Analysis, reported on the status of the legislative studies. Legislation authorizing three studies (Commission to Study Allocations of the Fund for a Healthy Maine, Commission to Study Priorities and Timing of Judicial Proceedings in State Court, and the Blue Ribbon Commission on Affordable Housing) takes effect on September 28, 2011. Two studies (Franco-American Task Force and the Legislative Youth Advisory Council) have not convened; they are pending member

appointments. The Right to Know Advisory Committee has held one meeting so far. The Citizen Trade Policy Commission has a meeting scheduled for September 16, 2011.

The Franco-American Task Force was authorized conditionally on obtaining private funding within 30 days to support the task force. Funding was not obtained so the task force will not be established. Legislation is planned to be introduced in the second regular session to authorize the task force for one rather than two years. It is anticipated that sufficient funds may be raised to support a one year study.

REPORTS FROM COUNCIL COMMITTEES

1. Personnel Committee

No report.

2. State House Facilities Committee

No report.

OLD BUSINESS

Item #1: Legislative Council Actions Taken by Ballot

Legislative Council Decision:

That, pursuant to Joint Rule 203, the Legislative Council establish a cloture date of Friday, September 30, 2011 at 4:00 PM for submission of legislation by Legislators to the Revisor of Statutes for the Second Regular Session of the 125th Legislature, with the various procedures and scheduling to be established by the Legislative Council at a future meeting.

Motion by: Senator Kevin Raye

Second by: Representative Robert Nutting

Approved: August 16, 2011 Vote: 10-0 in favor

Item #2: Voice Over Internet Protocol (VoIP) Telephone System

Scott Clark, Director of the Office of Legislative Information Technology presented his report and recommendation regarding a proposed Voice Over Internet Protocol Telephone System for all legislative offices. Based on the outcome of the 3 phases of review of the proposals received, Mr. Clark, with input from various legislative proposal review groups, concluded that of the six proposals received the OTT Communications proposal is the one that would best meet the Legislature's needs for telephone services. Mr. Clark recommended that the Legislative Council accept the proposal from OTT Communications and authorize the Executive Director to contract for installation and operation of a VoIP System for the Legislature this year.

Mr. Clark noted that the internal proposal review included a management team, a group of users that reviewed features and functionality and a technical team that evaluated the technical aspects of the proposed system. Mr. Clark said that OTT Communications' proposal is for a fully hosted

system and met the Legislature's requirements in all aspects. Mr. Clark drew Legislative Council members' attention to information in the packet that included a summary and side-by-side comparative information of the top two proposals, information about OTT Communications and cost information, including estimated 5-year costs for both a lease/purchase option and a direct purchase option.

President Raye inquired about initial costs. Mr. Boulter responded by referencing information in the cost summary. Upfront costs with the direct capital purchase option would be about \$121,000, the preferred option. With a lease/purchase option, the capital costs would be built into the monthly rate, spread over 5 years (with interest). President Raye asked if there would be sufficient funds within the Legislative budget to pay the upfront purchase costs. Mr. Boulter responded by saying there are sufficient funds as long as the legislature can structure the payments properly with the vendor.

In response to a question, Mr. Clark explained that the system equipment is warranted for 5 years, the proposed contract period. Mr. Boulter added that the OTT proposal does not call for installation and use of proprietary equipment so after the initial 5 year period the legislature could seek a new vendor without having to replace installed equipment, giving the legislature greater flexibility to seek competitive pricing in the future.

Representative Cushing reminded the Legislative Council that he would be abstaining from participating in deliberations or voting on the proposal because he has a family member that is associated with a firm that is seeking the VoIP contract.

In response to a question about advantages of replacing the current telephone system, Mr. Clark responded that the current system is obsolete, being 25 years old. The new equipment utilizes current technologies, has increased functionality and features, including conference calling, reception functions, and visual voice mail, and will result in decreased costs to the legislature. Mr. Clark noted that the legislature will be the largest entity of state government to date, though not the first, to install a VoIP system.

Speaker Nutting asked about system redundancy in the event the Internet service is disrupted. Mr. Clark responded that OTT Communications will provide 2 separate Internet feeds from 2 different locations. Furthermore, if both OTT systems failed, the telephone system would be operational using the Legislature's current Internet Service Provider. A fourth and final backup would be a limited number of traditional (copper) land lines that would be available for use until full service could be restored.

Mr. Boulter reiterated that the capital costs would be about \$121,000 with a monthly service charge of \$6,300. Mr. Clark concluded by mentioning that the proposal includes on-site and online training in the use of the new system. Installation would take about 3 weeks, beginning in October.

