

119th Legislature LD 617 HP0454

Appropriations and Financial Affairs

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001. (GOVERNOR'S BILL).

Presented By: Representative TOWNSEND of Portland

Cosponsored By: Senator MICHAUD of Penobscot and Representative KNEELAND of Easton, Senator HARRIMAN of Cumberland.

Public Hearing: 02/19/99. OTP-AM Accepted 06/01/99.

Amended By: CA H-713, HK/CA H-732.

Final Disposition: Emergency Enacted, Signed 06/04/99, PUBLIC LAWS, Chapter 401.

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

CHAPTER 401

H.P. 454 - L.D. 617

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001

Preamble. The Constitution of Maine, Article V, Part First, Section 8 provides that certain statutes enacted relating to confirmation procedures for gubernatorial nominees require a 2/3 vote of the members of each House present and voting.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately after July 1, 1999; and

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

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal years ending June 30, 2000 and June 30, 2001 to the departments listed the following sums.

	1999-00	2000-01
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Bureau of Accounts and Control		
Positions - Legislative Count	(-3,000)	(-3,000)
Personal Services	(\$154,467)	(\$163,995)
Provides for the deappropriation of funds		

through the transfer of 2 Programmer Analyst positions and one Senior Programmer Analyst position to the Information Services program. This deappropriation is to be offset by an appropriation to the Bureau of Accounts and Control System Project program in order to pay the Bureau of Information Services for the support of the central administrative system.

Bureau of Accounts and Control System Project

All Other	154,467	163,995
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Provides for the appropriation of funds to be used for the payment of data processing charges related to the support of the central administrative system. This appropriation will be offset by a deappropriation of funds in the Bureau of Accounts and Control account through the transfer of 3 positions to the Information Services program.

Buildings and Grounds Operations

All Other	670,000	693,375
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Provides for the appropriation of funds for the maintenance of the East Campus.

Capital Construction - Repairs Improve - Renovate State Facilities

All Other	1,038,662	1,779,852
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Provides for the appropriation of funds for the costs of temporary relocations and moves associated with the reconstruction of the State House and the Tyson, Marquardt and State Office Buildings as well

PART FF

Sec. FF-1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1999-00	2000-01
LEGISLATURE		
Legislature		
Positions - Legislative Count	(2,000)	(2,000)
Personal Services	\$76,717	\$107,374
All Other	65,800	131,600
TOTAL	\$142,517	\$238,974

Provides funds for the salary and fringe benefits costs needed to establish one Senior Computer Programmer/Analyst position and one Legislative Analyst position effective October 1, 1999. All Other funds are provided for the partial restoration of the statutory length of the legislative session by one week for the Second Regular Session of the 119th Legislature and by 2 weeks for the First Regular Session of the 120th Legislature.

Legislative Branchwide

All Other \$1,424,000

Provides funds for costs related to the Legislature's computer migration project. To the extent possible, the migration to a client-server network must be undertaken in a manner that maintains the Legislature's current electronic access to executive branch systems.

Interstate Cooperation - Commission on

All Other \$5,000 \$5,000

Provides additional funding for the commission.

LEGISLATURE TOTAL	\$1,571,517	\$243,974
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SECTION TOTAL

\$1,571,517 \$243,974

PART GG

Sec. GG-1. 20-A MRSA §15602, sub-§13 is enacted to read:

13. Hold harmless provision in fiscal year 1999-00. The following hold harmless provision is established for fiscal year 1999-00. The state share of subsidy for fiscal year 1999-00 for operating costs, program costs, excluding the state share of bus purchases, and minimum subsidy may not be less than the greater of:

A. The state share of subsidy for fiscal year 1999-00 for operating costs, program costs, excluding the state share of bus purchases, and minimum subsidy calculated on the basis of an appropriation of \$599,920,215 to general purpose aid for local schools as enacted in the Part J budget as of March 15, 1999; or

B. The state share of subsidy for fiscal year 1998-99 for operating costs, program costs, excluding the state share of bus purchases, minimum subsidy and the 1998-99 hardship cushion actually distributed in fiscal year 1998-99 based on an appropriation of \$591,532,327 to general purpose aid for local schools.

Sec. GG-2. 20-A MRSA §15603, sub-§26-A, ¶F, as amended by PL 1995, c. 665, Pt. J, §2, is further amended to read:

F. If for any fiscal year, the total amount appropriated for the State's share of the total allocation is less than the amount specified in the certified funding level for that year, then all subsidizable costs except as noted in subparagraphs (1) and (2) are reduced by a percentage of the original cost amounts. The reduction percentage is the smallest percentage that results in a state share of the total allocation that does not exceed the amount appropriated for this purpose, except that the reduction percentage that would ordinarily be used for operating and program costs must be reduced for the purpose of computing state subsidy for transportation operating costs as defined in subsection 29. The Until fiscal year 2000-01, the reduction percentage ordinarily used for transportation operating costs must be reduced by the amount necessary to provide additional state subsidy equal to \$4,500,000 for this category of costs. The statewide adjustment factor under section 15654, subsection 1, paragraph B must be adjusted by an amount sufficient to provide this additional funding for program costs. Beginning in fiscal year 1999-00, the reduction percentage must be phased out over 4

years. In fiscal year 1999-00, the reduction percentage for program costs other than transportation operating costs must be 15.88%. It is the intent of the Legislature that the reduction percentage for all program costs and the insured value factor be lowered to 9.97% in fiscal year 2000-01, to 4.98% in fiscal year 2001-02 and to 0% in fiscal year 2002-03. Beginning in fiscal year 2000-01, if the appropriation and any increase in the mill rate determined by the Legislature to be needed under section 15653 are not sufficient to achieve both the targeted reduction percentage and the targeted per pupil guarantee, as defined in section 15653, then the per pupil guarantee must advance toward the targeted per pupil guarantee in the same proportion as the reduction percentage, as defined in this section, is lowered toward the targeted reduction percentage. The following subsidizable costs may not be reduced:

- (1) Principal and interest on approved school construction costs; and
- (2) Approved lease costs.

