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H.446

Introduced by Committee on Corrections and Institutions

Date:

Subject: Capital construction; capital appropriations; state bonding

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

An act relating to capital construction and state bonding

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

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

(a) Notwithstanding any other provision of law, this act, unlike previous acts relating to capital construction and state bonding, appropriates capital funds for the next two years. This temporary move to a biennial capital budgeting cycle is designed to accelerate the construction dates of larger projects and thus create jobs for Vermonters sooner than would be possible under a one-year capital budgeting cycle.

(b) It is the intent of the general assembly that:

(1) this move to a biennial capital budgeting cycle shall apply only to FY 2012 and FY 2013.

1 (2) any decision to permanently move to a biennial capital budgeting
2 cycle shall receive study and consideration at a later date prior to
3 implementation.

4 (3) of the \$153 million authorized by this act, no more than \$89,961,503
5 shall be appropriated in the first year of the biennium and the remainder shall
6 be appropriated in the second year.

7 (4) in the second year of the biennium, any amendments to the
8 appropriations or authorities granted in this act shall take the form of a capital
9 construction and state bonding adjustment bill. It is the intent of the general
10 assembly that unless otherwise indicated, all appropriations in this act are
11 subject to capital budget adjustment.

12 * * * Capital Appropriations * * *

13 Sec. 2. STATE BUILDINGS

14 (a) Of the total sums appropriated to the department of buildings and
15 general services, the commissioner is authorized to direct funds appropriated in
16 this section to the projects contained in this section; however, no project shall
17 be canceled until the chairs of the senate committee on institutions and the
18 house committee on corrections and institutions are notified before that action
19 is taken. The individual allocations in this section are estimates only.

1	<u>(b) The following sums are appropriated in FY 2012:</u>	
2	<u>(1) Statewide, asbestos and lead abatement:</u>	<u>100,000</u>
3	<u>(2) Statewide, building reuse and planning:</u>	<u>125,000</u>
4	<u>(3) Statewide, contingency:</u>	<u>500,000</u>
5	<u>(4) Statewide, elevator repairs and upgrades:</u>	<u>150,000</u>
6	<u>(5) Statewide, major maintenance. Of this amount, up to</u>	
7	<u>\$360,000 may be used for window sills and frames</u>	
8	<u>in coordination with the ARRA-funded window replacement</u>	
9	<u>project in Waterbury:</u>	<u>8,000,000</u>
10	<u>(6) Statewide, BGS engineering, project management, and</u>	
11	<u>architectural project costs:</u>	<u>2,428,802</u>
12	<u>(7) Statewide, physical security enhancements:</u>	<u>150,000</u>
13	<u>(8) Brattleboro, state office building, HVAC replacement</u>	
14	<u>and renovations:</u>	<u>3,275,000</u>
15	<u>(9) Burlington, 108 Cherry St., HVAC upgrades:</u>	<u>1,000,000</u>
16	<u>(10) Montpelier, 116 State St., restore building envelope:</u>	<u>1,000,000</u>
17	<u>(11) Montpelier, 122 State St., heat plant:</u>	<u>7,000,000</u>
18	<u>(12) Montpelier, 120 State St., restroom renovations:</u>	<u>250,000</u>
19	<u>(13) Montpelier, 120 State St., planning and design for</u>	
20	<u>building renovations:</u>	<u>250,000</u>

1	<u>(14) Newport, Hebard state office building, façade</u>	
2	<u>replacement and water intrusion prevention:</u>	<u>350,000</u>
3	<u>(15) Newport, Northern State Correctional Facility,</u>	
4	<u>maintenance shop:</u>	<u>350,000</u>
5	<u>(16) Springfield Correctional Facility, exterior mechanical</u>	
6	<u>building:</u>	<u>350,000</u>
7	<u>(17) Springfield, MA, exposition center building upgrades:</u>	<u>300,000</u>
8	<u>(18) St. Albans, Northwest State Correctional Facility,</u>	
9	<u>maintenance shop:</u>	<u>350,000</u>
10	<u>(19) St. Johnsbury, Caledonia Community Work Camp</u>	
11	<u>wood boiler and generator upgrade:</u>	<u>400,000</u>
12	<u>(20) Waterbury, powerhouse fuel tank replacement:</u>	<u>400,000</u>
13	<u>(21) Waterbury, wood-chip-fired boiler facility planning:</u>	<u>500,000</u>
14	<u>(22) Montpelier, state house, renovate and refurbish up</u>	
15	<u>to three house committee rooms, chosen by the speaker of the</u>	
16	<u>house, to make better use of existing space:</u>	<u>100,000</u>
17	<u>(c) The following sums are appropriated in FY 2013:</u>	
18	<u>(1) Statewide, asbestos and lead abatement:</u>	<u>100,000</u>
19	<u>(2) Statewide, contingency:</u>	<u>250,000</u>
20	<u>(3) Statewide, elevator repairs and upgrades:</u>	<u>250,000</u>
21	<u>(4) Statewide, major maintenance:</u>	<u>6,587,000</u>

