

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document

No. 2285

H.P. 1476

House of Representatives, April 9, 2024

**Resolve, Directing the Department of Education to Establish the
Commission to Study School Construction Policy and Funding**

(EMERGENCY)

Reported by Representative BRENNAN of Portland for the Joint Standing Committee on
Education and Cultural Affairs pursuant to Public Law 2023, chapter 462, section 4.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this legislation directs the Department of Education to establish the
4 Commission to Study School Construction Policy and Funding; and

5 **Whereas,** the study must be initiated before the 90-day period expires in order that
6 the study may be completed and a report submitted during the next legislative session; and

7 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
8 the meaning of the Constitution of Maine and require the following legislation as
9 immediately necessary for the preservation of the public peace, health and safety; now,
10 therefore, be it

11 **Sec. 1. Commission established. Resolved:** That the Department of Education
12 shall establish the Commission to Study School Construction Policy and Funding, referred
13 to in this resolve as "the commission."

14 **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule
15 353, the commission consists of 16 members as follows:

16 1. Two members of the Senate appointed by the President of the Senate, including one
17 member from each of the 2 parties holding the largest number of seats in the Legislature;

18 2. Two members of the House of Representatives appointed by the Speaker of the
19 House, including one member from each of the 2 parties holding the largest number of seats
20 in the Legislature;

21 3. Nine members appointed by the Governor as follows:

22 A. Three members who are school superintendents, each member representing a
23 different superintendent region;

24 B. One member representing the Maine School Boards Association;

25 C. One member representing the Maine Association of School Business Officials;

26 D. One member representing the construction industry in the State;

27 E. One member representing the Maine Municipal Bond Bank;

28 F. One member representing the Department of Administrative and Financial Services,
29 Bureau of General Services; and

30 G. One member representing the Maine Municipal Association;

31 4. The Commissioner of Education or the commissioner's designee;

32 5. The Commissioner of Administrative and Financial Services or the commissioner's
33 designee; and

34 6. The chair of the State Board of Education's school construction committee or the
35 chair's designee.

36 **Sec. 3. Chair. Resolved:** That the Commissioner of Education or the
37 commissioner's designee is the chair of the commission.

38 **Sec. 4. Appointments; convening of commission. Resolved:** That all
39 appointments must be made no later than 30 days following the effective date of this

1 resolve. The chair may call and convene the first meeting of the commission once all
2 members have been appointed or at any time 30 days or more after the effective date of this
3 resolve if a majority of but not all appointments have been made.

4 **Sec. 5. Duties; meetings. Resolved:** That the commission shall conduct a
5 comprehensive study to determine the scope of local school construction needs throughout
6 the State and make recommendations for public financing to meet current and future school
7 construction needs. In conducting the study, the commission shall:

8 1. Identify the scope of local school construction and renovation needs by reviewing
9 any reports, data and other materials available and inviting comment from those with
10 expertise in school construction, including, but not limited to, the Department of Education,
11 the State Board of Education, municipal governments, school administrative units and the
12 public;

13 2. Examine how other states fund public school facilities, including, but not limited to,
14 other state funding mechanisms, revenue sources and financing projects through bonds and
15 other means; and

16 3. Review and analyze current state law, rules and policies controlling school
17 construction, including, but not limited to, new construction, emergency school
18 construction projects, renovations, leased space, maintenance and capital improvement
19 plans and financing options, in order to determine where changes are needed in the State
20 and provide recommended revisions to state law, rules and policies in order to implement
21 the recommended revisions. In conducting the review and analysis, the commission shall
22 examine establishing a school building finance authority, the potential role and
23 responsibilities of such a finance authority and whether such a finance authority would be
24 beneficial to the State, school administrative units and municipalities.

25 In analyzing emergency school construction projects, the commission shall consider
26 whether to develop a process for providing disaster relief points to a request for emergency
27 project funding as a result of a human-made or natural disaster, including an assessment of
28 the risks to health and safety of children to determine the level of need created by the
29 disaster.

