

1 H.864

2 Introduced by Committee on Corrections and Institutions

3 Date:

4 Subject: Capital construction; State bonding; budget adjustment

5 Statement of purpose of bill as introduced: This bill proposes to adjust the
6 FY 2015 capital construction budget.

7 An act relating to capital construction and State bonding budget adjustment

8 It is hereby enacted by the General Assembly of the State of Vermont:

9 Sec. 1. 2013 Acts and Resolves No. 51, Sec. 2 is amended to read:

10 Sec. 2. STATE BUILDINGS

11 * * *

12 (b) The following sums are appropriated in FY 2014:

13 * * *

14 (F) A special committee consisting of the Joint Fiscal Committee and
15 the Chairs of the House Committee on Corrections and Institutions and the
16 Senate Committee on Institutions (“Special Committee”) is hereby established.

17 If there are any material changes to the planning or funding of the Waterbury
18 State Office Complex, the Special Committee shall meet to review and
19 approve these changes at the next regularly scheduled meeting of the Joint
20 Fiscal Committee or at an emergency meeting called by the Chairs of the

1 House Committee on Corrections and Institutions, the Senate Committee on
2 Institutions, and the Joint Fiscal Committee. The Special Committee shall be
3 entitled to per diem and expenses as provided in 2 V.S.A. § 406.

4 (G) The Commissioner of Buildings and General Services shall
5 notify the House Committee on Corrections and Institutions and the Senate
6 Committee on Institutions at least monthly of updates to the planning process
7 for the projects described in this subdivision (b)(15), including any updates on
8 material changes to the planning or funding of the Waterbury State Office
9 Complex.

10 (H) As used in this subdivision (b)(15), a “material change” means a
11 change to the planning or funding of the Waterbury State Office Complex that:

12 (i) increases the total original project cost estimate by ~~40~~ five
13 percent or more; or

14 (ii) constitutes a change in plan or design.

15 (I) The Commissioner of Buildings and General Services, with the
16 approval of the Secretary of Administration, is authorized to approve
17 additional contingency spending for the Waterbury State Office Complex of
18 less than five percent of the total original project cost estimate.

19 * * *

20 (c) The following sums are appropriated in FY 2015:

21 * * *

3 * * *

6	<u>(12) Agency of Agriculture, Food and Markets and Agency of Natural</u>	
7	<u>Resources, laboratory, development of proposal for site location,</u>	
8	<u>programming, and design:</u>	\$300,000.00

(14) Vergennes, Weeks School, master plan (as described in Sec. 19 of
this act): \$50,000.00

14	<u>(16) Barre, McFarland State Office Building, retaining wall:</u>	
15		\$68,000.00

17 * * *

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1 Sec. 49 of this act. It is also the intent of the General Assembly that the
2 Commissioner of Buildings and General Services may:

3 (1) use up to \$360,000.00 of the funds appropriated in subdivisions
4 (b)(5) and (c)(5) of this section for the purpose of funding four limited service
5 positions in the Department of Buildings and General Services created for
6 engineering-related work pursuant to the 2013 Acts and Resolves No. 50,
7 Sec. E.100(b)(1) (FY 2014 Appropriations Act); and

8 (2) use up to \$250,000.00 of the funds appropriated in subdivision (c)(5)
9 of this section for the purpose of supporting the Department of Buildings and
10 General Services in implementing a project management system.

11 * * *

12 (f) It is the intent of the General Assembly that the amount appropriated in
13 subdivision (c)(16) of this section shall be used to repair the State-owned
14 portion of the retaining wall near the McFarland State Office Building in
15 Barre. The Commissioner of Buildings and General Services shall work with
16 the owner of the portion of the retaining wall that is not owned by the State to
17 ensure the integrity of the wall.

