

Journal of the Senate

TUESDAY, APRIL 19, 2011

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Nancy McHugh of Waitsfield.

Pledge of Allegiance

The President then led the members of the Senate in the pledge of allegiance.

Message from the Governor

A message was received from His Excellency, the Governor, by Alexandra McLean, Secretary of Civil and Military Affairs, as follows:

Mr. President:

I am directed by the Governor to inform the Senate that on the eighteenth of April, 2011 he approved and signed a bill originating in the Senate of the following title:

S. 12. An act relating to adding a member from the area agencies on aging to the governor's commission on Alzheimer's disease and related disorders.

Message from the House No. 50

A message was received from the House of Representatives by Ms. H. Gwynn Zakov, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 42. An act relating to employment decisions based on credit information.

H. 185. An act relating to regulating fees and charges for propane gas.

H. 452. An act relating to establishing the boundary line between the towns of Shelburne and St. George.

In the passage of which the concurrence of the Senate is requested.

The House has considered a bill originating in the Senate of the following title:

S. 31. An act relating to the Agreement Among the States to Elect the President by National Popular Vote.

And has passed the same in concurrence.

Recess

On motion of Senator Campbell the Senate recessed until five o'clock in the afternoon.

Called to Order

At five o'clock in the afternoon the Senate was called to order by the President.

Rules Suspended; Bills Committed

H. 287.

On motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to job creation and economic development.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Economic Development, Housing and General Affairs, Senator Campbell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Finance with the report of the Committee on Economic Development, Housing and General Affairs *intact*,

Which was agreed to.

H. 446.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to capital construction and state bonding.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Institutions, Senator Campbell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Appropriations with the report of the Committee on Institutions *intact*,

Which was agreed to.

H. 443.

On motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to the state's transportation program.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Transportation, Senator Campbell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Appropriations with the report of the Committee on Transportation *intact*,

Which was agreed to.

Recess

The Chair declared a recess until the fall of the gavel.

Called to Order

The Senate was called to order by the President.

Rules Suspended; Bill Amended; Third Reading Ordered

H. 443.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to the state's transportation program.

Was taken up for immediate consideration.

Senator Mazza, for the Committee on Transportation, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. TRANSPORTATION PROGRAM

(a) The state's proposed fiscal year 2012 transportation program appended to the agency of transportation's proposed fiscal year 2012 budget, as amended by this act, is adopted to the extent federal, state, and local funds are available.

(b) As used in this act, unless otherwise indicated:

(1) "agency" means the agency of transportation;

(2) "secretary" means the secretary of transportation;

(3) the table heading “As Proposed” means the transportation program referenced in subsection (a) of this section; the table heading “As Amended” means the amendments as made by this act; the table heading “Change” means the difference obtained by subtracting the “As Proposed” figure from the “As Amended” figure; and the term “change” or “changes” in the text refers to the project- and program-specific amendments, the aggregate sum of which equals the net “Change” in the applicable table heading;

(4) “TIB debt service fund” refers to the transportation infrastructure bonds debt service fund established in 32 V.S.A. § 951a; and

(5) “TIB funds” refers to monies deposited in the transportation infrastructure bond fund in accordance with 19 V.S.A. § 11f.

* * * Town Highway Bridge * * *

Sec. 2. TOWN HIGHWAY BRIDGE

The following modifications are made to the town highway bridge program:

(1) Development and engineering funding for the Fairfield BRO 1448(22) project in the amount of \$16,000.00 in federal funds, \$2,000.00 in transportation funds, and \$2,000.00 in local funds is deleted.

(2) A new project is added for the reconstruction or replacement of bridge #48 on TH 30 over Wanzer Brook in the town of Fairfield. Development and evaluation spending in the amount of \$16,000.00 in federal funds, \$2,000.00 in transportation funds, and \$2,000.00 in local funds is authorized for the project.