Sec. GG-3. 20-A MRSA §15607, as amended by PL 1997, c. 326, §4, is repealed and the following enacted in its place:

§15607. Actions by the Legislature

The Legislature shall annually, prior to March 15th, enact legislation to:

1. Foundation per pupil operating rate. Establish the foundation per pupil operating rate and the elementary and secondary foundation per pupil operating rates:

2. Subsidy indices. Establish an operating cost millage, a program millage limit and a debt service millage limit; and

3. Appropriation for the state share of adjustments, debt service and foundation; single account. appropriate the necessary funds for the State's share for general purpose aid for local schools for the following components:

A. Adjustments described in section 15602, subsection 13; section 15612; and section 15613, except section 15613, subsection 13, including an appropriation for special education pupils placed directly by the State for:

- (1) Tuition and board for pupils placed directly by the State in accordance with rules adopted or amended by the commissioner; and

(2) Special educational tuition and other tuition for residents of state-operated institutions attending programs in school administrative units or private schools in accordance with rules adopted or amended by the commissioner;

B. Debt service subsidies described in section 15611. If the appropriation for debt service differs from the amount determined in accordance with section 15611, subsection 2, then the debt service millage limit specified in section 15611, subsection 1 may be adjusted up or down as necessary; and

C. Foundation subsidies described in section 15610 and section 15613, subsection 13 and in chapter 606-A.

Funds for appropriations under this section must be placed into a single account.

Sec. GG-4. 20-A MRSA §15607-A is enacted to read:

§15607-A. Actions by the department

Within the annual appropriations, the department shall follow the procedures described in this section.

1. State's obligation. If the State's continued obligation for any program provided by one of the appropriated amounts in section 15607, subsection 3 exceeds the appropriated amount, any unexpended balance from another of those appropriated amounts may be applied by the commissioner toward the obligation for that program.

2. Cash flow. For the purpose of cash flow, the commissioner may pay the full state and local share of the payment amounts due on bond issues for school construction, and the required amount to offset the local share of the bond issues may be transferred to the debt service portion of the account from operating and program subsidies. This provision does not apply in those situations in which a school administrative unit has less subsidy than the total principal and interest payment on bonds.

Sec. GG-5. 20-A MRSA §15652, sub-§4, as amended by PL 1997, c. 643, Pt. D, §3, is repealed.

Sec. GG-6. 20-A MRSA §15653, sub-§§1 and 2, as enacted by PL 1995, c. 368, Pt. Z, §1 and affected by §2, are amended to read:

1. Per pupil guarantee. The Legislature shall annually establish a per pupil guarantee. For fiscal year 1999-00, the per pupil guarantee is \$4,020. In the subsequent 3 fiscal years, it is the intent of the Legislature to achieve the per pupil guarantee targets established in this subsection.

A. For fiscal year 2000-01 the per pupil guarantee target is \$4,307.

B. For fiscal year 2001-02 the per pupil guarantee target is \$4,687.

C. For fiscal year 2002-03 the per pupil guarantee target is \$5,204.

The intent of the Legislature is to achieve a per pupil guarantee that matches projected spending in fiscal year 2002-03. Beginning in fiscal year 2000-01, if the appropriation and any increase in the mill rate determined by the Legislature to be needed under this section are not sufficient to achieve both the targeted reduction percentage in section 15603, subsection 26-A, paragraph F and the targeted per pupil guarantee, then the per pupil guarantee must advance toward the targeted per pupil guarantee in the same proportion as the reduction percentage is lowered toward the targeted reduction percentage.

2. Contribution to per pupil guarantee. The Legislature and each school administrative unit are jointly responsible for contributing to the per pupil guarantee. For each school administrative unit, the per pupil guarantee is the sum of the school administrative unit local contribution to the per pupil guarantee and the school administrative unit state contribution to the per pupil guarantee. It is the intent of the Legislature to achieve the targeted per pupil guarantee through a combination of the Legislature's additional contribution and, if needed, an increase in the mill rate used to determine the statewide local share.

Sec. GG-7. 20-A MRSA §15653, sub-§4, as enacted by PL 1995, c. 368, Pt. Z, §1 and affected by §2, is repealed and the following enacted in its place:

4. Statewide local share. For fiscal year 1999-00, the statewide local share amount of the operating costs allocation is based on the sum of the amounts determined by multiplying for each unit 6.67 mills times the unit's property fiscal capacity. In subsequent years the mill rate is 6.67 mills, except that the Legislature shall determine if an increase is needed to achieve the targeted per pupil guarantee under this section.

Sec. GG-8. 20-A MRSA §15656, as enacted by PL 1995, c. 368, Pt. Z, §1 and affected by §2, is repealed and the following enacted in its place:

§15656. Pupil counts

1. Pupil count used for operating costs. The pupil count used for operating costs in this chapter is the greater of the average of the 2 census counts for

the most recent calendar year and the average of the 4 census counts for the 2 most recent calendar years.

A. The 2 census counts in each calendar year must be for April 1st and October 1st.

B. As an exception, only the 2 census counts in the most recent calendar year may be used for:

(1) Kindergarten to grade 8 students for units that send all their kindergarten to grade 8 students as tuition students to schools elsewhere in the State;

(2) Grade 9 to grade 12 students for units that send all their grade 9 to grade 12 students as tuition students to schools elsewhere in the State; and

(3) Kindergarten to grade 12 students for units that send all their kindergarten to grade 12 students as tuition students to schools elsewhere in the State.

Sec. GG-9. 20-A MRSA §15657, sub-§2, as amended by PL 1997, c. 643, Pt. D, §5, is further amended to read:

2. Local median household income. The most recent local median household income is divided by the statewide average median household income. That amount is divided by the normalized regional cost adjustment as defined in section 15652, subsection 4. The final result is multiplied by an income weight of 0.15. The department shall use local median household income data, updated annually from the Federal Decennial Census as estimated at the fiscal year 1997-98 level until final Federal Decennial Census figures are established for the year 2000. The fiscal year 1997-98 estimated census figures must be adjusted so that no municipality's census figure exceeds twice the state average percentage increase from fiscal year 1996-97 to fiscal year 1997-98.

Sec. GG-10. PL 1999, c. 16, Pt. C is repealed.

Sec. GG-11. Essential programs and services; data collection for school funding. The State Board of Education's Essential Programs and Services Committee has recommended that a new approach to school funding should establish and measure the resources utilized in prototypical high-performing elementary, middle and secondary schools in Maine. This approach to identifying needed programs and services and their costs may be referred to as the "essential programs and services model" and consists of the resources needed to fund all necessary programs and services, including instructional and support staffing needs and other material needs. The determination of these resource levels must reflect,

where available, data that is representative of Maine schools. The essential programs and services model must be used to determine the amount of financial resources that must be available to each school unit and serves as the foundation for calculating both state and local contributions to public education for kindergarten through grade 12. Beginning July 1, 1999, the State Board of Education shall work with the Department of Education to determine the data that will be needed to calculate annual funding of school units in accordance with the cost-based essential programs and services model developed by the state board and described in its January, 1999 report to the 119th Legislature. The department shall implement changes in its current computer systems for data collection and data use that comply with these determinations. The state board shall provide interim reports on its work to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 14, 2000 and by January 15, 2001. A final report must be provided by July 2, 2001. Necessary data collection changes must be completed so that appropriate funding data can be reported to the department after July 1, 2003.