18 Appropriation – FY 2015	\$45,742,126.00 <u>\$49,861,157.00</u>
19 Total Appropriation – Section 2	\$98,203,258.00 <u>\$102,322,289.00</u>

1 Sec. 2. 2013 Acts and Resolves No. 51, Sec. 4 is amended to read:

2 Sec. 4. HUMAN SERVICES

3 * * *

4 (b) The following sums are appropriated in FY 2015 to the Department of
5 Buildings and General Services for the Agency of Human Services for the
6 projects described in this subsection:

7 * * *

8 (3) Correctional facilities, suicide abatement projects at Southern State
9 Correctional Facility and Southeast State Correctional Facility: \$200,000.00

10 (4) State correctional facilities, security enhancements and cameras,
11 replacement for all facilities: \$250,000.00

12 (5) Southern State Correctional Facility, installation of a new security
13 gate and security cage over camera, installation of gurney lift to accommodate
14 geriatric residents, and recreational yard improvements: \$90,000.00

15 (6) Northern State Correctional Facility, reconstruction of the kitchen
16 and serving line to improve safety and security and to expand kitchen space to
17 allow increased serving capacity: \$160,000.00

18 (7) Woodside Juvenile Rehabilitation Center, installation of new
19 security fencing to support program and provide a more secure setting:
20 \$181,000.00

21 * * *

1	Appropriation – FY 2015	\$6,100,000.00	<u>\$6,981,000.00</u>
2	Total Appropriation – Section 4	\$11,300,000.00	<u>\$12,181,000.00</u>

3 Sec. 3. 2013 Acts and Resolves No. 51, Sec. 5 is amended to read:

4 Sec. 5. JUDICIARY

5 * * *

6 (c) The sum of \$100,000.00 is appropriated in FY 2015 to the Department
7 of Buildings and General Services on behalf of the Judiciary for the planning,
8 monitoring, and design of the Caledonia courthouse wall stabilization and
9 foundation project.

10 (d) The sum of \$45,387.00 is appropriated in FY 2015 to the Judiciary for
11 ADA compliance and life safety requirements at the Windsor County
12 courthouse.

13	Appropriation – FY 2014	\$1,000,000.00
14	<u>Appropriation – FY 2015</u>	\$2,500,000.00 <u>\$2,645,387.00</u>
15	Total Appropriation – Section 5	\$3,500,000.00 <u>\$3,645,387.00</u>

16 Sec. 4. 2013 Acts and Resolves No. 51, Sec. 6 is amended to read:

17 Sec. 6. COMMERCE AND COMMUNITY DEVELOPMENT

18 * * *

19 (e) The following sums are appropriated in FY 2015 to the Agency of
20 Commerce and Community Development for the following projects:

21 * * *

3 * * *

6 Sec. 5. 2013 Acts and Resolves No. 51, Sec. 8 is amended to read:

8 * * *

16	Total Appropriation – Section 8	\$17,116,080.00	\$17,059,324.00
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19 * * *

1 (b) The following sums are appropriated to the Agency of Natural
2 Resources in FY 2015 for:

3 (1) the Water Pollution Control Fund for the following projects:

4 (A) Clean Water State/EPA Revolving Loan Fund

5 (CWSRF) match: ~~\$700,000.00~~ \$1,114,000.00

6 * * *

7 (2) the Drinking Water Supply for the following projects:

8 * * *

9 (C) EcoSystem restoration and protection:

10 ~~\$2,073,732.00~~ \$2,573,732.00

11 (D) Waterbury waste treatment facility for phosphorous removal:

12 \$307,000.00

13 * * *

14 (4)(A) the Agency of Natural Resources for the Department of Forests,

15 Parks and Recreation for statewide small scale rehabilitation, wastewater

16 repairs, preventive improvements and upgrades of restrooms and bathhouses,

17 and statewide small-scale road rehabilitation projects: \$2,000,000.00

18 (B) the Agency of Natural Resources for the Department of Forests,

19 Parks and Recreation for the purchase of easements on behalf of the Green

20 Mountain Club: \$100,000.00

21 * * *

1 Appropriation – FY 2015 \$7,881,732.00 \$9,202,732.00

2 Total Appropriation – Section 11 ~~\$21,654,282.00~~ \$22,975,282.00

3 Sec. 7. 2013 Acts and Resolves No. 51, Sec. 13 is amended to read:

4 Sec. 13. PUBLIC SAFETY

5 * * *

6 (d) The sum of ~~\$300,000.00~~ \$200,000.00 is appropriated in FY 2015 for
7 the project described in subsection (c) of this section.

