

MAINE STATE LEGISLATURE

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L.D. 1934

DATE: 4.2.04

(Filing No. S-487)

TRANSPORTATION

Reported by:

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STATE OF MAINE
SENATE
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT 'A' to S.P. 769, L.D. 1934, Bill, "An Act To Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

PART A

Sec. A-1. Supplemental allocations. There are allocated from the Highway Fund for the fiscal years ending June 30, 2004 and June 30, 2005, to the departments listed, the following sums.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services - Bureau of 0002

Initiative: Allocates funds in the Personal Services line category to reclassify 3 existing Revenue Agent positions to Senior Revenue Agent positions within the Bureau of Revenue Services. Individuals in Revenue Agent positions who are reclassified to Senior Revenue Agent positions and new hires will be required to demonstrate that they have achieved certain competency benchmarks before Senior Revenue Agent pay is awarded. Until the achievement of these benchmarks, compensation will be at the Revenue Agent level. The changes will improve the ability of the Bureau of Revenue Services to attract and retain capable auditors in order to respond to the increasing complexity of tax audits.

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 769, L.D. 1934

2	Highway Fund	2003-04	2004-05
	Personal Services	\$0	\$8,535
4		<hr/>	<hr/>
	Highway Fund Total	0	8,535
6			
8	ADMINISTRATIVE AND FINANCIAL SERVICES,		
	DEPARTMENT OF		
10	DEPARTMENT TOTALS	2003-04	2004-05
	HIGHWAY FUND	0	8,535
12		<hr/>	<hr/>
	DEPARTMENT TOTAL - ALL FUNDS	0	8,535
14			
16	PUBLIC SAFETY, DEPARTMENT OF		
18	State Police 0291		
20	Initiative: Transfers funds from State Police to State Police -		
22	Support to cover state cost allocation program charges that were		
	inadvertently left out of Public Law 2003, chapter 40.		
24	Highway Fund	2003-04	2004-05
	All Other	(6,000)	(6,100)
26		<hr/>	<hr/>
	Highway Fund Total	(6,000)	(6,100)
28	State Police 0291		
30	Initiative: Provides funds for the arbitration ruling for the		
32	Maine State Police Officer reallocation.		
34	Highway Fund	2003-04	2004-05
	Personal Services	1,021,119	277,746
	All Other	30,000	13,000
36		<hr/>	<hr/>
	Highway Fund Total	1,051,119	290,746
38			
40	Motor Vehicle Inspection 0329		
42	Initiative: Provides funds for the arbitration ruling for the		
	Maine State Police Officer reallocation.		
44	Highway Fund	2003-04	2004-05
	Personal Services	59,927	0
46	All Other	1,800	0
48		<hr/>	<hr/>
	Highway Fund Total	61,727	0
50	Traffic Safety 0546		

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 769, L.D. 1934

2 Initiative: Provides funds for the arbitration ruling for the
Maine State Police Officer reallocation.

4	Highway Fund	2003-04	2004-05
6	Personal Services	15,244	6,826
	All Other	450	200
8		<hr/>	<hr/>
	Highway Fund Total	15,694	7,026

10 **Traffic Safety - Commercial Vehicle**
12 **Enforcement 0715**

14 Initiative: Provides funds for the arbitration ruling for the
Maine State Police Officer reallocation.

16	Highway Fund	2003-04	2004-05
18	Personal Services	237,103	80,704
	All Other	7,000	2,400
20		<hr/>	<hr/>
	Highway Fund Total	244,103	83,104

22 **State Police - Support 0981**

24 Initiative: Transfers funds from State Police to State Police -
26 Support to cover state cost allocation program charges that were
inadvertently left out of Public Law 2003, chapter 40.

28	Highway Fund	2003-04	2004-05
30	All Other	6,000	6,100
32		<hr/>	<hr/>
	Highway Fund Total	6,000	6,100

34 **PUBLIC SAFETY, DEPARTMENT OF**
36 **DEPARTMENT TOTALS**

	HIGHWAY FUND	1,372,643	380,876
38		<hr/>	<hr/>
	DEPARTMENT TOTAL - ALL FUNDS	1,372,643	380,876

40 **SECRETARY OF STATE, DEPARTMENT OF**

42 **Administration - Motor Vehicles 0077**

44 Initiative: Provides for the continuation of 7 Clerk Typist II
46 project positions and one Motor Vehicle Service Representative
project position from April 17, 2004 to December 31, 2004 and 5
48 Clerk Typist II project positions and one Motor Vehicle Service
Representative project position from January 1, 2005 to June 18,
50 2005 originally approved through financial orders 000475F4 and

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COMMITTEE AMENDMENT "A" to S.P. 769, L.D. 1934

000582F4. The fiscal year 2003-04 costs are funded by salary savings.