Sec. GG-12. Essential programs and services; data collection for school-level reporting. Beginning July 1, 1999, the State Board of Education shall work with the Department of Education to determine school-level data that is required to monitor the implementation in each school of the essential programs and services model. The department shall modify its current data collection and data use systems to collect and report this school-level data. The state board shall provide interim reports on its work to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by January 14, 2000 and by January 15, 2001. A final report must be provided by July 2, 2001. Necessary data collection changes must be completed so that appropriate school-level data can be reported to the department after July 1, 2003.

Sec. GG-13. Research. The State Board of Education shall research local school policies and expenditures on school transportation, special education, vocational education, efficiency of school operations and school performance. The research must include pupil characteristics and school unit characteristics and how these factors relate to school unit policies and levels of expenditure. The state board, in conjunction with the Education Research Institute, shall study practices in other states regarding the amounts and types of state and local revenues used to fund public education, the use of a regional "cost of education" adjustment and how the various states calculate and use an income measure in the school funding formula. The state board shall develop recommendations on how its findings may be used to improve Maine's system of school funding. The state

board shall provide to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs:

1. **Transportation.** A final report by July 3, 2000 on transportation, including bus purchases and transportation operating costs;

2. **Special education.** An interim report by July 3, 2000 and a final report by July 2, 2001 on the extent of consistency in the identification of special education needs statewide and the efficient delivery of special education services;

3. **Best practices.** An interim report by July 3, 2000 and a final report by July 2, 2001 on best practices relating to efficiency of school operations and high-level school performance;

4. **Vocational education.** A final report by July 3, 2000 on vocational education, including a preliminary analysis of program delivery, program costs and access to vocational education opportunities across the State and a plan for more in-depth research;

5. **Revenue to fund public education.** A final report by July 3, 2000 on practices in other states regarding the types and amounts of revenue used by local education organizations and by state governments to fund public education;

6. **Use of regional "cost of education."** A final report by January 3, 2000 on practices in other states regarding the use of a regional "cost of education" adjustment; and

7. **School funding formula.** A final report by January 3, 2000 on practices in other states regarding how to calculate and use an income measure in the school funding formula.

Sec. GG-14. Basic elementary and secondary per pupil operating rates. The basic elementary per pupil operating rate for the fiscal year 1999-00 is \$3,201 and the basic secondary per pupil operating rate for fiscal year 1999-00 is \$3,845. The foundation per pupil operating rate for the 1999-00 fiscal year is \$3,393.

Sec. GG-15. Per pupil guarantee and statewide factor. The per pupil guarantee for fiscal year 1999-00 is \$4,020. The statewide factor for fiscal year 1999-00 is 0.56410.

Sec. GG-16. Foundation allocation. The foundation allocation of state and local funds for fiscal year 1999-00 for the purposes listed in this section is as follows.

1999-00
TOTAL

Operating

Per pupil guarantee pursuant to the Maine Revised Statutes, Title 20-A, section 15653 \$865,501,980

A. Program Costs

Early Childhood 515,490

Special Education (Local) 140,726,794

Special Education (Tuition and Board) 13,077,864

Vocational Education 26,031,013

Transportation Operating 61,477,789

Bus Purchases 5,000,000

B. Program Cost Total 246,828,950

Less percentage reduction pursuant to the Maine Revised Statutes, Title 20-A, section 15603, subsection 26-A, paragraph F (38,274,270)

Adjusted Program Cost Total 208,554,680

Foundation Total - Combined Adjusted Operating and Program Cost \$1,074,056,660

Sec. GG-17. Foundation subsidy indexes. This section establishes mill rates as follows: operating cost millage, 5.11 mills; program millage limit, 1.21 mills.

Sec. GG-18. Foundation reduction percentages. This section establishes reduction percentages as follows: program cost reduction percentage - 15.88%; transportation operating reduction percentage - 14.38%.

Sec. GG-19. Foundation appropriation. The foundation appropriation provided for General Purpose Aid for Local Schools for the fiscal year beginning July 1, 1999 and ending June 30, 2000 is calculated as follows.

	1999-00	1999-00
	TOTAL	STATE
Foundation Total - Combined Adjusted Operating and Program Cost	\$1,074,056,660	\$527,396,309

Less \$4,500,000 shifted from operating to program costs for transportation operating (4,500,000)

Plus \$4,500,000 shifted from operating to program costs for transportation operating to lower the reduction percentage 4,500,000

Plus \$6,050,433 targeted to program costs to lower the reduction percentage 6,050,433

Minimum state subsidy 997,000

ADJUSTED FOUNDATION ALLOCATION TOTAL \$534,443,742

Sec. GG-20. Debt service appropriation. The debt service appropriation of state funds for fiscal year 1999-00 for the purposes listed in this section is as follows.

	1999-00
	TOTAL

Debt Service Costs

Principal and Interest	\$68,103,054
Approved Leases	6,200,435
Insured Value Factor	2,308,676

C. Debt Service Cost Total 76,612,165

Less Percentage Reduction of Insured Value Factor pursuant to the Maine Revised Statutes, Title 20-A, section 15603, subsection 26-A, paragraph F (518,067)

Adjusted Debt Service Cost Total \$76,094,098

Sec. GG-21. Debt service subsidy indexes. This section establishes mill rates as follows: operating cost millage, 5.11 mills; debt service millage limit, 0.50 mills.

Sec. GG-22. Debt service reduction percentages. This section establishes reduction percentages as follows: insured value factor reduction percentage - 22.44%.

Sec. GG-23. Debt service appropriation. The debt service appropriation provided for General Purpose Aid for Local Schools for the fiscal year beginning July 1, 1999 and ending June 30, 2000 is calculated as follows.

	1999-00	1999-00	TOTAL	\$30,099,976	\$30,099,976
	TOTAL	STATE			
ADJUSTED DEBT SERVICE ALLOCATION TOTAL	\$76,094,098	\$56,150,600	FOUNDATION, DEBT SERVICE AND ADJUSTMENTS AND MISCELLANEOUS COSTS TOTAL	\$1,180,250,734	\$620,694,318

Sec. GG-24. Adjustments and miscellaneous costs appropriation. The adjustments and miscellaneous costs appropriation of state funds for the fiscal year 1999-00 for the purposes listed in this section is as follows.