8 * * *

9 (f) The sum of \$36,000.00 is appropriated in FY 2015 to the Department of
10 Public Safety to provide evidence storage units for the Vermont State Police to
11 acquire accreditation through the Commission on Accreditation for Law
12 Enforcement (CALEA) at existing barracks not yet renovated: \$36,000.00

13 (g) The sum of \$50,000.00 is appropriated in FY 2015 to the Department of
14 Buildings and General Services to contract with an independent third party to
15 develop an operational governance and planning model for the operation,
16 financial integrity, and maintenance of the Robert H. Wood Criminal Justice
17 and Fire Service Training Center in Pittsford. On or before January 15, 2015,
18 the Department of Buildings and General Services shall submit this plan to the
19 House Committee on Corrections and Institutions and the Senate Committee
20 on Institutions: \$50,000.00

21 Appropriation – FY 2014 \$3,600,000.00

3 Sec. 8. 2013 Acts and Resolves No. 51, Sec. 17 is amended to read:

5 * * *

11	<u>Total Appropriation – Section 17</u>	\$1,651,000.00
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14 * * *

17 * * *

21 ***

1 (d) The following sums are reallocated to defray expenditures authorized in
2 this act:

(1) of the amount appropriated in 1993 Acts and Resolves No. 59,

Sec. 11 (Drinking Water Supply Projects): \$5,062.78

(2) of the amount appropriated in 2002 Acts and Resolves No. 149,
Sec. 15 (State's Attorneys and Sheriffs, case management software system):

\$54,877.31

(3) of the amount appropriated in 2004 Acts and Resolves No. 121,

Sec. 10 (Fish and Wildlife, species recovery plan): \$82.63

(4) of the amount appropriated in 2005 Acts and Resolves No. 43, Sec. 9

(State-owned dams, maintenance): \$0.19

(5) of the amount appropriated in 2006 Acts and Resolves No.147,

Sec. 10 (State-owned dams, maintenance): \$18,934.32

(6) of the amount appropriated in 2006 Acts and Resolves No. 147,

Sec. 3 (Health and Public Safety Lab): \$985.58

(7) of the amount appropriated in 2007 Acts and Resolves, No. 52,

Sec. 3 (Health and Public Safety Lab): \$93,006.05

(8) of the amount appropriated in 2008 Acts and Resolves No. 200,

Sec. 3 (co-location of Health and Forensic Lab): \$13,163.00

(9) of the amount appropriated in 2009 Acts and Resolves No. 43, Sec. 1

(State buildings, major maintenance and various projects): \$24,914.89

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2 Sec. 12. 2013 Acts and Resolves No. 51, Sec. 21 is amended to read:

The proceeds from the sale of Building 617 in Essex shall be allocated to the Department of Buildings and General Services and used to defray FY 2014 expenditures in Sec. 2 of this act. To the extent such use of proceeds results in a like amount of general obligation bonds authorized in Sec. 20 of this act for Sec. 2 to remain unissued at the end of FY 2014, then such unissued amount of bonds shall remain authorized to be issued in FY 2015 to provide additional funding for the Waterbury State Office Complex and such amount shall be appropriated in FY 2015 to Sec. 2(c)(10) of this act.

13 * * * Buildings and General Services * * *

(a) Damage to ~~state-owned~~ State-owned assets and infrastructure caused by Tropical Storm Irene on August 28, ~~2012~~ 2011 made necessary some of the reallocations and appropriations contained in this act.