Motion: That the Legislative Council authorize the the Executive Director to enter into a contract with OTT Communications for the installation and operation of a VoIP telephone system for the Legislature. Motion by Representative Cain. Second by Representative Nutting. **Motion passed (7-0-1-0, with Senator Plowman and Representative Hayes absent, and with Representative Cushing abstaining from voting).**

NEW BUSINESS

Item #1: Establish Cloture and Related Dates for Filing Legislative Bill Requests

Suzanne Gresser, Revisor of Statutes, presented a proposed schedule that establishes dates and deadlines for events related to cloture for legislator bill requests for the second regular session. By earlier vote, the Legislative Council established a cloture date of September 30, 2011 at 4:00 pm. Ms. Gresser proposed the following dates relating to the cloture and the Legislative Council action on bill requests:

- Thursday, October 27, 2011 – Legislative Council meeting for consideration of Legislators' requests
- Monday, October 31, 2011 – Notification of Council's action mailed to sponsors
- Monday, November 7, 2011 – Deadline for filing appeals
- Thursday, November 17, 2011 – Legislative Council meeting to consider appeals
- Thursday, December 15, 2011 – Bill Signing Day
- Wednesday, January 4, 2012 – Legislature reconvenes

Ms. Gresser explained that the purpose of a bill signing day is to allow the members to meet with their peers to get their bills signed and turned in, which then allows the Revisor's office the opportunity to complete and print the bills so that they are finalized and printed by the time the Legislature convenes in January. Speaker Nutting asked what the Legislators receive for compensation for a bill signing day. Mr. Boulter responded that legislators are paid expenses, but no per diem.

Senator Courtney noted that he had a scheduling conflict with the October Council meeting date. President Raye suggested changing the October Legislative Council meeting from the October 27th to the 31st, the notification date from October 31st to November 3rd and the deadline for filing appeals from November 7th to November 8th. The other members generally agreed with those changes.

Motion: That the Legislative Council approve the proposed cloture schedule as amended by the date changes to the October meeting, notification date and deadline for filing appeals. Motion by Representative Cushing. Second by Representative Cain. **Motion passed (8-0,** with Senator Plowman and Representative Hayes absent).

Item #2: Request to Carry Over Funds from FY11 to FY 12 (Citizen Trade Policy Commission)

The Citizen Trade Policy Commission requested approval to carry over \$16,040 of unexpended funds that remained at the end of FY11 to FY12 to allow the commission to conduct those activities required under Public Law 2003, chapter 699 and to contract for staffing support. The commission intends to hold 10 meetings between September 2011 and July 2012, including 2 public hearings in separate locations in the state.

Speaker Nutting suggested that the commission could carry out its work with fewer than 10 meetings, and a reduction in the number of authorized meetings would be consistent with earlier council action on other studies. Senator Courtney suggested that the commission combine its public hearings with its business meetings on the same days.

President Raye proposed that the commission be authorized to meet up to 8 times to conduct its business, thus reducing commission expenses by \$2,260.

Motion: That the Legislative Council authorize \$13,780 to be carried forward from FY11 to FY12 for the purposes of providing additional funding to the Citizen Trade Policy Commission to hold up to 8 meetings in order to carry out its statutory duties. Motion by Representative Cain. Second by Representative Cushing. **Motion passed (8-0, with Senator Plowman and Representative Hayes absent).**

Item #3: Request for After Hours Use of the Hall of Flags for Reception and Educational Purposes on September 16, 2011

The Friends of the Blaine House requested approval to hold an after-hours reception in the Hall of Flags in the evening of Friday, September 16, 2011. The event, sponsored by the Friends of the Blaine House, will be a live broadcast of a program produced by C-SPAN featuring James G. Blaine as part of its "The Contenders" history series. C-SPAN is working in conjunction with Time Warner Cable to film the program at the Blaine House for broadcast that evening. Attendance at the reception will be by invitation only, for up to 100 invitees. Light refreshments will be served. The event will conclude by 10:00 PM. Costs of the event will be borne by the Friends of the Blaine House.

Motion: That the Legislative Council approve the request by the Friends of the Blaine House, for the use of the Hall of Flags in the evening of September 16, 2011. Motion by Representative Cushing. Second by Representative Cain. **Motion passed (8-0, with Senator Plowman and Representative Hayes absent).**

Item #4: Request for Approval of MDF Legislative Bus Tour Date and Breakfast Policy Forums

The Maine Development Foundation proposed two potential dates to conduct the second of two bus tours in January 2012: January 11-13 or January 18-20. In addition, MDF is requesting approval to hold a limited number of policy forum breakfasts for legislators during the second regular session that will cover some key topics that will not be covered as part of the bus tour. The bus tour and legislative policy forums are part of a continuing orientation program for legislators. MDF will work with the Executive Director's office on programming and scheduling, with the specific dates for the legislative policy forums subject to approval by the presiding officers.

Motion: That the Legislative Council approve the request by the Maine Development Foundation to conduct an educational bus tour for legislators from Wednesday, January 11, 2012 through Friday, January 13, 2012 and to hold several legislative policy forum breakfasts during the early part of the second regular session. Motion by Representative Cushing. Second by Representative Cain. **Motion passed (8-0, with Senator Plowman and Representative Hayes absent).**

Item #5: Proposed Staff Study of Feasibility of Making Written Materials Presented to Committees Available Electronically for Public Access

President Raye explained his desire that written testimony presented to joint standing committees during public hearings be available electronically for public access. He felt this measure would increase transparency to the legislative process and allow the media as well as members of the general public to keep abreast of legislative public hearings and work sessions. He suggested that a

group of staff could be assembled to develop a proposal for making the information available electronically.