	1999-00	
	TOTAL	
Adjustments and Miscellaneous Costs		
Cost of Geographic Isolation Adjustments	\$250,000	
Cost of Quality Incentive Adjustments	0	
Audit Adjustments	0	
Cost of Reimbursement for Private School Services	201,000	
Special Education Tuition and Board for State Wards and Other Pupils Placed Directly by the State	8,200,000	
State Agency Clients	18,100,000	
Out-of-district Placement	1,929,000	
Long-term Drug Treatment Center	60,976	
Contract for Cost-of-education and Income Data	29,000	
Fiscal year 2000 Hold Harmless Provision to Previous Enacted Budget	1,230,000	
Essential Programs and Services - Data Collection and Research	100,000	
Total Adjustments	<u>\$30,099,976</u>	

Sec. GG-25. Adjustments and miscellaneous costs appropriation. The adjustments and miscellaneous costs appropriation provided for General Purpose Aid for Local Schools for the fiscal year beginning July 1, 1999 and ending June 30, 2000 is calculated as follows.

	1999-00	1999-00
	TOTAL	STATE
ADJUSTMENTS AND MISCELLANEOUS COSTS		

Sec. GG-26. Limit of State's obligation. If the State's continued obligation for any individual program contained in sections 14, 15, 16, 19, 20, 23, 24 and 25 of this Part exceeds the level of funding provided for that program, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual program. Any unexpended balances from sections 14, 15, 16, 19, 20, 23, 24 and 25 of this Part may not lapse but must be carried forward for the same purpose.

Sec. GG-27. Appropriations. Sections 14 to 26 of this Part may not be construed to require the State to provide payments that exceed the appropriation of funds for General Purpose Aid for Local Schools for the fiscal year beginning July 1, 1999 and ending June 30, 2000.

Sec. GG-28. State subsidy for fiscal year 1999-00. Notwithstanding any other provision of law, the Commissioner of Education shall distribute these funds in such a manner that the school administrative units receive by the end of fiscal year 1999-00 the state allocation determined by the funding formula enacted by the First Regular Session of the 119th Legislature and equal to the total funds appropriated in Public Law 1999, chapter 16 and in this Part.

Sec. GG-29. Local share for fiscal year 1999-00. Notwithstanding any other provisions of law, any additional local funds raised pursuant to the Maine Revised Statutes, Title 20-A, section 15614, subsection 3 may be credited toward the local share of the foundation allocation or the local share of the debt service allocation in order to satisfy the requirements of Title 20-A, chapters 606 and 606-A.

Sec. GG-30. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1999-00	2000-01
STATE BOARD OF EDUCATION		
State Board of Education		
All Other	\$100,000	\$50,000
Provides funds for administrative costs, computer programming and research services required to determine data		

collection needs and conduct research.		
STATE BOARD OF EDUCATION		
TOTAL	<u>\$100,000</u>	<u>\$50,000</u>

**EDUCATION, DEPARTMENT
OF**

**General Purpose Aid for
Local Schools**

All Other	\$20,774,103	\$20,000,000
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Provides funds to increase the state share of school subsidy. Total funds appropriated for school subsidy for fiscal year 1999-00 by Public Law 1999, chapter 16, Part A and Part B and in this Part are distributed as follows: The state share of the adjusted foundation allocation total is \$534,443,742; the state share of the adjusted debt service allocation total is \$56,150,600; and the state share of adjustments and miscellaneous costs is \$30,099,976.

**General Purpose Aid for
Local Schools**

All Other	(100,000)	(50,000)
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Deappropriates funds from the adjustments and miscellaneous costs category for Essential Programs and Services-Data Collection and Research in order to offset appropriations provided to the State Board of Education for those purposes.

**Hardship Cushion for
General Purpose Aid for
Local Schools**

All Other	3,783,692	
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Provides funds to be distributed to school administrative units as a one-time hardship cushion to ensure that each unit's state share of subsidy for fiscal year 1999-00 for

operating costs, program costs excluding the state share of bus purchases, and minimum subsidy is not less than each unit's state share of subsidy for fiscal year 1998-99 for those same categories plus the 1998-99 hardship cushion actually distributed in fiscal year 1998-99 based on an appropriation of \$591,532,327 to the General Purpose Aid for Local Schools program.

**DEPARTMENT OF
EDUCATION
TOTAL**

<u>\$24,457,795</u>	<u>\$19,950,000</u>
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**TOTAL APPROPRIATION
SECTION TOTAL**

<u>\$24,557,795</u>	<u>\$20,000,000</u>
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PART HH

Sec. HH-1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1999-00	2000-01
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		

**Capital Construction/Repairs/
Improvements - Administration**

All Other	\$125,000
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Provides funds on a one-time basis for the restoration of a historic brick structure at Fort Knox and related site improvements; increased parking; informational kiosk and phones; handicapped accessible restrooms; outdoor amphitheater; indoor classroom; and a passive interpretive system of informational plaques.

**DEPARTMENT OF
ADMINISTRATIVE AND
FINANCIAL SERVICES
TOTAL**

<u>125,000</u>

**CONSERVATION,
DEPARTMENT OF**

"Enacted with amendments H-713 and H-732 as P.L. 1999, ch.401
§§GG 11,12 and 13" "Language for the Essential Programs and
Services was introduced by amendment H-713"



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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 617

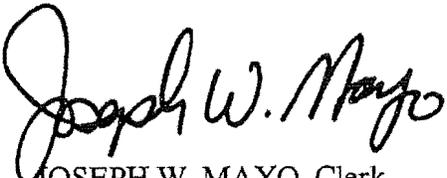
H.P. 454

House of Representatives, January 21, 1999

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001.

(EMERGENCY)

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative TOWNSEND of Portland. (GOVERNOR'S BILL)
Cosponsored by Senator MICHAUD of Penobscot and
Representative KNEELAND of Easton, Senator: HARRIMAN of Cumberland.

in
Add.

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L.D. 617

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APPROPRIATIONS AND FINANCIAL AFFAIRS

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 454, L.D. 617, Bill, "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001"

Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

Preamble. The Constitution of Maine, Article V, Part First, Section 8 provides that certain statutes enacted relating to confirmation procedures for gubernatorial nominees require a 2/3 vote of the members of each House present and voting.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately after July 1, 1999; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately

COMMITTEE AMENDMENT

A. of B.

2 A. The 2 census counts in each calendar year must be for
April 1st and October 1st.

4 B. As an exception, only the 2 census counts in the most
recent calendar year may be used for:

6
8 (1) Kindergarten to grade 8 students for units that
send all their kindergarten to grade 8 students as
tuition students to schools elsewhere in the State;

10
12 (2) Grade 9 to grade 12 students for units that send
all their grade 9 to grade 12 students as tuition
students to schools elsewhere in the State; and

14
16 (3) Kindergarten to grade 12 students for units that
send all their kindergarten to grade 12 students as
tuition students to schools elsewhere in the State.