20 (a) The Commissioner of Buildings and General Services and the Vermont
21 Council on the Arts, Inc. shall evaluate the effectiveness of the current

1 guidelines and procedures for the Art in State Buildings Program, including the
2 use of program terms and whether modified or new guidelines or procedures
3 are required.

4 (b) On or before January 15, 2015, the Commissioner of Buildings and
5 General Services and the Vermont Council on the Arts, Inc. shall report to the
6 House Committee on Corrections and Institutions and the Senate Committee
7 on Institutions with the results of the evaluation described in subsection (a) of
8 this section.

9 Sec. 15. 2012 Acts and Resolves No. 104, Sec. 2(f) is amended to read:

10 (f)(1) Option B of the of the Freeman, French, Freeman report published on
11 March 9, 2012 aligns closely with the ~~general assembly's~~ General Assembly's
12 vision for the Waterbury Complex. However, the ~~general assembly~~ General
13 Assembly believes that Option B could be modified to achieve a cost savings
14 to Vermonters. On or before June 1, 2012, the ~~department of buildings and~~
15 ~~general services~~ Department of Buildings and General Services shall present a
16 modified design proposal, including proposals under subdivision (4) of this
17 subsection (f) to the ~~house committee on corrections and institutions~~ House
18 Committee on Corrections and Institutions, the ~~senate committee on~~
19 ~~institutions~~ Senate Committee on Institutions, and the ~~special committee~~
20 Special Committee described in this subsection.

21 * * *

(A) lease, sell, lease purchase, subdivide, redevelop for State use, or donate the following buildings within the Waterbury Complex in their current condition: Stanley and Wasson, 121 South Main Street, 123 South Main Street, 5 Park Row, 43 Randall Street, and their improvements.

Sec. 16. REPEAL; USE AND DEVELOPMENT OF STATE FACILITIES
AND LAND; SPRINGFIELD CORRECTIONAL FACILITY

Sec. 17. STATE HOUSE SECURITY

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1 the City of Montpelier Police Department, shall reevaluate the evacuation plan
2 for the State House in case of a fire or other emergency.

3 (b) On or before January 15, 2015, the Sergeant at Arms shall ensure the
4 implementation of the plan described in subsection (a) of this subsection and
5 shall report to the House Committee on Corrections and Institutions and the
6 Senate Committee on Institutions with the results of the reevaluation of the
7 plan.

8 Sec. 18. 2009 Acts and Resolves No. 43, Sec. 25 is amended to read:

9 Sec. 25. PROPERTY TRANSACTIONS; MISCELLANEOUS

10 * * *

11 ~~(c) Pursuant to 29 V.S.A. § 166(b), the commissioner of buildings and~~
12 ~~general services is authorized to subdivide land at the former Weeks school in~~
13 ~~Vergennes in order to sell the Arsenal and Fairbanks buildings. The~~
14 ~~commissioner may use proceeds from the sale to enhance the value of the~~
15 ~~remaining former Weeks school property. [Repealed.]~~

16 * * *

17 Sec. 19. WEEKS SCHOOL; VERGENNES; MASTER PLAN

18 (a) The Commissioner of Buildings and General Services shall contract
19 with an independent third party to develop a master plan for the former Weeks
20 School property located in the City of Vergennes and the Town of Ferrisburgh.
21 In developing the master plan, the independent third party shall consult with

1 the City of Vergennes, the Town of Ferrisburgh, local and regional
2 organizations, and affected State agencies and landowners. The master plan
3 shall include an evaluation of whether the property may be subdivided and
4 sold, and for what purposes it may be used.

5 (b) On or before January 15, 2015, the Commissioner of Buildings and
6 General Services shall provide an update on the plan described in subsection
7 (a) of this section to the House Committee on Corrections and Institutions and
8 the Senate Committee on Institutions.

9 Sec. 20. STATE AUDITOR'S OFFICE

10 The Commissioner of Buildings and General Services shall accommodate
11 the space needs of the State Auditor in a stand-alone building in the Capitol
12 Complex as part of the ten-year capital plan.

