

H.445

An act relating to capital construction and state bonding

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

* * * Capital Appropriations * * *

Sec. 1. STATE BUILDINGS

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

<u>(1) Statewide, Americans with Disabilities Act (ADA) - for upgrades at the Emerson State Office Building in Newport:</u>	<u>100,000</u>
<u>(2) Statewide, building reuse and planning:</u>	<u>125,000</u>
<u>(3) Statewide, contingency:</u>	<u>500,000</u>
<u>(4) Statewide, major maintenance:</u>	<u>8,183,047</u>
<u>(5) Statewide, asbestos and lead abatement:</u>	<u>300,000</u>
<u>(6) Statewide elevator repairs and upgrades:</u>	<u>150,000</u>
<u>(7) Statewide physical security enhancements:</u>	<u>250,000</u>

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

Sec. 2. ADMINISTRATION

The following is appropriated to the department of taxes for the Vermont Center for Geographic Information for an ongoing project to update statewide quadrangle maps through digital orthophotographic quadrangle mapping. The project shall be carried out pursuant to Sec. 16 of H.441 of 2009, as enacted into law.

100,000

Total Appropriation – Section 2 \$100,000

Sec. 3. HUMAN SERVICES

The following is appropriated in total to the department of buildings and general services for the agency of human services for the projects described in this section.

(1) Vermont state hospital, ongoing safety renovations: 300,000

(2) Vermont state hospital, planning, design, and permitting for a 15-bed secure residential recovery facility in Waterbury: 500,000

(3) Vermont state hospital, to consider how to replace acute intensive psychiatric inpatient services provided by the current Vermont State hospital by building capacity to provide those functions at the Rutland Regional Medical Center. However, the funds allocated under this subdivision shall not be used for the financial analysis obtained pursuant to Sec. 31(d)(1) of this act and shall not be encumbered until completion of the analysis and provided that planning is not discontinued pursuant to Sec. 31(d)(4) of this act. Following encumbrance of the funds, the department may use matching funds of up to \$250,000 voluntarily provided by the Rutland Regional Medical Center to continue planning for providing acute intensive psychiatric inpatient services at the RRMC 250,000

(4) Health lab, for analysis, feasibility studies, adaptation of past plans, and development of conceptual designs to provide the basis for an agreement

with the University of Vermont to co-locate the department of health laboratory with its Colchester research facility. However, no expenditures shall be made under this subdivision until the University of Vermont has signed a letter stating its intent to work with the state to co-locate a health laboratory at the Colchester facility:

(5) Corrections, continuation of suicide abatement project: 200,000

(6) Corrections, security upgrades: 180,000

Total Appropriation – Section 3 \$1,630,000

Sec. 4. JUDICIARY

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

Total Appropriation – Section 4 \$350,000

Sec. 5. COMMERCE AND COMMUNITY DEVELOPMENT

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

(1) Major maintenance at historic sites statewide; provided such maintenance shall be under the supervision of the department of buildings and general services: 1,500,000

(2) Final state contribution to expand the visitors' center at the Calvin Coolidge state historic site in Plymouth Notch. These funds may be used as a match for a National Endowment for the Humanities Challenge Grant. The commissioner of finance and management may approve a request from the commissioner of buildings and general services for funds in anticipation of receipts of private donations for the Plymouth Visitors Center Project:
1,500,000

(b) The following sums are appropriated to the agency of commerce and community development for the following projects:

(1) Underwater preserves: 50,000

(2) Placement and replacement of roadside historic site markers: 15,000

Total Appropriation – Section 5 \$1,815,000

Sec. 6. EDUCATION

The following is appropriated in total to the department of education for the purposes described in this section:

(1) State aid for school construction projects pursuant to section 3448 of Title 16, to be expended on projects prioritized for funding by the state board of education on December 16, 2008. Of this amount, \$6,983,461 shall be from

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

appropriations act: 14,328,805

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

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

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

Sec. 7. AUSTINE SCHOOL

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

Total Appropriation – Section 7 \$227,937

Sec. 8. UNIVERSITY OF VERMONT

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

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

Sec. 9. VERMONT STATE COLLEGES

The sum of \$2,000,000 is appropriated to the Vermont State Colleges for major facility maintenance. The state colleges shall file with the general assembly on or before January 15 an annual report that details the status of capital projects funded in whole or in part by state capital appropriations, including an explanation of the process for bidding for contractors or subcontractors where the amount of the contract or subcontract exceeds \$50,000.

