

1 H.445

2 Introduced by Committee on Corrections and Institutions

3 Date:

4 Subject: Capital construction; capital appropriations; state bonding

5 Statement of purpose: This bill proposes to authorize bonding, appropriate
6 capital funds, and address miscellaneous related items.

7 An act relating to capital construction and state bonding

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

9 * * * Capital Appropriations * * *

10 Sec. 1. STATE BUILDINGS

11 The following is appropriated in total to the department of buildings and
12 general services, and the commissioner is authorized to direct funds
13 appropriated in this section to the projects contained in this section; however,
14 no project shall be canceled unless the chairs of the senate committee on
15 institutions and the house committee on corrections and institutions are
16 notified before that action is taken. The individual allocations in this section
17 are estimates only.

18 (1) Statewide, Americans with Disabilities Act (ADA) - for upgrades at
19 the Emerson State Office Building in Newport: 100,000

20 (2) Statewide, building reuse and planning: 125,000

1	<u>(3) Statewide, contingency:</u>	<u>500,000</u>
2	<u>(4) Statewide, major maintenance:</u>	<u>8,183,047</u>
3	<u>(5) Statewide, asbestos and lead abatement:</u>	<u>300,000</u>
4	<u>(6) Statewide elevator repairs and upgrades:</u>	<u>150,000</u>
5	<u>(7) Statewide physical security enhancements:</u>	<u>250,000</u>
6	<u>(8) BGS engineering and architectural project costs:</u>	<u>1,950,000</u>
7	<u>(9) Springfield, state office building retaining wall, phase 3:</u>	<u>150,000</u>
8	<u>(10) Middlesex, to complete the secretary of state and state archives</u>	
9	<u>vault addition:</u>	<u>6,800,000</u>
10	<u>(11) Bennington, 200 Veterans Drive. Demolish and design the</u>	
11	<u>rebuilding of the older section of the state office building, excluding the</u>	
12	<u>courthouse space; renovate the newer section of the building to house</u>	
13	<u>programs and services previously located in the building; and build four</u>	
14	<u>holding cells, a sally port, and two additional courtrooms without jury facilities</u>	
15	<u>for a total of four courtrooms:</u>	<u>8,000,000</u>
16	<u>(12) Newport, correctional facility roof replacement:</u>	<u>300,000</u>
17	<u>(13) Burlington, 32 Cherry St., HVAC Upgrades, phase 1:</u>	<u>500,000</u>
18	<u>(14) Burlington, 32 Cherry St., water intrusion repairs, phase 1:</u>	<u>825,000</u>
19	<u>(15) Sharon, Welcome Center, sidewalk repairs:</u>	<u>300,000</u>
20	<u>Total Appropriation – Section 1</u>	<u>\$28,433,047</u>

1 with the University of Vermont to co-locate the department of health
2 laboratory with its Colchester research facility. However, no expenditures
3 shall be made under this subdivision until the University of Vermont has
4 signed a letter stating its intent to work with the state to co-locate a health
5 laboratory at the Colchester facility: 200,000
6 (5) Corrections, continuation of suicide abatement project: 200,000
7 (6) Corrections, security upgrades: 180,000
8 Total Appropriation – Section 3 \$1,630,000

9 Sec. 4. JUDICIARY

10 The sum of \$350,000 is appropriated to the department of buildings and
11 general services for the judiciary for design development documents for
12 renovations at the Lamoille County courthouse in Hyde Park. However, no
13 additional state funds shall be appropriated for this project until the assistant
14 judges and the court administrator have entered into a written agreement as to
15 how they will share the space and costs for the next 20 years.

