

# **128th MAINE LEGISLATURE**

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**Legislative Document** 

No. 1562

S.P. 546

In Senate, May 2, 2017

# An Act To Authorize a General Fund Bond Issue To Capitalize a Career and Technical Revolving Equipment and Renovation Fund

Submitted by the Department of Education pursuant to Joint Rule 204. Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Heath & Print

HEATHER J.R. PRIEST Secretary of the Senate

Presented by Senator LANGLEY of Hancock.

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

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## PART A

Sec. A-1. Authorization of bonds. The Treasurer of State is authorized, under
the direction of the Governor, to issue bonds in the name and on behalf of the State in an
amount not exceeding \$10,000,000 for the purposes described in section 5 of this Part.
The bonds are a pledge of the full faith and credit of the State. The bonds may not run for
a period longer than 10 years from the date of the original issue of the bonds.

12 Sec. A-2. Records of bonds issued; Treasurer of State. The Treasurer of 13 State shall ensure that an account of each bond is kept showing the number of the bond, 14 the name of the successful bidder to whom sold, the amount received for the bond, the 15 date of sale and the date when payable.

16 Sec. A-3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may 17 be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the 18 19 bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set 20 21 forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the Office of the Treasurer of State to be used for the retirement of 22 23 general obligation bonds.

24 Sec. A-4. Interest and debt retirement. The Treasurer of State shall pay 25 interest due or accruing on any bonds issued under this Part and all sums coming due for 26 payment of bonds at maturity.

Sec. A-5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

### 31 EDUCATION, DEPARTMENT OF

Provides funds to capitalize a career and technical revolving equipment and
 renovation fund for the purchase of equipment and to make capital improvements to
 state career and technical education centers and regions.

35 Total

\$10,000,000

Sec. A-6. Contingent upon ratification of bond issue. Sections 1 to 5 do not
 become effective unless the people of the State ratify the issuance of the bonds as set
 forth in this Part.

4 **Sec. A-7. Appropriation balances at year-end.** At the end of each fiscal year, 5 all unencumbered appropriation balances representing state money carry forward. Bond 6 proceeds that have not been expended within 10 years after the date of the sale of the 7 bonds lapse to the Office of the Treasurer of State to be used for the retirement of general 8 obligation bonds.

9 Sec. A-8. Bonds authorized but not issued. Any bonds authorized but not 10 issued within 5 years of ratification of this Part are deauthorized and may not be issued, 11 except that the Legislature may, within 2 years after the expiration of that 5-year period, 12 extend the period for issuing any remaining unissued bonds for an additional amount of 13 time not to exceed 5 years.

14 Sec. A-9. Referendum for ratification; submission at election; form of 15 question; effective date. This Part must be submitted to the legal voters of the State at 16 a statewide election held in the month of November following passage of this Act. The 17 municipal officers of this State shall notify the inhabitants of their respective cities, towns 18 and plantations to meet, in the manner prescribed by law for holding a statewide election, 19 to vote on the acceptance or rejection of this Part by voting on the following question:

20 "Do you favor a \$10,000,000 bond issue to capitalize a career and 21 technical revolving equipment and renovation fund for the purchase of 22 equipment and to make capital improvements to state career and 23 technical education centers and regions?"

24 The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square 25 below the word "Yes" or "No." The ballots must be received, sorted, counted and 26 27 declared in open ward, town and plantation meetings and returns made to the Secretary of 28 State in the same manner as votes for members of the Legislature. The Governor shall 29 review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days 30 31 after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

PART B

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36 Sec. B-1. 30-A MRSA §5953-G is enacted to read:

1	§5953-G. Maine Career and Technical Education Finance Program
2 3 4	There is established the Maine Career and Technical Education Finance Program to promote efficient capital financing activities for the equipment for and renovation and repair of career and technical education facilities.
5 6 7 8 9 10 11 12	<b>1. Loan application.</b> In addition to the other forms of financial assistance available under this chapter, a public school, school administrative district, municipality, regional school unit, community school district, career and technical education region or other school administrative unit may apply for a loan from the Career and Technical Education Revolving Fund under section 6006-I, in this section called "the fund," the proceeds of which must be used to finance the cost of career and technical education equipment and cost of renovation and repair of career and technical education facilities under section 6006-I, subsection 3, as designated by the Department of Education.
13 14 15 16	The bank may prescribe an application form or procedure for a school administrative unit or career and technical education region to apply for a loan under this section. The application must include any information that the bank determines necessary for the purpose of implementing this section and section 6006-I.
17	2. Loan; loan agreements. Loans from the fund are subject to this subsection.
18 19 20 21 22	A. The bank may make loans from the fund to a school administrative unit or career and technical education region for one or more of the purposes set forth in subsection 1. The loans may be made in conjunction with, at the same time as or as part of a project that obtains any other form of assistance or loan under this chapter. Each loan is subject to the following conditions.
23 24 25 26 27 28	(1) The total amount of loans outstanding at any one time from the fund may not exceed the balance of the fund, as long as the proceeds of bonds or notes of the bank deposited in the fund, revenues from other sources deposited in the fund, repayments from outstanding loans due and payable and binding financial commitments of the United States or any other 3rd party to deposit money in the fund are included in determining the fund balance.
29 30 31 32 33	(2) The loan must be evidenced by a municipal bond, loan agreement or other debt instrument, payable by the school administrative unit or career and technical education region over a term not to exceed 15 years with annual principal or interest payments commencing not later than one year after the project being financed is completed.
34 35 36 37 38 39 40 41	(3) The rate of interest charged for the loans may not exceed 0%. The bank, pursuant to a determination by the Department of Education under section 6006-I, may provide loans to a school administrative unit or career and technical education region with forgiveness of principal or an effective interest rate of less than 0%. A school administrative unit or career and technical education region must pay back by the end of the term of the loan an amount no less than 30% of the original principal amount of the loan nor more than 70% of the original principal amount of the loan.

