

1 H.533

2 Introduced by Committee on Corrections and Institutions

3 Date:

4 Subject: Capital construction; capital appropriations; state bonding

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

7 An act relating to capital construction and state bonding

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

9 * * * Capital Appropriations * * *

10 Sec. 1. LEGISLATIVE INTENT

11 (a) It is the intent of the General Assembly that of the \$159,900,000.00
12 authorized in this act, no more than \$89,636,551.00 shall be appropriated in the
13 first year of the biennium, and the remainder shall be appropriated in the
14 second year.

15 (b) It is the intent of the General Assembly that in the second year of the
16 biennium, any amendments to the appropriations or authorities granted in this
17 act shall take the form of a Capital Construction and State Bonding Adjustment
18 Bill. It is the intent of the General Assembly that unless otherwise indicated,
19 all appropriations in this act are subject to capital budget adjustment.

1 Sec. 2. STATE BUILDINGS

2 (a) The following sums are appropriated to the Department of Buildings
3 and General Services, and the Commissioner is authorized to direct funds
4 appropriated in this section to the projects contained in this section; however,
5 no project shall be canceled unless the Chairs of the Senate Committee on
6 Institutions and the House Committee on Corrections and Institutions are
7 notified before that action is taken.

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

9	<u>(1) Statewide, asbestos:</u>	<u>\$50,000.00</u>
10	<u>(2) Statewide, building reuse and planning:</u>	<u>\$75,000.00</u>
11	<u>(3) Statewide, contingency:</u>	<u>\$100,000.00</u>
12	<u>(4) Statewide, major maintenance:</u>	<u>\$8,103,379.00</u>
13	<u>(5) Statewide, BGS engineering and architectural project costs:</u>	
14		<u>\$3,039,642.00</u>
15	<u>(6) Statewide, physical security enhancements:</u>	<u>\$200,000.00</u>
16	<u>(7) Burlington, 32 and 108 Cherry Street, HVAC and DDC controls</u>	
17	<u>upgrades and roof renovations:</u>	<u>\$250,000.00</u>
18	<u>(8) Montpelier, 133 State Street, foundation and parking lot restoration:</u>	
19		<u>\$1,450,000.00</u>
20	<u>(9) Montpelier, capitol district heat plant:</u>	
21	<u>(A) 122 State Street, construction:</u>	<u>\$2,500,000.00</u>

1 of the House Committee on Corrections and Institutions and the Senate
2 Committee on Institutions, may transfer funds from other projects in this
3 section.

4 (E) For the purpose of allowing the Department of Buildings and
5 General Services to enter into contractual agreements and complete work on
6 the projects described in this subdivision (15) as soon as possible, it is the
7 intent of the General Assembly that these are committed funds.

8 (F) A special committee consisting of the Joint Fiscal Committee and
9 the Chairs of the House Committee on Corrections and Institutions and the
10 Senate Committee on Institutions (“Special Committee”) is hereby established.
11 If there are any material changes to the planning or funding of the Waterbury
12 State Office Complex, the Special Committee shall meet to review and
13 approve these changes at the next regularly scheduled meeting of the Joint
14 Fiscal Committee or at an emergency meeting called by the Chairs of the
15 House Committee on Corrections and Institutions, the Senate Committee on
16 Institutions, and the Joint Fiscal Committee. The Special Committee shall be
17 entitled to per diem and expenses as provided in 2 V.S.A. § 406.

18 (G) The Commissioner of Buildings and General Services shall
19 notify the House Committee on Corrections and Institutions and the Senate
20 Committee on Institutions at least monthly of updates to the planning process
21 for the projects described in this subdivision (b)(15).

1	<u>Appropriation – FY2015</u>	<u>\$46,464,642.00</u>
2	<u>Total Appropriation – Section 2</u>	<u>\$99,086,663.00</u>

3 Sec. 3. ADMINISTRATION

4 The following sums are appropriated to the Department of Taxes for the
5 Vermont Center for Geographic Information for an ongoing project to update
6 statewide quadrangle maps through digital orthophotographic quadrangle
7 mapping:

8 (1) \$100,000.00 is appropriated in FY 2014.

9 (2) \$100,000.00 is appropriated in FY 2015.

10	<u>Total Appropriation – Section 3</u>	<u>\$200,000.00</u>
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11 Sec. 4. HUMAN SERVICES

12 (a) The following sums are appropriated in FY 2014 to the Department of
13 Buildings and General Services for the Agency of Human Services for the
14 projects described in this subsection:

15 (1) Health laboratory, continuation of design, permitting, bidding, and
16 construction phases for co-location of Department of Health laboratory with
17 the UVM Colchester research facility:

18		<u>\$5,000,000.00</u>
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19	<u>(2) Corrections, security upgrades:</u>	<u>\$100,000.00</u>
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20	<u>(3) Corrections, facilities conditions analysis:</u>	<u>\$100,000.00</u>
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21 (b) The following sums are appropriated in FY 2015 to the Department of

1 Buildings and General Services for the Agency of Human Services for the
2 projects described in this subsection:

3 (1) Health laboratory, continuation of design, permitting, bidding, and
4 construction phases for co-location of the Department of Health laboratory
5 with the UVM Colchester research facility: \$6,000,000.00

6 (2) Corrections, security upgrades: \$100,000.00

7 (c) It is the intent of the General Assembly that the funds appropriated in
8 subdivision (b)(1) of this section are committed funds not subject to budget
9 adjustment.