1	<u>(5) Statewide, BGS engineering, project management, and</u>	
2	<u>architectural project costs:</u>	<u>2,482,802</u>
3	<u>(6) Statewide, physical security enhancements:</u>	<u>150,000</u>
4	<u>(7) Burlington, 108 Cherry St., HVAC upgrades:</u>	<u>1,000,000</u>
5	<u>(8) Montpelier, state house, renovate and refurbish up</u>	
6	<u>to three house committee rooms, chosen by the speaker of the</u>	
7	<u>house, to make better use of existing space:</u>	<u>100,000</u>
8	<u>(9) State Resource Management Fund (SRMRF), as established in 29</u>	
9	<u>V.S.A. § 168, energy projects:</u>	<u>250,000</u>
10	<u>(d) For the project described in subdivision (b)(11) of this section, the</u>	
11	<u>department of buildings and general services may enter into agreement with</u>	
12	<u>the city of Montpelier regarding the sale of thermal energy.</u>	
13	<u>Appropriation – FY 2012</u>	<u>\$27,328,802</u>
14	<u>Appropriation – FY2013</u>	<u>\$11,115,802</u>
15	<u>Total Appropriation – Section 2</u>	<u>\$38,444,604</u>
16	Sec. 3. ADMINISTRATION	
17	<u>(a) Of the funds appropriated to the department of taxes for the Vermont</u>	
18	<u>Center for Geographic Information for an ongoing project to update statewide</u>	
19	<u>quadrangle maps through digital orthophotographic quadrangle mapping:</u>	
20	<u>(1) \$100,000 is appropriated in FY 2012.</u>	
21	<u>(2) \$100,000 is appropriated in FY 2013.</u>	

1 (b) The sum of \$8,000,000 is appropriated to Vermont
2 Telecommunications Authority (VTA) in FY 2012 for the project described in
3 Sec. 49 of this act.

4 (c) The sum of \$2,000,000 is appropriated to VTA in FY 2013 for the
5 project listed in subsection (b) of this section, provided that VTA successfully
6 achieves the outcomes listed in Sec. 49(i) of this act, as determined by the
7 house committees on commerce and economic development and on corrections
8 and institutions, the senate committees on economic development, housing and
9 general affairs and on finance, and the joint fiscal committee.

10	<u>Appropriation – FY 2012</u>	<u>\$8,100,000</u>
11	<u>Appropriation – FY 2013</u>	<u>\$2,100,000</u>
12	<u>Total Appropriation – Section 3</u>	<u>\$10,200,000</u>

13 Sec. 4. HUMAN SERVICES

14 (a) The following sums are appropriated in FY 2012 to the department of
15 buildings and general services for the agency of human services for the
16 projects described in this subsection:

17	<u>(1) Health laboratory, continuation of design, permitting,</u>	
18	<u>bidding, and construction phases for co-location of department</u>	
19	<u>of health laboratory with the UVM Colchester research facility:</u>	<u>14,000,000</u>
20	<u>(2) Vermont state hospital, ongoing safety renovations:</u>	<u>100,000</u>
21	<u>(3) Corrections, continuation of suicide abatement project:</u>	<u>100,000</u>

1 possible, it is the intent of the general assembly that these are committed funds
2 not subject to budget adjustment.

3 Appropriation – FY 2012 \$17,100,000

4 Appropriation – FY2013 \$16,168,920

5 Total Appropriation – Section 4 \$33,268,920

6 Sec. 5. JUDICIARY

7 (a) \$215,000 is appropriated in FY 2012 to the department of buildings and
8 general services on behalf of the Judiciary to perform repairs and upgrades to
9 bring county courthouse facilities into ADA compliance. The department shall
10 perform these repairs in accordance with the County Courts Americans with
11 Disabilities Act Audits Reports submitted by the department to the general
12 assembly pursuant to Sec. 235a of No. 154 of the Acts of the 2009 Adj. Sess.
13 (2010).

14 (b) \$200,000 is appropriated in FY 2013 to continue the project described
15 in subsection (a) of this section. For the purpose of allowing the department of
16 buildings and general services to enter into contractual agreements and
17 complete work as soon as possible, it is the intent of the general assembly that
18 these are committed funds not subject to capital budget adjustment.

19 Total Appropriation – Section 5 \$415,000

1	<u>(1) To the agency of commerce and community development,</u>	
2	<u>division for historic preservation, for the historic preservation grant</u>	
3	<u>program:</u>	<u>200,000</u>
4	<u>(2) To the agency of commerce and community development,</u>	
5	<u>division for historic preservation, for the historic barns preservation</u>	
6	<u>grant program:</u>	<u>200,000</u>
7	<u>(3) To the Vermont council on the arts for the cultural facilities</u>	
8	<u>grant program:</u>	<u>200,000</u>
9	<u>(4) To the department of buildings and general services for</u>	
10	<u>the recreational facilities grant program:</u>	<u>200,000</u>
11	<u>(5) To the department of buildings and general services for</u>	
12	<u>the human services and educational facilities competitive grant</u>	
13	<u>program:</u>	<u>200,000</u>
14	<u>(6) For the agricultural fairs capital projects competitive</u>	
15	<u>grant program:</u>	<u>200,000</u>
16	<u>Appropriation – FY 2012</u>	<u>\$1,200,000</u>
17	<u>Appropriation – FY 2013</u>	<u>\$1,200,000</u>
18	<u>Total Appropriation – Section 7</u>	<u>\$2,400,000</u>
19	Sec. 8. EDUCATION	
20	<u>(a) \$8,106,000 is appropriated in FY 2012 to the department of education</u>	
21	<u>for funding the state share of completed school construction projects pursuant</u>	

1 to 16 V.S.A. § 3448. The appropriation shall be allocated according to the
2 priorities established by the state board of education for fiscal year 2012,
3 excluding emergency projects and asset renewal projects. Major addition or
4 renovation projects shall receive 30 percent of the remaining amount owed by
5 the state. Technical education projects shall each receive 33 percent of the
6 remaining amount owed by the state. Of the balance remaining of the
7 appropriation once all major addition or renovation and technical education
8 projects are paid, renewable energy projects shall receive an equal percentage
9 of the amount owed by the state.