13 * * * Agency of Agriculture, Food and Markets * * *

14 Sec. 21. 24 V.S.A. § 5608 is added to read:

15 § 5608. AGRICULTURAL FAIRS AND FIELD DAYS CAPITAL

16 PROJECTS COMPETITIVE GRANTS PROGRAM

17 (a) Grant guidelines. The following guidelines shall apply to capital grants
18 made for Vermont agricultural fairs and field days projects pursuant to this
19 section:

1 (1) Grants shall be competitively awarded to capital projects that relate
2 to Vermont agricultural fairs and field days operating a minimum of three
3 consecutive, eight-hour days per year.

4 (2) A project for which a grant is awarded shall have a minimum useful
5 life of 20 years and shall be completed within three years of the execution of a
6 contract to perform work authorized by the grant.

7 (3) A grant recipient shall contribute matching funds or in-kind services
8 in an amount equal to 15 percent or more of the value of the grant.

9 (b) There is established an Agricultural Fairs and Field Days Capital
10 Program Advisory Committee to administer and coordinate grants made
11 pursuant to this section. The Committee shall include:

12 (1) two members appointed by the Secretary of Agriculture, Food and
13 Markets;

14 (2) one member appointed by the Commissioner of Forests, Parks and
15 Recreation;

16 (3) two members appointed by the Vermont Fair and Field Days
17 Association;

18 (4) one member appointed by the Vermont Department of Tourism and
19 Marketing;

20 (5) one member of the Vermont Senate appointed by the President Pro
21 Tempore of the Senate; and

1 (6) one member of the Vermont House of Representatives appointed by
2 the Speaker of the House.

3 (c) Administration.

4 (1) The Advisory Committee created in subsection (b) of this section
5 shall have the authority to award grants in its sole discretion; provided,
6 however, that the Committee may consider whether to award partial awards to
7 all applicants that meet Program criteria established by the Committee.

8 (2) The Agency of Agriculture, Food and Markets shall provide
9 administrative and technical support to the Committee for purposes of
10 administering grants awarded under this section.

11 * * * Agency of Agriculture, Food and Markets and

12 Agency of Natural Resources * * *

13 Sec. 22. LABORATORY; SITE LOCATION PROPOSAL

14 (a) The Department of Buildings and General Services, in consultation with
15 the Agency of Agriculture, Food and Markets and the Agency of Natural
16 Resources, shall develop a detailed proposal on the site location, programming,
17 size, design, and preliminary cost estimate for a shared laboratory. The
18 proposal shall also include an evaluation of the current Agency of Agriculture,
19 Food and Markets and the Agency of Natural Resources programs located in
20 the leased space at 322 Industrial Lane in Berlin. It is the intent of the General
21 Assembly that when evaluating site locations, preference shall be given to sites

1 in the following order: property located in the Waterbury State Office
2 Complex, property located on Colchester Avenue in the City of Burlington,
3 other State-owned property, and non-State-owned property. The Department
4 of Buildings and General Services is authorized to use funds appropriated in
5 Sec. 1 of this act for any costs associated with the proposal.

6 (b) On or before September 15, 2014, the Department of Buildings and
7 General Services, the Agency of Agriculture, Food and Markets, and the
8 Agency of Natural Resources shall submit the proposal described in subsection
9 (a) of this section to the House Committee on Corrections and Institutions and
10 the Senate Committee on Institutions.

11 (c) The Commissioner of Buildings and General Services shall notify the
12 House Committee on Corrections and Institutions and the Senate Committee
13 on Institutions at least monthly of updates on the proposal.

14 (d)(1) A special committee consisting of the Joint Fiscal Committee and
15 the Chairs of the House Committee on Corrections and Institutions and of the
16 Senate Committee on Institutions (Special Committee) is established.