Mr. Boulter noted that the legislature already has document scanners available, and the issue will be one of resources and logistics. Developing a uniform system for gathering the materials, scanning them and posting to the legislature's website would increase efficiency of operation. A brief discussion on various options followed.

Motion: That the Legislative Council request Executive Director Boulter to convene a group to develop a proposal for making testimony and other materials presented to legislative committees available electronically for public review and report back to the Legislative Council. Motion by Representative Nutting. Second by Representative Cushing. **Motion passed (8-0, with Senator Plowman and Representative Hayes absent).**

Item #6: Potential for Consolidating Multiple Website Information Links into Single, Searchable Point of Reference for Committee Information relating to Committee Activities

President Raye explained his concern that website information about legislative public meetings is not particularly user friendly. He felt that locating committee information such as public hearings and work sessions in one location and making it searchable would improve the website usefulness. President Raye invited Alison Suty, Chief of Staff to the Speaker, to offer her suggestions. Ms. Suty suggested that a calendar of all daily legislative events be posted on the legislature's website. Representative Cain suggested that a group representing various offices, including the Secretary of the Senate and the Clerk of the House, provide input in what key information should be consolidated and made searchable.

Motion: That the Legislative Council direct the Director of the Office of Legislative Information Technology to coordinate a work group of legislative staff representing various offices for the purpose of revising and consolidating presentation of committee meeting information and other committee activities into a common location on the legislature's website for ease of reference and searchability. Motion by Representative Cain. Second by Representative Curtis. **Motion passed (8-0, with Senator Plowman and Representative Hayes absent).**

Item #7: Review of Policies and System for Legislative Employees and Legislators to Remotely Access Email, Contact Lists and Calendars

President Raye explained that this is an issue raised by staff and Members who have had difficulty viewing their calendars and contacts using Microsoft Office remotely.

Mr. Clark commented that the current difficulty is due to the version of Microsoft Outlook (Office 2003) now in use that limits ease of access remotely. He stated that the planned upgrade of Microsoft Office software to Office 2010 should remedy the problem. Some training on the use of the upgraded software would be helpful, especially for legislators. Representative Cain suggested that a training session be held for interested Members on bill signing day. [Note: legislative staff will be offered training at the time the software is installed in their offices.]

Mr. Clark reiterated that he felt the difficulty of using applications remotely involves email, calendars and contacts in Outlook, not access to other resources on the Internet or inside the legislative network. Office 2010 should resolve the issues related to format and usability of those functions when accessing them remotely.

Legislative Council Chair President Raye concluded the discussion by stating that no Legislative Council action on this matter is necessary at this time since the scheduled software upgrade should resolve the issue satisfactorily. Mr. Clark will advise the Legislative Council following the upgrade if there are any steps the Legislative Council needs to take.

ANNOUNCEMENTS AND REMARKS

The Legislative Council meeting was adjourned at 3:03 P.M. on a motion by Representative Cain, seconded by Representative Curtis. **Motion passed (8-0**, with Senator Plowman and Representative Hayes absent).

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125TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

Legislative Council

**Executive Director's Report
September 22, 2011**

1. VoIP Telephone System
Discussions with the vendor are on-going to prepare for installation of a VoIP telephone system in the Legislature. The proposed contract is currently under legal review. The anticipated completion date for installation of the system is prior to Thanksgiving.
2. Making Written Testimony Available Electronically and Developing a User-Friendly Webpage related to Committee Meetings and Events
Staff is making progress to assess options and develop methodologies to make testimony available electronically and to improve access to committee information on the Legislature's webpage, in accordance with the Legislative Council's request last month.
3. House Chamber Desk Installation
The House Chamber will be ready and the desks serviceable for the Special Session next week. Minor punch-list items will be completed in the days immediately following the session.
4. Passing of Reporter Mike Brown
I am saddened to report that long-time member of the State House Press Corps, Mike Brown, passed away unexpectedly on September 11, 2011 at the age of 81, at his home in Saturday Cove, Northport, Maine. He was the owner of Hometown News and Cove Writers, Inc. and reported on the issues and activities of State Government and the Legislature for many years. He also fished for lobsters, hauling as many as 100 traps each trip until his death. His presence in the State House will be sadly missed.

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Fiscal Briefing

Legislative Council Meeting

September 22, 2011

Prepared by the Office of Fiscal & Program Review

1. General Fund Revenue Update (see attached detail tables)

Total General Fund Revenue - FY 2012 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$91.6	\$98.9	\$7.2	7.9%	\$81.7	21.1%
FYTD	\$316.0	\$306.1	(\$9.9)	-3.1%	\$298.4	2.6%

General Fund revenue was over budget by \$7.2 million (7.9%) for August, which reduced the fiscal year-to-date (FYTD) negative variance to \$9.9 million (3.1%). The 2.6% growth rate for the first 2 months of FY 2012 compared to the same period in the last fiscal year is above the nearly flat growth projected for all of FY 2012. August individual income tax withholding payments, the primary reason for the negative variance in July, were ahead of budget by \$3.1 million, which reduced the negative variance for the first 2 months to \$12.7 million. Corporate Income Tax was above budget in August by \$4.1 million and was above budget for the FYTD by \$3.5 million. Taxable sales remained on target for the first 2 months. August's performance would have reduced the FYTD negative variance further but for an early payment under the BETR program that resulted in a \$4.7 million negative variance in August that is a timing issue only. There were also some improvements in some of the problem areas identified last month, but fine revenue and cigarette and tobacco tax revenue remain a concern.