10 (b) \$8,106,000 is appropriated in FY 2013 pursuant to 16 V.S.A. § 3448. It
11 is the intent of the general assembly that these are committed funds not subject
12 to capital budget adjustment

13 Total Appropriation – Section 8 \$16,212,000

14 Sec. 9. AUSTINE SCHOOL

15 The sum of \$504,596 is appropriated in FY 2012 to the department of
16 buildings and general services for the final phase of renovation of Holton Hall
17 at the Austine School. This shall be the last capital funding for this project.

18 Total Appropriation – Section 9 \$504,596

19 Sec. 10. UNIVERSITY OF VERMONT

20 (a) \$1,750,000 is appropriated in FY 2012 to the University of Vermont for
21 construction, renovation, and major maintenance.

1	<u>(C) Principle and interest on short-term borrowing associated with</u>	
2	<u>delayed grant funding for the Pownal project:</u>	<u>200,000</u>
3	<u>(D) Springfield loan conversion:</u>	<u>100,000</u>
4	<u>(E) Administrative support – engineering, oversight, and program</u>	
5	<u>management:</u>	<u>275,000</u>
6	<u>(2) the drinking water state revolving fund for the following</u>	
7	<u>projects:</u>	
8	<u>(A) Engineering oversight and project management:</u>	<u>275,000</u>
9	<u>(B) Balance of match to federal FY 2010 EPA grant:</u>	<u>2,515,253</u>
10	<u>(C) Partial match to federal FY 2011 EPA grant:</u>	<u>271,460</u>
11	<u>(3) the following water pollution control TMDL and wetland</u>	
12	<u>protection projects:</u>	
13	<u>(A) Ecosystem restoration and protection:</u>	<u>1,900,000</u>
14	<u>(B) Waterbury waste treatment facility phosphorous</u>	
15	<u>removal:</u>	<u>2,700,000</u>
16	<u>(4) the following dam safety and hydrology projects:</u>	
17	<u>(A) Wolcott Pond dam repair and maintenance:</u>	<u>150,000</u>
18	<u>(B) Waterbury dam maintenance:</u>	<u>175,000</u>
19	<u>(5) The following sum is appropriated to the agency of natural</u>	
20	<u>resources for the department of forests, parks and recreation for</u>	
21	<u>statewide small-scale rehabilitation, wastewater repairs, preventive</u>	

1 improvements and upgrades of restrooms and bathhouses, and
2 statewide small-scale road rehabilitation projects. Up to \$100,000
3 of these funds may be used to work with the Vermont youth
4 conservation corps on appropriate forests, parks and recreation
5 projects: 2,500,000

6 (6) the following department of fish and wildlife projects:

7 (A) general infrastructure projects: 250,000

8 (B) removal of unsafe dilapidated structures: 150,000

9 (C) fish culture station improvements: 550,000

10 (D) fishing access improvements: 100,000

11 (b) The following sums are appropriated to the agency of natural resources
12 in FY 2013 for:

13 (1) the water pollution control fund for the following projects:

14 (A) Clean water state/EPA revolving loan fund
15 (CWSRF) match: 2,000,400

16 (B) Combined sewer overflow projects:

17 (i) St. Albans, 1272 Order (Combined Sewer
18 Overflow Abatement): 250,000

19 (ii) Hartford and White River Junction, Nutt Lane
20 overflow: 125,000

1	<u>(C) Principle and interest on short-term borrowing associated with</u>	
2	<u>delayed grant funding for the Pownal project:</u>	<u>100,000</u>
3	<u>(D) Springfield loan conversion:</u>	<u>100,000</u>
4	<u>(E) Administrative support – engineering, oversight, and</u>	
5	<u>program management:</u>	<u>300,000</u>
6	<u>(2) the following projects:</u>	
7	<u>(A) the drinking water state revolving fund for balance</u>	
8	<u>of match to federal FY 2011 EPA grant:</u>	<u>2,433,140</u>
9	<u>(B) Engineering oversight and program management:</u>	<u>300,000</u>
10	<u>(3) ecosystem restoration and protection:</u>	<u>1,900,000</u>
11	<u>(4) the department of forests, parks and recreation for statewide</u>	
12	<u>small-scale rehabilitation, wastewater repairs, preventive improvements and</u>	
13	<u>upgrades of restrooms and bathhouses, and statewide small-scale road</u>	
14	<u>rehabilitation projects. Up to \$100,000 of these funds may be used to work</u>	
15	<u>with the Vermont youth conservation corps on appropriate forests, parks and</u>	
16	<u>recreation projects:</u>	<u>2,500,000</u>
17	<u>(5) the following department of fish and wildlife projects:</u>	
18	<u>(A) fish culture station improvements:</u>	<u>550,000</u>
19	<u>(E) fishing access improvements:</u>	<u>100,000</u>
20	<u>Appropriation – FY 2012</u>	<u>13,782,113</u>
21	<u>Appropriation – FY 2013</u>	<u>10,658,540</u>