(3) Authorized spending on the Brattleboro-Hinsdale BRF 2000(19)SC project is amended to read:

<u>FY12</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	100,000	0	-100,000
ROW	75,000	0	-75,000
Construction	0	0	0
Total	175,000	0	-175,000
<u>Sources of funds</u>			
State	0	0	0
TIB fund	35,000	0	-35,000
Federal	140,000	0	-140,000
Local	0	0	0
Total	175,000	0	-175,000

(4) Authorized spending on the Stratton culvert TH3 0103 project is amended to read:

<u>FY12</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
PE	40,000	40,000	0
ROW	0	0	0
Construction	0	0	0
Total	40,000	40,000	0
<u>Sources of funds</u>			
State	36,000	1,000	-35,000
TIB fund	0	35,000	35,000
Federal	0	0	0
Local	4,000	4,000	0
Total	40,000	40,000	0

* * * Park and Ride * * *

Sec. 2a. PROGRAM DEVELOPMENT – PARK AND RIDE

Authorized spending on the municipal park and ride program within the program development — park and ride program is amended to read:

<u>FY12</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Construction	250,000	300,000	50,000
Total	250,000	300,000	50,000
<u>Sources of funds</u>			
State	250,000	300,000	50,000
Total	250,000	300,000	50,000

* * * Town Highway Emergency Fund * * *

Sec. 2b. TOWN HIGHWAY EMERGENCY FUND

Authorized spending on the town highway emergency program is amended to read:

<u>FY12</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	750,000	735,000	-15,000
Total	750,000	735,000	-15,000
<u>Sources of funds</u>			
State	750,000	735,000	-15,000
Total	750,000	735,000	-15,000

* * * Rail * * *

Sec. 3. RAIL

The following modification is made to the rail program: A new project is added to upgrade the western rail corridor to the standards required to support 286,000 pound freight traffic and inter-city passenger rail service. The western

rail corridor includes connections from points in New York to the corridor between Bennington, Rutland, Burlington, Essex Junction, and St. Albans to points in Canada.

Sec. 4. Sec. 18 of No. 164 of the Acts of 2007 Adj. Sess. (2008) is amended to read:

Sec. 18. RAIL

The following modifications are made to the rail program:

(1) Authorized spending on the three-way partnership program is amended to read as follows. ~~In future budget years, funding for the program shall be limited to the costs of specific projects.~~

* * *

* * * Vermont Local Roads * * *

Sec. 5. TOWN HIGHWAY VERMONT LOCAL ROADS

Authorized spending on the Vermont local roads program is amended to read:

<u>FY12</u>	<u>As Proposed</u>	<u>As Amended</u>	<u>Change</u>
Grants	375,000	390,000	15,000
Total	375,000	390,000	15,000
<u>Sources of funds</u>			
State	235,000	235,000	0
Federal	140,000	155,000	15,000
Total	375,000	390,000	15,000

* * * Bike and Pedestrian Facilities * * *

Sec. 6. PROGRAM DEVELOPMENT – BIKE AND PEDESTRIAN FACILITIES

The following modification is made to the program development – bike and pedestrian facilities program: Notwithstanding the authorized project or activity spending approved for the bike and pedestrian program, the secretary shall transfer \$10,000.00 in transportation funds authorized for spending within the program to the Vermont Association of Snow Travelers (VAST) for expenditure on the Lamoille Valley Rail Trail project, STP LVRT(1). VAST may use these funds to satisfy a portion of the local match requirement for the federal earmark for this project, and shall provide the agency an accounting of its use of the funds by June 30, 2012.

* * * Central Garage * * *

Sec. 7. TRANSFER TO CENTRAL GARAGE FUND

Notwithstanding 19 V.S.A. § 13(c), in fiscal year 2012, the amount of \$1,120,000.00 is transferred from the transportation fund to the central garage fund created in 19 V.S.A. § 13.