2. Highway Fund Revenue Update (see attached detail tables)

Total Highway Fund Revenue - FY 2012 (\$'s in Millions)						
	Budget	Actual	Var.	% Var.	Prior Year	% Growth
August	\$9.5	\$9.3	(\$0.2)	-2.6%	\$9.9	-6.6%
FYTD	\$37.0	\$36.0	(\$1.0)	-2.8%	\$37.8	-4.6%

Highway Fund revenue was under budget by \$0.2 million (2.6%) for the first month of FY 2012, which increased the negative variance for the FYTD to \$1.0 million (2.8%). Highway Fund revenue for the FYTD reflected a decline of 4.6% compared with the first 2 months of FY 2010. Gasoline tax collections were \$1.2 million under budget in August. The Fuel Tax category has had a significant amount of variability from budget, but there is no indication of a new trend either way.

3. Cash Balances

The average total cash pool balance for August was \$554.5 million, \$30.4 million higher than one year ago. General Fund internal cash flow borrowing was \$76.8 million less than a year ago. Although this balance is below the average for August for the last 10 years of \$600.5 million, balances remain healthy enough to avoid external borrowing in FY 2012 absent any significant variances in spending or revenue.

4. MaineCare Spending

MaineCare spending now appears to be just such a variance that must be addressed. The weekly FY 2012 MaineCare cycle average through Week 8 of \$43.6 million (state and federal dollars) continues to be up over the average through the first five weeks of FY 2012 and greater than the weekly average for FY 2011 of \$40.4 million. The very sudden and significant jump after week 5 of FY 2012 is unexplained. Anomalies in caseload data have yet to be explained or addressed. An analysis of the expenditure detail is in the works. The department indicated that this is a change in trend that may produce a shortfall of \$1.5 million per week.

General Fund Revenue
Fiscal Year Ending June 30, 2012 (FY 2012)
August 2011 Revenue Variance Report

Revenue Category				Fiscal Year-To-Date					FY 2012 Budgeted Totals
	August '11 Budget	August '11 Actual	August '11 Variance	Budget	Actual	Variance	Variance %	% Change from Prior Year	
Sales and Use Tax	4,948,278	6,360,322	1,412,044	96,907,698	99,371,664	2,463,966	2.5%	6.1%	955,812,221
Service Provider Tax	(1,530,803)	(1,468,898)	61,905	3,444,646	2,844,819	(599,827)	-17.4%	-13.8%	56,877,680
Individual Income Tax	73,211,467	76,878,302	3,666,835	175,078,455	165,583,939	(9,494,516)	-5.4%	2.6%	1,445,821,209
Corporate Income Tax	(331,145)	3,722,868	4,054,013	8,822,389	12,304,947	3,482,558	39.5%	39.5%	180,396,827
Cigarette and Tobacco Tax	12,095,553	11,883,514	(212,039)	25,970,582	24,861,084	(1,109,498)	-4.3%	4.9%	143,623,350
Insurance Companies Tax	59,049	140,720	81,671	886,139	1,828,707	942,568	106.4%	284.2%	76,215,000
Estate Tax	(2,716,075)	(1,043,671)	1,672,404	0	1,496,809	1,496,809	N/A	13.5%	35,810,855
Other Taxes and Fees *	8,784,327	8,517,344	(266,983)	17,793,252	16,822,644	(970,608)	-5.5%	-12.5%	135,094,104
Fines, Forfeits and Penalties	2,673,411	2,559,959	(113,452)	5,221,155	4,253,470	(967,685)	-18.5%	-19.8%	28,399,692
Income from Investments	33,906	43,403	9,497	33,906	43,405	9,499	28.0%	28.0%	257,766
Transfer from Lottery Commission	3,826,430	4,344,646	518,216	8,609,468	8,785,892	176,424	2.0%	1.6%	50,700,000
Transfers to Tax Relief Programs *	(7,828,357)	(12,082,956)	(4,254,599)	(8,064,286)	(12,764,879)	(4,700,593)	-58.3%	-56.0%	(112,068,263)
Transfers for Municipal Revenue Sharing	(7,203,613)	(6,536,482)	667,131	(19,874,764)	(20,560,918)	(686,154)	-3.5%	-1.6%	(94,003,511)
Other Revenue *	5,621,317	5,567,381	(53,936)	1,191,209	1,238,971	47,762	4.0%	27.6%	42,691,921
Totals	91,643,745	98,886,452	7,242,707	316,019,849	306,110,555	(9,909,294)	-3.1%	2.6%	2,945,628,851

* Additional detail by subcategory for these categories is presented on the following page.