1	<u>(1) of the amount appropriated by Sec. 12(a) of No. 147 of</u>	
2	<u>the Acts of the 2005 Adj. Sess. (2006) (public safety):</u>	<u>6,303.13</u>
3	<u>(2) of the amount appropriated by Sec. 1 of No. 200 of</u>	
4	<u>the Acts of the 2007 Adj. Sess. (2008) (20 Houghton):</u>	<u>10,260.00</u>
5	<u>(3) of the amount appropriated by Sec. 6 of No. 200 of</u>	
6	<u>the Acts of the 2007 Adj. Sess. (2008) (human resources grants):</u>	<u>3,969.35</u>
7	<u>(4) of the amount appropriated by Sec. 15 of No. 200 of</u>	
8	<u>the Acts of the 2007 Adj. Sess. (2008) (Pittsford fire service</u>	
9	<u>training facility):</u>	<u>400,000.00</u>
10	<u>(5) of proceeds from the sale of property authorized by</u>	
11	<u>Sec. 32(d) of No. 200 of the Acts of the 2007 Adj. Sess. (2008)</u>	
12	<u>(Thayer school):</u>	<u>100,001.00</u>
13	<u>(6) of the amount appropriated by Sec. 1 of No. 43 of the</u>	
14	<u>Acts of 2009 (engineering staff):</u>	<u>74,472.91</u>
15	<u>Total Reallocations and Transfers – Section 24</u>	<u>\$595,006.39</u>

16 Sec. 25. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

17 The state treasurer is authorized to issue general obligation bonds in the
18 amount of \$153,160,000 for the purpose of funding the appropriations of this
19 act. The state treasurer, with the approval of the governor, shall determine the
20 appropriate form and maturity of the bonds authorized by this section
21 consistent with the underlying nature of the appropriation to be funded. The

1 state treasurer shall allocate the estimated cost of bond issuance or issuances to
2 the entities to which funds are appropriated pursuant to this section and for
3 which bonding is required as the source of funds, pursuant to 32 V.S.A. § 954.

4 Total Revenues – Section 25 \$153,160,000

5 * * * Policy * * *

6 * * * Buildings and General Services * * *

7 Sec. 26. PROPERTY TRANSACTIONS; MISCELLANEOUS

8 (a) The commissioner of buildings and general services is authorized to sell
9 the Asa Bloomer building and the Rutland Multi-Modal Transit Center
10 pursuant to 29 V.S.A. § 166. It is the intent of the general assembly that state
11 offices currently housed in the building remain downtown. Net proceeds of the
12 sale of each facility shall be reallocated for future capital projects.

13 (b) The commissioner of buildings and general services on behalf of the
14 division for historic preservation is authorized to enter into the agreements
15 specified for the following properties, the proceeds of which shall be dedicated
16 to the fund created by section 30 of this act:

17 (1) Fuller farmhouse at the Hubbardton Battlefield state historic site,
18 authority to sell or enter into a long-term lease with covenants.

19 (2) Hyde log cabin in Grand Isle, authority to donate property free of
20 covenants to Hyde Park or, in the alternative, to sell the property.

21 (3) Bishop Cabin at Mount Independence State Historic Site in Orwell,

1 authority to sell or enter into a long-term lease with covenants on the land.

2 (4) Eureka Schoolhouse in Springfield, authority to transfer with
3 covenants to a local organization or, in the alternative, to sell the property.

4 (5) Bradley Law Office in Westminster, authority to transfer with
5 covenants to a local organization.

6 (c) The commissioner of buildings and general services is authorized to sell
7 the Vermont health laboratory at 195 Colchester Avenue in Burlington
8 pursuant to 29 V.S.A. § 166. Net proceeds of the sale shall be reallocated to
9 fund future capital projects.

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

14 Sec. 27. Sec. 25 of No. 43 of the Acts of the 2009 Adj. Sess. (2010) is
15 amended to read:

16 Sec. 25. PROPERTY TRANSACTIONS; MISCELLANEOUS

17 * * *

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

20 * * *

1 Sec. 29. Sec. 25(f) of No. 161 of the Acts of the 2009 Adj. Sess. (2010) is
2 amended to read:

3 (f) Following consultation with the state advisory council on historic
4 preservation as required by 22 V.S.A. § 742(7) and pursuant to 29 V.S.A.
5 § 166, the commissioner of buildings and general services is authorized to
6 subdivide and sell the house, barn, and up to 10 acres of land at 3469 Lower
7 Newton Road in St. Albans. Net proceeds of the sale shall be deposited in the
8 historic property stabilization and rehabilitation fund established in Sec. 30 of
9 this act.

10 Sec. 30. 29 V.S.A. § 155 is added to read:

11 § 155. HISTORIC PROPERTY STABILIZATION AND
12 REHABILITATION SPECIAL FUND

13 (a) There is established a special fund managed by and under the authority
14 and control of the commissioner, comprising net revenue from the sale of
15 underutilized state-owned historic property to be used for the purposes set forth
16 in this section. Any remaining balance at the end of the fiscal year shall be
17 carried forward in the fund; provided, however, that if the fund balance
18 exceeds \$250,000.00 as of November 15 in any year, then the general
19 assembly shall reallocate the excess funds for other purposes in the next
20 enacted capital appropriations bill.