10 (d) No later than January 15, 2014, the Department of Corrections and the
11 Department of Buildings and General Services shall report to the General
12 Assembly on capital needs at state correctional facilities. The report shall
13 evaluate both five-year capital needs and shall include:

14 (1) a facilities conditions analysis;

15 (2) an assessment of space required for programming use;

16 (3) proposed unit configurations for the housing of aging and other
17 special needs populations;

18 (4) a strategy for housing all Vermont inmates at instate correctional
19 facilities and reducing recidivism rates;

20 (5) an estimate of the funding required to increase community capacity
21 to meet capital needs; and

1 (6) an estimate of the funding required to increase capacity in state
2 correctional facilities.

3 (e) The Commissioner of Buildings and General Services may use the
4 funds appropriated to the Department of Buildings and General Services for
5 the Agency of Human Services in subdivision (a)(3) of this section for the
6 purpose described in subdivision (d)(1) of this section.

7	<u>Appropriation – FY 2014</u>	<u>\$5,200,000.00</u>
8	<u>Appropriation – FY 2015</u>	<u>\$6,100,000.00</u>
9	<u>Total Appropriation – Section 4</u>	<u>\$11,300,000.00</u>

10 Sec. 5. JUDICIARY

11 (a) The sum of \$1,000,000.00 is appropriated in FY 2014 to the
12 Department of Buildings and General Services on behalf of the Judiciary for
13 the planning and design for building renovations and addition to the Lamoille
14 County Courthouse in Hyde Park.

15 (b) The sum of \$2,500,000.00 is appropriated in FY 2015 to continue the
16 project described in subsection (a) of this section.

17	<u>Total Appropriation – Section 5</u>	<u>\$3,500,000.00</u>
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18 Sec. 6. COMMERCE AND COMMUNITY DEVELOPMENT

19 (a) The following sums are appropriated in FY 2014 to the Department of
20 Buildings and General Services for the Agency of Commerce and Community
21 Development for the following projects:

1	<u>(C) EcoSystem restoration and protection:</u>	<u>\$2,073,732.00</u>
2	<u>(3) dam safety and hydrology projects:</u>	<u>\$400,000.00</u>
3	<u>(4) the Agency of Natural Resources for the Department of Forests,</u>	
4	<u>Parks and Recreation for statewide small scale rehabilitation, wastewater</u>	
5	<u>repairs, preventive improvements and upgrades of restrooms and bathhouses,</u>	
6	<u>and statewide small-scale road rehabilitation projects:</u>	<u>\$2,000,000.00</u>
7	<u>(5) the Department of Fish and Wildlife:</u>	<u>\$1,000,000.00</u>
8	<u>(c) It is the intent of the General Assembly to evaluate the suitability of the</u>	
9	<u>FY 2015 appropriations to the Agency of Natural Resources for engineering</u>	
10	<u>costs in subdivisions (b)(1)(D) and (b)(2)(B) of this section.</u>	
11	<u>Appropriation – FY 2014</u>	<u>\$13,431,600.00</u>
12	<u>Appropriation – FY 2015</u>	<u>\$7,881,732.00</u>
13	<u>Total Appropriation – Section 11</u>	<u>\$21,313,332.00</u>
14	Sec. 12. MILITARY	
15	<u>(a) The sum of \$750,000.00 is appropriated in FY 2014 to the Department</u>	
16	<u>of Military for land acquisition, new construction, maintenance, and</u>	
17	<u>renovations at state armories. To the extent feasible, these funds shall be used</u>	
18	<u>to match federal funds.</u>	
19	<u>(b) The sum of \$500,00.00 is appropriated in FY 2015 for the purpose</u>	
20	<u>described in subsection (a) of this section.</u>	
21	<u>Total Appropriation – Section 12</u>	<u>\$1,250,000.00</u>

1 Sec. 13. PUBLIC SAFETY

2 (a) The sum of \$3,000,000.00 is appropriated in FY 2014 to the
3 Department of Buildings and General Services for the Department of Public
4 Safety for the design, construction, and fit-up of a new public safety field
5 station to consolidate the Brattleboro and Rockingham barracks. For the
6 purpose of allowing the Department of Buildings and General Services to enter
7 into contractual agreements and complete work on the projects described in
8 this subsection as soon as possible, it is the intent of the General Assembly that
9 these are committed funds.

10 (b) The sum of \$3,100,000.00 is appropriated in FY 2015 for the project
11 described in subsection (a) of this section. For the purpose of allowing the
12 Department of Buildings and General Services to enter into contractual
13 agreements and complete work on the project as soon as possible, it is the
14 intent of the General Assembly that these are committed funds not subject to
15 budget adjustment.

16 (c) The sum of \$550,000.00 is appropriated in FY 2014 to the Department
17 Buildings and General Services for the Department of Public Safety to
18 purchase land for public safety field stations and to conduct feasibility studies.