General Fund Revenue
Fiscal Year Ending June 30, 2012 (FY 2012)
August 2011 Revenue Variance Report

Revenue Category	August '11 Budget	August '11 Actual	August '11 Variance	Fiscal Year-To-Date					FY 2012 Budgeted Totals
				Budget	Actual	Variance	Variance %	% Change from Prior Year	
Detail of Other Taxes and Fees:									
- Property Tax - Unorganized Territory	0	0	0	0	0	0	N/A	N/A	13,536,928
- Real Estate Transfer Tax	801,652	43,444	(758,208)	1,741,268	896,933	(844,335)	-48.5%	-67.1%	9,767,309
- Liquor Taxes and Fees	1,908,834	1,985,349	76,515	3,961,416	4,020,796	59,380	1.5%	-2.2%	20,467,530
- Corporation Fees and Licenses	390,975	293,874	(97,102)	684,990	553,865	(131,126)	-19.1%	-18.3%	7,697,099
- Telecommunication Personal Prop. Tax	0	0	0	0	71,690	71,690	N/A	N/A	14,641,734
- Finance Industry Fees	1,904,581	1,984,900	80,319	3,809,162	3,505,200	(303,962)	-8.0%	4.0%	23,265,980
- Milk Handling Fee	93,877	88,141	(5,736)	187,754	182,747	(5,007)	-2.7%	-83.5%	1,126,529
- Racino Revenue	874,837	982,579	107,742	1,875,049	1,805,862	(69,187)	-3.7%	-1.6%	10,849,437
- Boat, ATV and Snowmobile Fees	350,825	436,197	85,372	991,319	989,284	(2,035)	-0.2%	-0.2%	4,500,295
- Hunting and Fishing License Fees	1,918,976	2,178,019	259,043	3,450,914	3,808,077	357,163	10.3%	10.3%	17,332,248
- Other Miscellaneous Taxes and Fees	539,770	524,841	(14,929)	1,091,380	988,190	(103,190)	-9.5%	3.5%	11,909,015
Subtotal - Other Taxes and Fees	8,784,327	8,517,344	(266,983)	17,793,252	16,822,644	(970,608)	-5.5%	-12.5%	135,094,104
Detail of Other Revenue:									
- Liquor Sales and Operations	1,295	4,050	2,755	3,322	5,850	2,528	76.1%	70.0%	7,669,727
- Targeted Case Management (DHHS)	1,072,966	690,055	(382,911)	1,189,632	1,380,402	190,770	16.0%	-41.1%	5,225,200
- State Cost Allocation Program	1,519,797	1,184,954	(334,843)	2,865,264	2,293,052	(572,212)	-20.0%	-10.1%	16,467,934
- Unclaimed Property Transfer	0	0	0	0	0	0	N/A	N/A	2,333,420
- Toursim Transfer	0	0	0	(5,876,495)	(5,876,495)	0	0.0%	-5.9%	(9,305,250)
- Transfer to Maine Milk Pool	(221,488)	0	221,488	(441,407)	0	441,407	100.0%	100.0%	(1,108,312)
- Transfer to STAR Transportation Fund	0	0	0	(2,072,166)	(2,072,166)	0	0.0%	-0.3%	(3,115,000)
- Other Miscellaneous Revenue	3,248,747	3,688,322	439,575	5,523,059	5,508,328	(14,731)	-0.3%	-3.6%	24,524,202
Subtotal - Other Revenue	5,621,317	5,567,381	(53,936)	1,191,209	1,238,971	47,762	4.0%	27.6%	42,691,921
Detail of Transfers to Tax Relief Programs:									
- Me. Resident Prop. Tax Program (Circuitbreaker)	(7,828,357)	(7,388,285)	440,073	(8,064,286)	(8,070,208)	(5,922)	-0.1%	1.7%	(41,083,286)
- BETR - Business Equipment Tax Reimb.	0	(4,694,671)	(4,694,671)	0	(4,694,671)	(4,694,671)	N/A	-17546.5%	(51,552,995)
- BETE - Municipal Bus. Equip. Tax Reimb.	0	0	0	0	0	0	N/A	N/A	(19,431,982)
Subtotal - Tax Relief Transfers	(7,828,357)	(12,082,956)	(4,254,599)	(8,064,286)	(12,764,879)	(4,700,593)	-58.3%	-56.0%	(112,068,263)
Inland Fisheries and Wildlife Revenue - Total	2,350,970	2,712,171	361,201	4,609,092	4,973,708	364,616	7.9%	7.5%	22,820,946