1 (b) Monies in the fund shall be available to the department for the
2 stabilization or rehabilitation of state-owned historic property pursuant to a
3 program created jointly by the department of buildings and general services
4 and the division for historic preservation of the agency of commerce and
5 community development.

6 (c) On or before January 15 of each year, the department shall report to the
7 house committee on corrections and institutions and the senate committee on
8 institutions concerning deposits into and disbursements from the fund
9 occurring in the previous calendar year, the properties sold and stabilized or
10 rehabilitated during that period, and the department's plans for future
11 stabilization or rehabilitation of state-owned historic properties.

12 (d) Annually, the list presented to the general assembly of state-owned
13 property the commissioner seeks approval to sell pursuant to section 166 of
14 this title shall identify those properties the commissioner has identified as
15 underutilized state-owned historic property pursuant to subsection (b) of this
16 section.

17 (e) For purposes of this section, "historic property" has the same meaning
18 as defined in 22 V.S.A. § 701.

19 Sec. 30a. TRANSITION; FUNDING

20 (a) On or before July 15, 2011, the department of buildings and general
21 services and the division for historic preservation shall develop a proposal for

1 the program required in Sec. 30, 29 V.S.A. § 155(b), of this act and shall
2 present the proposal to the chairs of the house committee on corrections and
3 institutions and the senate committee on institutions. The chairs shall review
4 the proposal and recommend to the joint fiscal committee whether or not to
5 approve the proposal. After review of the proposal and the chairs'
6 recommendations, the joint fiscal committee shall approve the proposal,
7 disapprove the proposal, or direct the departments to amend and resubmit the
8 proposal to the chairs by a date certain.

9 (b) Of the funds appropriated in Sec. 6(a)(3) of this act, the sum of
10 \$100,000.00 is allocated in fiscal year 2012 to the historic property
11 stabilization and rehabilitation special fund created in Sec. 30 of this act.

12 Sec. 31. 29 V.S.A. § 152 is amended to read:

13 § 152. DUTIES OF COMMISSIONER

14 (a) The commissioner of buildings and general services, in addition to the
15 duties expressly set forth elsewhere by law, shall have the authority to:

16 * * *

17 (34) Sell thermal energy to the city of Montpelier.

18 (35) Accept from the department of public service or the city of
19 Montpelier grant funds for renovations to the Capital District heating plant.

1 Sec. 32. INFORMATION CENTERS

2 Pursuant to the authority granted in Sec. 109(b) of No. 50 of the Acts of
3 2009, the secretary of transportation and the commissioner of buildings and
4 general services shall explore a pilot project in FY 2012 to maximize efficient
5 delivery of travel information services to motorists and the promotion of
6 Vermont businesses and products to the motoring public. To the extent
7 possible, the commissioner shall explore means that do not utilize new
8 structures.

9 Sec. 33. BICYCLE RACKS AT STATE BUILDINGS

10 (a) It is the intent of the general assembly that the department of buildings
11 and general services consider installation of short-term and long-term bicycle
12 parking during the design of any state-owned buildings for projects under the
13 jurisdiction of the department of buildings and general services.

14 (b) By September 30, 2011, the commissioner of buildings and general
15 services, in consultation with statewide or regional bicycle organizations, shall:

16 (1) assess state-owned buildings under the jurisdiction and control of the
17 department to determine the possibility of utilizing existing space for bicycle
18 parking, as well as determining the location, type, and existence of current
19 bicycle parking options. To the extent feasible, the commissioner shall
20 identify areas at the capital complex in Montpelier and the state office complex
21 in Waterbury where bicycle parking could be added. The commissioner shall

1 consider the costs and savings associated with converting existing indoor space
2 for bicycle parking and the installation costs of adding various types of outdoor
3 bicycle parking options. Based on availability of existing space, ease of
4 conversion of that space, and the availability and costs of creating additional
5 outdoor bicycle parking, the commissioner shall create a priority list of
6 changes that may be implemented to increase the number of bicycle parking
7 options at state-owned buildings.

8 (2) create an inventory of existing spaces for bicycle parking at
9 state-owned buildings and make that inventory available to the public via the
10 department's website.

11 (3) report the information produced as a result of the requirements of
12 subdivisions (1) and (2) of this subsection to the house committee on
13 corrections and institutions and the senate committee on institutions.

14 Sec. 34. RESTROOMS IN STATE BUILDINGS

15 By September 30, 2011, the commissioner of buildings and general services
16 shall ensure that any single-occupancy restroom in a building owned by the
17 state which is under the commissioner's jurisdiction shall be available for use
18 regardless of the gender of the user.

1 (2) continue to provide prearrestment lodging at the Chittenden
2 Regional Correctional Facility for a male until his first appearance in court. If
3 the male is remanded into custody, he shall move to another facility.

4 (3) ensure individuals are released in accordance with 28 V.S.A.
5 § 808(a) for the purpose of facilitating furlough or outside programming.

6 (4) continue to engage with community partners to develop a continuum
7 of services to assist in a reentry of individuals that reduces recidivism. This
8 continuum of services shall include employment, parenting, education, and risk
9 reduction programs.

