

MAINE STATE LEGISLATURE

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L.D. 566

Date: 6-13-11

(Filing No. S- 300)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 158, L.D. 566, Bill, "An Act To Encourage Transparency in the Department of Education"

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

'Sec. 1. 20-A MRSA §205 is enacted to read:

§205. Disclosure of finances

The department shall disclose annually its full budget and the true cost of all its programs and services to the Legislature and shall publish this disclosure on the department's publicly accessible website.

1. Reports to Legislature. Beginning with the 2012-13 fiscal year, the department, in conjunction with the Department of Administrative and Financial Services, Bureau of the Budget, shall report monthly to the joint standing committee of the Legislature having jurisdiction over education matters and to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding the allocation or transfer of funds from the General Fund, Federal Expenditures Fund or Other Special Revenue Funds that support:

A. An existing or ongoing department program or initiative that was approved as part of the biennial budget bill or a supplemental budget bill;

B. A new or significantly revised department program or initiative that was not approved as part of the biennial budget bill or a supplemental budget bill; or

C. The transfer of existing department personnel to a new program or a new initiative or the retainer of a contracted service provider to provide contracted services for a new program or a new initiative.

The monthly report must disclose the adjustments made to department programs and initiatives in a manner that delineates the amounts of funding that are different from the relevant components of the most recently approved state budget.

COMMITTEE AMENDMENT

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2. Public access. Following the submission of the monthly report in accordance with subsection 1, the department shall publish any new disclosures presented in the monthly report, including any changes to department funding or personnel related to a particular program or initiative, on the department's publicly accessible website.

Sec. 2. Department of Education review of performance data. The Department of Education shall review the findings and recommendations of the November 3, 2010 Report to the Legislative Council on Maine Department of Education Program Funding, including the recommendation that the Legislature should consider requiring the Department of Education to provide performance-related data as part of the department's biennial or supplemental budget request for General Fund appropriations. The department shall submit a report, including findings and recommendations on the costs and benefits of providing performance-related data to the Legislature as part of the department's budget request, no later than January 13, 2012 to the Joint Standing Committee on Education and Cultural Affairs. The committee may report out a bill to the Second Regular Session of the 125th Legislature related to the report submitted by the department.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF
Leadership Team Z077**

Initiative: Provides funds for one Financial Analyst position and related All Other to compile the monthly financial and personnel data and prepare the monthly reports.

GENERAL FUND	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$46,262	\$65,307
All Other	\$6,088	\$6,088
GENERAL FUND TOTAL	\$52,350	\$71,395

SUMMARY

This amendment proposes to clarify the reporting and public disclosure requirements of the bill pertaining to the disclosure by the Department of Education of its full budget and the true cost of all its programs and services. The amendment directs the Department of Education to review the November 3, 2010 Report to the Legislative Council on Maine Department of Education Program Funding, including the recommendation that the Legislature should consider requiring the department to provide performance-related data as part of the agency's biennial or supplemental budget request for General Fund appropriations. The amendment also directs the department to submit a report, including findings and recommendations on the costs and benefits of providing performance-related data to the Legislature as part of the department's budget request, no later than January

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COMMITTEE AMENDMENT "A" to S.P. 158, L.D. 566

1 13, 2012 to the Joint Standing Committee on Education and Cultural Affairs. The
2 amendment also adds an appropriations and allocations section.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**



125th MAINE LEGISLATURE

LD 566

LR 1648(02)

An Act To Encourage Transparency in the Department of Education

Fiscal Note for Bill as Amended by Committee Amendment "A" S-300

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Net Cost (Savings)				
General Fund	\$52,350	\$71,395	\$73,354	\$74,700
Appropriations/Allocations				
General Fund	\$52,350	\$71,395	\$73,354	\$74,700

Fiscal Detail and Notes

This bill includes General Fund appropriations of \$52,350 in fiscal year 2011-12 and \$71,395 in fiscal year 2012-13 to the Leadership program within the Department of Education for one Financial Analyst position and related all other costs associated with the requirement that the department prepare monthly actual-to-budgeted variance reports for all of the programs and initiatives administered by the department.

This fiscal note assumes that the intent of this legislation is for the Department of Education to provide a report that includes every adjustment made to the funding for each of the department's programs and services during each month at a level of detail that currently does not exist. However, if the intent of this legislation is for the department to provide a monthly report based on data that is already compiled and readily available, the additional position would not be needed.

Additional costs to the Department of Administrative and Financial Services to assist the department of Education in preparing its budget and cost information for all of its programs and services can be absorbed within existing budgeted resources.