* * * Cancellation of Projects * * *

Sec. 8. CANCELLATION OF PROJECTS

Pursuant to 19 V.S.A. § 10g(h) (legislative approval for cancellation of projects), the general assembly approves cancellation of the following projects:

(1) Program development — interstate bridges:

(A) Berlin-Montpelier IM 089-1(17) (rehabilitation of bridges #36N&S, #37N&S, #38N&S, #39, #40N&S, and #41N&S on I-89);

(B) Bethel-Williamstown IR 089-1(12) (deck replacement and structural improvements to several bridges on I-89);

(C) Middlesex-Waterbury IR 089-2(16) (deck replacement and structural improvements to several bridges on I-89);

(D) Brattleboro IR 091-1(23) (at PE and/or ROW phase) (deck replacement on bridges #9N&S on I-91);

(E) Colchester-Highgate IM IR 089-3(18) (at PE and/or ROW phase) (deck replacement and substructure improvements to several bridges on I-89);

(F) Vernon-Putney IR 091-1(17) (at PE and/or ROW phase) (deck replacement and substructure improvements on several bridges along I-91);

(G) Guilford-Brattleboro IM 091-1(32) (proposed) (rehabilitation of bridges #2N&S, #4N&S, #5N&S, #7, #11N&S, and #12 on I-91);

(H) Hartford-Newbury IM 091-2(68) (proposed) (rehabilitation of bridges #45N&S, #46, #47N&S, #48N&S, #49N&S, and #51N&S on I-91);

(I) Hartford-Sharon-Royalton IR 089-1(10) (proposed) (deck replacement and structural improvements to several interstate bridges);

(J) Milton IM 089-3() (proposed) (rehabilitation of bridges #82, #84N&S, #85, #89, #90, #91, #92N&S, and #93 on I-89);

(K) Richmond IM 089-2(27) (proposed) (rehabilitation of bridges #52N&S, #53N&S, #54, #55N&S, #56N&S, and #57N&S on I-89);

(L) Rockingham-Weathersfield IR 091-1(24) (proposed) (replacement and substructure improvements to several bridges on I-91);

(M) Sharon-Royalton IR 089-1(9) (proposed) (deck replacement and substructure improvements to several bridges on I-89); and

(N) Windsor-Hartland IR 091-1(21) (proposed) (deck replacement and substructure improvements to several bridges on I-91).

(2) Program development — state highway bridges:

(A) Middlebury BHF 5900(4) (rehabilitation of bridge #2 on Merchants Row (TH 8) over Vermont Railway);

(B) Middlebury BHF 0161(9) (rehabilitation of bridge #102 on VT 30 over Vermont Railway);

(C) Plymouth BRS 0149(3)S (replacement of bridge #8 on VT 100A over Hollow Brook; at PE and/or ROW phase).

(3) Town highway bridges:

(A) Readsboro BRO 1441(28) (replacement of bridge #21 on TH 4 over the West Branch of the Deerfield River);

(B) Fairfield BRO 1448(22) (replacement of bridge #48 on TH 30 over Wanzer Brook; at PE and/or ROW phase);

(C) Northfield BRO 1446(25) (replacement of bridge #50 on TH 25 over Stoney Brook; at PE and/or ROW phase).

(4) Program development — roadway:

(A) Bennington M 1000(10) (VT 67A) (district has constructed some improvements to intersection);

(B) Bridgewater-Woodstock NH 020-2(33)S (US 4) (project scope defined before adoption of Vermont design standards in 1997);

(C) Cavendish STP 0146(9) SC (VT 131) (Cavendish selectboard supports cancellation of project but would like some signage improvements to enhance safety);

(D) Cavendish-Ludlow NH-F 025-1(30) (VT 103) (FHWA requested VTrans to close this project in 2007);

(E) Concord-Lunenburg STP 0218() SC (TH 4) (project set up for scoping in 1997 but no funds were ever programmed);

(F) Dorset-Wallingford NH 019-2(20) SC (US 7) (project set up for scoping only and scoping report was completed in 1997);

(G) Dover STP 013-1(12) SC (VT 100) (project set up for scoping only and scoping report was completed in 1997);

(H) Duxbury STP F 013-4(11)S (VT 100) (project scope defined before adoption of Vermont design standards in 1997);

(I) Hartford-Newbury IM 019-2(70) (I-91 drainage/fence) (high-priority safety projects have been completed along this segment of I-91);

(J) Hinesburg STP 0199() SC (TH 4/FAS 0199) (project set up for scoping in 1997 but no funds were ever programmed);

(K) Killington STP 022-1(19) SC (VT 100) (project set up for scoping only and the scoping report was completed in 1997);

(L) Marlboro NH F 010-1(25) (VT 9) (project scope defined before adoption of Vermont design standards in 1997);