1 B. Loans made to a school administrative unit or career and technical education 2 region by the bank under this section must be evidenced by and made in accordance with the terms and conditions specified in a loan agreement to be executed by the 3 4 bank and the school administrative unit or career and technical education region. The 5 loan agreement must specify the terms and conditions of disbursement of loan 6 proceeds. The loan agreement must state the term, rate of interest, any amount of 7 principal forgiveness, scheduling of loan repayments and any other terms and 8 conditions determined necessary or desirable by the bank. Loans made to a school 9 administrative unit or career and technical education region by the bank under this 10 section may include provisions for forgiveness of principal payments or loan 11 repayment computation that results in an effective negative interest rate.

12 **3.** Loan management. Proceeds from any indebtedness from the fund incurred by a 13 school administrative unit or career and technical education region for the purposes of 14 purchase of career and technical education equipment or for renovation and repair of 15 career and technical education facilities must be deposited in the bank. Proceeds from any 16 other indebtedness incurred by a school administrative unit or career and technical 17 education region for the purposes of purchase of career and technical education 18 equipment or for renovation and repair of career and technical education facilities may be 19 deposited in the bank. Any proceeds held must be invested by the bank for the benefit of 20 the school administrative unit or career and technical education region. The bank shall 21 pay to a school administrative unit or career and technical education region those 22 amounts necessary for incurred costs or for reimbursement for incurred costs associated 23 with the purpose for which the indebtedness was incurred. Funds from any indebtedness 24 from the fund remaining after payment of all eligible project and financing costs must be 25 deposited in the fund.

- 26 4. Eligibility certification. A loan to a school administrative unit or career and
   27 technical education region may not be made under this section until:
- A. The applicant certifies to the bank that it has secured all permits, licenses and
   approvals necessary to undertake the renovations and repairs or to purchase
   equipment to be financed by the loan;
- 31B. The applicant has been designated by the Department of Education as eligible to32receive the loan; and
- C. The applicant demonstrates to the satisfaction of the bank that it has the ability to
   repay the loan made to the school administrative unit or career and technical
   education region by the bank.

The Department of Education and the bank shall adopt rules necessary to implement this
 section. Rules adopted by the Department of Education and the bank to implement this
 section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

- 39 Sec. B-2. 30-A MRSA §6006-I is enacted to read:
- 40 §6006-I. Career and Technical Education Revolving Fund
- 41 <u>**1. Fund established.**</u> The Career and Technical Education Revolving Fund, referred
   42 to in this section as "the fund," is established in the custody of the bank.

1 2 3 4	<b>2.</b> Administration. The bank shall administer and invest the fund. The fund must be established and held separate and apart from any other funds or money of the State or the bank and must be used and administered exclusively for the purposes authorized in this section. The fund consists of:
5 6	A. Sums that may be appropriated by the Legislature or transferred to the fund by the Treasurer of State;
7	B. Principal and interest received from the repayment of loans made from the fund;
8 9 10 11 12	C. Capitalization grants and awards made to the State or an instrumentality of the State by the United States for any of the purposes for which the fund has been established. These amounts may be paid directly into the fund without appropriation by the State and the bank is designated as the recipient for the State of any such funds;
13	D. Interest earned from the investment of fund balances;
14 15	E. The proceeds of any bonds or notes issued by the State or the bank sold for the purpose of deposit in the fund; and
16 17 18 19 20	F. Other funds and gifts in kind or cash from any public or private source received for use for any of the purposes for which the fund has been established and that the bank and the Department of Education may solicit from any 3rd parties such as foundations or corporations, including the use of tax credits as available to support activities authorized for the fund.
21	<b>3. Purposes.</b> The fund may be used:
22 23 24	A. To make loans to school administrative units that include a career and technical education center or to career and technical education regions for equipment and career and technical school repair and renovation for approved programs.
25 26 27	(1) Priority 1 status must be given to projects that support the purchase of instructional equipment for enhancements to career and technical education programs that align those programs with national industry standards.
28 29 30 31	(2) Priority 2 status must be given to projects that support repairs and renovations not eligible under section 6006-F and may be related to upgrades to learning spaces and buildings in career and technical education centers and regions.
32 33	(3) Priority 3 status must be given to projects that support other expenditures for career and technical education as approved by the Commissioner of Education;
34 35 36	B. To make loans to a school administrative unit or career and technical education region to finance expenditures incurred after July 1, 2017 for purposes under paragraph A;
37 38 39 40	C. To guarantee or insure, directly or indirectly, the payment of notes or bonds issued or to be issued by a school administrative unit or career and technical education region for the purpose of financing any expenditure authorized under paragraph A;

