

1 H.446  
2 Introduced by Committee on Corrections and Institutions

3 Date:

4 Subject: Capital construction; capital appropriations; state bonding

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

7 An act relating to capital construction and state bonding

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

9 \* \* \* Legislative Intent \* \* \*

10 Sec. 1. LEGISLATIVE INTENT

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

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

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



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>



1 department of buildings and general services to enter into contractual  
2 agreements and complete work on the health laboratory project as soon as  
3 possible, it is the intent of the general assembly that these are committed funds  
4 not subject to budget adjustment.

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

6 Appropriation – FY2013 \$16,168,920

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

8 Sec. 5. JUDICIARY

9 (a) \$215,000 is appropriated in FY 2012 to the department of buildings and  
10 general services on behalf of the Judiciary to perform repairs and upgrades to  
11 bring county courthouse facilities into ADA compliance. The department shall  
12 perform these repairs in accordance with the County Courts Americans with  
13 Disabilities Act Audits Reports submitted by the department to the general  
14 assembly pursuant to Sec. 235a of No. 154 of the Acts of the 2009 Adj. Sess.  
15 (2010).

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

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

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

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

8 (A) general infrastructure projects: 250,000

9 (B) removal of unsafe dilapidated structures. *Of this amount, up to*  
10 *\$50,000 may be used for improvements to state-owned shooting ranges:*

11 150,000

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

13 (D) fishing access improvements: 100,000

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

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

17 (A) Clean water state/EPA revolving loan fund

18 (CWSRF) match: 2,000,400

19 (B) Combined sewer overflow projects:

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

1	<u>(ii) Hartford and White River Junction, Nutt Lane</u>	
2	<u>overflow:</u>	<u>125,000</u>
3	<u>(C) <del>Principle</del> <i>Principal</i> and interest on short-term borrowing</u>	
4	<u>associated with</u>	
5	<u>delayed grant funding for the Pownal project:</u>	<u>100,000</u>
6	<u>(D) Springfield loan conversion:</u>	<u>100,000</u>
7	<u>(E) Administrative support – engineering, oversight, and</u>	
8	<u>program management:</u>	<u>300,000</u>
9	<u>(2) the following projects:</u>	
10	<u>(A) the drinking water state revolving fund for balance</u>	
11	<u>of match to federal FY 2011 EPA grant:</u>	<u>2,433,140</u>
12	<u>(B) Engineering oversight and program management:</u>	<u>300,000</u>
13	<u>(3) ecosystem restoration and protection:</u>	<u>1,900,000</u>
14	<u>(4) the department of forests, parks and recreation for statewide</u>	
15	<u>small-scale rehabilitation, wastewater repairs, preventive improvements and</u>	
16	<u>upgrades of restrooms and bathhouses, and statewide small-scale road</u>	
17	<u>rehabilitation projects. Up to \$100,000 of these funds may be used to work</u>	
18	<u>with the Vermont youth conservation corps on appropriate forests, parks and</u>	
19	<u>recreation projects:</u>	<u>2,500,000</u>
20	<u>(5) the following department of fish and wildlife projects:</u>	
21	<u>(A) fish culture station improvements:</u>	<u>550,000</u>

1	<u>(E) fishing access improvements:</u>	<u>100,000</u>
2	<u>Appropriation – FY 2012</u>	<u>13,782,113</u>
3	<u>Appropriation – FY 2013</u>	<u>10,658,540</u>
4	<u>Total Appropriation – Section 12</u>	<u>\$24,440,653</u>

5 Sec. 13. MILITARY

6 (a) \$400,000 is appropriated in FY 2012 to the department of the military  
7 for maintenance and renovation at state armories. To the extent feasible, these  
8 funds shall be used to draw down federal funds.

9 (b) \$350,000 is appropriated in FY 2013 for the purpose described in  
10 subsection (a) of this section.

11 Total Appropriation – Section 13 \$750,000

12 Sec. 14. PUBLIC SAFETY

13 (a) \$50,000 is appropriated in FY 2012 to the department of  
14 public safety for the purchase of equipment for the fire service  
15 training center of Vermont in Pittsford.

16 (b) \$50,000 is appropriated in FY 2013 for the project described in  
17 subsection (a) of this section.