10 (c) The department of corrections shall report to the corrections oversight
11 committee no later than August 15, 2011 on the following:

12 (1) trends pertaining to incarcerated women in this state, including
13 population, sentencing, and detention.

14 (2) the range of work opportunities available for incarcerated individuals
15 and the number of participants.

16 (3) the range of program opportunities available for incarcerated
17 individuals and the number of participants. Program opportunities shall be
18 defined broadly to include gardening, substance abuse, parenting, education,
19 and risk reduction programs.

20 (d) The department shall reduce the number of women incarcerated by five
21 percent by January 15, 2012.

1 institutions and the senate committee on institutions on the matters listed in
2 this section and any legislative changes that would need to occur to facilitate
3 the consolidation process.

4 * * * Military Department * * *

5 Sec. 41. DEPARTMENT OF MILITARY; REALLOCATION

6 Of the funds appropriated in Sec. 13 of No. 161 of the Acts of the 2009 Adj.
7 Sess. (2010), the department of military is authorized to use up to \$600,000 as
8 necessary to fund the state's share of land acquisition in Bennington for new
9 construction and for major maintenance and renovation projects at state
10 armories. To the extent possible, these funds shall be used to match federal
11 funds and the department of military is authorized to accept federal funds.

12 * * * Education * * *

13 Sec. 42. 16 V.S.A. § 3448(a)(7)(C) is amended to read:

14 (C) The amount of an award shall be 50 percent of the approved cost
15 of a project or applicable portion of a project which results in consolidation of
16 two or more school buildings and which will serve the educational needs of
17 students in a more cost-effective and educationally appropriate manner as
18 compared to individual projects constructed separately. A decision of the
19 commissioner as to eligibility for aid under this subdivision (C) shall be final.
20 This subdivision (C) shall apply only to a project which has received
21 preliminary approval by June 30, ~~2011~~ 2013.

1 and the environmental impact of such consumption, of creating sustainable
2 systems, and of saving money for the people of Vermont.

3 (c) Each agency of the state shall:

4 (1) Reduce the total annual consumption of energy at all state facilities
5 that it owns or manages by an average of five percent each year. Percentage
6 reductions shall be determined by a rolling three-year average.

7 (2) Reduce the fuel used by its employees for the purpose of
8 transportation by an average of five percent each year. Percentage reductions
9 shall be determined by a rolling three-year average. In determining
10 compliance with this subdivision, fuel use shall be calculated in British thermal
11 units (Btu).

12 (3) Strive to increase its consumption of renewable energy at all state
13 facilities that it owns or manages. The climate neutral working group
14 established under executive order 10-30 (Sept. 16, 2003) shall consider a plan
15 to increase consumption of renewable energy at all state facilities. The climate
16 neutral working group shall report its findings to the secretary of
17 administration, the house committees on corrections and institutions and on
18 natural resources and energy, and the senate committees on institutions and on
19 natural resources and energy no later than January 15, 2012.

1 (d) For the purpose of this section:

2 (1) "Agency of the state" means any agency, board, department,
3 commission, committee, branch, instrumentality, or authority of the state of
4 Vermont.

5 (2) "Fiscal year" shall be as defined in 32 V.S.A. § 1.

6 (3) "Renewable energy" shall be as defined in 30 V.S.A. § 8002(2).

7 (4) "Rolling three-year average" means calculating the average percent
8 reductions in energy consumption or average percent reductions in fuel use
9 over three consecutive fiscal years, the last of which is the most recently
10 completed fiscal year.

11 (5) "State facilities" shall be as defined under subdivision 2291(a)(2) of
12 this title.

13 (6) "Transportation," when used in connection with employees of the
14 state or of an agency of the state, means the use on the job of motorized
15 vehicles for the conveyance of people.

16 (e) The secretary of administration shall create and maintain an energy
17 accounting system that includes baseline and annual data on energy
18 consumption at real properties owned or managed by the state and, with
19 respect to transportation, fuel used by the employees of the agencies of the
20 state, on a Btu basis.

1 (1) The data on energy consumption at real properties owned or
2 managed by the state shall be individualized to each specific real property
3 owned or managed by the state except that, in the event that such
4 individualization is not reasonably feasible for a given property or set of
5 properties, the data may be aggregated to the smallest feasible set of properties.

6 (2) With respect to the creation and maintenance of the energy
7 accounting system required by this subsection:

8 (A) The secretary of administration shall assign a department within
9 the agency for which these tasks shall be a primary responsibility.

10 (B) The secretary of administration shall collaborate with each
11 agency of the state. Each agency of the state shall collaborate with the
12 secretary and will provide to the secretary such information as the secretary
13 reasonably may direct. The secretary shall establish the form of and deadline
14 for such submissions and may require an agency of the state to collect or
15 develop information that the secretary reasonably determines necessary.

16 (C) Funds associated with all incentives received by the state of
17 Vermont from an entity appointed under 30 V.S.A. § 209(d)(2) (electric energy
18 efficiency entities) shall be applied to the costs of such creation and
19 maintenance, with funds associated with such incentives that are in excess of
20 such costs deposited into the state resource management revolving fund under
21 29 V.S.A. § 168.

1 (f) Strategies to achieve the requirements of subsection (c) of this section
2 may include super-insulation or “deep energy” retrofits and installation of
3 renewable energy generation.