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

1 section and shall work with Vermont's Congressional Delegation to investigate
2 the availability of other possible federal funding sources for ongoing mold
3 remediation at the Veterans' Home. The Commissioner of Buildings and
4 General Services shall notify the Chairs of the House Committee on
5 Corrections and Institutions and the Senate Committee on Institutions on the
6 availability of federal funds and the status of a federal match to be used for the
7 project described in subsection (a) of this section on or before July 31, 2013.

8 (c) On or before January 15, 2014, the Commissioner of Buildings and
9 General Services, in consultation with the Board of Trustees of the Veterans'
10 Home, shall contract with an independent third party to conduct a facilities
11 conditions analysis of the Vermont Veterans' Home.

12 Total Appropriation – Section 17 \$1,000,000.00

13 Sec. 18. VERMONT INTERACTIVE TECHNOLOGIES

14 (a) The sum of \$288,000.00 is appropriated in FY 2014 to the Vermont
15 States Colleges for the Vermont Interactive Technologies for the purchase of
16 equipment necessary for systems and unit upgrades at Vermont Interactive
17 Technologies sites.

18 (b) The sum of \$88,000.00 is appropriated in FY 2015 for the project
19 described in subsection (a) of this section.

20 Appropriation – FY 2014 \$288,000.00

21 Appropriation – FY 2015 \$88,000.00

1	<u>Total Appropriation – Section 18</u>	<u>\$376,000.00</u>
2	* * * Financing this Act * * *	
3	Sec. 19. REALLOCATION OF FUNDS; TRANSFER OF FUNDS	
4	<u>(a) The following sums are reallocated to the Department of Buildings and</u>	
5	<u>General Services from prior capital appropriations to defray expenditures</u>	
6	<u>authorized in Sec. 2 of this act:</u>	
7	<u>(1) of the amount appropriated by 2009 Acts and Resolves No. 43,</u>	
8	<u>Sec. 1 (32 Cherry Street):</u>	<u>\$48,065.47</u>
9	<u>(2) of the amount appropriated by 2009 Acts and Resolves No. 43,</u>	
10	<u>Sec. 1 (Rutland multimodal garage trench drains):</u>	<u>\$404.09</u>
11	<u>(3) of the amount appropriated by 2010 Acts and Resolves No. 161,</u>	
12	<u>Sec. 3 (VSH ongoing safety):</u>	<u>\$96.98</u>
13	<u>(4) of the amount appropriated by 2010 Acts and Resolves No. 161,</u>	
14	<u>Sec. 14 (two-way radio system):</u>	<u>\$12,579.71</u>
15	<u>(5) of the amount appropriated by 2011 Acts and Resolves No. 40,</u>	
16	<u>Sec. 2 (DMV bathroom renovations):</u>	<u>\$119,067.33</u>
17	<u>(6) of the amount appropriated by 2011 Acts and Resolves No. 40,</u>	
18	<u>Sec. 2 (engineer cost):</u>	<u>\$158,779.04</u>
19	<u>(7) of the amount appropriated by 2011 Acts and Resolves No. 40,</u>	
20	<u>Sec. 2 (116 State Street):</u>	<u>\$0.02</u>

1	<u>(8) of the amount appropriated by 2011 Acts and Resolves No. 40,</u>	
2	<u>Sec. 2 (Waterbury fuel tank replacement):</u>	<u>\$400,000.00</u>
3	<u>(9) of the amount appropriated by 2011 Acts and Resolves No. 40,</u>	
4	<u>Sec. 7 (recreation grant program):</u>	<u>\$8,150.00</u>
5	<u>(10) of the amount appropriated by 2011 Acts and Resolves No. 40,</u>	
6	<u>Sec. 7 (Human Service and Educational Grant):</u>	<u>\$2,515.61</u>
7	<u>(11) of the amount appropriated by 2011 Acts and Resolves No. 40,</u>	
8	<u>Sec. 14(e) (architectural assessment, Middlesex):</u>	<u>\$6.80</u>
9	<u>(b) The following unexpended funds appropriated to the Agency of Natural</u>	
10	<u>Resources for capital construction projects are reallocated to the Department of</u>	
11	<u>Buildings and General Services to defray expenditures authorized in Sec. 2 of</u>	
12	<u>this act:</u>	
13	<u>(1) of the amount appropriated by 1989 Acts and Resolves No. 52,</u>	
14	<u>Sec. 8(b)(1) (water pollution):</u>	<u>\$9,426.24</u>
15	<u>(2) of the amount appropriated by 1990 Acts and Resolves No. 276,</u>	
16	<u>Sec. 10 (potable water supply construction):</u>	<u>\$17,430.00</u>
17	<u>(3) of the amount appropriated by 1991 Acts and Resolves No. 93,</u>	
18	<u>Sec. 11(d)(2) (water supply):</u>	<u>\$46,514.75</u>
19	<u>(4) of the amount appropriated by 1992 Acts and Resolves No. 256,</u>	
20	<u>Sec. 11(e)(1) (water pollution):</u>	<u>\$35,000.65</u>