30 In conducting its duties, the commission shall solicit input from persons reflecting the
31 broadest possible representation of the State's geographic regions and the full spectrum of
32 local school construction needs and financing abilities and from persons with technical
33 expertise in school construction, including, but not limited to, architects, engineers,
34 builders and subcontractors.

35 The commission is authorized to meet as often as is necessary to complete its duties.

36 **Sec. 6. Staff assistance. Resolved:** That the Department of Education shall
37 provide necessary staffing services to the commission. The Maine Education Policy
38 Research Institute shall provide assistance with research and drafting of the report pursuant
39 to section 7.

40 **Sec. 7. Report. Resolved:** That, notwithstanding Joint Rule 353, no later than April
41 1, 2025, the commission shall submit a report that includes its findings and
42 recommendations, including suggested legislation, to implement any recommended
43 changes to law, rule and policy to the joint standing committee of the Legislature having

1 jurisdiction over education and cultural affairs. The committee may report out a bill related
2 to the report to the 132nd Legislature in 2025.

3 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
4 takes effect when approved.

5 **SUMMARY**

6 This resolve is reported out by the Joint Standing Committee on Education and Cultural
7 Affairs pursuant to Public Law 2023, chapter 462, section 4.

8 The resolve directs the Department of Education to establish the Commission to Study
9 School Construction Policy and Funding. The resolve requires the commission to identify
10 the scope of local school construction and renovation needs by reviewing any reports, data
11 and other materials available and inviting comment from those with expertise in school
12 construction; review and analyze current state law, rules and policies controlling school
13 construction; examine how other states finance school construction and provide school
14 facilities funding; examine the feasibility of establishing a school building finance
15 authority; and determine where changes are needed and provide any recommended
16 revisions to state law, rules and policies.

17 The commission is required to solicit input from persons reflecting the broadest
18 possible representation of the State's geographical regions and the full spectrum of local
19 school construction needs and financing abilities and from persons with technical expertise
20 in school construction, including, but not limited to, architects, engineers, builders and
21 subcontractors.

22 The commission is required to submit a report to the joint standing committee of the
23 Legislature having jurisdiction over education and cultural affairs no later than April 1,
24 2025 and authorizes the joint standing committee to report out a bill related to the report.

25 **FISCAL NOTE REQUIRED**

26 **(See attached)**



131st MAINE LEGISLATURE

LD 2285**LR 3116(01)**

Resolve, Directing the Department of Education to Establish the Commission to Study School Construction Policy and Funding

Fiscal Note for Original Bill
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$1,400 in fiscal year 2023-24 and \$4,200 in fiscal year 2024-25. The Legislature's budget for the 2024-2025 biennium includes \$14,500 in each of fiscal years 2023-24 and 2024-25 for the costs of legislative studies, as well as \$38,909 of balances carried over from prior years for this purpose. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

Fiscal Detail and Notes

The bill requires the Maine Education Policy Research Institute (MEPRI) to provide assistance with research and drafting of the report of the commission's findings and recommendations. Maine Revised Statutes Annotated, Title 20-A, section 10 established the Education Research Institute to collect and analyze education information and perform targeted education research for the Legislature. The Legislature contracts with the University of Maine System to maintain the institute and ongoing General Fund appropriations of \$250,000 per year are included in the Learning Systems Team program account within the Department of Education to support the work of the institute. The Department of Education also contracts with MEPRI for the updating of the essential programs and services components and ongoing funding of \$250,000 is included in the annual appropriation for General Purpose Aid for Local Schools (GPA) program. This fiscal note assumes that the intent is that the work performed MEPRI will be paid for with the funding included in the Learning Systems Team or GPA budget for fiscal year 2024-25 and enacted in Public Law 2023, chapter 17 and that the cost of the study will not exceed the \$500,000 already appropriated for fiscal year 2024-25. Given these assumptions, no additional General Fund appropriations are included in this bill for this purpose.

Additional costs to the Department of Education to establish the Commission to Study School Construction Policy and Fund and provide staffing assistance to the commission can be absorbed within existing budgeted resources. Additional costs to the Maine Municipal Bond Bank, the State Board of Education and the Department of Administrative and Financial Services associated with serving on the commission are expected to be minor and can be absorbed within existing budgeted resources.