16 Total Appropriation – Section 4 \$350,000

17 Sec. 5. COMMERCE AND COMMUNITY DEVELOPMENT

18 (a) The following sums are appropriated to the department of buildings and
19 general services for the agency of commerce and community development for
20 the following projects:

1 capital funds and is appropriated by this act. The remaining \$7,345,344 shall
2 be from general funds pursuant to Sec. B. 1101(a)(2) of the fiscal year 2010

3 appropriations act: 14,328,805

4 (2) State aid for emergency school construction projects pursuant to
5 subdivision 3448(a)(3)(A) of Title 16: 300,000

6 (3) For emergency shelters in schools: 43,555

7 Total Appropriation – Section 6 \$14,672,360

8 Sec. 7. AUSTINE SCHOOL

9 The sum of \$227,937 is appropriated to the department of buildings and
10 general services for the renovation of Holton Hall at the Austine School.

11 Total Appropriation – Section 7 \$227,937

12 Sec. 8. UNIVERSITY OF VERMONT

13 The sum of \$2,000,000 is appropriated to the University of Vermont for
14 construction, renovation, or maintenance projects. The university shall file
15 with the general assembly on or before January 15 an annual report that details
16 the status of capital projects funded in whole or in part by state capital
17 appropriations, including an explanation of the process for bidding for
18 contractors or subcontractors where the amount of the contract or subcontract
19 exceeds \$50,000.

20 Total Appropriation – Section 8 \$2,000,000

1	<u>(B) Enosburg Falls for combined sewer overflow</u>	
2	<u>abatement:</u>	<u>250,000</u>
3	<u>(C) St. Johnsbury for combined sewer overflow abatement:</u>	<u>240,000</u>
4	<u>(3) Wastewater facilities project in Pownal:</u>	<u>1,000,000</u>
5	<u>(4) Interest on short-term borrowing associated with delayed grant</u>	
6	<u>funding for the Pownal project:</u>	<u>60,000</u>
7	<u>(5) For the Vermont environmental protection agency pollution control</u>	
8	<u>revolving fund for spending approved pursuant to Sec. 23(b) of this act:</u>	
9		<u>19,433,000</u>
10	<u>Total Appropriation - Section 10(a)</u>	<u>\$21,618,000</u>
11	<u>(b) The following is appropriated in total to the agency of natural resources</u>	
12	<u>for the drinking water state revolving fund:</u>	
13	<u>(1) for engineering, oversight and program management:</u>	<u>275,000</u>
14	<u>(2) for the Vermont environmental protection agency drinking water</u>	
15	<u>revolving fund in fiscal year 2010 for spending approved pursuant to Sec.</u>	
16	<u>23(c) of this act:</u>	<u>19,500,000</u>
17	<u>(c) The following is appropriated in total to the agency of natural resources</u>	
18	<u>for the clean and clear program to accelerate the reduction of phosphorus</u>	
19	<u>discharges into Lake Champlain and other waters of the state:</u>	
20	<u>(1) Ecosystem restoration and protection:</u>	<u>1,500,000</u>
21	<u>(2) Unregulated stormwater management:</u>	<u>200,000</u>

1	<u>(5) Fish production improvements at the Grand Isle and Bennington</u>	
2	<u>hatcheries:</u>	<u>181,000</u>
3	<u>(6) Long-term biosecurity at the Grand Isle fish hatchery:</u>	<u>269,000</u>
4	<u>Total Appropriation – Section 10(f)</u>	<u>\$767,000</u>

5 (g) If more ARRA funds become available for pollution control, drinking
6 water projects, or other natural-resource-related projects during fiscal year
7 2010, the secretary is encouraged to apply for them. However, if such funds
8 are awarded when the general assembly is not in session, any expenditure of
9 those funds shall be contingent upon approval pursuant to 32 V.S.A. § 511.

10 Total Appropriation – Section 10 \$44,537,000

11 Sec. 11. MILITARY

12 The following is appropriated in total to the department of the military for
13 the projects described in this section.