Highway Fund Revenue **Fiscal Year Ending June 30, 2012 (FY 2012)**

August 2011 Revenue Variance Report

Revenue Category	August '11 Budget	August '11 Actual	August '11 Variance	Fiscal Year-To-Date					FY 2012 Budgeted Totals
				Budget	Actual	Variance	% Variance	% Change from Prior Year	
Fuel Taxes:									
- Gasoline Tax	3,596,583	2,424,899	(1,171,684)	19,288,562	19,006,475	(282,087)	-1.5%	-5.3%	198,610,000
- Special Fuel and Road Use Taxes	(1,467,034)	(593,228)	873,806	3,104,250	2,852,489	(251,761)	-8.8%	-16.0%	44,360,000
- Transcap Transfers - Fuel Taxes	(1,652,962)	(1,694,975)	(42,013)	(3,135,776)	(3,170,105)	(34,329)	-1.1%	1.4%	(17,842,752)
- Other Fund Gasoline Tax Distributions	(493,071)	(482,007)	11,064	(985,480)	(1,000,656)	(15,176)	-1.5%	0.2%	(5,066,641)
Subtotal - Fuel Taxes	(16,484)	(345,311)	(328,827)	18,271,556	17,688,204	(583,352)	-3.3%	-8.1%	220,060,607
Motor Vehicle Registration and Fees:									
- Motor Vehicle Registration Fees	5,976,632	5,909,132	(67,500)	12,017,645	11,468,578	(549,067)	-4.8%	-5.1%	64,805,936
- License Plate Fees	367,303	411,284	43,981	645,768	732,002	86,234	11.8%	2.9%	3,345,309
- Long-term Trailer Registration Fees	265,760	263,954	(1,806)	675,245	738,942	63,697	8.6%	3.1%	8,884,523
- Title Fees	999,214	1,226,954	227,740	1,940,880	2,118,549	177,669	8.4%	11.4%	11,044,291
- Motor Vehicle Operator License Fees	803,848	795,493	(8,356)	1,539,859	1,414,071	(125,789)	-8.9%	37.9%	9,124,826
- Transcap Transfers - Motor Vehicle Fees	0	0	0	0	0	0	N/A	N/A	(14,883,030)
Subtotal - Motor Vehicle Reg. & Fees	8,412,757	8,606,816	194,059	16,819,397	16,472,142	(347,255)	-2.1%	0.2%	82,321,855
Motor Vehicle Inspection Fees	291,700	186,459	(105,241)	531,900	424,923	(106,977)	-25.2%	-32.2%	2,982,500
Other Highway Fund Taxes and Fees	122,475	137,073	14,598	248,409	248,505	96	0.0%	-7.5%	1,313,165
Fines, Forfeits and Penalties	110,936	73,038	(37,898)	219,777	171,155	(48,622)	-28.4%	-20.7%	1,205,049
Interest Earnings	2,950	10,028	7,078	2,950	10,028	7,078	70.6%	-32.3%	32,446
Other Highway Fund Revenue	569,777	581,921	12,144	955,187	987,297	32,110	3.3%	6.8%	8,449,178
Totals	9,494,111	9,250,023	(244,088)	37,049,176	36,002,253	(1,046,923)	-2.9%	-4.6%	316,364,800

LEGISLATIVE COUNCIL REPORT: 2011 Interim Legislative Studies and Committee Meetings

Updated September 22, 2011

Study Name	2011 Meetings Authorized	2011 Meetings Held	Scheduled Next Meeting Date(s)	Report Date	Chairs	Status
AUTHORIZED COMMITTEE MEETINGS						
ACF committee meeting with the Commission on Reform of the Governance of LURC (Resolve 2011, c. 113, eff date 9/28/11)	1	0		n/a	Sen. Sherman Rep. Edgecomb	(under Resolve, meeting to occur by Oct. 28th)
IFS committee meetings with the Advisory Committee on Maine's Health Insurance Exchange (Resolve 2011, c. 105, eff date 7/6/11)	3	0	9/26/11 (w/ conf. hearing)	n/a	Sen. Whittemore Rep. W. Richardson	
VLA committee meeting to review report on Maine Clean Elections Act (Resolve 2011, c. 103, eff. date 9/28/11)	2	0	9/26/11 (w/ conf. hearing)	(auth to rpt bill to 2nd Reg Sess by 12/1/11)	Sen. Farnham and Rep. Beaulieu	
TAX committee meetings to review the tax code for reform	4	2	10/12/11 and 11/9/11	n/a	Sen. Trahan and Rep. Knight	subcommittee expects to meet on 9/26, 10/12 and 11/9
TRA committee funding in the Hwy budget to meet monthly (PL 11, c 392 sections A-3, L1, L-2, eff. date 6/21/11)	monthly	0	9/26/2011 (w/ conf. hearing)	n/a	Sen. Collins and Rep. Cebra	

