

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

—
H.P. 231 - L.D. 322

Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the State Board of Education

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a provisionally adopted major substantive rule of the State Board of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended in Sections 1 and 6 to clarify that the role and responsibility of the State Board of Education is to provide design and funding approval and the role and responsibility of the Commissioner of Education is to provide final funding approval for school construction projects eligible for state funding; and

2. The rule must be amended in Sections 6, 10, 11 and 12 to clarify that:

A. The State Board of Education is responsible for issuing letters of approval for site approval, concept approval and design and funding approval if it approves the recommendations for each element of the approval process for school construction projects eligible for state funding; and

B. The Commissioner of Education is responsible for issuing a certificate of final funding approval once the contract bidding for the school construction project has been completed and the final project budget has been established by the Commissioner of Education or the commissioner's designee.

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