14	<u>(1) Site acquisition for the combined northern field maintenance shop</u>	
15	<u>and Morrisville armory:</u>	<u>100,000</u>
16	<u>(2) Maintenance and renovation:</u>	<u>300,000</u>
17	<u>Total Appropriation – Section 11</u>	<u>\$400,000</u>

18 Sec. 12. PUBLIC SAFETY

19 The following is appropriated in total to the department of buildings and
20 general services for the department of public safety for:

1	<u>(1) Complete construction of a new forensics lab in Waterbury:</u>	
2		<u>2,057,821</u>
3	<u>(2) Design and construction of a new emergency operations center in</u>	
4	<u>Waterbury:</u>	<u>375,000</u>
5	<u>(3) Purchase of property, obtaining of permits, and design for the</u>	
6	<u>Brattleboro/Rockingham state police office:</u>	<u>750,000</u>
7	<u>Total Appropriation – Section 12</u>	<u>\$3,182,821</u>

8 Sec. 13. FIRE SERVICE TRAINING

9 The following sums are appropriated for fire service training:

10	<u>(1) To the department of public safety for the Vermont fire service</u>	
11	<u>training council for equipment for the VTC fire science degree program:</u>	
12		<u>100,000</u>
13	<u>(2) To Vermont State Colleges as the state's financial contribution to the</u>	
14	<u>construction of a steel burn building at the Vermont Technical College campus</u>	
15	<u>in Randolph:</u>	<u>200,000</u>
16	<u>Total Appropriation – Section 13</u>	<u>\$300,000</u>

17 Sec. 14. CRIMINAL JUSTICE TRAINING COUNCIL

18 The sum of \$1,700,000 is appropriated to the department of buildings and
19 general services for the Vermont Criminal Justice Training Council to design
20 and construct a new firing range, and purchase and locate a three-lane mobile
21 firing unit in Pittsford.

1 violence shelters. The Vermont Center for Crime Victim Services shall file
2 with the commissioner of buildings and general services an annual report, on
3 or before December 1, 2009, which details the status of the improvements
4 funded in whole or in part by state capital appropriations.

5 Total Appropriation – Section 20 \$50,000

6 Sec. 21. VERMONT INVESTMENT PROGRAM

7 (a) It is the intent of the general assembly to invest fiscal year 2010 funds
8 to increase work opportunities and improve infrastructure on a one-time basis.
9 Therefore the purpose of the Vermont investment program established in this
10 section is to:

11 (1) Employ Vermont tradespeople and artisans;

12 (2) Help young Vermonters acquire marketable skills;

13 (3) Improve Vermont state infrastructure; and

14 (4) Improve local infrastructure and cultural facilities.

15 (b) The following sum is appropriated to the department of forests, parks
16 and recreation to create employment opportunities and improve trails,
17 buildings, and other state park infrastructure by funding small-scale,
18 geographically dispersed construction and renovation projects in Vermont state
19 parks. To the extent feasible, these funds shall be used to support work funded
20 through the American Recovery and Reinvestment Act of 2009 (ARRA),
21 including a summer youth employment program, which shall include the

1 Vermont youth conservation corps for some or all of the program, in
2 partnership with the department of labor. Projects may include small-scale
3 rehabilitation, wastewater repairs, infrastructure improvements, and the rustic
4 cabins initiative: 2,000,000

5 (c) The following is appropriated to the agency of agriculture, food and
6 markets for the Agricultural Fair Capital Projects Competitive Grants Program.
7 No single entity shall be awarded more than ten percent of this appropriation.
8 It is the intent of the general assembly that only the FY10 appropriation be
9 larger than usual in order to increase employment and improve community
10 infrastructure: 300,000

11 (d) The following sums are appropriated for grants to municipalities and
12 nonprofit organizations for the purpose of helping communities build and
13 enhance their public facilities. It is the intent of the general assembly that only
14 the FY10 appropriation be larger than usual in order to increase employment
15 and improve community infrastructure:

16 (1) To the agency of commerce and community development, division
17 for historic preservation, for the historic preservation grant program: 300,000

18 (2) To the agency of commerce and community development, division
19 for historic preservation, for the historic barns preservation grant program:
20 300,000

1 the chairs of the senate committee on institutions and the house committee on
2 corrections and institutions. 19,500,000

3 (d) The following sum is appropriated from general funds pursuant to Sec.
4 B.1101(a)(2) of the fiscal year 2010 appropriations act. 7,345,344
5 Total Revenues – Section 23 \$116,273,344

6 * * * General Authority * * *

7 Sec. 24. FEDERAL STIMULUS FUNDS; GENERAL AUTHORITY

8 (a) The head of any state agency or public body which receives funds under
9 this act is hereby encouraged to apply for ARRA funds for capital expenses.