18 (c) \$2,500,000 is appropriated in FY 2012 to the department of buildings  
19 and general services for the department of public safety for the design,  
20 construction, and fit-up of a new public safety field station to consolidate the  
21 Brattleboro and Rockingham barracks.

(d) \$2,500,000 is appropriated in FY 2013 for the project described in subsection (c) of this section. *For the purpose of allowing the department of buildings and general services to enter into contractual agreements and complete work on this project as soon as possible, it is the intent of the general assembly that these are committed funds not subject to budget adjustment.*

1	<u>Appropriation – FY 2012</u>	<u>\$2,550,000</u>
2	<u>Appropriation – FY 2013</u>	<u>\$2,550,000</u>
3	<u>Total Appropriation – Section 14</u>	<u>\$5,100,000</u>

4 Sec. 15. CRIMINAL JUSTICE TRAINING COUNCIL; FIRE TRAINING  
5 SERVICE COUNCIL

6 \$75,000 is appropriated in FY 2012 to the department of buildings and  
7 general services to create a plan that uses existing buildings to meet the needs  
8 of the Vermont Criminal Justice Training Council and Fire Service Training  
9 Council.

10 Total Appropriation – Section 15 \$75,000

11 Sec. 16. AGRICULTURE, FOOD AND MARKETS

12 (a) \$1,000,000 is appropriated in FY 2012 to the agency of agriculture,  
13 food and markets for the best management practice implementation cost share  
14 program, to continue to reduce nonpoint source pollution in Vermont. Cost  
15 share funds shall not exceed \$75,000 or 90 percent of the total cost of a project.

1 Whenever possible, state funds shall be combined with federal funds to  
2 complete projects.

3 (b) \$1,000,000 is appropriated in FY 2013 for the program described in  
4 subsection (a) of this section.

5 Total Appropriation – Section 16 \$2,000,000

6 Sec. 17. VERMONT PUBLIC TELEVISION

7 \$805,750 is appropriated in FY 2012 to Vermont Public Television for the  
8 state match for the purchase of field production equipment, for energy  
9 conservation retrofitting, and for a fixed satellite studio uplink to be located at  
10 the television studio.

11 Total Appropriation – Section 17 \$805,750

12 Sec. 18. VERMONT RURAL FIRE PROTECTION

13 (a) \$100,000 is appropriated in FY 2012 to the department of public safety,  
14 division of fire safety for the Vermont rural fire protection task force to  
15 continue the dry hydrant program.

16 (b) \$55,000 is appropriated in FY 2012 for engineering costs associated  
17 with the dry hydrant program.

18 (c) \$100,000 is appropriated in FY 2013 to continue the dry hydrant  
19 program.

20 Total Appropriation – Section 18 \$255,000

21 Sec. 19. VERMONT VETERANS' HOME



1 H.441 of the 2011 Session (the appropriations bill) have been used for this  
2 project.

3 Total Appropriation – Section 21 \$5,780,000

4 Sec. 22. HOUSING AND CONSERVATION BOARD

5 The amount of \$4,000,000 is appropriated in FY 2012 to the Vermont  
6 housing and conservation board (VHCB) for building and preservation of  
7 affordable housing and for conservation projects. The board shall:

8 (1) give priority consideration to affordable housing preservation and  
9 infill projects in or near downtowns or village centers as well as consider  
10 applications to build or renovate housing for elders and supportive housing for  
11 persons with disabilities including persons with chronic mental illness and for  
12 individuals and families who might otherwise be homeless;

13 (2) allocate up to \$500,000 of this appropriation to create public  
14 in-briate beds and transitional housing in unserved areas of the state;

15 (3) allocate up to 20 percent of this appropriation for conservation grant  
16 awards that will maximize drawdown of federal and private matching funds,  
17 particularly federal farmland protection funds allocated to Vermont by the  
18 Natural Resources Conservation Service;

19 (4) leverage federal and private funds to the maximum extent feasible;  
20 and



\* \* \* Financing this Act \* \* \*

Sec. 24. 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. 2 of this act:

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



1 to the fund created by section 30 of this act:

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

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

4 (3) Bishop Cabin at Mount Independence State Historic Site in Orwell,  
5 authority to sell or enter into a long-term lease with covenants on the land.