4 (g) Within six months of the effective date of this act, the secretary of
5 administration shall create and implement a program of incentives to reward
6 agencies of the state that meet the requirements of subsection (c) of this
7 section. These incentives may include allowing such an agency to access and
8 use, for the purpose of carrying out the agency’s statutory authority, monetary
9 savings achieved by meeting those requirements.

10 (h) The secretary of administration shall have authority to obtain advice
11 from any person with respect to any matter related to carrying out this section.

12 (i) The secretary of administration shall have authority to require an agency
13 of the state to take such action as the secretary reasonably determines
14 necessary to achieve compliance with the requirements of subsection (c) of this
15 section.

16 (j) On or before January 15, 2013, the secretary of administration shall
17 report to the house committees on corrections and institutions and on natural
18 resources and energy and the senate committees on institutions and on natural
19 resources and energy regarding the state’s achievement of the requirements in
20 subsection (c) of this section.

1 Sec. 45. 29 V.S.A. § 168 is amended to read:

2 § 168. STATE RESOURCE MANAGEMENT; REVOLVING FUND

3 (a) Resource management. The department shall be responsible for
4 administering the interest of the state in all resource conservation measures,
5 including equipment replacement, studies, weatherization, and construction of
6 improvements affecting the use of energy resources. All resource conservation
7 measures taken for the benefit of departments or agencies to which this section
8 applies shall, beginning on July 1, 2004, be made and executed by and in the
9 name of the commissioner.

10 (b) Revolving fund.

11 (1) There is established a resource management revolving fund to
12 provide revenue for implementation of resource conservation measures
13 anticipated to generate a life cycle cost benefit to the state. All state agencies
14 responsible for development and operations and maintenance of state
15 infrastructure shall have access to the revolving fund on a priority basis
16 established by the commissioner.

17 (2) The fund shall consist of:

18 (A) Moneys appropriated to the fund, or which are paid to it under
19 authorization of the emergency board.

20 (B) Money saved by the implementation of resource management
21 conservation measures.

1 (C) Fees for administrative costs paid by departments and agencies,
2 which shall be fixed by the commissioner subject to the approval of the
3 secretary of administration.

4 (D) Moneys associated with all incentives received by the state of
5 Vermont from an entity appointed under 30 V.S.A. § 209(d)(2) (electric energy
6 efficiency entities).

7 (3) Moneys from the fund shall be expended by the commissioner for
8 resource conservation measures anticipated to generate a life cycle cost benefit
9 to the state and all necessary costs involved with the administration of state
10 agency energy planning as determined by the commissioner.

11 (4) The commissioner shall establish criteria to determine eligibility for
12 funding of resource conservation measures.

13 (5) Agencies or departments receiving funding shall repay the fund
14 through their regular operating budgets according to a schedule established by
15 the commissioner. Repayment shall include charges of fees for administrative
16 costs over the term of the repayment.

17 (6) The commissioner of finance and management may anticipate
18 receipts to this fund and issue warrants based thereon.

19 (7) The commissioner of buildings and general services shall maintain
20 accurate and complete records of all receipts by and expenditures from the
21 fund.

1 consider creating a bonding process to support energy investments that may be
2 funded through an electric energy efficiency charge, savings due to reduced
3 energy use, capitalization through appropriations, or other means. Prior to
4 making the recommendations, the treasurer shall consult with the joint fiscal
5 office, the Vermont climate collaborative created jointly in 2008 by the state
6 and the University of Vermont, the climate neutral working group established
7 under executive order 10-30 (Sep. 16, 2003), the secretary or commissioner of
8 each agency and department named in Sec. (1) of that executive order, the
9 chair of the public service board, and each entity appointed under 30 V.S.A.
10 § 209(d)(2) to deliver energy efficiency programs.

11 Sec. 48. TRANSITION; IMPLEMENTATION

12 (a) By the close of the fiscal year ending June 30, 2015, each agency of the
13 state as defined in Sec. 44 of this act, 3 V.S.A. § 2291c(d), shall meet the
14 requirements of 3 V.S.A. § 2291c(c)(1) (reduction; energy consumption) and
15 (2) (reduction; transportation fuel) in comparison to the fiscal year ending June
16 30, 2011.

17 (b) The energy accounting system required by Sec. 44 of this act, 3 V.S.A.
18 § 2291c(e), shall become operational no later than September 1, 2011.

1 Sec. 49. ADMINISTRATION; VERMONT TELECOMMUNICATIONS

2 AUTHORITY

3 (a) The sum appropriated in Sec. 3 of this act to the Vermont
4 telecommunications authority (VTA) shall be used to develop infrastructure to
5 meet the cellular and broadband needs of unserved and underserved
6 Vermonters. Such infrastructure may include:

7 (1) Fiber optic facilities.

8 (2) Telecommunications towers or other support structures.

9 (3) Equipment needed to deliver cellular service.

10 (4) Equipment needed to deliver broadband Internet services having
11 combined download and upload speeds of at least five megabits per second.

12 (b) Funds appropriated under this section may be used for direct
13 investments in infrastructure, to be owned by the VTA, and for grants to retail
14 service providers.

15 (c) To the extent possible, the VTA shall leverage the funds with bonding
16 or borrowing capacity or other available sources of public or private funding.