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20 **Sec. GG-9. 20-A MRSA §15657, sub-§2**, as amended by PL 1997,
c. 643, Pt. D, §5, is further amended to read:

22 2. **Local median household income.** The most--recent local
24 median household income is divided by the statewide average
median household income. ~~That--amount--is--divided--by--the~~
26 ~~normalized-regional-cost-adjustment-as-defined-in-section-15652,~~
subsectien-4. The final result is multiplied by an income weight
of 0.15. The department shall use local median household income
28 data, ~~updated--annually--from--the--Federal--Decennial--Census~~ as
30 estimated at the fiscal year 1997-98 level until final Federal
Decennial Census figures are established for the year 2000. The
32 fiscal year 1997-98 estimated census figures must be adjusted so
that no municipality's census figure exceeds twice the state
34 average percentage increase from fiscal year 1996-97 to fiscal
year 1997-98.

36 **Sec. GG-10. PL 1999, c. 16, Pt. C** is repealed.

38 **Sec. GG-11. Essential programs and services; data collection for**
40 **school funding.** The State Board of Education's Essential Programs
and Services Committee has recommended that a new approach to
42 school funding should establish and measure the resources
utilized in prototypical high-performing elementary, middle and
44 secondary schools in Maine. This approach to identifying needed
programs and services and their costs may be referred to as the
46 "essential programs and services model" and consists of the
resources needed to fund all necessary programs and services,
including instructional and support staffing needs and other
48 material needs. The determination of these resource levels must
reflect, where available, data that is representative of Maine
50 schools. The essential programs and services model must

COMMITTEE AMENDMENT

2 be used to determine the amount of financial resources that must
3 be available to each school unit and serves as the foundation for
4 calculating both state and local contributions to public
5 education for kindergarten through grade 12. Beginning July 1,
6 1999, the State Board of Education shall work with the Department
7 of Education to determine the data that will be needed to
8 calculate annual funding of school units in accordance with the
9 cost-based essential programs and services model developed by the
10 state board and described in its January, 1999 report to the
11 119th Legislature. The department shall implement changes in its
12 current computer systems for data collection and data use that
13 comply with these determinations. The state board shall provide
14 interim reports on its work to the joint standing committee of
15 the Legislature having jurisdiction over education and cultural
16 affairs by January 14, 2000 and by January 15, 2001. A final
17 report must be provided by July 2, 2001. Necessary data
18 collection changes must be completed so that appropriate funding
19 data can be reported to the department after July 1, 2003.

20 **Sec. GG-12. Essential programs and services; data collection for**
21 **school-level reporting.** Beginning July 1, 1999, the State Board of
22 Education shall work with the Department of Education to
23 determine school-level data that is required to monitor the
24 implementation in each school of the essential programs and
25 services model. The department shall modify its current data
26 collection and data use systems to collect and report this
27 school-level data. The state board shall provide interim reports
28 on its work to the joint standing committee of the Legislature
29 having jurisdiction over education and cultural affairs by
30 January 14, 2000 and by January 15, 2001. A final report must be
31 provided by July 2, 2001. Necessary data collection changes must
32 be completed so that appropriate school-level data can be
33 reported to the department after July 1, 2003.

34 **Sec. GG-13. Research.** The State Board of Education shall
35 research local school policies and expenditures on school
36 transportation, special education, vocational education,
37 efficiency of school operations and school performance. The
38 research must include pupil characteristics and school unit
39 characteristics and how these factors relate to school unit
40 policies and levels of expenditure. The state board, in
41 conjunction with the Education Research Institute, shall study
42 practices in other states regarding the amounts and types of
43 state and local revenues used to fund public education, the use
44 of a regional "cost of education" adjustment and how the various
45 states calculate and use an income measure in the school funding
46 formula. The state board shall develop recommendations on how
47 its findings may be used to improve Maine's system of school
48 funding. The state board shall provide to the joint standing

committee of the Legislature having jurisdiction over education and cultural affairs:

1. **Transportation.** A final report by July 3, 2000 on transportation, including bus purchases and transportation operating costs;

2. **Special education.** An interim report by July 3, 2000 and a final report by July 2, 2001 on the extent of consistency in the identification of special education needs statewide and the efficient delivery of special education services;

3. **Best practices.** An interim report by July 3, 2000 and a final report by July 2, 2001 on best practices relating to efficiency of school operations and high-level school performance;

4. **Vocational education.** A final report by July 3, 2000 on vocational education, including a preliminary analysis of program delivery, program costs and access to vocational education opportunities across the State and a plan for more in-depth research;

5. **Revenue to fund public education.** A final report by July 3, 2000 on practices in other states regarding the types and amounts of revenue used by local education organizations and by state governments to fund public education;

6. **Use of regional "cost of education."** A final report by January 3, 2000 on practices in other states regarding the use of a regional "cost of education" adjustment; and

7. **School funding formula.** A final report by January 3, 2000 on practices in other states regarding how to calculate and use an income measure in the school funding formula.

Sec. GG-14. Basic elementary and secondary per pupil operating rates. The basic elementary per pupil operating rate for the fiscal year 1999-00 is \$3,201 and the basic secondary per pupil operating rate for fiscal year 1999-00 is \$3,845. The foundation per pupil operating rate for the 1999-00 fiscal year is \$3,393.

Sec. GG-15. Per pupil guarantee and statewide factor. The per pupil guarantee for fiscal year 1999-00 is \$4,020. The statewide factor for fiscal year 1999-00 is 0.56410.

Sec. GG-16. Foundation allocation. The foundation allocation of state and local funds for fiscal year 1999-00 for the purposes listed in this section is as follows.

1999-00

R. 49.

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SUMMARY

Part A

Part A does the following.

It makes appropriations from the General Fund.

It makes allocations from the Federal Expenditures Fund.

It makes allocations from Other Special Revenue funds.

It makes allocations from the Federal Block Grant Fund.

It makes allocations from the Office of Information Services Fund.

It makes allocations from the Risk Management Fund.

It makes allocations from the Workers' Compensation Management Fund.

It makes allocations from the Real Property Lease Internal Service Fund.

It makes allocations from the Island Ferry Services Fund.

It makes allocations from the Highway Fund.