Total Appropriation – Section 9 \$2,000,000

Sec. 10. NATURAL RESOURCES

(a) The following is appropriated in total to the agency of natural resources for water pollution control projects:

(1) For existing projects, the Springfield loan conversion, chapter 120 administrative support, and feasibility study planning advances necessary to operate the ongoing program for grants to municipalities pursuant to chapter 55 of Title 10 (aid to municipalities for water supply, pollution abatement, and sewer separations), and chapter 120 of Title 24 (special environmental revolving fund): 475,000

(2) Municipal pollution control projects:

(A) Proctor for combined sewer overflow abatement: 160,000

(B) Enosburg Falls for combined sewer overflow

abatement: 250,000

(C) St. Johnsbury for combined sewer overflow abatement: 240,000

(3) Wastewater facilities project in Pownal: 1,000,000

(4) Interest on short-term borrowing associated with delayed grant
funding for the Pownal project: 60,000

(5) For the Vermont environmental protection agency pollution control
revolving fund for spending approved pursuant to Sec. 23(b) of this act:
19,433,000

Total Appropriation - Section 10(a) \$21,618,000

(b) The following is appropriated in total to the agency of natural resources
for the drinking water state revolving fund:

(1) for engineering, oversight and program management: 275,000

(2) for the Vermont environmental protection agency drinking water
revolving fund in fiscal year 2010 for spending approved pursuant to Sec.
23(c) of this act: 19,500,000

(c) The following is appropriated in total to the agency of natural resources
for the clean and clear program to accelerate the reduction of phosphorus
discharges into Lake Champlain and other waters of the state:

(1) Ecosystem restoration and protection: 1,500,000

(2) Unregulated stormwater management: 200,000

(3) Phosphorus treatment at the Proctor aerated lagoon facility: 510,000

Total Appropriation – Section 10(c) \$2,210,000

(d) The following sum is appropriated to the agency of natural resources for the state's year-two share of the federal match to conduct a three-year study of flood-control measures in the city of Montpelier. However, the state shall not enter into any commitment to pay for construction of flood control improvements without legislative approval: 142,000

(e) The following sum is appropriated to the agency of natural resources for the Green Mountain Club, Inc. for the procurement in fee simple or by easement of properties along the Long Trail: 25,000

(f) The following sums are appropriated to the agency of natural resources for department of fish and wildlife projects described in this subsection. If possible, the secretary shall apply for ARRA funds for energy upgrades such as window replacement at the fish hatcheries, and shall report on any receipt of such funds to the senate committee on institutions and the house committee on corrections and institutions:

(1) Bald Hill Filter Building: 125,000

(2) Buck Lake Camp facilities improvement: 84,000

(3) For the Lake Champlain Walleye Association, Inc. to upgrade and repair the walleye rearing, restoration, and stocking infrastructure: 25,000

(4) Immediate biosecurity at several of the fish hatcheries: 83,000

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

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

<u>Total Appropriation – Section 10</u>	<u>\$44,537,000</u>
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Sec. 11. MILITARY

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

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

Sec. 12. PUBLIC SAFETY

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

(1) Complete construction of a new forensics lab in Waterbury:

2,057,821

(2) Design and construction of a new emergency operations center in
Waterbury:

375,000

(3) Purchase of property, obtaining of permits, and design for the
Brattleboro/Rockingham state police office:

750,000

Total Appropriation – Section 12

\$3,182,821

Sec. 13. FIRE SERVICE TRAINING

The following sums are appropriated for fire service training:

(1) To the department of public safety for the Vermont fire service
training council for equipment for the VTC fire science degree program:

100,000

(2) To Vermont State Colleges as the state's financial contribution to the
construction of a steel burn building at the Vermont Technical College campus
in Randolph:

200,000

Total Appropriation – Section 13

\$300,000

Sec. 14. CRIMINAL JUSTICE TRAINING COUNCIL

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

Total Appropriation – Section 14 \$1,700,000

Sec. 15. AGRICULTURE, FOOD AND MARKETS

The following is appropriated in total to the agency of agriculture, food and markets for the purposes described in this section:

(1) For the best management practice implementation cost share program, to continue to develop best management practices on Vermont farms. Farmers participating in this program are eligible for cost share funds not to exceed \$75,000 or 80 percent of a project, whichever is less. For projects completed in calendar year 2009, cost share funds may be increased to 95 percent of a project. Projects completed after December 31, 2009 shall revert to cost share funding not to exceed \$75,000 or 80 percent of a project, whichever is less: 1,600,000

(2) For the agricultural buffer program, to install water quality conservation buffers 175,000

Total Appropriation – Section 15 \$1,775,000

Sec. 16. VERMONT PUBLIC TELEVISION

The sum of \$500,000 is appropriated to Vermont Public Television as the state match for the federally mandated conversion of Vermont Public Television's transmission sites to digital broadcasting format.