4	Highway Fund	2003-04	2004-05
	Personal Services	0	295,277
6		<hr/>	<hr/>
	Highway Fund Total	0	295,277

8 **Administration - Motor Vehicles 0077**

10 Initiative: Deallocates funds to reflect the elimination of 7
12 limited-period Motor Vehicle Service Representative positions
14 authorized by Public Law 2003, chapter 490, Part A.

16	Highway Fund	2003-04	2004-05
	Personal Services	0	(299,450)
18		<hr/>	<hr/>
	Highway Fund Total	0	(299,450)

20 **Administration - Motor Vehicles 0077**

22 Initiative: Allocates funds for contractual services to provide
24 project management for the Bureau of Motor Vehicles' computer
26 migration project and independent verification reporting to be
supplied to the Bureau of Motor Vehicles.

28	Highway Fund	2003-04	2004-05
	All Other	0	200,000
30		<hr/>	<hr/>
	Highway Fund Total	0	200,000

32 **Administration - Motor Vehicles 0077**

34 Initiative: Allocates funds for contractual services and costs
36 incurred for services provided by the Bureau of Information
Services on the BULL mainframe. The Secretary of State shall
38 submit reports detailing expenditures made as a result of this
40 initiative to the joint standing committee of the Legislature
having jurisdiction over transportation matters by January 15,
2005 and July 15, 2005.

42	Highway Fund	2003-04	2004-05
	All Other	0	300,000
44		<hr/>	<hr/>
	Highway Fund Total	0	300,000

46 **SECRETARY OF STATE, DEPARTMENT OF**
48 **DEPARTMENT TOTALS**

50	HIGHWAY FUND	2003-04	2004-05
		0	495,827

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COMMITTEE AMENDMENT "A" to S.P. 769, L.D. 1934

2	DEPARTMENT TOTAL - ALL FUNDS	<u>0</u>	<u>495,827</u>
4	TRANSPORTATION, DEPARTMENT OF		
6	Bond Interest - Highway 0358		
8	Initiative: Deallocates funds based on a revised estimate of Highway Fund bond interest.		
10			
12	Highway Fund	2003-04	2004-05
12	All Other	(123,750)	(215,000)
14	Highway Fund Total	<u>(123,750)</u>	<u>(215,000)</u>
16	Bond Retirement - Highway 0359		
18	Initiative: Allocates funds for additional principal payments based on a reprojection of need and additional Highway Fund bonds approved in November 2003.		
20			
22	Highway Fund	2003-04	2004-05
24	All Other	0	100,000
24	Highway Fund Total	<u>0</u>	<u>100,000</u>
26			
28	Highway and Bridge Improvement 0406		
30	Initiative: Allocates funds for highway and bridge improvement capital projects.		
32	Highway Fund	2003-04	2004-05
34	Capital Expenditures	3,000,000	0
36	Highway Fund Total	<u>3,000,000</u>	<u>0</u>
38			
40	Highway and Bridge Improvement 0406		
42	Initiative: Allocates funds for infrastructure projects in the Highway and Bridge Improvement program.		
44			
46	Highway Fund	2003-04	2004-05
48	Capital Expenditures	0	4,200,000
50	Highway Fund Total	<u>0</u>	<u>4,200,000</u>
	Highway Maintenance 0330		
	Initiative: Corrects an allocation in Public Law 2003, chapter 502 for construction of salt and sand storage facilities from the		

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COMMITTEE AMENDMENT "A" to S.P. 769, L.D. 1934

Administration and Planning program to the Highway Maintenance program. Funds were inadvertently allocated to the wrong program.

4	Highway Fund	2003-04	2004-05
	All Other	202,000	0
6			
	Highway Fund Total	<u>202,000</u>	<u>0</u>

Administration and Planning 0339

Initiative: Corrects an allocation in Public Law 2003, chapter 502 for construction of salt and sand storage facilities from the Administration and Planning program to the Highway Maintenance program. Funds were inadvertently allocated to the wrong program.