17 (d) Infrastructure owned and leased by the VTA under this section,
18 including towers and fiber optic facilities, shall be available for use by as many
19 retail service providers as the technology will permit to prevent the state from
20 establishing a monopoly service territory for one provider, and shall be

1 available for use by providers on a nondiscriminatory basis and according to
2 published terms and conditions.

3 (e) Prior to the construction or installation of VTA-owned fiber optic
4 facilities under this section, the VTA shall consult with the secretary of
5 administration or designee to identify those areas of the state having the
6 greatest need for fiber optic facilities and to determine the extent of needed
7 state investment in new fiber optic facilities, and shall issue a request for
8 public comment. In making the determinations required under this subsection,
9 the VTA and the secretary shall consider:

10 (1) The location and availability of existing fiber optic networks, to the
11 extent such information is available, and the terms and conditions for the use
12 of those networks.

13 (2) The availability of broadband and cellular services in various parts
14 of the state, the likelihood of planned expansions to services known to the
15 VTA, and the need for fiber optic facilities to support expansion of services in
16 unserved and underserved areas.

17 (3) The speed of broadband services available in various parts of the
18 state for residential, business, and institutional uses, and the increase in speed
19 that new fiber optic facilities would support.

20 (4) Prior investments of public and private funds in the development of
21 fiber optic facilities.

1 (5) The technical and economic feasibility of potential fiber optic routes.

2 (6) The objectives of the telecommunications plan adopted by the
3 department of public service under 30 V.S.A. § 202d.

4 (f) Fiber optic facilities owned by the VTA pursuant to this section shall
5 include fiber strands which may be used by a retail service provider to deliver
6 broadband Internet access directly to homes, businesses, and institutional users
7 (last-mile connectivity), in addition to strands which may be used to
8 interconnect with other broadband and cellular facilities (middle mile).

9 (g) With respect to fiber optic facilities owned by the VTA pursuant to this
10 section, the VTA may contract with an entity to provide transport services,
11 provided that:

12 (1) The entity is not owned or controlled by a single broadband provider
13 and is otherwise carrier neutral.

14 (2) The transport services are offered to any provider of broadband
15 Internet access on a nondiscriminatory basis and according to published terms
16 and conditions.

17 (3) Dark fiber leases and infeasible rights of use are made available to
18 providers on a nondiscriminatory basis and according to published terms and
19 conditions. For purposes of this subdivision, “dark fiber” means fiber that is
20 not in use; and “infeasible right of use” means an exclusive, long-term use of
21 fiber optic capacity.

1 (h) Grants awarded to retail service providers under this section shall be to
2 support the capital cost of equipment and facilities used to provide broadband
3 Internet access or cellular service in unserved areas of the state. Prior to
4 awarding a grant, the VTA shall find that the grant is economically necessary
5 to provide service in an unserved area and is likely to result in a lower
6 long-term cost to the state than would direct investment in VTA-owned
7 infrastructure. In addition, in awarding grants, the VTA shall adhere to the
8 competitive bidding process established under 30 V.S.A. § 8078, except where
9 inconsistent with the provisions of this section, and shall solicit public
10 comment prior to issuing a request for proposals.

11 (i) The VTA shall ensure that any investments made or grants awarded
12 under this section are in furtherance of the goals stated in 30 V.S.A. § 8060(b)
13 and shall use the telecommunications measures established pursuant to No. 146
14 of the Acts of the 2009 Adj. Sess. (2010) (an act relating to implementation of
15 challenges for change) to track the progress made in attaining those goals
16 through such investments and grants. Beginning October 1, 2011, and for the
17 next succeeding two years, on a quarterly basis, the VTA shall submit to the
18 house committees on commerce and economic development and on corrections
19 and institutions, the senate committees on economic development, housing and
20 general affairs and on finance, and the joint fiscal committee a progress report

1 reflecting the outcomes and measures as applied to the projects funded under
2 this section.

3 * * * Effective Dates * * *

4 Sec. 50. EFFECTIVE DATES

5 This act shall take effect on passage, except:

6 (1) Sec. 36 (liability of the state) shall take effect July 1, 2011;

7 (2) in Sec. 44 of this act, 3 V.S.A. § 2291c(c) (annual energy
8 consumption and transportation cost requirements) shall take effect on January
9 1, 2012; and

10 (3) Secs. 2(c) (BGS, FY 2013), 3(a)(2) (maps, FY 2013), 3(c) (VTA,
11 FY 2013), 4(c), 4(d) (human services, FY 2013), 5(b) (judiciary, FY 2013),
12 6(b) (BGS for commerce and community development, FY 2013),
13 6(d) (commerce and community development, FY 2013), 7(b) (building
14 community grants, FY 2013), 8(b) (education, FY 2013), 10(b) (University of
15 Vermont, FY 2013), 11(b) (Vermont State Colleges, FY 2013), 12(b) (natural
16 resources, FY 2013), 13(b) (military, FY 2013), 14(b), 14(d) (public safety,
17 FY 2013), 16(b) (agriculture, FY 2013), 18(c) (Vermont rural fire protection,
18 FY 2013), 20(b) (Vermont Center for Crime Victim Services, FY 2013),
19 21 (department of information and innovation), and 23(b) (Vermont Interactive
20 Television, FY 2013) shall take effect on June 1, 2012.