Total Appropriation – Section 16 \$500,000

Sec. 17. VERMONT INTERACTIVE TELEVISION

The sum of \$308,000 is appropriated to Vermont Interactive Television for video upgrades, monitor replacement, or any combination thereof, at Vermont Interactive Television sites.

Total Appropriation – Section 17 \$308,000

Sec. 18. VERMONT RURAL FIRE PROTECTION

The sum of \$100,000 is appropriated to the department of public safety, division of fire safety for the Vermont rural fire protection task force to continue the dry hydrant program.

Total Appropriation – Section 18 \$100,000

Sec. 19. VERMONT VETERANS' HOME

The following sums are appropriated to the department of buildings and general services for the Vermont Veterans' Home for the purposes described in this section:

(1) Cost increase for Phase II of geothermal HVAC renovations:

600,000

(2) North wing roof replacement:

200,000

Total Appropriation – Section 19 \$800,000

Sec. 20. VERMONT CENTER FOR CRIME VICTIM SERVICES

The sum of \$50,000 is appropriated to the Vermont Center for Crime Victim Services for Americans with Disabilities Act improvements at domestic

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

Total Appropriation – Section 20

\$50,000

Sec. 21. VERMONT INVESTMENT PROGRAM

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

- (1) Employ Vermont tradespeople and artisans;
- (2) Help young Vermonters acquire marketable skills;
- (3) Improve Vermont state infrastructure; and
- (4) Improve local infrastructure and cultural facilities.

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

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

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

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

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

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

- (3) To the Vermont council on the arts for the cultural facilities grant program: 300,000
- (4) To the department of buildings and general services for the recreational facilities grant program: 300,000
- (5) To the department of buildings and general services for the human services and educational facilities competitive grant program: 300,000
- (e) To the department of buildings and general services for the community capacity grant program described in Sec. 34 of this act. It is the intent of the general assembly that this grant program shall exist for FY10 only, in order to increase employment and improve community infrastructure during difficult economic times: 1,000,000
- (f) To the Vermont housing and conservation board to support building of transitional housing for various populations such as victims of violence, people recently released from incarceration, and homeless people; for housing for people with particular needs such as housing with services for people with disabilities, those requiring treatment for substance abuse, or the elderly; and for improving downtown areas: 1,000,000
- (g) To the Vermont telecommunications authority to provide financial assistance for the purpose of expanding Vermont's mobile telecommunications and broadband infrastructure pursuant to Sec. 35 of this act: 5,000,000

(h) To the commissioner of buildings and general services to repair and replace slate roofs on historic state buildings in the Waterbury complex. The commissioner shall strive to employ as many tradespeople as possible:

1,000,000

Total Appropriation – Section 21

\$11,800,000

* * * Financing this Act * * *

Sec. 22. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

The following sums are reallocated to the department of buildings and general services to defray expenditures authorized in Sec. 1 of this act:

(1) of the amount appropriated in Sec. 253(4) of No. 152 of the Acts of the 1999 Adj. Sess. (2000) (Springfield Correctional Facility): 461.14

(2) of the amount appropriated in Sec. 14 of No. 61 of the Acts of 2001 (Pittsford Wastewater System): 226,933.98

(3) of the amount appropriated by Sec. 12(b) of No. 43 of the Acts of 2005 (Public Safety): 2,105.00

(4) of the amount appropriated by Sec. 13(c) of No. 52 of the Acts of 2007 (Public Safety and Fire Service Training Council): 14,520.70

(5) of the amount appropriated by Sec. 26 of No. 52 of the Acts of 2007 (Sale of Condo Unit, Newport State Office Building): 163,800.00

Total Reallocations and Transfers – Section 22

\$407,821.00

Sec. 23. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

(a) The state treasurer is authorized to issue general obligation bonds in the amount of \$69,995,000 for the purpose of funding the appropriations of this act. The state treasurer, with the approval of the governor, shall determine the appropriate form and maturity of the bonds authorized by this section consistent with the underlying nature of the appropriation to be funded. The state treasurer shall allocate the estimated cost of bond issuance or issuances to the entities to which funds are appropriated pursuant to this section and for which bonding is required as the source of funds, pursuant to 32 V.S.A. § 954.