16	Highway Fund	2003-04	2004-05
	All Other	(202,000)	0
18			
	Highway Fund Total	<u>(202,000)</u>	<u>0</u>

Island Town Refunds - Highway 0334

Initiative: Allocates funds to the Island Town Refund program in order to fund an increase in island town refunds due to a higher increase in island vehicle registrations than anticipated.

26	Highway Fund	2003-04	2004-05
28	All Other	4,000	6,000
30			
	Highway Fund Total	<u>4,000</u>	<u>6,000</u>

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS

32		2003-04	2004-05
34	HIGHWAY FUND	2,880,250	4,091,000
36			
	DEPARTMENT TOTAL - ALL FUNDS	<u>2,880,250</u>	<u>4,091,000</u>

SECTION TOTALS

38		2003-04	2004-05
40	HIGHWAY FUND	4,252,893	4,976,238
42			
	SECTION TOTALS - ALL FUNDS	<u>\$4,252,893</u>	<u>\$4,976,238</u>

PART B

Sec. B-1. Allocations. There are allocated from the Highway Fund for the fiscal years ending June 30, 2004 and June 30, 2005, to the departments listed, the sums identified in the

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to S.P. 769, L.D. 1934

following, in order to provide funding for approved reclassifications and range changes.

PUBLIC SAFETY, DEPARTMENT OF

State Police 0291

8	Highway Fund	2003-04	2004-05
	Personal Services	\$3,406	\$2,295
10	All Other	(3,406)	(2,295)
12	Highway Fund Total	<u>0</u>	<u>0</u>

Administration - Motor Vehicles 0077

16	Highway Fund	2003-04	2004-05
	Personal Services	0	29,605
18	All Other	0	(29,605)
20	Highway Fund Total	<u>0</u>	<u>0</u>

PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS

22		2003-04	2004-05
24	HIGHWAY FUND	0	0
26	DEPARTMENT TOTAL - ALL FUNDS	<u>0</u>	<u>0</u>

TRANSPORTATION, DEPARTMENT OF

Highway Maintenance 0330

32	Highway Fund	2003-04	2004-05
34	Personal Services	12,253	12,560
36	All Other	(12,253)	(12,560)
38	Highway Fund Total	<u>0</u>	<u>0</u>

Traffic Service 0331

40	Highway Fund	2003-04	2004-05
42	Personal Services	494	510
44	All Other	(494)	(510)
46	Highway Fund Total	<u>0</u>	<u>0</u>

Bridge Maintenance 0333

48	Highway Fund	2003-04	2004-05
50	Personal Services	642	671

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2	All Other	(642)	(671)
4	Highway Fund Total	<u>0</u>	<u>0</u>
6	Administration and Planning 0339		
8	Highway Fund	2003-04	2004-05
10	Personal Services	66,949	77,787
12	All Other	(66,949)	(77,787)
14	Highway Fund Total	<u>0</u>	<u>0</u>
16	Highway and Bridge Improvement 0406		
18	Highway Fund	2003-04	2004-05
20	Personal Services	28,141	31,733
22	All Other	(28,141)	(31,733)
24	Highway Fund Total	<u>0</u>	<u>0</u>
26	Collector Road Program 0505		
28	Highway Fund	2003-04	2004-05
30	Personal Services	280	293
32	All Other	(280)	(293)
34	Highway Fund Total	<u>0</u>	<u>0</u>
36	TRANSPORTATION, DEPARTMENT OF		
38	DEPARTMENT TOTALS	2003-04	2004-05
40	HIGHWAY FUND	0	0
42	DEPARTMENT TOTAL - ALL FUNDS	0	0
44	SECTION TOTALS	2003-04	2004-05
46	HIGHWAY FUND	0	0
48	SECTION TOTALS - ALL FUNDS	\$0	\$0

PART C

44 **Sec. C-1. Calculation and transfer; recovery of unfunded actuarial**
 46 **liability.** Notwithstanding any other provision of law, the State
 48 Budget Officer shall calculate the amount of expenditures in
 50 section 2 of this Part that applies against each Highway Fund
 account for all departments and agencies for the increased state
 cost allocation program requirements associated with the recovery
 of unfunded actuarial liability costs and shall

COMMITTEE AMENDMENT

transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over transportation matters a report of the transferred amounts no later than January 15, 2005.

Sec. C-2. Allocations. The following funds are allocated from the Highway Fund.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Departments and Agencies - Statewide 0016

Initiative: Allocates funds for increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs paid by the General Fund.