10 Any funds received for capital expenses shall be reported to the chair of the
11 senate committee on institutions and the chair of the house committee on
12 corrections and institutions.

13 (b) The head of any state agency or public body which receives funds
14 under this act is authorized to use funds appropriated under this act to apply for
15 and match funds which may be available for capital construction under the
16 ARRA.

17 * * * Buildings and General Services * * *

18 Sec. 25. ACCEPTANCE OF GRANTS AND OTHER FUNDS

19 (a) Notwithstanding section 5 of Title 32 (acceptance of grants), the
20 commissioner of buildings and general services may accept federal grant
21 funds:

1 (1) in connection with the state forensic laboratory. These funds may be
2 used to defray or supplement costs in Sec. 12(1) of this act; and

3 (2) for the purpose of designing and retrofitting a new emergency
4 management facility and emergency operations center.

5 (b) Each receipt of a grant or gift authorized by this section shall be
6 reported by the commissioner to the chairs of the senate committee on
7 institutions and the house committee on corrections and institutions and to the
8 joint fiscal committee.

9 Sec. 26. DEPARTMENT OF BUILDINGS AND GENERAL SERVICES;

10 AUTHORITY TO FUND PROJECTS AUTHORIZED IN PRIOR

11 YEARS; NEGOTIATION OF PAYMENT FOR SEWER

12 ALLOCATION WITH PITTSFORD

13 (a) The commissioner of buildings and general services is authorized to use
14 funds appropriated under this act for capital projects requiring additional
15 support that were funded with capital or general appropriations made in prior
16 years.

17 (b) In Sec. 14 of No. 61 of the Acts of 2001 the commissioner of buildings
18 and general services received funds to build a sewer line to connect the
19 Vermont criminal justice and Vermont fire service training council buildings to
20 the Pittsford wastewater treatment system. The town enlarged the capacity of
21 its plant to be able to accommodate the anticipated needs of the state. Since

1 that time, the state has determined that it no longer requires the sewer
2 allocation. Therefore, the general assembly has authorized reallocation of the
3 funds remaining from the 2001 appropriation to the commissioner for other
4 building projects in Sec. 22(2) of this act. However, prior to encumbering the
5 funds, the commissioner shall enter into negotiations with the town of Pittsford
6 regarding prior agreements between them. Following approval by the senate
7 committee on institutions and the house committee on corrections and
8 institutions of a new agreement between the town and the commissioner, the
9 commissioner may encumber the funds.

10 Sec. 27. PROPERTY TRANSACTIONS; MISCELLANEOUS

11 (a) Notwithstanding 29 V.S.A. § 166(b), the commissioner of buildings and
12 general services, with the approval of the secretary of administration, is
13 authorized to subdivide and sell a portion of the state's property that adjoins
14 the Hebard state office building in Newport City for the purpose of transferring
15 ownership and operation of the bike path, walking path, and boardwalk to the
16 City of Newport for \$1.00.

17 (b) The commissioner of buildings and general services is authorized to
18 purchase property in the Westminster vicinity for the purpose of locating the
19 Southeastern Vermont Public Safety Facility.

20 (c) Notwithstanding Sec. 32(c) of No. 200 of the Acts of the 2007 Adj.
21 Sess. (2008) and 29 V.S.A. § 166(b), the commissioner of buildings and

1 general services is authorized to sell the real property commonly referred to as
2 the “Former Tree Farm Property” and associated buildings located in the town
3 and village of Essex in one or two parcels as follows: the commissioner may
4 sell the portion which is in the town of Essex to the town of Essex and the
5 portion which is in the village of Essex to the village of Essex or may sell the
6 entire parcel to either the village or the town of Essex. However, no sale made
7 pursuant to this subsection shall be final until the commissioner has consulted
8 with the chairs of the senate committee on institutions and the house
9 committee on corrections and institutions.