17 (2) The Special Committee shall meet to evaluate the proposal and
18 approve the final site selection at the next regularly scheduled meeting of the
19 Joint Fiscal Committee or at an emergency meeting called by the Chairs of the
20 House Committee on Corrections and Institutions and of the Senate Committee
21 on Institutions and the Joint Fiscal Committee. In making any decisions, the

1 Special Committee shall consider whether the property is State-owned, the
2 possibility of purchasing new property versus redeveloping State-owned
3 property, how the site location impacts the ability of the State to provide
4 services to citizens, programming, the financial consequences to the State of
5 approval or disapproval of the proposal, the suitability of the site for the
6 project, and whether any potential alternatives are available. The Special
7 Committee shall be entitled to per diem and expenses as provided in 2 V.S.A.
8 § 406. The Special Committee may also meet to make decisions made
9 necessary by unanticipated or unforeseen circumstances.

10 (3) With approval of the Speaker of the House and the President Pro
11 Tempore, as appropriate, the House Committee on Corrections and Institutions
12 and the Senate Committee on Institutions may meet up to six times when the
13 General Assembly is not in session to discuss any significant updates to the
14 proposal for the laboratory and make recommendations to the Special
15 Committee described in this subsection. The Committees shall notify the
16 Commissioner of Buildings and General Services, the Secretary of Agriculture,
17 Food and Markets, and the Secretary of Natural Resources prior to holding a
18 meeting pursuant to this subdivision. Committee members shall be entitled to
19 receive a per diem and expenses as provided in 2 V.S.A. § 406.

* * * Human Services * * *

Sec. 23. VERMONT PSYCHIATRIC CARE HOSPITAL; CERTIFICATE
OF NEED; FEDERAL MATCH

The Commissioner of Buildings and General Services is authorized to transfer the sum of \$447,928.05 from the amount authorized in 2013 Acts and Resolves No. 51, Sec. 2(b)(15)(A) to the Agency of Human Services if State funding is required to match federal funds for eligible project costs required under the Certificate of Need for the Vermont Psychiatric Care Hospital.

* * * Administration * * *

Sec. 24. 3 V.S.A. § 2293(b) is amended to read:

(b) Development Cabinet. A Development Cabinet is created, to consist of the Secretaries of the Agencies of Administration, of Natural Resources, of Commerce and Community ~~Affairs~~ Development, of Transportation, and of Agriculture, Food and Markets. The Governor or the Governor's designee shall chair the Development Cabinet. The Development Cabinet shall advise the Governor on how best to implement the purposes of this section, and shall recommend changes as appropriate to improve implementation of those purposes. The Development Cabinet ~~may~~ shall establish interagency work groups to support its mission, drawing membership from any agency or department of State government. The interagency work groups shall evaluate, test the feasibility of, and suggest alternatives to economic development

1 proposals submitted to it for consideration. The Development Cabinet shall
2 refer to appropriate interagency workgroups any economic development
3 proposal that has a significant impact on the inventory or use of State land or
4 buildings.

5 Sec. 25. STATE EMPLOYEES; CHANGE MANAGEMENT PRACTICES

6 (a) The Secretary of Administration shall require the Executive Branch to
7 engage in change management practices to inform and engage State employees
8 in any capital project involving the design of State-owned or leased work
9 spaces.

10 (b) Beginning on January 15, 2015, and annually thereafter, the Secretary
11 of Administration shall provide an update to the House Committees on
12 Corrections and Institutions and Government Operations, and the Senate
13 Committees on Institutions and Government Operations, on the use of change
14 management practices.

15 (c) The Secretary of Administration shall incorporate the change
16 management practices described in subsection (a) of this section in the design
17 of the Waterbury State Office Complex and the shared Agency of Agriculture,
18 Food and Markets and Agency of Natural Resources laboratory.

* * * Judiciary * * *

Sec. 26. COUNTY COURTHOUSES; PLAN

(a) Pursuant to the restructuring of the Judiciary in 2009 Acts and Resolves No. 154, the Judiciary shall evaluate the State's responsibility for maintaining county courthouses and whether an emergency fund is necessary for construction or renovation projects at county courthouses.