Part B

Part B does the following.

It makes appropriations from the General Fund for reclassifications and range changes.

It makes allocations from the Federal Expenditures Fund for reclassifications and range changes.

It makes allocations from Other Special Revenue funds for reclassifications and range changes.

It makes allocations from the Federal Block Grant Fund for reclassifications and range changes.

It makes allocations from the Central Motor Pool Fund for reclassifications and range changes.

Part C

R. of S.

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Part FF

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Part FF provides General Fund appropriations to various programs in the Legislature.

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Part GG

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Part GG includes the recommendations of the Joint Standing Committee on Education and Cultural Affairs. It amends the School Finance Act of 1985 and the School Finance Act of 1995 and accomplishes the following.

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1. It addresses the gap between the per pupil guarantee and the actual level of per pupil costs in local school administrative units by increasing the per pupil guarantee to \$4,020 for fiscal year 1999-00 and by establishing a target per pupil guarantee amount for fiscal years 2000-01, 2001-02 and 2002-03 that would close the gap between the per pupil guarantee amount and actual per pupil costs.

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2. It addresses the insufficient level of state funding for program costs by establishing a 4-year plan to increase the level of funding for program costs to gradually eliminate the subsidy reductions for these costs.

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3. It addresses the problem faced by school administrative units that are currently losing students and the corresponding state subsidy, but that still face many fixed costs of education that can not be reduced, by providing a declining pupil adjustment to these school units.

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4. It addresses the concerns that some school administrative units have with the use of income and cost-of-living factors as measures of local property taxpayers' ability to raise local appropriations to support public education by eliminating the cost-of-living factor and by freezing the income factor at the income levels used for fiscal year 1997-98 funding after adjusting for unusually large annual increases from the prior year.

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5. It addresses the need for targeted legislative policies regarding appropriation amounts for certain categories of general purpose aid by establishing a separate appropriation for debt service, adjustments and foundation costs, which include operating costs and program costs.

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6. It establishes a "hold harmless" provision to ensure that no school administrative unit receives a smaller state subsidy in fiscal year 1999-00 than it received in fiscal year

1998-99 or than it would receive under the Part I budget enacted by the Legislature in 1999.

This Part also directs the State Board of Education to work with the Department of Education to revise the department's data collection methods to acquire the data, including school-level data, needed to implement the essential programs and services model of school funding proposed by the state board. It further directs the state board, in conjunction with the Education Research Institute, to arrange for research regarding local school policies and expenditures on transportation, special education, vocational education, efficiency of school operations and school performance.

It directs the State Board of Education to study practices in other states regarding the amounts and types of state and local revenues used to fund public education, the use of a regional "cost of education" adjustment and how the various states calculate and use an income measure in the school funding formula. The state board shall develop recommendations on how its findings may be used to improve the State's system of school funding.

It establishes the basic elementary and secondary per pupil operating rates, the foundation per pupil operating rate, per pupil guarantee and statewide factor. It establishes the foundation, debt service and adjustment and miscellaneous costs totals.

It provides additional General Fund appropriations to increase state funding for General Purpose Aid for Local Schools to provide a one-time hardship cushion and to fund data collection and research efforts related to essential services and programs that will be undertaken by the State Board of Education.

Part HH

Part HH does the following.

It makes appropriations from the General Fund to state departments and agencies.

It makes an Other Special Revenue funds allocation to the Department of Mental Health, Mental Retardation and Substance Abuse Services.

It also makes a Federal Block Grant Fund allocation related to the ice storm of January 1998.

Part II

Transition to a *New Public Policy* on School Funding



New Public Policy 

*A Financial
Foundation for
School
Funding that
is
based on
Essential
Programs &
Services*

FY 00 - FY 02

1. Moving more local option \$ into the funding formula
2. Making improvements in "ability-to-pay" measures
3. Tempering the effects of declining pupil counts
4. Implementing a short term Hold Harmless provision

FY 03 - FY 07

- A. Continuation of earlier changes
- B. Further review of the income factor, based on new U.S. Census data
- C. Phase-in of Essential Programs & Services*

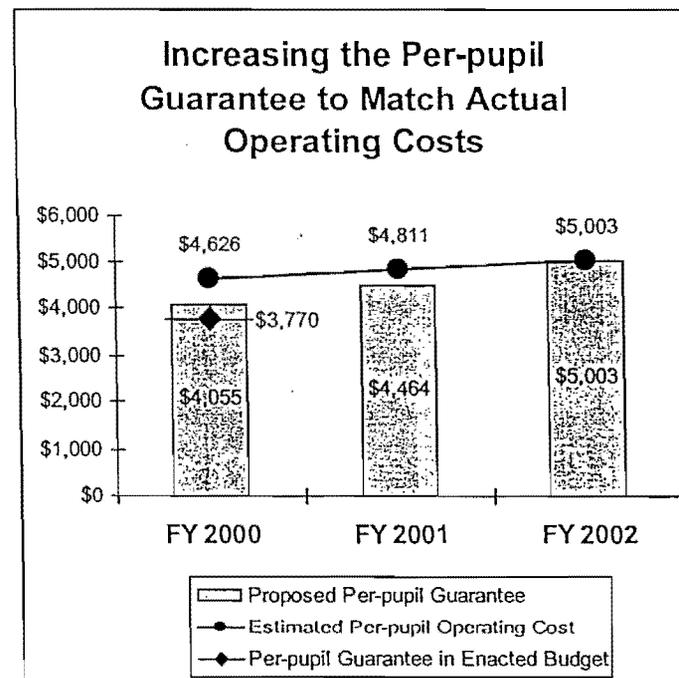


*Details will depend on discussion & decisions made by the Education Committee & Legislature regarding the Essential Programs & Services recommendations

March 22, 1999

Recommended Actions Leading to the First 3 Years of the Transition

- ✓ Bringing the Per-pupil Guarantee closer to actual operating costs. (The enacted FY 00 budget provides for a Per-pupil Guarantee of \$3,770). Recommended Per-pupil Guarantees are:
 - FY 00: \$4,055 (closing 1/3 of the gap)
 - FY 01: \$4,464 (closing 2/3 of the gap)
 - FY 02: \$5,003 (= estimated per-pupil operating costs)(See chart →)
- ✓ Freeze the income factor at its FY 98 level after adjusting for unusually large annual increases
- ✓ Eliminate COLA
- ✓ Establish declining pupil adjustment
- ✓ Implement a short term “Hold Harmless” against subsidy losses due to above changes



Other Recommendations

1. Discussion & clarification, during the 1st Session of the 119th Legislature, of:
 - ✓ the *Essential Programs & Services* concept;
 - ✓ the data & assumptions used for cost estimates and for funding; and
 - ✓ other issues (such as how tuition rates should relate to per-pupil Essential Programs and Services).
2. Additional work (2 years):
 - ✓ Education Research Institute studies and reports back to the Legislature regarding transportation, special education, and best practices for efficiency of operations and high student performance. Estimated budget: \$150,000.
 - ✓ The Department reviews and revises its data collection.