1	<u>(5) of the amount appropriated by 1998 Acts and Resolves No. 148,</u>	
2	<u>Sec. 13(b)(2)(A) (pollution control):</u>	<u>\$72,513.80</u>
3	<u>(6) of the amount appropriated by 1998 Acts and Resolves No. 148,</u>	
4	<u>Sec. 13(b)(2)(A) (pollution control):</u>	<u>\$305,394.84</u>
5	<u>(7) of the amount appropriated by 2002 Acts and Resolves No. 61,</u>	
6	<u>Sec. 9(a) (various projects):</u>	<u>\$277,833.51</u>
7	<u>(8) of the amount appropriated by 2003 Acts and Resolves No. 63,</u>	
8	<u>Sec. 8 (water pollution/drinking):</u>	<u>\$118,725.81</u>
9	<u>(9) of the amount appropriated by 2004 Acts and Resolves No. 121,</u>	
10	<u>Sec. 10 (water pollution grants):</u>	<u>\$896.40</u>
11	<u>(10) of the amount appropriated by 2004 Acts and Resolves No. 121,</u>	
12	<u>Sec. 10 (clean and clear program):</u>	<u>\$44,447.91</u>
13	<u>(11) of the amount appropriated by 2004 Acts and Resolves No. 121,</u>	
14	<u>Sec. 10 (ecological assessments):</u>	<u>\$36.70</u>
15	<u>(12) of the amount appropriated by 2004 Acts and Resolves No. 121,</u>	
16	<u>Sec. 10 (species recovery plan):</u>	<u>\$3.90</u>
17	<u>(13) of the amount appropriated by 2005 Acts and Resolves No. 43,</u>	
18	<u>Sec. 9 (water pollution grants):</u>	<u>\$128,115.97</u>
19	<u>(14) of the amount appropriated by 2005 Acts and Resolves No. 43,</u>	
20	<u>Sec. 9 (clean and clear program):</u>	<u>\$135,500.37</u>

1	<u>(15) of the amount appropriated by 2006 Acts and Resolves No. 147,</u>	
2	<u>Sec. 10 (water pollution grants):</u>	<u>\$34,703.62</u>
3	<u>(16) of the amount appropriated by 2006 Acts and Resolves No. 147,</u>	
4	<u>Sec. 10 (clean and clear program):</u>	<u>\$40,686.00</u>
5	<u>(17) of the amount appropriated by 2007 Acts and Resolves No. 52,</u>	
6	<u>Sec. 11 (water pollution control):</u>	<u>\$35,000.00</u>
7	<u>(18) of the amount appropriated by 2007 Acts and Resolves No. 52,</u>	
8	<u>Sec. 11 (state-owned dams):</u>	<u>\$198,104.00</u>
9	<u>(19) of the amount appropriated by 2007 Acts and Resolves No. 52,</u>	
10	<u>Sec. 11 (clean and clear):</u>	<u>\$320,042.39</u>
11	<u>(20) of the amount appropriated by 2008 Acts and Resolves No. 200,</u>	
12	<u>Sec. 12 (clean and clear):</u>	<u>\$92,906.23</u>
13	<u>(21) of the amount appropriated by 2008 Acts and Resolves No. 200,</u>	
14	<u>Sec. 12 (water pollution):</u>	<u>\$87,967.95</u>
15	<u>(22) of the amount appropriated by 2009 Acts and Resolves No. 43,</u>	
16	<u>Sec. 9 (water pollution control):</u>	<u>\$231,202.30</u>
17	<u>(23) of the amount appropriated by 2009 Acts and Resolves No. 43,</u>	
18	<u>Sec. 9 (clean and clear):</u>	<u>\$515,957.62</u>
19	<u>(24) of the amount appropriated by 2010 Acts and Resolves No. 161,</u>	
20	<u>Sec. 12 (Drinking Water State Revolving Fund):</u>	<u>\$5,500.00</u>

1	<u>(25) of the amount appropriated by 2010 Acts and Resolves No. 161,</u>	
2	<u>Sec. 12 (water pollution control):</u>	<u>\$123,666.00</u>
3	<u>(26) of the amount appropriated by 2010 Acts and Resolves No. 161,</u>	
4	<u>Sec. 12 (clean and clear):</u>	<u>\$66,864.08</u>
5	<u>(27) of the amount appropriated by 2010 Acts and Resolves No. 161,</u>	
6	<u>Sec. 12 (lamprey project):</u>	<u>\$155, 898.60</u>
7	<u>(28) of the amount appropriated by 2011 Acts and Resolves No. 40,</u>	
8	<u>Sec. 12(a) (water pollution control):</u>	<u>\$210,000.00</u>
9	<u>(29) of the amount appropriated by 2011 Acts and Resolves No. 40,</u>	
10	<u>Sec. 12(a) (water pollution TMDL/wetland):</u>	<u>\$20,112.00</u>
11	<u>(30) of the amount appropriated by 2012 Acts and Resolves No. 40,</u>	
12	<u>Sec. 12(b) (drinking water projects):</u>	<u>\$35,483.32</u>
13	<u>(31) of the amount appropriated by 2012 Acts and Resolves No. 40,</u>	
14	<u>Sec. 12(b) (water pollution control):</u>	<u>\$472,239.85</u>
15	<u>(c) The following unexpended funds appropriated to the Agency of</u>	
16	<u>Commerce and Community Development for capital construction projects are</u>	
17	<u>reallocated to the Department of Buildings and General Services to defray</u>	
18	<u>expenditures authorized in Sec. 2 of this act:</u>	
19	<u>(1) of the amount appropriated by 2007 Acts and Resolves No. 52,</u>	
20	<u>Sec. 7(e) (Unmarked Burial Fund):</u>	<u>\$18,928.00</u>

1 The State Treasurer shall allocate the estimated cost of bond issuance or
2 issuances to the entities to which funds are appropriated pursuant to this
3 section and for which bonding is required as the source of funds, pursuant to
4 32 V.S.A. § 954.