(b) On or before January 15, 2015, the Judiciary shall report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with the results of the evaluation.

* * * Public Safety * * *

Sec. 27. 2013 Acts and Resolves No. 51, Sec. 48 is amended to read:

Sec. 48. PUBLIC SAFETY FIELD STATION PROJECT

The Department of Buildings and General Services, in consultation with the Department of Public Safety, is authorized to use appropriations in Sec. 13 of this act to conduct feasibility studies, and identify and purchase land for future public safety field station sites. If the Department of Buildings and General Services proposes to purchase property when the General Assembly is not in session, the Commissioner of Buildings and General Services shall notify the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions of the proposal. In the event that land is identified for Troop B of the Vermont State Police, then the Department of Public Safety

1 shall hold public meetings in the affected communities for public input on the
2 proposal. The Department of Public Safety shall notify the House Committee
3 on Corrections and Institutions and the Senate Committee on Institutions on
4 the results of the meeting when the General Assembly is in session, and the
5 Chairs of the House Committee on Corrections and Institutions and the Senate
6 Committee on Institutions when the General Assembly is not in session. The
7 General Assembly encourages the affected communities to contact the
8 Department of Public Safety to review any proposals as they develop.

9 * * * Energy Use on State Properties * * *

10 Sec. 28. ENERGY EFFICIENCY; STATE LEASES

11 On or before January 15, 2015, the Commissioner of Buildings and General
12 Services shall develop a set of criteria and guidelines to evaluate and, where
13 appropriate, incorporate the use of energy efficiency measures, thermal energy
14 conservation measures, and renewable energy resources in buildings and
15 facilities leased by the State.

16 Sec. 29. 29 V.S.A. § 168 is amended to read:

17 § 168. STATE ~~RESOURCE~~ ENERGY MANAGEMENT PROGRAM;
18 REVOLVING FUNDS

19 (a) ~~Resource~~ State energy management program. ~~The~~

20 (1) There is established within the Department shall be responsible of
21 Buildings and General Services an Energy Management Program for

1 administering the interest of the State in all ~~resource conservation~~ energy
2 management measures in State buildings and facilities, including equipment
3 replacement, studies, weatherization, ~~and~~ construction of improvements
4 affecting the use of energy resources, the implementation of energy efficiency
5 and conservation measures, and the use of renewable resources.

6 (2) The Energy Management Program shall be implemented through
7 two revolving funds used to finance energy management measures in State
8 buildings and facilities. Pursuant to subsections (b) and (c) of this section, the
9 State Resource Management Revolving Fund shall provide revenue for
10 implementation of resource conservation measures, and the Energy Revolving
11 Fund shall provide funding for energy efficiency improvements and the use of
12 renewable resources. The Commissioner of Buildings and General Services
13 shall establish guidelines for the provision of funding for energy management
14 measures through these revolving funds.

15 (3) All ~~resource conservation~~ energy management measures taken ~~for~~
16 ~~the benefit of departments or agencies to which this section applies~~ pursuant to
17 this section shall, ~~beginning on July 1, 2004,~~ be made and executed by and in
18 the name of the Commissioner.

19 (b) State Resource Management Revolving Fund.

20 (1) There is established a Resource Management Revolving Fund to
21 provide revenue for implementation of resource conservation measures

1 anticipated to generate a life cycle cost benefit to the State. All State agencies
2 responsible for development and operations and maintenance of State
3 infrastructure shall have access to the Resource Management Revolving Fund
4 on a priority basis established by the Commissioner.

5 (2) The Fund shall consist of:

6 (A) ~~Monies~~ monies appropriated to the Fund, or which are paid to it
7 under authorization of the Emergency Board;

8 (B) ~~Monies~~ monies saved by the implementation of resource
9 management conservation measures; and

10 (C) ~~Fees~~ fees for administrative costs paid by departments and
11 agencies, which shall be fixed by the Commissioner subject to the approval of
12 the Secretary of Administration.