10 (d) The commissioner is authorized either to convert to other state use or to
11 sell the building in Middlesex formerly leased to North American Playcare,
12 Inc., if the commissioner is unable to enter into a lease with the Montessori
13 school for a child care facility. If the commissioner sells the building, he or
14 she shall follow the process of 29 V.S.A. § 166.

15 (e) Pursuant to 29 V.S.A. § 166(b), the commissioner of buildings and
16 general services is authorized to subdivide land at the former Weeks school in
17 Vergennes in order to sell the Arsenal and Fairbanks buildings. The
18 commissioner may use proceeds from the sale to enhance the value of the
19 remaining former Weeks school property.

20 (f) The commissioner of buildings and general services is authorized to sell
21 the following properties pursuant to 29 V.S.A. § 166:

1 (1) The library in Dummerston and associated land.

2 (2) Building 617 in Essex. The commissioner shall consult with the
3 chair of the senate committee on institutions and the chair of the house
4 committee on corrections and institutions prior to finalizing any sale.

5 (3) The Redstone building at 26 Terrace Street in Montpelier after the
6 secretary of state has moved to another location.

7 (g) The commissioner of buildings and general services shall consider
8 options for use and disposal of the following properties and shall present his or
9 her analysis and recommendations to the senate committee on institutions and
10 the house committee on corrections and institutions on or before January 15,
11 2010:

12 (1) Father Logue's camp in Duxbury.

13 (2) 62 Pierpoint Avenue in Rutland.

14 (3) The house, barn, and land at the Northwest State Correctional
15 Facility in St. Albans. At a minimum, the commissioner of buildings and
16 general services shall consult with the commissioner of corrections to consider
17 use of the buildings and property as transitional housing, a work farm
18 associated with the correctional facility or transitional housing, and sale of the
19 property for use as a working farm.

1 Sec. 28. 29 V.S.A. § 152(a)(33) is added to read:

2 (33) Accept grants of funds, equipment, and services from any source,
3 including federal appropriations, for the installation, operation,
4 implementation, or maintenance of energy conservation measures or
5 improvements at state buildings provided that the commissioner shall report
6 receipt of a grant under this subdivision to the chairs of the senate committee
7 on institutions, the house committee on corrections and institutions, and the
8 joint fiscal committee.

9 * * * Human Services * * *

10 Sec. 29. VERMONT STATE HOSPITAL; SECURE RESIDENTIAL
11 RECOVERY PROGRAM

12 (a) It is the intent of the general assembly that the commissioner of mental
13 health shall provide a secure residential recovery program for individuals with
14 a mental health disability for whom inpatient hospital treatment would be
15 inappropriate, including those who may be in secure custody as a result of
16 district court orders and those with dementia, traumatic brain injuries, or other
17 treatment-resistant mental illnesses or disabilities whose symptoms require
18 secure care. It is further the intent of the general assembly that the facility
19 housing the program shall be designed to afford the greatest future flexibility
20 for any potential residential health care program and shall be consistent with
21 the goal of creating a facility with a residential character. In addition, both the

1 site and design shall foster the ability to provide outdoor recreation, safety of
2 residents and program participants, and appropriate programming to meet the
3 needs of each of the several diagnostic groups to be served.

4 (b) Prior to further design development, the commissioner of mental health
5 and the commissioner of buildings and general services shall fully investigate
6 and analyze site options for locating the secure residential facility on the
7 Waterbury campus as well as other at sites in Waterbury. The facility shall not
8 be located next to the A-building. The facility design shall incorporate the
9 necessary components to function as a freestanding program that does not rely
10 on support space currently serving patient needs in the existing Vermont state
11 hospital.

