

Proposed CECF language and unexpended fund language

Rebecca Wasserman

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1 Sec. 1. 32 V.S.A. § 1001B is amended to read:

2 § 1001B. ~~CAPITAL EXPENDITURE CASH FUND~~ CAPITAL

3 INFRASTRUCTURE RESERVE FUND

4 (a) Creation. There is hereby created the ~~Capital Expenditure Cash Fund~~
5 Capital Infrastructure Reserve Fund to be administered by the Commissioner
6 of Finance and Management, in consultation with the State Treasurer, for the
7 purpose of using general funds to defray the costs of future capital
8 expenditures that would otherwise be authorized in the capital construction act
9 and paid for using the State's general obligation bonding authority and debt
10 service obligations or paid for as a direct associated cost of a capital project.

11 (b) Fund. The Fund may consist of:

- 12 (1) any appropriations or transfers made by the General Assembly; and
13 (2) any interest earned by the Fund.

14 (c) Use of funds. ~~Expenditure shall only be made from the Fund by~~
15 ~~appropriations by the General Assembly. Plans for use shall be submitted as~~
16 ~~part of the operating budget adjustment or operating budget process. Monies in~~
17 the Fund shall only be used for:

18 (1) ~~costs associated with a proposed capital project that occur prior to~~
19 ~~the construction phase of that project, including feasibility, planning, design,~~
20 ~~and engineering and architectural costs~~ tangible capital investments, as
21 described in Sec. 310 of this title, with an anticipated lifespan of 20 years or
22 more;

1 ~~(2) projects with an anticipated lifespan of 20 years; engineering and~~

2 ~~architectural costs directly associated with a proposed capital project; and~~

3 ~~(3)-costs associated with the early redemption of general obligation~~

4 ~~bonds; and~~

5 ~~(4) other eligible capital projects receiving an appropriation from the~~

6 ~~General Assembly.~~

7 (d) Project recommendation and approval. The House Corrections and

8 Institutions Committee shall review any requests for use of the Fund and

9 recommend projects to be paid for from the Fund to the House Committee on

10 Appropriations. Expenditures shall only be made from the Fund by

11 appropriation by the General Assembly.

12 (e) Fund balance. All balances in the Fund at the end of any fiscal year

13 shall be carried forward and remain part of the Fund.

14 (f) Spending authority. Any entity authorized to make expenditures from

15 the Fund shall have not more than two years from the legislative session in

16 which the act authorizing the expenditure was enacted to encumber the funds.

17 Any remaining unencumbered funds shall remain part of the Fund.

18 ~~(e)~~(g) Early redemption transfer. If any expenditures are made from the

19 Fund or the General Assembly appropriates general funds to pay for the early

20 redemption of general obligation bonds pursuant to subdivision (c)(3) of this

21 section, then an amount equal to the reduction in debt service required in any

22 fiscal year resulting from that redemption shall be transferred to the Fund.

23 (h) Report.

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1 apply to the report to be made under this subsection. In developing its annual
2 estimate, and in preparing its annual report, the Committee shall consider:

3 * * *

4 Sec. 3. 32 V.S.A. § 307 is amended to read:

5 § 307. FORM OF BUDGET

6 (a) The budget shall be arranged and classified so as to show separately the
7 following estimates and recommendations:

8 * * *

9 (f) The budget shall also include the Governor's recommendation for any
10 proposed transfers to the Capital Infrastructure Reserve Fund, established in
11 Sec. 1001b of this title.

12 Sec. 4. 32 V.S.A. § 701a is amended to read:

13 § 701A. CAPITAL CONSTRUCTION BILL

14 (a) When the capital budget has been submitted by the Governor to the
15 General Assembly, it shall immediately be referred to the House Committee on
16 Corrections and Institutions, which shall proceed to consider the budget
17 request in the context of the 10-year capital program plan also submitted by the
18 Governor pursuant to sections 309 and 310 of this title. The Committee shall
19 also propose to the General Assembly:

20 (1) a prudent amount of total general obligation bonding for the
21 following fiscal year, for support of the capital budget, in consideration of the
22 recommendation of the Capital Debt Affordability Advisory Committee
23 pursuant to chapter 13, subchapter 8 of this title; and

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1 (2) recommendations for capital projects that may be paid for from the
2 Capital Infrastructure Reserve Fund, established in Sec. 1001b of this title.

3 (b) As soon as possible, the Committee shall prepare a bill to be known as
4 the “capital construction bill,” which shall be introduced for action by the
5 General Assembly.

6 (c) The spending authority authorized by a capital construction act shall
7 carry forward until expended, unless otherwise provided.

8 (1) All unexpended funds remaining for projects authorized by capital
9 construction acts enacted in a legislative session that was two or more years
10 prior to the current legislative session shall be reported to the General
11 Assembly and may be reallocated in future capital construction acts.

12 (2) Notwithstanding subdivision (1) of this subsection, any amounts
13 appropriated in a previous capital construction act that are unexpended for at
14 least five years shall be reallocated to future capital construction acts.

15 (d)(1) On or before ~~January 15~~ November 15 each year, the Commissioner
16 of Finance and Management shall require each entity to which spending
17 authority has been authorized by a capital construction act enacted in a
18 legislative session that was two or more years prior to the current legislative
19 session ~~shall submit to the House Committee on Corrections and Institutions~~
20 and the Senate Committee on Institutions to submit a report on the current fund
21 balances of each authorized project with unexpended funds. The report shall
22 include plans for the unexpended funds, any projects or contracts the funds are
23 assigned to, and an anticipated timeline for expending the funds.

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1 (2) On or before December 15 each year, the Commissioner of Finance
2 and Management shall submit in a consolidated format the reports required by
3 subdivision (1) of this subsection to the House Committee on Corrections and
4 Institutions and the Senate Committee on Institutions.

5 (e) The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall
6 not apply to the reports to be made under subsections (c) and (d) of this
7 section.