(b) The following amount from ARRA clean water state revolving fund grants is hereby appropriated for use in FY10 and FY11 for projects funded through the Vermont environmental protection agency pollution control revolving fund. Specific project spending shall be approved by a committee made up of the joint fiscal committee and the chairs of the senate committee on institutions and the house committee on corrections and institutions.

19,433,000

(c) The following amount from ARRA State Drinking Water Capitalization Grants is hereby appropriated for use in FY10 and FY11 for projects funded through the drinking water state revolving fund. Specific project spending shall be approved by a committee made up of the joint fiscal committee and

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

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

* * * General Authority * * *

Sec. 24. FEDERAL STIMULUS FUNDS; GENERAL AUTHORITY

(a) The head of any state agency or public body which receives funds under this act is hereby encouraged to apply for ARRA funds for capital expenses. Any funds received for capital expenses shall be reported to the chair of the senate committee on institutions and the chair of the house committee on corrections and institutions.

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

* * * Buildings and General Services * * *

Sec. 25. ACCEPTANCE OF GRANTS AND OTHER FUNDS

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

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

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

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

Sec. 26. DEPARTMENT OF BUILDINGS AND GENERAL SERVICES;
AUTHORITY TO FUND PROJECTS AUTHORIZED IN PRIOR
YEARS; NEGOTIATION OF PAYMENT FOR SEWER
ALLOCATION WITH PITTSFORD

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

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

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

Sec. 27. PROPERTY TRANSACTIONS; MISCELLANEOUS

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

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

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

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

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

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

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

(1) The library in Dummerston and associated land.

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

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

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

(1) Father Logue's camp in Duxbury.

(2) 62 Pierpoint Avenue in Rutland.

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

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

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

* * * Human Services * * *

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

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

consistent with the goal of creating a facility with a residential character. In addition, both the site and design shall foster the ability to provide outdoor recreation, safety of residents and program participants, and appropriate programming to meet the needs of each of the several diagnostic groups to be served.

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

(c)(1) It is the intention of the general assembly that the secure residential recovery program shall be governed by a governing body which is separate from the governing body of the Vermont state hospital and shall be operated under a license to be issued by the department of disabilities, aging, and independent living (DAIL).

(2) DAIL shall amend by rule pursuant to chapter 25 of Title 3 the licensing requirements for therapeutic community residences to provide for the operation of secure residential recovery programs.

(d) At the time of filing a certificate of need (CON) letter of intent with the department of banking, insurance, securities, and health care administration, the department of mental health shall notify the Centers for Medicare and Medicaid Services (CMS) in writing that it is planning and developing a 15-bed residential program, with a description of its size, program, intended patient population, physical location relative to the existing state hospital, anticipated licensing, and anticipated governance structure. In addition, the department shall request CMS to review the final plan to determine if federal financial participation under Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act would be available for the facility.

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

(2) During the legislative session, the department shall provide quarterly updates to the senate committee on institutions, house committee on corrections and institutions, the senate committee on health and welfare, and the house committee on human services on the progress toward completing the

facility and developing the residential recovery program.

(3) Outside the legislative session, the department shall provide quarterly updates to the joint fiscal committee and the mental health oversight committee on the progress toward completing the facility and developing the residential recovery program.

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

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

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

Sec. 31. VERMONT STATE HOSPITAL; REPLACEMENT OF ACUTE
CARE FUNCTIONS

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

(b) Prior to the submission of an application for a phase II certificate of need for construction of a facility to house a secure residential recovery program, the department of mental health shall develop a master plan to replace the acute care functions now provided in the Vermont state hospital and to close the Vermont state hospital. The master plan shall include an adequate long-range perspective of the funding needs and sources such that the phase II review process for a secure residential recovery program will be able to:

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

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

(c) It is the intent of the general assembly that the plan shall provide geographic access such that patients requiring acute mental health care can be appropriately treated as near to their respective homes as possible through providing replacement specialized and intensive inpatient levels of care in more than one hospital staffed with appropriately trained and experienced staff. Acute care facilities may be operated under one or more licenses issued to the department or to the hospitals, as appropriate.