5 (b) The State Treasurer is further authorized to issue additional general
6 obligation bonds in the amount of \$7,603,320.00 that were previously
7 authorized but unissued under 2011 Acts and Resolves No. 40, Sec. 25 for the
8 purpose of funding the appropriations of this act. This amount shall be
9 allocated to the Department of Buildings and General Services to defray
10 expenditures in Sec. 2 of this act.

11 Total Revenues – Section 20 \$167,503,320.00

12 * * * Policy * * *

13 * * * Buildings and General Services * * *

14 Sec. 21. REPEAL; ROBERT GIBSON PARK; TOWN OF BRATTLEBORO
15 1999 Acts and Resolves No. 29, Sec. 19(b)(1)(C)(i) (repayment of
16 appropriation for Robert Gibson Park) is repealed.

17 Sec. 22. 2012 Acts and Resolves No. 104, Sec. 25 is amended to read:

18 Sec. 25. EMPLOYEE SERVICE MEMORIAL

19 (a) ~~The commissioner of buildings and general services~~ Commissioner of
20 Buildings and General Services, in consultation with the ~~commissioner of~~
21 ~~human resources~~ Commissioner of Human Resources and an association

1 representing Vermont state employees, shall develop a plan to honor the
2 services of past, present, and future Vermont state employees with an
3 appropriate memorial. On or before January 15, ~~2013~~ 2014, the ~~commissioner~~
4 ~~of buildings and general services~~ Commissioner of Buildings and General
5 Services shall recommend a future location for an employee service memorial
6 and provide estimated costs to the ~~general assembly~~ General Assembly.

7 (b) The ~~commissioner of buildings and general services~~ Commissioner of
8 Buildings and General Services may accept donations for the administration,
9 materials, creation, and maintenance of the service memorial.

10 Sec. 23. ST. ALBANS STATE OFFICE BUILDING

11 It is the intent of the General Assembly that the Commissioner of Buildings
12 and General Services shall evaluate the potential sale of the state office
13 building at 20 Houghton Street in St. Albans on or before July 31, 2013.

14 Sec. 24. 29 V.S.A. § 165 is amended to read:

15 § 165. SPACE ALLOCATION, INVENTORY, AND USE; LEASING

16 PROPERTY; COMMISSIONER'S PREAPPROVAL REQUIRED

17 * * *

18 (d) The ~~commissioner of buildings and general services~~ Commissioner of
19 Buildings and General Services shall by rule establish procedures which all
20 agencies shall follow in the leasing of real property. No agency shall enter into
21 any lease, no lease shall be valid, and no state funds shall be paid by the
22 ~~department of finance and management~~ Department of Finance and

1 Management pursuant to the terms of any lease, unless the proposed lease has
2 been pre-approved by the ~~commissioner of buildings and general services~~
3 Commissioner of Buildings and General Services. If a lease is entered into
4 pursuant to this section, the Commissioner of Buildings and General Services
5 shall preapprove any additional fees, reimbursements, charges, or fit-up costs
6 in excess of the proposed lease rental rate.

7 Sec. 25. SPECIAL FUND FOR WATERFRONT

8 Notwithstanding 1993 Acts and Resolves No. 59, Sec. 16d(c), the funds
9 allocated to the special fund for waterfront to be used for the purpose of
10 waterfront enhancement and preservation are transferred to the Department of
11 Buildings and General Services to defray expenditures authorized in Sec. 2 of
12 this act.

13 Sec. 26. 2011 Acts and Resolves No. 40, Sec. 12(b), as amended by 2012 Acts
14 and Resolves No. 104, Sec. 8, is amended to read:

15 (b) The following sums are appropriated to the ~~agency of natural resources~~
16 Agency of Natural Resources in FY 2013 for:

17 * * *

18 ~~(E)(6) the department of forests, parks and recreation~~ Department of
19 Forests, Parks and Recreation for the Vermont Youth Conservation Corps to
20 perform stabilization, restoration, and cleanup of environmental damage to
21 waterways, forests, and public access lands caused by Tropical Storm Irene,

1 including projects such as controlling the spread of invasive species, stabilizing
2 flood-eroded river and stream banks; restoring vital aquatic and wildlife
3 habitats, removing toxic materials from fragile natural areas, and remediating
4 recognized viewsheds: 200,000

5 * * *

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

7 Sec. 27. ADDITIONAL FUNDING FOR CAPITAL PROJECTS

8 If additional support is required for the Best Management Practice
9 Implementation Cost-Share Program and the Conservation Reserve
10 Enhancement Program in FY 2014, the Secretary of Agriculture, Food and
11 Markets is authorized to use as funding prior capital fund appropriations for
12 these programs to the Agency of Agriculture, Food and Markets.