NEW STUDY COMMISSIONS/COMMITTEES

Franco-American Task Force (Resolve 2011, c. 102, eff. date 7/6/11)	4	0	No meetings this interim	interim rpt- 12/7/11; final rpt 1/7/12	Sen. Martin and Rep. Fredette	Funding not received by 8/5/11 deadline in Resolve; Chairs will submit an LR to amend the Resolve to a one-yr. study
Commission to Study Allocations of the Fund for a Healthy Maine (Resolve 2011, c. 112, eff. date 9/28/11)	6	0		12/7/2011	Sen. McCormick Rep. Sanderson	Legis. not an emergency; takes effect 9/28/11; study commences after that date (<i>pending a couple of appointments</i>)
Commission to Study Priorities and Timing of Judicial Proceedings in State Courts (Resolve 2011, c. 104, eff. date 9/28/11)	3	0	10/12/11	12/7/2011	Sen. Hastings and Rep. Waterhouse	
Committee to Review Issues Dealing with Regulatory Takings (Resolve 2011, c. 111, eff. date 7/8/11)	3	0	10/6/11 (<i>tentative</i>)	12/7/2011	Sen. Thibodeau and Rep. Cushing	scheduling in process
Blue Ribbon Commission on Affordable Housing (Resolve 2011, c. 108, eff. date 9/28/11)	4	0		2/15/2012	Sen. Martin and Rep. Cushing	Legis. not an emergency; takes effect 9/28/11; study commences after that date (<i>pending several appointments and approval of outside funding by Council</i>)

ON-GOING LEGISLATIVE STUDIES

Citizen Trade Policy Commission (10 MRSA section 11)	At least 2 per year	1	11/3/2011	annually	Sen. Sherman and Rep. Maker	8 meetings funded for FY 11-12; 1 held
Legislative Youth Advisory Council (3 MRSA, section 168-B)	2 per year	0		2nd Fri. in Feb., even numbered years	Sen. Mason and Rep. Willette	<i>Pending several youth appointments</i>
Right to Know Advisory Committee (1 MRSA section 411)	4 budgeted for 2011	1	9/29/11; 10/27/11; 11/17/11; 12/8/11 (if needed)	1/15 annually	Sen. Hastings	Full committee held meeting (7/15/11); tentatively scheduled 4 more; various subcommittees have been meeting

OPEGA Biennial Work Plan for 2011-2012 (Status updated as of 9-12-11)

Project Topic	Resp Dept	Phase	General Scope	Detailed Scope Avail?
Completed				
Certificate of Need License	DHHS - Div. of Licensing and Regulation	NA	Information Brief issued on processes and criteria associated with assessing and making decisions on Certificate of Need applications.	No
Health Care Services in the Correctional System: Cost Containment and Efficiencies	Dept of Corrections	NA	Information Brief issued on opportunities to contain costs and achieve efficiencies in delivery of health care to prisoners.	No
Maine Green Energy Alliance	Efficiency Maine	NA	Final Report issued on how federal grant funds were administered and used.	Yes
Maine Turnpike Authority	ME Turnpike Authority	NA	Final Report issued on use of resources; bonding: governance and oversight; contracting and procurement processes.	Yes
In Progress				
BETR, BETE and TIF	ME Revenue Services (DAFS) Dept of Economic & Community Development (DECD)	Planning	Profile of companies receiving assistance under the BETR & BETE programs; processes & controls to assure companies receiving BETR or BETE assistance meet qualifications; and information on companies receiving both BETR/BETE and TIF benefits.	No
Child Development Services	Child Development Services Dept of Education	Fieldwork	Financial management and accounting system and controls, role and responsibilities of Dept of Educ; primary cost areas in the CDS program and factors driving costs; reasons for over runs of appropriations; and opportunities for containing or better managing costs, while still providing required services.	Yes
Cost Per Prisoner in the Dept. of Corrections	Dept of Corrections	Fieldwork	Cost components included in the cost per prisoner statistic, ME's average cost per prisoner attributable to each component; comparison of Maine's costs to other states; primary factors driving MDOC costs in the highest cost areas; and possible shifting of some costs to localities since the consolidation.	Yes
Health Care Services in the Correctional System	Dept of Corrections	Reporting	Administration of medical and pharmacy contracts; contractors practices in providing health care services.	Yes
Planned				

**Legislative Council
Policy on Legislative Studies**

Adopted March 3, 2011

In part:

4. Acceptance of private contributions to support legislative studies

Private financial or in-kind contributions to support the work of legislative studies may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All accepted contributions must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the legislative study committee when those contributions have been received. If funding for a legislative study is contingent upon receipt of private contributions and sufficient contributions have not been received within 30 days after the effective date of the study instrument, then no meetings of the study are authorized and no study-related expenses of any kind may be incurred or reimbursed.

MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

Office of the Executive Director of the Legislative Council
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Office: Room 103, State House, Augusta, Maine
Tel: (207) 287-1615 Fax: (207) 287-1621

EXECUTIVE DIRECTOR'S
OFFICE

2011 SEP 19 A 11:11

CERTIFICATION RELATING TO CONTRIBUTIONS FOR STUDY

Name of Study: Blue Ribbon Commission on Affordable Housing

CONTRIBUTOR IDENTIFICATION

Full name of contributor: Maine Affordable Housing Coalition	Date of contribution: 9/15/11
Address (number and street) of contributor: 307 Cumberland Avenue	Amount of contribution: \$4,630
City, state, zip code: Portland, ME 04101	If in-kind, list fair market
FED ID #: [REDACTED] (TIN of Avesta Housing, MAHC's fiscal sponsor)	value here and itemize
Occupation: association of housing-related organizations	in space provided below. \$
Principal place of business: same as above	Contributor is: individual <input type="checkbox"/>
	partnership <input type="checkbox"/> corporation <input type="checkbox"/>
	foundation <input type="checkbox"/> Unincorporated Ass'n

IN-KIND CONTRIBUTION

Describe goods, services, etc. to be contributed:

I, Greg Payne, the undersigned, hereby swear or affirm that the information contained in this report is true and complete, that no information is knowingly withheld and that the purpose of the contribution is not to influence the outcome of the above named study or any subsequent legislative action. I further certify that I, and the organization I represent, if applicable, do not have any pecuniary or other vested interest in the outcome of the above named study. I understand that this contribution is subject to acceptance by the Legislative Council.