A NEW SCHOOL FUNDING PROPOSAL:

Being Considered by the Legislature
23-May-99

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99 MAY 25 AM 9:54

Modification of Education Committee Concepts
at \$620.7 Million in FY 00 and \$638.3 Million in FY 01
\$3.8 million one-time hardship cushion for FY 00

FEATURES

This plan has the same features as the Education Committee's Plan (as approved on May 5, 1999) except as follows:

- The Per-pupil Guarantee in FY 00 would be \$4,020, instead of \$4,055.
- The Program Costs reduction percentage in FY 00 would be -15.88%, rather than -14.96%.
- A Hold Harmless provision would protect units at the level of the FY 00 Part I Enacted Budget @ \$1.2 million, instead of \$670,000 used in the Education Committee's Plan.
- A Hardship Cushion provision would protect units from subsidy loss from FY 99 @ \$3.8 million, instead of \$3 million. Funding would use one-time revenues.

COSTS

	FY 99	FY 00	FY 01	Total
Total appropriation:	\$591,532,327 *	\$620,694,318	\$638,249,825	
% Increase from prior year's appropriation:		4.9299%	2.8284%	
FY 00 Enacted Part I Budget		\$599,920,215	\$619,249,825	
Net increase from Enacted Part I Budget		\$20,774,103	\$19,000,000	\$39,774,103
Governor's Part II Change Pkg		\$8,000,000	\$2,000,000	
Net Increase from Enacted Part I Budget and Governor's Part II Change Pkg		\$12,774,103	\$17,000,000	\$29,774,103
One-time Hardship Cushion		\$3,783,692		\$33,557,795

* Includes \$16.6 million one-time appropriation

FY 2000 Scenarios for Phase-in

	<u>Part I Enacted Budget</u>	<u>Targets Assuming 1/4 Phase-In Each Year</u>	<u>Modification of Education Committee Concept at \$620.7 million</u>	<u>New Proposed Modification of Education Committee Concept at \$620.7 million plus \$3.8 Hardship Cushion</u>	<u>Education Committee Recommendation at \$630.0 million</u>
Per Pupil Guarantee:					
FY 00	\$3,770	\$3,984	\$4,005	\$4,020	\$4,055
FY 01		\$4,290	\$4,307	\$4,307	\$4,307
FY 02		\$4,694	\$4,687	\$4,687	\$4,687
FY 03		\$5,204	\$5,204	\$5,204	\$5,204
Program Cost Reduction %:					
FY 00	22.44%	16.83%	16.27%	15.88%	14.96%
FY 01		11.22%	9.97%	9.97%	9.97%
FY 02		5.61%	4.98%	4.98%	4.98%
FY 03		0.00%	0.00%	0.00%	0.00%

Part ?

1999-00

DEPARTMENT OF EDUCATION

MANAGEMENT INFORMATION
SYSTEMS TEAM

Hardship Cushion for General Purpose Aid

All Other

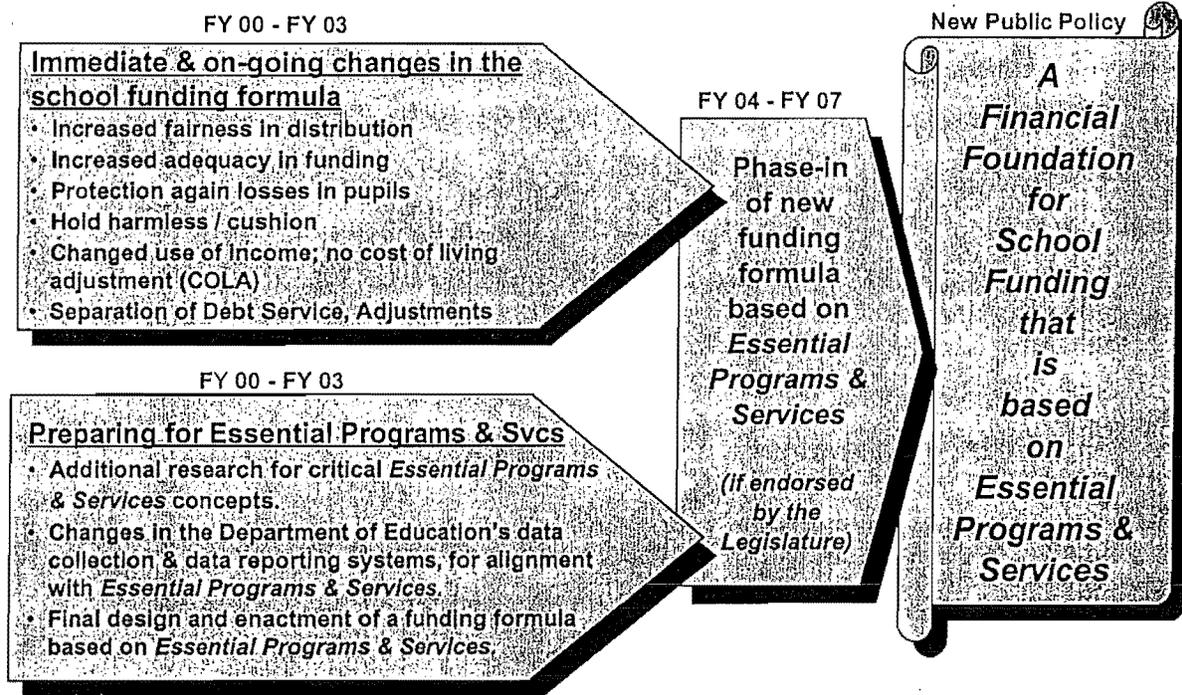
\$3,783,692

Provides funds to be distributed to school administrative units as a one-time hardship cushion to ensure that each unit's state share of subsidy for fiscal year 1999-00 for operating costs, program costs excluding the state share of bus purchases, and minimum subsidy shall not be less than each unit's state share of subsidy for fiscal year 1998-99 for these same categories plus the 1998-99 hardship cushion actually distributed in fiscal year 1998-99 based on an appropriation of \$591,532,327 to the general purpose aid program.