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

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

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

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

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

3 Sec. 25. PROPERTY TRANSACTIONS; MISCELLANEOUS

4 \* \* \*

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

7 \* \* \*

8 (2) The Redstone building at 26 Terrace Street in Montpelier after the  
9 secretary of state has moved to another location and the department of  
10 buildings and general services has provided the following to the house  
11 committee on corrections and institutions and the senate committee on  
12 institutions on or before January 15, 2012:

13 (A) a recommendation as to whether the state should retain the  
14 building and continue to use it to house state services; and

15 (B) a cost estimate to maintain the building per year.

16 Sec. 28. Sec. 26 of No. 52 of the Acts of 2007 is amended to read:

17 Sec. 26. PROPERTY TRANSACTIONS; MISCELLANEOUS

18 The commissioner of buildings and general services is authorized, with the  
19 approval of the secretary of administration, to sell the properties listed in this  
20 subsection pursuant to 29 V.S.A. § 166. ~~Of proceeds from the sales \$50,000 is~~  
21 ~~appropriated to the Friends of the State House for renovations to the state~~

1 ~~house. The remainder is~~ Proceeds from the sale are appropriated to the  
2 department of buildings and general services for ~~construction and renovation~~  
3 ~~of building 617 in Essex to house the department of health and department of~~  
4 ~~public safety forensics laboratories~~ future capital projects.

5 \* \* \*

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

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

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

16 § 155. HISTORIC PROPERTY STABILIZATION AND

17 REHABILITATION SPECIAL FUND

18 (a) There is established a special fund managed by and under the authority  
19 and control of the commissioner, comprising net revenue from the sale of  
20 underutilized state-owned historic property to be used for the purposes set forth  
21 in this section. Any remaining balance at the end of the fiscal year shall be

1 carried forward in the fund; provided, however, that if the fund balance  
2 exceeds \$250,000.00 as of November 15 in any year, then the general  
3 assembly shall reallocate the excess funds for other purposes in the next  
4 enacted capital appropriations bill.

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

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

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



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

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

4           Sec. 32. INFORMATION CENTERS

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

12          Sec. 33. BICYCLE RACKS AT STATE BUILDINGS

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

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

19                 (1) assess state-owned buildings under the jurisdiction and control of the  
20                 department to determine the possibility of utilizing existing space for bicycle  
21                 parking, as well as determining the location, type, and existence of current

1 bicycle parking options. To the extent feasible, the commissioner shall  
2 identify areas at the capital complex in Montpelier and the state office complex  
3 in Waterbury where bicycle parking could be added. The commissioner shall  
4 consider the costs and savings associated with converting existing indoor space  
5 for bicycle parking and the installation costs of adding various types of outdoor  
6 bicycle parking options. Based on availability of existing space, ease of  
7 conversion of that space, and the availability and costs of creating additional  
8 outdoor bicycle parking, the commissioner shall create a priority list of  
9 changes that may be implemented to increase the number of bicycle parking  
10 options at state-owned buildings.

(2) create an inventory of existing spaces for bicycle parking at  
state-owned buildings *under the jurisdiction and control of the department* and  
make that inventory available to the public via the 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

By September 30, 2011, the commissioner of buildings and general services  
shall ensure that any single-occupancy restroom *with an outer door that can be*  
*locked by the occupant* in a building owned by the state which is under the



1 aggregate liability shall be ~~\$1,000,000.00~~ \$2,000,000.00 to all persons arising  
2 out of each occurrence.

3 \* \* \* Human Services \* \* \*

4 ~~Sec. 37. VERMONT STATE HOSPITAL~~

5 ~~Of the funds appropriated in Sec. 271(a)(3) of No. 215 of the Acts of the~~  
6 ~~2005 Adj. Sess. (2006) (appropriations), up to \$482,646 may be used for~~  
7 ~~planning and design for a new facility to replace Vermont State Hospital.~~

*Sec. 37. VERMONT STATE HOSPITAL*

*(a) Of the funds appropriated in Sec. 271(a)(3) of No. 215 of the Acts of the*  
*2005 Adj. Sess. (2006) (appropriations), up to \$482,646 may be used for*  
*planning and design for the replacement of services currently being provided*  
*at Vermont State Hospital in Waterbury. In reallocating these funds, the*  
*general assembly affirms the priority need to close the existing facility.*