(d)(1) The department of mental health, in collaboration with the joint fiscal office, the treasurer's office, and the Vermont educational and health

buildings finance agency, shall obtain an accounting and financial analysis of any proposed bonding structure, including costs of capitalization, to determine whether a financing arrangement that places no debt capacity burden on either the state or Rutland Regional Medical Center (RRMC) is reasonably feasible for a new psychiatric wing at RRMC to replace and expand the existing psychiatric unit.

(2) No later than September 1, 2009, the department shall provide a report describing the financing arrangement for a new psychiatric wing at RRMC and the results of the accounting and financial analysis to the mental health oversight committee and the joint fiscal committee.

(3)(A) The joint fiscal office shall analyze and evaluate the financing arrangement and results of the accounting and financial analysis conducted under subdivision (1) of this subsection to determine if the financing is reasonable. The department of mental health shall provide the joint fiscal office with ongoing access to the analysis in order to ensure that the joint fiscal office has sufficient information to evaluate the results as required in this subdivision.

(B) The joint fiscal office may contract with an independent consultant to provide additional analysis, if needed, for its analysis required under subdivision (A) of this subdivision. Upon request of the joint fiscal office, the commissioner of the department of buildings and general services

shall transfer up to \$25,000 of unexpended funds appropriated to the department of buildings and general services in prior capital construction acts for Vermont state hospital planning to the joint fiscal office for this purpose.

(C) The joint fiscal office shall provide the mental health oversight committee and the joint fiscal committee with its evaluation as soon as possible after receiving the report of the results required by subdivision (2) of this subsection in order for the committees to make a determination by October 1, 2009.

(4) After receipt of the report and no later than October 1, 2009, the mental health oversight committee or the joint fiscal committee may object to the financing arrangement proposed by the department for a new psychiatric wing at RRMC. If either committee objects, the department shall discontinue planning for a new psychiatric wing at RRMC.

(e) Simultaneously with any planning for expansion of psychiatric services at RRMC, including conducting the financial analysis under subdivision (d)(1) of this section, and whether or not planning for the RRMC option is discontinued as provided for in subsection (d)(4) of this section, the department shall continue to assess the feasibility, including the cost, of providing acute care services at general or appropriate specialized hospitals in other locations. As part of the planning process described in this subsection, the department shall obtain an independent labor analysis of the impact of

providing services at RRMC, if planning has not been discontinued pursuant to subdivision (d)(4) of this section, and at general or appropriate specialized hospitals in other locations being considered for provision of acute care functions with respect to recruiting and maintaining staffing for any staff-intensive, specialized psychiatric services required. The department of labor may provide the labor analysis provided for in this subsection. The commissioner of the department of buildings and general services shall transfer funds necessary for this study from unexpended funds appropriated to the department of buildings and general services in prior capital construction acts for Vermont state hospital planning to the department of mental health for this purpose.

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

* * * Corrections * * *

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

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

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

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

* * * Vermont Investment Program * * *

Sec. 34. COMMUNITY CAPACITY GRANTS

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

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

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

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

(c) Grants shall be made available on a one-for-one matching basis.

In-kind contributions of labor or materials or both may provide up to 90 percent of the match. Priority shall be given to projects ready to proceed. No grant shall exceed \$50,000.

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

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

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

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

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

* * * Commerce and Community Development * * *

Sec. 35. VERMONT TELECOMMUNICATIONS AUTHORITY; MOBILE

TELECOMMUNICATIONS AND BROADBAND SERVICES

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

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

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

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

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

Sec. 36. BROADBAND DEVELOPMENT GRANTS; REPEAL OF SUNSET

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

* * * Natural Resources * * *

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

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

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

§ 4753b. ACCEPTANCE OF FUNDS

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

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

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

Sec. 39. POLLUTION CONTROL REVOLVING LOAN FUND;

DRINKING WATER REVOLVING FUND; LOAN
FORGIVENESS

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

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

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

* * * Military * * *

Sec. 40. AUTHORITY TO TRANSFER FUNDS

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

* * * Effective Date * * *

Sec. 41. EFFECTIVE DATE

This act shall take effect on passage.