Highway Fund	2003-04	2004-05
All Other	\$0	\$333,928
Highway Fund Total	\$0	\$333,928

PART D

Sec. D-1. Calculation and transfer; savings in cost of health insurance. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 of this Part that applies against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over transportation matters a report of the transferred amounts no later than January 15, 2005.

Sec. D-2. Allocations. The following funds are allocated from the Highway Fund.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Departments and Agencies - Statewide 0016

Initiative: Deallocates funds for health insurance as a result of a negotiated rate that is less than what was anticipated.

2	Highway Fund	2003-04	2004-05
	All Other	\$0	(\$190,000)
4			
	Highway Fund Total	\$0	(\$190,000)

PART E

10 **Sec. E-1. Calculation and transfer; savings in cost of workers'**
 11 **compensation insurance.** Notwithstanding any other provision of
 12 law, the State Budget Officer shall calculate the amount of
 13 savings in section 2 of this Part that applies against each
 14 Highway Fund account for all departments and agencies from
 15 savings in the cost of workers' compensation insurance and shall
 16 transfer the amounts by financial order upon the approval of the
 17 Governor. These transfers are considered adjustments to
 18 allocations in fiscal years 2003-04 and 2004-05. The State Budget
 19 Officer shall provide the joint standing committee of the
 20 Legislature having jurisdiction over transportation matters a
 21 report of the transferred amounts no later than January 15, 2005.

22 **Sec. E-2. Allocations.** The following funds are allocated from
 23 the Highway Fund.

26 **ADMINISTRATIVE AND FINANCIAL SERVICES,
 27 DEPARTMENT OF**

28 **Departments and Agencies - Statewide 0016**

30 Initiative: Deallocates Personal Services savings in fiscal
 31 years 2003-04 and 2004-05 from the Workers' Compensation line
 32 category achieved through a reduction in claims from aggressive
 33 claims management.

36	Highway Fund	2003-04	2004-05
	Personal Services	(\$75,121)	(\$187,100)
38			
	Highway Fund Total	(\$75,121)	(\$187,100)

PART F

42 **Sec. F-1. Highway Summer Maintenance account; lapsed balances.**
 43 Notwithstanding any other provision of law, \$1,367,264 of
 44 Personal Services unencumbered balance forward and \$107,468 of
 45 All Other unencumbered balance forward in fiscal year 2003-04 in
 46 the Highway Summer Maintenance account in the Department of
 47 Transportation lapses to the Highway Fund in fiscal year 2003-04.

Sec. F-2. Traffic Services account; lapsed balances.

Notwithstanding any other provision of law, \$845,363 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Traffic Services account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

Sec. F-3. Bridge Maintenance account; lapsed balances.

Notwithstanding any other provision of law, \$679,905 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Bridge Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

PART G

Sec. G-1. Report on strategies to address the State's transportation infrastructure deficit.

The Commissioner of Transportation shall prepare and deliver to the joint standing committee of the Legislature having jurisdiction over transportation matters by February 15, 2005 a report containing research findings and recommendations regarding strategies to address the State's transportation infrastructure deficit including all modes of travel. These strategies should not rely on significant revisions to existing laws that establish constitutionally protected Highway Fund revenues. These strategies should include, but need not be limited to, expanded use of public-private and state-municipal partnerships, revision of match requirements to stretch existing federal funding, expanded use of tolling, new or expanded collaboration with the Maine Turnpike Authority and other local or regional transportation agencies, innovative cash management and financing and increased coordination with economic development agencies.

PART H

Sec. H-1. Transfer authorized.

Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for the fiscal year ending June 30, 2004, the Commissioner of Transportation is authorized to transfer, by financial order upon the recommendation of the State Budget Officer and approval of the Governor, identified Personal Services Highway Fund savings to any other program or line category within the Highway Fund to cover any nonrecurring program costs. The financial order must identify the specific savings in Personal Services after assuming all costs for that program including collective bargaining costs. The Commissioner of Transportation shall provide a report by September 15, 2004 to the members of the Joint Standing Committee on Transportation detailing the financial adjustments to the Highway Fund.

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PART I

Sec. I-1. Transfer of Highway Fund unallocated balance to Highway and Bridge Improvement, Department of Transportation.

Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, at the close of fiscal year 2003-04, the State Controller shall transfer amounts exceeding \$1,599,068 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute to the Highway and Bridge Improvement program, Highway Fund account in the Department of Transportation. The Commissioner of Transportation is authorized to allot these funds by financial order upon the recommendation of the State Budget Officer and the approval of the Governor. Within 30 days of approval of the financial order, the Commissioner of Transportation shall provide to the members of the Joint Standing Committee on Transportation a report detailing the financial status of the Highway and Bridge Improvement program.

PART J

Sec. J-1. Allocations. The following funds are allocated from the Highway Fund.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Departments and Agencies - Statewide 0016

Initiative: Allocates funds to offset the deallocation made in Public Law 2003, chapter 20, Part B regarding savings to the State for the cost of health insurance through increasing MaineCare rates for hospital inpatient services to the upper payment limit.

Highway Fund	2003-04	2004-05
Personal Services	\$0	\$4,818,560
Highway Fund Total	\$0	\$4,818,560

SUMMARY

This bill does the following.

PART A

2 Part A makes allocations of funds.

4 **PART B**

6 Part B makes allocations of funds for approved
8 reclassifications and range changes.

10 **PART C**

12 Part C does the following.

14 1. It requires the State Budget Officer to calculate the
16 amount of expenditures in section 2 of that Part that applies
18 against each Highway Fund account for all departments and
20 agencies for the increased state cost allocation program
22 requirements associated with the recovery of unfunded actuarial
24 liability costs and requires the State Budget Officer to transfer
26 the amounts by financial order upon the approval of the Governor.

28 2. It allocates funds for the recovery of unfunded
30 actuarial liability costs paid by the General Fund.

32 **PART D**

34 Part D does the following.

36 1. It requires the State Budget Officer to calculate the
38 amount of savings in section 2 of that Part that applies against
40 each Highway Fund account for all departments and agencies from
42 savings in the cost of health insurance and to transfer the
44 amounts by financial order upon the approval of the Governor.

46 2. It deallocates funds to reflect savings in health
48 insurance rates.

50 **PART E**

Part E does the following.

1. It requires the State Budget Officer to calculate the
amount of savings in section 2 of that Part that applies against
each Highway Fund account for all departments and agencies from
savings in the cost of workers' compensation insurance and to
transfer the amounts by financial order upon the approval of the
Governor.

2. It deallocates funds to reflect savings in the cost of
workers' compensation insurance.

PART F

Part F does the following.

1. It specifies that \$1,367,264 of Personal Services unencumbered balance forward and \$107,468 of All Other unencumbered balance forward in fiscal year 2003-04 in the Highway Summer Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

2. It specifies that \$845,363 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Traffic Services account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

3. It specifies that \$679,905 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Bridge Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

PART G

Part G requires the Commissioner of Transportation to submit a report on proposed strategies to address the State's transportation infrastructure deficit.

PART H

Part H authorizes the Commissioner of Transportation to transfer Personal Services savings in the Highway Fund within the Department of Transportation for fiscal year 2003-04 to other line categories and programs.

PART I

Part I authorizes the transfer of specified levels of unallocated surplus from the Highway Fund that may be available at the end of fiscal year 2003-04 to the Highway and Bridge Improvement program.

PART J

Part J allocates funds to restore funding for health insurance savings that were not realized for fiscal year 2004-05.

FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**

**LD 1934**

**An Act to Make Additional Allocations from the Highway Fund
and Other Funds for the Expenditures of State Government and
to Change Certain Provisions of State Law Necessary for the
Proper Operations of State Government for the Fiscal Years
Ending June 30, 2004 and June 30, 2005**

LR 2841(02)

**Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Transportation
Fiscal Note Required: Yes**

FISCAL NOTE

ALLOCATIONS

	2003-04	2004-05
HIGHWAY FUND		
PART A, Section A-1	4,252,893	4,976,238
PART B, Section B-1	0	0
PART C, Section C-2	0	333,928
PART D, Section D-2	0	(190,000)
PART E, Section E-2	(75,121)	(187,100)
PART J, Section J-1	0	4,818,560
HIGHWAY FUND TOTAL	<hr/> 4,177,772	<hr/> 9,751,626

HIGHWAY FUND TRANSERS/ADJUSTMENTS TO BALANCE

	2003-04	2004-05
PART F, Section F-1	1,474,732	0
PART F, Section F-2	845,363	0
PART F, Section F-3	679,905	0
HIGHWAY FUND TRANSERS/ ADJUSTMENTS TO BALANCE TOTAL	<hr/> 3,000,000	<hr/> 0