12 (c) It is the intention of the general assembly that the secure residential
13 recovery program shall be governed by a board which is separate from the
14 governing body of the Vermont state hospital and shall be operated by the
15 department under a license to be issued by the department of disabilities,
16 aging, and independent living (DAIL). DAIL shall amend by rule pursuant to
17 chapter 25 of Title 3 the licensing requirements for therapeutic community
18 residences to provide for the operation of secure residential recovery programs.

19 (d) At the time of filing a certificate of need (CON) letter of intent with the
20 department of banking, insurance, securities, and health care administration,
21 the department of mental health shall notify the Centers for Medicare and

1 Medicaid Services (CMS) in writing that it is planning and developing a
2 15-bed residential program, with a description of its size, program, intended
3 patient population, physical location relative to the existing state hospital,
4 anticipated licensing, and anticipated governance structure. In addition, the
5 department shall request CMS to review the final plan to determine if federal
6 financial participation under Titles XVIII (Medicare) and XIX (Medicaid) of
7 the Social Security Act would be available for the facility.

8 (e)(1) The department of mental health shall submit the response of CMS,
9 if any, or the fact the CMS have not responded to the request, to the senate
10 committee on institutions and house committee on corrections and institutions,
11 the senate, house committees on appropriations, the senate committee on
12 health and welfare, the house committee on human services, the joint fiscal
13 committee, and the mental health oversight committee.

14 (2) During the legislative session, the department shall provide quarterly
15 updates to the senate committee on institutions, house committee on
16 corrections and institutions, the senate committee on health and welfare, and
17 the house committee on human services on the progress toward completing the
18 facility and developing the residential recovery program.

19 (3) Outside the legislative session, the department shall provide
20 quarterly updates to the joint fiscal committee and the mental health oversight
21 committee on the progress toward completing the facility and developing the

1 residential recovery program.

2 (f) When the secure residential recovery program begins accepting
3 residents, the department of health shall reduce by 15 the number of licensed
4 beds at the Vermont state hospital.

5 Sec. 30. Sec. 124d(e) of No. 65 of the Acts of 2007 is amended to read:

6 (e) For purposes of this section, the council shall cease to exist ~~on~~ when the
7 development of the alternatives to the Vermont state hospital is completed, but
8 no later than July 1, 2009 2012.

9 Sec. 31. VERMONT STATE HOSPITAL; REPLACEMENT OF ACUTE

10 CARE FUNCTIONS

11 (a) It is the intent of the general assembly that expenditures for planning for
12 replacement of the functions of the Vermont state hospital shall be directed
13 toward meeting the conditions and requirements of the conceptual certificate of
14 need issued by the department of banking, insurance, securities, and health
15 care administration on April 12, 2007, and extended for 12 months, to expire
16 on April 12, 2010.

17 (b) Prior to the submission of an application for a phase II certificate of
18 need for construction of a facility to house a secure residential recovery
19 program, the department of mental health shall develop a master plan to
20 replace the acute care functions now provided in Vermont state hospital and to
21 close the Vermont state hospital. The master plan shall include an adequate

1 long-range perspective of the funding needs and sources such that the phase II
2 review process for a secure residential recovery program will be able to:

3 (1) consider whether there will be an appropriate balance between the
4 fiscal and other needs of current and future inpatient facilities, and the fiscal
5 and other needs of the community mental health system; and

6 (2) consider the state's financial ability to complete the master plan.

7 (c) It is the intent of the general assembly that the plan shall provide for
8 acute mental health care to be provided in several hospitals geographically
9 distributed throughout the state, so that patients can be appropriately treated as
10 near to their respective homes as possible. Acute care facilities may be
11 operated under one or more licenses issued to the department or to the
12 hospitals, as appropriate.

13 (d) Prior to the expenditure of planning funds for a 12-bed expansion of the
14 psychiatric unit at Rutland Regional Medical Center (RRMC), the department
15 of mental health shall obtain an independent accounting and financial analysis
16 of any proposed bonding structure, including costs of capitalization, that will
17 verify whether a financing arrangement that places no debt capacity burden on
18 either the state or RRMC is reasonably feasible. The analysis shall be
19 provided by the department to the chairs of the senate committee on
20 institutions, the house committee on corrections and institutions, the senate
21 committee on health and welfare, the house committee human services, and the

1 mental health oversight committee. If there is no affirmative response within
2 three months of the effective date of this bill, the department shall discontinue
3 the planning for this option.