Signature of contributor: <u>[Signature]</u>	Date: <u>9/8/11</u>
Title: <u>Coordinator</u>	
Witness: <u>[Signature]</u>	Date: <u>9/8/2011</u>

LEGISLATIVE COUNCIL ACTION

Accept Contribution: YES ☐ NO ☐

Date:

8/1/2003

\$4,630.⁰⁰

JUL 08 '11

108

BY GOVERNOR

RESOLVES

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 638 - L.D. 841

Resolve, To Establish the Blue Ribbon Commission on Affordable Housing

Sec. 1. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Blue Ribbon Commission on Affordable Housing, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following 17 members appointed as follows:

1. Two members from the Senate, appointed by the President of the Senate. In making these appointments, the President shall give preference to a member of the Joint Standing Committee on Labor, Commerce, Research and Economic Development;
2. Two members from the House of Representatives, appointed by the Speaker of the House of Representatives. In making these appointments, the Speaker shall give preference to a member of the Joint Standing Committee on Labor, Commerce, Research and Economic Development;
3. The Executive Director of the Maine State Housing Authority or the executive director's designee;
4. The Commissioner of Economic and Community Development or the commissioner's designee;
5. One representative of a statewide group dedicated to providing affordable housing, appointed by the Speaker of the House;
6. One representative of a statewide nonprofit group advocating on behalf of seniors, appointed by the Speaker of the House;
7. One representative of an organization practicing conservation planning, appointed by the Speaker of the House;
8. One representative of a statewide real estate organization, appointed by the Speaker of the House;

9. One representative of a developer of affordable housing, appointed by the Speaker of the House;

10. One representative of a statewide construction organization, appointed by the President of the Senate;

11. One representative who is an advocate for low-income persons, appointed by the President of the Senate;

12. One representative of a company producing modular housing, appointed by the President of the Senate;

13. One representative of a statewide supportive housing developer, appointed by the President of the Senate;

14. One representative of a provider of services to the homeless, appointed by the President of the Senate; and

15. One representative of the board of trustees of the Midcoast Regional Redevelopment Authority, appointed by the President of the Senate.

The commission shall invite the state director of the Maine office of the United States Department of Agriculture or the director's designee to participate; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the commission shall conduct a study of affordable housing policy in this State, review the status of housing in the State and develop a plan to maximize the investment of available resources and best meet the housing needs of the people of this State. The commission shall consider both single-family and multifamily housing.

1. In conducting its study, the commission shall:

A. Review current data and research on affordable housing among the New England states and nationally;

B. Assess the economic impact of affordable housing in this State;

C. Review innovative affordable housing programs in other states; and

D. Identify regulatory barriers to affordable housing.

2. The commission shall make recommendations to:

A. Make the most effective use of state and federal resources, including leveraging private investment;

B. Make the most effective use of the Housing Opportunities for Maine Program as established in the Maine Revised Statutes, Title 30-A, section 4852 to provide access to housing that is decent, safe and sound;

C. Improve the economy through a measurable increase in construction of affordable housing;

D. Address the housing needs of Maine's elderly;

E. Address the severe affordable housing shortage that leaves thousands homeless each year;

F. Preserve existing affordable housing, including preserving access to energy efficiency programs; and

G. Reduce emergency service expenditures by state and local government by creating permanent supportive housing for the homeless.

The recommendations must, to the fullest extent possible, build upon current efforts and include an estimate of the costs associated with implementing them; and be it further

Sec. 6. Staff assistance. Resolved: That, notwithstanding Joint Rule 353, and upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the commission; and be it further

Sec. 7. Compensation. Resolved: That the members of the commission who are Legislators are entitled to the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for necessary expenses incurred for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings; and be it further

Sec. 8. Report. Resolved: That the commission shall submit its report, including the recommendations required by section 5, together with any necessary implementing legislation, to the Second Regular Session of the 125th Legislature no later than February 15, 2012. The report must be presented to the Joint Standing Committee on Labor, Commerce, Research and Economic Development, which may report out a bill to the Second Regular Session of the 125th Legislature; and be it further

Sec. 9. Funding. Resolved: That the commission shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

Sec. 10. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Authorizes the expenditure of funding that may be received from outside sources for the Blue Ribbon Commission on Affordable Housing.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
Personal Services	\$880	\$0
All Other	\$3,750	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,630	\$0