1 2 3	D. To guarantee or insure, directly or indirectly, funds established by a school administrative unit or career and technical education region for the purpose of financing any expenditure authorized under paragraph A;
4 5 6	E. To deposit with a lending institution or with a trustee bank available fund balances to offset loan balances for school administrative districts or career and technical education regions undertaking projects authorized by paragraph A;
7 8	F. To invest available fund balances and credit the net interest income on those balances to the fund;
9 10 11 12 13 14	G. To invest as a source of revenue or security for the payment of principal and interest on general or special obligations of the bank if the proceeds of the sale of the obligations have been deposited in the fund, or if the proceeds of the sale of the obligations are used for the purposes authorized in paragraph A, or as a source of revenue to subsidize the school administrative unit or career and technical education region loan payment obligations;
15 16 17 18 19 20 21	H. To pay the costs of the bank and the Department of Education associated with the administration of the fund and projects financed by the fund, except that no more than 2% of the aggregate of the highest fund balances in any fiscal year may be used for these purposes. The Commissioner of Education is authorized to receive revenue from the fund administered by the bank. Funds provided to the Department of Education from the fund must be deposited in a nonlapsing dedicated account to be used to carry out the purposes of this section; and
22 23 24 25 26 27	I. To reimburse school administrative units or career and technical education regions for costs incurred for expenditures described in paragraph A, subparagraph (1) and approved by the Commissioner of Education. The amount of the reimbursement must be determined in accordance with the school administrative unit's or career and technical education region's member school administrative unit's state share percentage as provided in subsection 6.
28 29 30 31 32	<b>4. Priorities.</b> Periodically, and at least annually, the Department of Education shall prepare and certify to the bank a project priority list of those school administrative units or career and technical education regions whose expenditures are eligible for loans under this section. The department shall submit with the list the factors considered when determining the priorities.
33 34 35 36 37 38 39	5. Eligibility terms. The bank and the Department of Education shall develop by rule the terms of repayment of loans. A loan made pursuant to this section may not carry an interest rate higher than 0%. A loan may be made only if a project is certified by the Department of Education as eligible for financing under this section and is on the priority list prepared under subsection 4. The repayment period may vary depending upon the financial condition of a school administrative unit or career and technical education region as identified by the Department of Education.
40 41 42 43	<u>6. Forgiveness of principal payments.</u> The fund must provide direct grants by forgiving the principal payments of a loan for an eligible school administrative unit. The amount of the forgiveness of principal payments must be determined by the school administrative unit's state share percentage as determined in Title 20-A, section 15672,

subsection 31, not to exceed 70% and not less than 30%. For a career and technical education region, the total amount of forgiveness of principal payments for the project is the sum of each school administrative unit's portion of the approved project multiplied by that school administrative unit's state share percentage as determined in Title 20-A, section 15672, subsection 31, not to exceed 70% and not less than 30%. The portion of the approved project cost is determined by each member school administrative unit's most recent cost-sharing percentage for the region.

7. Establishment of accounts. The bank may establish accounts and subaccounts
 within the fund as it determines desirable to effectuate the purposes of this section,
 including, but not limited to, accounts to segregate a portion or portions of the fund as
 security for bonds issued by the bank for deposit in the fund and to be invested for the
 benefit of specified projects receiving financial assistance from the fund.

**8. Rules.** The Department of Education and the bank shall adopt rules necessary to
 implement this section. Rules adopted by the Department of Education and the bank to
 implement this section are routine technical rules pursuant to Title 5, chapter 375,
 subchapter 2-A.

SUMMARY

18 The funds provided by the bond issue in Part A, in the amount of \$10,000,000, will 19 be used to capitalize a career and technical revolving equipment and renovation fund to 20 purchase equipment for and make capital improvements to state career and technical 21 education centers and regions.

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Part B establishes the Maine Career and Technical Education Finance Program to promote efficient capital financing activities for the equipment for and renovation and repair of career and technical education facilities. It also establishes the Career and Technical Education Revolving Fund to support local efforts related to the program.