Modification of Education Committee Concepts for a New School Funding Formula (@ \$620.7 million)

May 20, 1999

This modification of the Education Committee concepts would be based on lesser appropriations in FY 00 and in FY 01. The modification retains the same features as those of the Education Committee plan, except for slightly lower targets for FY 00. The modification, like the original Education Committee proposal, would support additional actions as follow-up to the Final Report of the *Essential Programs & Services* Committee which will support a phase-in to funding based on the *Essential Programs & Services* approach. An overview of this modification, and of succeeding steps, is displayed below:

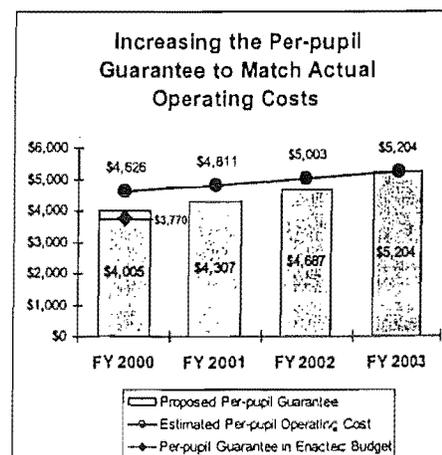


Key features of the modified proposal are described below:

A Four-year phase-in to equalize and increase the operating funds behind each Maine student

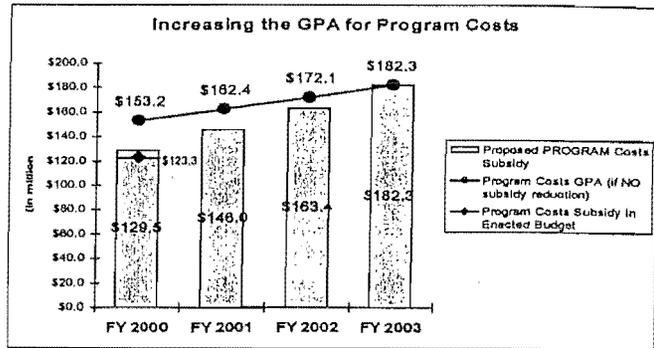
- Operating costs include most salary and benefit costs, supplies, building maintenance, etc. The "Per-pupil Guarantee" is the legislatively set total dollar amount set for per-pupil operating costs. The State and the local school unit jointly contribute to equalize funds for each pupil at this level.
- Currently, this amount is set annually, without regard to the actual level of per-pupil costs in Maine districts. For example: in the enacted Part I budget for FY 00, the Per-pupil Guarantee would be \$3,770, although actual per-pupil costs are estimated to be \$4,626.
- The proposal would, over a four year period, increase the Per-pupil Guarantee to close the gap between the Per-pupil Guarantee and the actual level of per-pupil costs, thereby improving pupil equity.
- Unlike the Education Committee plan, this proposed modification does not "frontload" the FY 00 targeted Per-pupil Guarantee amount. However, by FY 2003, the Per-pupil Guarantee would be \$5,204 and equal to the estimated per-pupil costs during that year, just as for the Education Committee proposal.

(over)



B. Four year phase-out of all subsidy reductions

- Program Costs include costs for Special Education, Vocational Education, Transportation, and Early Childhood. Currently, subsidies for most Program Costs ignore 22.4% of subsidizable costs for these programs; Transportation subsidies ignore 14.38% of these subsidizable costs.
- Unlike the Education Committee proposal, this suggested modification does not "frontload" the targeted lowering of the FY 00 Program Cost reduction percentage. However, by FY 03, this modification would eliminate these subsidy reductions, just as for the Education Committee plan.
- After eliminating these subsidy reductions, the state would again be paying its full share of 62% of *all* program costs.



C. Hold Harmless & Cushion Provisions

Two different types of protection for all units is provided:

- Every unit would receive at least the subsidy which they would have received under the Part I budget, enacted March 15, 1999.
- In addition, every school unit would receive at least the subsidy received in the current year (FY 99).

These provisions do not consider subsidies for bus purchases or for debt service.

D. Ability-to-pay measures

- Income remains in the funding formula but is frozen at the amount used for FY 98 funding, after adjusting for unusually large increases from the FY 97 income level.
- The cost-of-living adjustment (COLA) is eliminated.

E. Preparing for Essential Programs & Services

In preparation for the phase-in to funding based on the Essential Programs & Services model:

- the State Board of Education would arrange for additional research into key areas such as transportation and regional costs of education.
- the Department of Education would refine and expand its data collection and data reporting systems for alignment with the funding of Essential Programs & Services.

F. Other Features

- For school units who are losing students, an averaging of pupil counts is implemented, to help units with fixed costs that cannot be reduced. This adjustment does not apply to tuitioned pupils.
- Appropriations for Dept Service and for Adjustments would be separated from the other GPA appropriation.

G. Costs

	<u>FY 99</u>	<u>FY 00</u>	<u>FY 01</u>	<u>Total</u>
Total Appropriation	\$591,532,327	\$620,694,318	\$638,249,825	
FY 00 Enacted Part I Budget		\$599,920,215	\$619,249,825	
Net Increase from Enacted Budget		\$20,774,103	\$19,000,000	\$39,774,103
Gov's Part II Change Package		\$8,000,000	\$2,000,000	
Net Increase from Part I Budget plus Change Package		\$12,774,103	\$17,000,000	\$29,774,103

A SCHOOL FUNDING PROPOSAL:

18-May-99

Education Committee Concepts @ \$620.7 Million in FY 00 and \$638.3 Million in FY 01

FEATURES

This plan has the same features as the Education Committee's Plan (as approved on May 5, 1999) except as follows:

- a. The Per-pupil Guarantee in FY 00 would be **\$4,005**, instead of **\$4,055**.
- b. The Program Costs reduction percentage in FY 00 would be **-16.27%**, rather than **-14.96%**.
- c. Hold Harmless provision, protecting units at the level of the FY 00 Part I Enacted Budget @ **\$2 million**, instead of **\$670,000**
- d. Hardship Cushion provision, protecting units from subsidy loss from FY 99 @ **\$4.4 million**, instead of **\$3 million**.

COSTS

	FY 99	FY 00	FY 01	Total
Total appropriation:	\$591,532,327 *	\$620,694,318	\$638,249,825	
% Increase from prior year's appropriation:		4.9299%	2.8284%	
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Governor's Part II Change Pkg		\$8,000,000	\$2,000,000	
Net Increase from Enacted Part I Budget and Governor's Part II Change Pkg		\$12,774,103	\$17,000,000	\$29,774,103

* Includes \$16.6 million one-time appropriation