13 Sec. 28. AGRICULTURE; REALLOCATION

14 Of the amount held in the Eastern States Building Special Fund #21682, it
15 the intent of the General Assembly that the Agency of Agriculture, Food and
16 Markets shall redirect the sum of \$135,000.00 in FY 2014 to the Department of
17 Buildings and General Services for major maintenance at the Vermont
18 Exposition Center Building in Springfield, Massachusetts.

1 ~~commissioner~~ Commissioner may, with the approval of the ~~secretary of~~
2 ~~administration~~ Secretary of Administration acquire an option, for a price not to
3 exceed \$75,000.00, on an individual property without prior legislative
4 approval, provided the option contains a provision stating that purchase of the
5 property shall occur only upon the approval of the ~~general assembly~~ General
6 Assembly and the appropriation of funds for this purpose. The ~~state treasurer~~
7 State Treasurer is authorized to advance a sum not to exceed \$75,000.00, upon
8 warrants drawn by the ~~commissioner of finance and management~~
9 Commissioner of Finance and Management for the purpose of purchasing an
10 option on a property pursuant to this subdivision.

11 (C) For which the Department of Buildings and General Services is
12 granted a right of first refusal. The Commissioner may, with the approval of
13 the Secretary of Administration, enter into an agreement that grants the
14 Department of Buildings and General Services a right of first refusal to
15 purchase property, provided that the right of first refusal contains a provision
16 stating that the purchase of the property shall occur only upon the approval of
17 the General Assembly.

18 * * *

19 (23) With the approval of the ~~secretary of administration~~ Secretary of
20 Administration, transfer during any fiscal year to the ~~department of buildings~~
21 ~~and general services~~ Department of Buildings and General Services for use

1 only for major maintenance within the capitol complex in Montpelier, any
2 unexpended balances of funds appropriated in any capital construction act for
3 any ~~executive or judicial branch~~ Executive or Judicial Branch project,
4 excluding any appropriations for state grant-in-aid programs, which is
5 completed or substantially completed as determined by the ~~commissioner~~
6 Commissioner. On or before January 15 of each year, the ~~commissioner~~
7 Commissioner shall report to the ~~house committee on corrections and~~
8 ~~institutions and the senate committee on institutions~~ House Committee on
9 Corrections and Institutions and the Senate Committee on Institutions
10 regarding:

11 (A) all transfers and expenditures made pursuant to this subdivision
12 (23); ~~and~~

13 (B) ~~the unexpended balance of projects completed for two or more~~
14 ~~years.~~

15 * * *

16 Sec. 30. 32 V.S.A. § 310 is amended to read:

17 § 310. FORM OF ANNUAL CAPITAL BUDGET AND ~~SIX-YEAR~~

18 TEN-YEAR CAPITAL PROGRAM PLAN

19 (a) Each biennial capital budget request submitted to the ~~general assembly~~
20 General Assembly shall be accompanied by, and placed in the context of, a
21 ~~six-year~~ ten-year state capital program plan to be prepared, and revised

1 annually, by the ~~governor~~ Governor and approved by the ~~general assembly~~
2 General Assembly. The ~~six-year~~ ten-year plan shall include a list of all
3 projects which will be recommended for funding in the current and ensuing
4 ~~five~~ nine fiscal years. The list shall be prioritized based on need.

5 (b) The capital budget request for the following ~~fiscal-year~~ biennium shall
6 be presented as the next increment of the ~~six-year~~ ten-year plan. Elements of
7 the plan shall include:

8 (1) Assessment and projection of need.

9 (A) Capital needs and projections shall be based upon current and
10 projected statistics on capital inventories and upon state demographic and
11 economic conditions.

12 (B) Capital funding shall be categorized as follows:

13 (i) state buildings, facilities, ~~and~~ land acquisitions, major
14 maintenance, renewable energy sources, and conservation;

15 (ii) higher education;

16 (iii) aid to municipalities for education, environmental
17 conservation, including water, sewer, and solid waste projects, and other
18 purposes; and

19 (iv) transportation facilities.

1 (C) The capital needs and projections shall be for the current and the
2 next ~~five~~ nine fiscal years, with longer-term projections presented for programs
3 with reasonably predictable longer-term needs.

4 (D) Capital needs and projections shall be presented independently of
5 financing requirements or opportunities.

6 (2) Comprehensive cost and financing assessment.

7 (A) Amounts appropriated and expended for the current fiscal year
8 and for the preceding fiscal year shall be indicated for capital programs and for
9 individual projects. The assessment shall indicate further the source of funds
10 for any project which required additional funding and a description of any
11 authorized projects which were delayed.

12 (B) Amounts proposed to be appropriated for the following fiscal
13 year and each of the ~~five~~ nine years thereafter shall be indicated for capital
14 programs and for individual projects and shall be revised annually to reflect
15 revised cost estimates and changes made in allocations due to project delays.

16 (C) The capital costs of programs and of individual projects,
17 including funds for the development and evaluation of each project, shall be
18 presented in full, for the entire period of their development.