*(b) The commissioner of mental health shall report orally to the mental*  
*health oversight committee at regular intervals when the general assembly is*  
*not in session on the status of planning and design for replacement of services*  
*currently being provided at Vermont State Hospital in Waterbury.*

*(c) On or before January 15, 2012, the commissioners of the departments*  
*of buildings and general services and of mental health shall report to the*  
*house committees on appropriations, on corrections and institutions, and on*  
*human services and to the senate committees on appropriations, on*  
*institutions, and on health and welfare on the status of planning and design for*  
*this project, a proposal for further stages of development, and future*  
*appropriations that will be needed to continue that development.*

8 Sec. 38. DEPARTMENT OF CORRECTIONS MASTER PLAN

9 (a) For the purpose of reducing the number of out-of-state beds at a cost  
10 savings to the state, the department of corrections shall:

11 (1) switch male and female populations between certain facilities by:

1           (A) changing the role of the Chittenden Regional Correctional  
2 Facility from housing a predominantly male to a predominantly female  
3 population. The department shall modify the facility for females.

4           (B) changing the role of the Northwest State Correctional Facility  
5 from housing a predominantly female population to a predominantly male  
6 population and restore the number of beds at that facility to 247.

7           (2) modify the Southeast State Correctional Facility into a 50-bed work  
8 camp and a 50-bed general population facility.

9           (b) As part of the transfer required by subdivision (a)(1) of this section, the  
10 department of corrections shall:

11           (1) train correctional facility staff in gender-responsive practices prior to  
12 the transfer.

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

16           (3) ensure individuals are released in accordance with 28 V.S.A.  
17 § 808(a) for the purpose of facilitating furlough or outside programming.

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

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

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

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

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

(d) The department shall reduce the number of women incarcerated by five  
percent by January 15, 2012, *as measured by the daily average of women*  
*incarcerated in February 2011.*

11        (e) It is the intent of the general assembly to:

12            (1) ensure that the incarcerated individuals who in the interest of public  
13 safety can be supervised safely in the community are reintegrated into the  
14 community with the appropriate status.

15            (2) in the second year of the biennium evaluate the move required by  
16 subsection (a) of this section, including the five-percent reduction-of-women  
17 requirement, and strategies to reduce the number of women incarcerated.



1 necessary to fund the state's share of land acquisition in Bennington for new  
2 construction and for major maintenance and renovation projects at state  
3 armories. To the extent possible, these funds shall be used to match federal  
4 funds and the department of military is authorized to accept federal funds.

5 \* \* \* Education \* \* \*

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

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

15 \* \* \* Transportation \* \* \*

16 Sec. 43. TRANSPORTATION; CONSOLIDATION; EXCESS PROPERTY

17 The agency of transportation shall conduct an inventory of unused building  
18 space within its properties, study how unused and underutilized buildings may  
19 be consolidated to provide more efficient operations and energy usage across  
20 the agency, and consider what buildings, if any, might be sold following  
21 consolidation. On or before January 15, 2012, the agency of transportation

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

5 \* \* \* Energy Use on State Properties \* \* \*

6 Sec. 44. 3 V.S.A. § 2291c is added to read:

7 § 2291c. ENERGY USE; STATE PROPERTIES; STATE

8 TRANSPORTATION; ANNUAL REQUIREMENTS

9 (a) This section is in addition to the goals and requirements of sections  
10 2291, 2291a, and 2291b of this title.

11 (b) In investing in its properties and conducting its work, state government  
12 shall lead the state in making wise use of energy conservation, energy  
13 efficiency, and renewable energy, with a goal of reducing energy consumption  
14 and the environmental impact of such consumption, of creating sustainable  
15 systems, and of saving money for the people of Vermont.

16 (c) Each agency of the state shall:

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

20 (2) Reduce the fuel used by its employees for the purpose of  
21 transportation by an average of five percent each year. Percentage reductions

1 shall be determined by a rolling three-year average. In determining  
2 compliance with this subdivision, fuel use shall be calculated in British thermal  
3 units (Btu).

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

12 (d) For the purpose of this section:

13 (1) "Agency of the state" means any agency, board, department,  
14 commission, committee, branch, instrumentality, or authority of the state of  
15 Vermont.