4 (e) In addition to any planning for expansion of psychiatric services at
5 RRMC, and whether or not planning for the RRMC is discontinued, the
6 department shall investigate the feasibility, including the cost, of providing
7 such services at other locations, including the Windham Center, Northeast
8 Vermont Regional Hospital, and Fletcher Allen Health Care. As part of the
9 planning process, the department shall obtain an independent statewide labor
10 analysis of the impact of providing services at various locations with respect to
11 recruiting and maintaining staffing for any staff-intensive, specialized
12 psychiatric services being planned.

13 (f) By January 15, 2010, the department shall propose any statutory
14 changes it believes may be necessary for implementation of its master plan.

15 * * * Corrections * * *

16 Sec. 32. 28 V.S.A. § 102(b)(16) is added to read:

17 (16) With the approval of the secretary of human services, to accept
18 federal grants made available through federal crime bill legislation provided
19 that the commissioner shall report receipt of a grant under this subdivision to
20 the chairs of the senate committee on institutions, the house committee on
21 corrections and institutions, and the joint fiscal committee.

1 Sec. 33. CORRECTIONS; HOUSING FOR INMATES AND DETAINEES;
2 COLLABORATION AMONG FEDERAL AND STATE
3 OFFICIALS

4 The commissioner of corrections shall consult with the U.S. marshal to
5 identify opportunities to collaborate to provide secure facilities that meet the
6 needs of federal, state, county, and municipal law enforcement officials
7 regarding space for housing of inmates and detainees. The commissioner shall
8 report to the corrections oversight committee by October 15, 2009.

9 * * * Vermont Investment Program * * *

10 Sec. 34. COMMUNITY CAPACITY GRANTS

11 (a) There is created a community capacity grant program to support
12 improvements to community assets and to employ tradespeople and artisans. It
13 is the intent of the general assembly that this grant program shall exist for only
14 FY10 in order to increase employment and improve community infrastructure.

15 (b) Grants funded under Sec. 21(e) of this act as part of the Vermont
16 investment program shall be made available to municipalities and nonprofit
17 organizations. Funds awarded shall be used for capital costs for:

18 (1) major maintenance, renovation, or redevelopment of municipal and
19 privately owned properties or creation of new public assets; or

20 (2) structural improvements to municipal forests and parks, farmers'
21 markets, and other public gathering spots.

1 (c) Grants shall be made available on a one-for-one matching basis.
2 In-kind contributions of labor or materials or both may provide up to 90
3 percent of the match. Priority shall be given to projects ready to proceed. No
4 grant shall exceed \$50,000.

5 (d) There is established a community capacity grant advisory committee to
6 administer and coordinate the community capacity grants. The committee
7 shall include the commissioner of buildings and general services or designee,
8 the secretary of agriculture, food and markets or designee, the commissioner of
9 housing and community affairs or designee, the chair of the senate committee
10 on institutions or designee, and the chair of the house committee on corrections
11 and institutions or designee. The department of buildings and general services
12 shall provide administrative support to the committee.

13 (e) As close to June 1, 2009 as possible, the commissioner of buildings and
14 general services shall convene the committee. At that meeting, the committee
15 shall approve an application form and establish criteria for evaluating
16 applications. The committee shall establish a process that ensures:

- 17 (1) efficient review of applications;
18 (2) equitable selection of grant recipients; and
19 (3) accountability by grant recipients.

1 (f) The program shall allocate up to one half of the funds appropriated to it
2 in Sec. 21(e) of this act by August 1, 2009, and the remaining funds by
3 February 1, 2010.

4 (g) This program shall be repealed on June 30, 2010.