13 (D) ~~[Deleted.]~~ [Repealed.]

14 (3) Monies from the Fund shall be expended by the Commissioner for
15 resource conservation measures anticipated to generate a life cycle cost benefit
16 to the State and all necessary costs involved with the administration of State
17 agency energy planning as determined by the Commissioner.

18 (4) The Commissioner shall establish criteria to determine eligibility for
19 funding of resource conservation measures.

20 (5) Agencies or departments receiving funding shall repay the Fund
21 through their regular operating budgets according to a schedule established by

1 the Commissioner. Repayment shall include charges of fees for administrative
2 costs over the term of the repayment.

3 (6) The Commissioner of Finance and Management may anticipate
4 receipts to this Fund and issue warrants based thereon.

5 (7) The Commissioner of ~~Buildings and General Services~~ shall maintain
6 accurate and complete records of all receipts by and expenditures from the
7 Fund.

8 (8) All balances remaining at the end of a fiscal year shall be carried
9 over to the following year.

10 (c) Energy Revolving Fund.

11 (1) There is established an Energy Revolving Fund to finance energy
12 efficiency improvements and the use of renewable resources in State buildings
13 and facilities anticipated to generate a cost-savings to the State. State agencies
14 and departments shall have access to the Energy Revolving Fund on a priority
15 basis established by the Commissioner and the State Treasurer.

16 (2) The Fund shall consist of:

17 (A) monies appropriated to the Fund or which are paid to it under
18 authorization of the Emergency Board;

19 (B) monies saved by the implementation of energy efficiency
20 improvements and the use of renewable resources;

1 (C) any funds available through a credit facility maintained by the
2 State Treasurer in accordance with subsection (d) of this section; and

3 (D) fees for administrative costs paid by departments and agencies,
4 which shall be fixed by the Commissioner subject to the approval of the
5 Secretary of Administration.

6 (3) Monies from the Fund shall be expended by the Commissioner for
7 measures anticipated to generate a cost-savings to the State and costs involved
8 with the administration of the State agency energy plan as determined by the
9 Commissioner.

10 (4) The Commissioner and the State Treasurer shall establish criteria to
11 determine eligibility for funding of energy efficiency improvements and the
12 use of renewable resources, including returns of investment on terms
13 acceptable to the State Treasurer.

14 (5) Agencies and departments receiving funding shall repay the Fund
15 through their regular operating budget according to a schedule established by
16 the Commissioner. Repayment shall include charges of fees for administrative
17 costs over the term of the repayment.

18 (6) The Commissioner of Finance and Management may anticipate
19 receipts to this Fund and issue warrants based thereon.

1 (7) The Commissioner of Buildings and General Services shall maintain
2 accurate and complete records of all receipts by and expenditures from the
3 Fund.

4 (8) All balances remaining at the end of a fiscal year shall be carried
5 over to the following year; provided, however, that any amounts received in
6 repayment of the credit facility established under subsection (d) of this section
7 may be reinvested by the State Treasurer.

8 (d) Notwithstanding any other provision of law to the contrary, the State
9 Treasurer, working in collaboration with the Department of Buildings and
10 General Services, shall have the authority to establish a credit facility of up to
11 \$8,000,000.00, on terms acceptable to the State Treasurer. The credit facility
12 shall be used for the purpose of financing energy efficiency improvements and
13 the use of renewable resources anticipated to generate a cost-savings to the
14 State.

15 (e) As used in this section:

16 (1) "Energy efficiency improvement" shall mean a set of measures
17 aimed at reducing the energy used by specific end-use devices and systems to
18 provide light, heat, cooling, or other services without affecting the level of
19 service provided. An energy efficiency project may also include energy
20 conservation measures; that is, a reduction in energy consumption that
21 corresponds with a reduction in service demand.

8 * * * Effective Date * * *

9 Sec. 30. EFFECTIVE DATE

10 This act shall take effect on passage.