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

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

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

1           (5) “State facilities” shall be as defined under subdivision 2291(a)(2) of  
2 this title.

3           (6) “Transportation,” when used in connection with employees of the  
4 state or of an agency of the state, means the use on the job of motorized  
5 vehicles for the conveyance of people.

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

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

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

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

20           (B) The secretary of administration shall collaborate with each  
21 agency of the state. Each agency of the state shall collaborate with the

1 secretary and will provide to the secretary such information as the secretary  
2 reasonably may direct. The secretary shall establish the form of and deadline  
3 for such submissions and may require an agency of the state to collect or  
4 develop information that the secretary reasonably determines necessary.

5 (C) Funds associated with all incentives received by the state of  
6 Vermont from an entity appointed under 30 V.S.A. § 209(d)(2) (electric energy  
7 efficiency entities) shall be applied to the costs of such creation and  
8 maintenance, with funds associated with such incentives that are in excess of  
9 such costs deposited into the state resource management revolving fund under  
10 29 V.S.A. § 168.

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

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

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

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

5        (j) On or before January 15, 2013, the secretary of administration shall  
6        report to the house committees on corrections and institutions and on natural  
7        resources and energy and the senate committees on institutions and on natural  
8        resources and energy regarding the state's achievement of the requirements in  
9        subsection (c) of this section.

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

11       § 168. STATE RESOURCE MANAGEMENT; REVOLVING FUND

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

19       (b) Revolving fund.

20       (1) There is established a resource management revolving fund to  
21       provide revenue for implementation of resource conservation measures

1 anticipated to generate a life cycle cost benefit to the state. All state agencies  
2 responsible for development and operations and maintenance of state  
3 infrastructure shall have access to the revolving fund on a priority basis  
4 established by the commissioner.

5 (2) The fund shall consist of:

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

(B) ~~Money~~ *Monies* saved by the implementation of resource  
management conservation measures.

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

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

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

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

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

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

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

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

12          Sec. 46. 30 V.S.A. § 202b is amended to read:

13          § 202b. STATE COMPREHENSIVE ENERGY PLAN

14          (a) The department of public service, in conjunction with other state  
15 agencies designated by the governor, shall prepare a comprehensive state  
16 energy plan covering at least a 20-year period. The plan shall seek to  
17 implement the state energy policy set forth in section 202a of this title. The  
18 plan shall include:

19               (1) A comprehensive analysis and projections regarding the use, cost,  
20 supply and environmental effects of all forms of energy resources used within  
21 Vermont.



1       Sec. 48. TRANSITION; IMPLEMENTATION

2           (a) By the close of the fiscal year ending June 30, 2015, each agency of the  
3       state as defined in Sec. 44 of this act, 3 V.S.A. § 2291c(d), shall meet the  
4       requirements of 3 V.S.A. § 2291c(c)(1) (reduction; energy consumption) and  
5       (2) (reduction; transportation fuel) in comparison to the fiscal year ending June  
6       30, 2011.

7           (b) The energy accounting system required by Sec. 44 of this act, 3 V.S.A.  
8       § 2291c(e), shall become operational no later than September 1, 2011.

9       Sec. 49. ADMINISTRATION; VERMONT TELECOMMUNICATIONS

10                   AUTHORITY

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

15                   (1) Fiber optic facilities.

16                   (2) Telecommunications towers or other support structures.

17                   (3) Equipment needed to deliver cellular service.

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

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

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

6        (d) Infrastructure owned and leased by the VTA under this section,  
7        including towers and fiber optic facilities, shall be available for use by as many  
8        retail service providers as the technology will permit to prevent the state from  
9        establishing a monopoly service territory for one provider, and shall be  
10       available for use by providers on a nondiscriminatory basis and according to  
11       published terms and conditions.

12       (e) Prior to the construction or installation of VTA-owned fiber optic  
13       facilities under this section, the VTA shall consult with the secretary of  
14       administration or designee to identify those areas of the state having the  
15       greatest need for fiber optic facilities and to determine the extent of needed  
16       state investment in new fiber optic facilities, and shall issue a request for  
17       public comment. In making the determinations required under this subsection,  
18       the VTA and the secretary shall consider:

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

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

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

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

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

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

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

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

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

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

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

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



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