5 * * * Commerce and Community Development * * *

6 Sec. 35. VERMONT TELECOMMUNICATIONS AUTHORITY; MOBILE
7 TELECOMMUNICATIONS AND BROADBAND SERVICES

8 (a) The Vermont telecommunications authority shall use funds
9 appropriated in Sec. 21(g) of this act as described in this section. It is the
10 intent of the general assembly that this program shall be funded at this level for
11 only FY10 in order to increase employment and improve community
12 infrastructure:

13 (1) To provide financial assistance for building infrastructure capable of
14 delivering mobile telecommunications and broadband services pursuant to the
15 authority granted in 30 V.S.A. § 8062(b)(2), and in accordance with the
16 priorities established under 30 V.S.A. § 8077;

17 (2) To leverage funding from other sources including funds available
18 under the American Recovery and Reinvestment Act of 2009 (ARRA); and

19 (3) Up to \$300,000 may be used to fund the broadband development
20 grant program created in Sec. 42 of No. 200 of the Acts of the 2007 Adj. Sess.
21 (2008).

1 (b) If the authority has an opportunity to use the appropriation to leverage
2 funds, and if the funding source requires that the leveraged funds be used in a
3 way that conflicts with subdivision (a)(1) of this section, the authority may
4 accept and expend the funds upon approval of the joint fiscal committee, the
5 chairs of the senate committees on institutions and on finance, and the chairs of
6 the house committees on corrections institutions and on commerce and
7 economic development.

8 Sec. 36. BROADBAND DEVELOPMENT GRANTS; REPEAL OF SUNSET

9 Sec. 42 of No. 200 of the Acts of the 2007 Adj. Sess. (2008), which sunsets
10 a broadband development grant program on June 30, 2009, is repealed.

11 * * * Natural Resources * * *

12 Sec. 37. 3 V.S.A. § 2822(e) is added to read:

13 (e) The secretary, with the approval of the secretary of administration, may
14 transfer any unexpended funds appropriated in a capital construction act
15 among other projects authorized in the same section of that act.

16 Sec. 38. 24 V.S.A. § 4753b is added to read:

17 § 4753b. ACCEPTANCE OF FUNDS

18 (a) The commissioner of environmental conservation, with the approval of
19 the secretary of natural resources, may accept federal grants made available
20 through the federal Clean Water Act and the federal Drinking Water Act in
21 accordance with this chapter. Acceptance of this grant money is hereby

1 approved, provided all notifications are made under subsection 4760(a) of this
2 title.

3 (b) The commissioner shall report receipt of a grant under this section to
4 the chairs of the senate committee on institutions and the house committee on
5 corrections and institutions and the joint fiscal committee.

6 Sec. 39. POLLUTION CONTROL REVOLVING LOAN FUND;

7 DRINKING WATER REVOLVING FUND; LOAN

8 FORGIVENESS

9 (a) Upon awarding a loan to a municipality from the Vermont
10 environmental protection agency pollution control revolving fund or the
11 Vermont environmental protection agency drinking water state revolving fund,
12 the secretary of the agency of natural resources may forgive up to one hundred
13 percent of the loan if the award is made from funds appropriated from the
14 American Recovery and Reinvestment Act of 2009 (ARRA). The secretary
15 shall establish standards, policies, and procedures as necessary for
16 implementing the provisions of this subsection and for revising standard
17 priority lists in order to comply with regulations associated with the ARRA.

18 (b) If necessary in order to allocate all ARRA funds in the time period
19 required by the ARRA, the secretary may fund a project in a municipality in
20 which the legislative body has incurred debt of less than \$75,000 pursuant to

1 24 V.S.A. § 4755(a)(4) to pay for the portion of the funds which will not be
2 forgiven.

3 * * * Military * * *

4 Sec. 40. AUTHORITY TO TRANSFER FUNDS

5 The military department in the office of the adjutant general may transfer
6 funds appropriated to it in this act among other projects authorized in the same
7 section of the act.

8 * * * Effective Date * * *

9 Sec. 41. EFFECTIVE DATE

10 This act shall take effect on passage.