19 (D) The operating costs, both actual and prospective, of capital
20 programs and of individual projects shall be presented in full, for the entire
21 period of their development and expected useful life.

1 (E) The financial burden and funding opportunities of programs and
2 of individual projects shall be presented in full, including federal, state, and
3 local government shares, and any private participation.

4 (F) Alternative methods of financing capital programs and projects
5 should be described and assessed, including debt financing and use of current
6 revenues.

7 Sec. 31. TEN-YEAR CAPITAL PROGRAM PLAN

8 On or before January 15, 2014, the Commissioner of Buildings and General
9 Services, in consultation with the House Committee on Corrections and
10 Institutions and the Senate Committee on Institutions, shall develop a proposal
11 for the planning process for a ten-year capital program plan. The ten-year
12 capital program plan shall include proposals for capital construction requests
13 and major maintenance, and shall set forth definitions and criteria to be used
14 for prioritizing capital projects. Projects may be prioritized based on criteria
15 including: critical priorities, prior capital allocations or commitments, strategic
16 investments, and future investments.

17 Sec. 32. 32 V.S.A. § 701a is amended to read:

18 § 701a. CAPITAL CONSTRUCTION BILL

19 (a) When the capital budget has been submitted by the ~~governor~~ Governor
20 to the ~~general assembly~~ General Assembly, it shall immediately be referred to
21 the ~~committee on corrections and institutions~~ Committee on Corrections and

1 Institutions which shall proceed to consider the budget request in the context of
2 the ~~six-year~~ ten-year capital program plan also submitted by the ~~governor~~
3 Governor pursuant to sections 309 and 310 of this title. The ~~committee~~
4 Committee shall also propose to the ~~general assembly~~ General Assembly a
5 prudent amount of total general obligation bonding for the following fiscal
6 year, for support of the capital budget, in consideration of the recommendation
7 of the ~~capital debt affordability advisory committee~~ Capital Debt Affordability
8 Advisory Committee pursuant to subchapter 8 of chapter 13 of this title.

9 (b) As soon as possible, the ~~committee~~ Committee shall prepare a bill to be
10 known as the “capital construction bill,” which shall be introduced for action
11 by the ~~general assembly~~ General Assembly.

12 (c) The spending authority authorized by a capital construction act shall
13 carry forward until expended, unless otherwise provided. ~~Any unencumbered~~
14 ~~funds remaining after a two-year period~~ All unexpended funds remaining for
15 projects authorized by capital construction acts enacted in a legislative session
16 that was two or more years prior to the current legislative session shall be
17 reported to the ~~general assembly~~ General Assembly and may be reallocated in
18 future capital construction acts.

19 (d) On or before October 15, each entity to which spending authority ~~is~~ has
20 been authorized by a capital construction act enacted in a legislative session
21 that was two or more years prior to the current legislative session shall submit

1 to the ~~department of buildings and general services~~ Department of Buildings
2 and General Services a report on the status of each authorized project
3 authorized with unexpended funds. The report shall follow the form provided
4 by the ~~department of buildings and general services~~ Department of Buildings
5 and General Services and shall include details regarding how much of the
6 appropriation has been spent, how much of the appropriation is unencumbered,
7 actual progress in meeting the goals of the project, and any impediments to
8 completing the project on time and on budget. The ~~department~~ Department
9 may request additional or clarifying information regarding each project. On or
10 before January 15, the ~~department~~ Department shall present the information
11 collected to the ~~house committee on corrections and institutions and the senate~~
12 ~~committee on institutions~~ House Committee on Corrections and Institutions
13 and the Senate Committee on Institutions.

14 Sec. 33. AVAILABILITY OF APPROPRIATIONS

15 Notwithstanding 32 V.S.A. § 1 (fiscal year to commence on July 1 and end
16 on June 30), the appropriations in this act designated as FY 2014 shall be
17 available upon passage of this act, and those designated as FY 2015 shall be
18 available upon passage of the Capital Construction and State Bonding Budget
19 Adjustment Act of the 2014 legislative session.

1 within the Northeast region to fulfill state and regional laboratory needs. This
2 report shall include a cost-benefit analysis and a governance model.

3 Sec. 37. 24 V.S.A. § 4763b is amended to read:

4 § 4763b. LOANS TO INDIVIDUALS FOR FAILED WASTEWATER
5 SYSTEMS AND FAILED POTABLE WATER SUPPLIES

6 (a) Notwithstanding any other provision of law, when the wastewater
7 system or potable water supply serving only one single-family residence on its
8 own lot meets the definition of a failed supply or system, the ~~secretary of~~
9 ~~natural resources~~ Secretary of Natural Resources may lend monies to the
10 owner of the residence from the Vermont ~~wastewater and potable water~~
11 ~~revolving loan fund~~ Wastewater and Potable Water Revolving Loan Fund
12 established in section 4753 of this title. In such cases, the following conditions
13 shall apply:

14 (1) loans may only be made to households with an income equal to or
15 less than 200 percent of the state average median household income;

16 (2) loans may only be made to households where the recipient of the
17 loan resides in the residence on a year-round basis;

18 (3) loans may only be made if the owner of the residence has been
19 denied financing for the repair, replacement, or construction due to involuntary
20 disconnection by at least ~~two~~ one other financing ~~entities~~ entity;

1 (4) no construction loan shall be made to an individual under this
2 subsection, nor shall any part of any revolving loan made under this subsection
3 be expended, until all of the following take place:

4 (A) the ~~secretary of natural resources~~ Secretary of Natural Resources
5 determines that if a wastewater system and potable water supply permit is
6 necessary for the design and construction of the project to be financed by the
7 loan, the permit has been issued to the owner of the failed system or
8 supply; and

9 (B) the individual applying for the loan certifies to the ~~secretary of~~
10 ~~natural resources~~ Secretary of Natural Resources that the proposed project has
11 secured all state and federal permits, licenses, and approvals necessary to
12 construct and operate the project to be financed by the loan;

13 (5) all funds from the repayment of loans made under this section shall
14 be deposited into the Vermont ~~wastewater and potable water revolving loan~~
15 ~~fund~~ Wastewater and Potable Water Revolving Loan Fund.

16 (b) The ~~secretary of natural resources~~ Secretary of Natural Resources shall
17 establish standards, policies, and procedures as necessary for the
18 implementation of this section. The ~~secretary~~ Secretary may establish criteria
19 to extend the payment period of a loan or to waive all or a portion of the loan
20 amount.

1 recommendation, extended the suspension until a sustainable plan for state aid
2 for school construction is developed and adopted.

3 (c) State aid remains suspended pursuant to the terms of 2008 Acts and
4 Resolves No. 200, Sec. 45 as amended by 2009 Acts and Resolves No. 54,
5 Sec. 22.

6 (d) Notwithstanding the suspension, the State intends to honor its
7 obligation by FY 2016 to pay for projects for which state aid had been
8 committed prior to the suspension.

9 * * * Public Safety * * *

10 Sec. 41. PUBLIC SAFETY FIELD STATION PROJECT

11 The Department of Buildings and General Services, in consultation with the
12 Department of Public Safety, is authorized to use appropriations in Sec. 13 of
13 this act to conduct feasibility studies, and identify and purchase land for future
14 public safety field station sites. If the Department of Buildings and General
15 Services proposes to purchase property when the General Assembly is not in
16 session, the Commissioner of Buildings and General Services shall notify the
17 Chairs of the House Committee on Corrections and Institutions and the Senate
18 Committee on Institutions of the proposal.

1 * * * Energy Use on State Properties * * *

2 Sec. 42. RENEWABLE ENERGY AND ENERGY CONSERVATION

3 POLICY

4 (a) The Department of Buildings and General Services shall incorporate the
5 use of renewable energy sources, energy efficiency, and thermal energy
6 conservation in any new building construction or major renovation project in
7 excess of \$250,000.00 unless a life cycle cost analysis demonstrates that the
8 investment cannot be recouped.

9 (b) On or before January 15, 2014, the Department of Buildings and
10 General Services shall contract for a desk audit to examine and report on the
11 feasibility of installing renewable energy devices on up to 20 properties owned
12 by the State.

13 (c) As used in this section, the “life cycle cost” of each new building
14 construction or major renovation project shall be based on the life cycle cost
15 guidelines established by the Department of Buildings and General Services
16 for use in all state buildings for state agency energy planning purposes.

17 Sec. 43. 29 V.S.A. § 171 is added to read:

18 § 171. ENERGY REVOLVING MANAGEMENT FUND

19 (a) There is established an Energy Revolving Management Fund within the
20 capital construction act to provide funding for capital projects. The Fund shall
21 be administered by the Department of Buildings and General Services.

1 (b) The Fund shall consist of:

2 (1) monies appropriated in each capital construction act to agencies and
3 departments for designated projects to be funded through the Fund; and

4 (2) monies saved by the implementation of resource management
5 conservation measures.

6 (c) The Commissioner of Buildings and General Services shall establish
7 criteria to determine eligibility for funding of resource conservation measures.

8 (d) Agencies and departments receiving funding shall repay the monies
9 saved by the implementation of resource management conservation measures
10 to the Fund through their regular operating budgets according to a schedule
11 established by the Commissioner of Buildings and General Services and the
12 Commissioner of Finance and Management. Repayment shall include charges
13 of fees for administrative costs over the term of the repayment.

14 (e) All balances remaining in the Fund at the end of a fiscal year shall be
15 carried forward to the following year. Any savings incurred from the
16 investment in projects funded through the Fund shall be reallocated for use in
17 future capital construction acts.

18 (f) On or before January 15 of each year, the Commissioner of Buildings
19 and General Services shall report to the General Assembly on the Fund's use
20 and capitalization.

1 Sec. 44. ENERGY REVOLVING MANAGEMENT FUND

2 APPROPRIATIONS

3 Pursuant to 29 V.S.A. § 171, the amounts appropriated to the Department of
4 Buildings and General Services in Sec. 2(b)(7), (b)(14), and (b)(16) of this act
5 shall be deposited into the Energy Revolving Management Fund and the
6 projects shall be funded through the Fund.

7 Sec. 45. EFFECTIVE DATE

8 This act shall take effect on passage.