(M) Newbury STP 026-2() (US 302) (origination of project unknown; project has not been programmed with any funds);

(N) Pownal-Bennington F 019-1(16)C/1 (US 7) (project scope defined before adoption of Vermont design standards in 1997);

(O) Pownal-Bennington F 019-1(16)C/2 (US 7) (project scope defined before adoption of Vermont design standards in 1997);

(P) Readsboro-Whitingham STP RS 0102(13) (VT 100) (project scope defined before adoption of Vermont design standards in 1997);

(Q) Ryegate-St. Johnsbury IM 091-2(74) (I-91 drainage/fence) (high-priority safety projects have been completed along this segment of I-91);

(R) Ryegate-St. Johnsbury IM 091-2(75) (I-91 guardrail/ledge) (high-priority safety projects have been completed along this segment of I-91);

(S) St. Johnsbury-Lyndon IM 091-3(43) (I-91 drainage/fence) (high-priority safety projects have been completed along this segment of I-91);

(T) St. Johnsbury-Lyndon IM 091-3(44) (I-91 guardrail/ledge) (high-priority safety projects have been completed along this segment of I-91);

(U) Townshend STP 015-1(19)S (VT 30) (project set up in 1999 to modify the glare barrier and landscape in the vicinity of BR 3 on VT 30; no design activity or local interest in project since inception);

(V) Vergennes ST 017-1()S (VT 22A) (VTrans granted city funds to reconstruct and city contracted the work out);

(W) Waitsfield-Moretown-Duxbury STP F 013-4(12)S (VT 100) (project scope defined before adoption of Vermont design standards in 1997);

(X) Wallingford F 025-1(31) (VT 103) (project scope defined before adoption of Vermont design standards in 1997);

(Y) Waterford IM 093-1(11) (I-93 drainage/fence) (high-priority safety projects completed along this segment of I-93);

(Z) Waterford IM 093-1(12) (I-93 guardrail/ledge) (high-priority safety projects completed along this segment of I-93); and

(AA) Williamstown STP RS 0204(3) (VT 64).

* * * FY 2012 Western Rail Corridor Improvements * * *

Sec. 9. WESTERN RAIL CORRIDOR GRANT APPLICATION; FY 2012 CONTINGENT BONDING AUTHORITY

(a) The general assembly finds that intercity passenger rail along Vermont's western rail corridor is of critical importance to the transportation mobility and economic prosperity of the state. The western rail corridor includes connections from points in New York to the corridor between Bennington, Rutland, Burlington, Essex Junction, and St. Albans to points in Canada.

(b) The agency is encouraged to apply for a federal grant to cover, in whole or in part, the cost of upgrading the state's western rail corridor for intercity passenger rail service. In the grant application, the agency is authorized to identify the bonds authorized by this section as a source of state match funds. Upon its completion, the agency shall send an electronic copy of the grant application to the joint fiscal office.

(c) In the event the state is awarded a federal grant as referenced in subsection (b) of this section, the treasurer is authorized in fiscal year 2012 to issue transportation infrastructure bonds in an amount up to \$15,000,000.00 for the purpose of providing any state matching funds required by the federal grant. The treasurer is authorized to increase the issue of transportation infrastructure bonds in the event the treasurer determines that:

(1) the creation and funding of a permanent debt service reserve is advisable to support the successful issuance of the transportation infrastructure bonds; and

(2) the balance of the TIB fund and the TIB debt service fund as of the end of fiscal year 2011 is insufficient to fund such a permanent debt service reserve.

(d) In the event the state is awarded a federal grant as referenced in subsection (b) of this section:

(1) authority to spend the federal grant funds is added to the fiscal year 2012 transportation program – rail program and the amount of federal funds awarded is appropriated to the fiscal year 2012 transportation – rail program; and

(2) if transportation infrastructure bonds are issued pursuant to subsection (c) of this section to fund the project, authority to spend the bond proceeds on the project in an amount needed to match the federal funds authorized in subdivision (d)(1) of this subsection is added to the 2012 fiscal year transportation program – rail program and that amount is appropriated to the fiscal year 2012 transportation – rail program.

Sec. 10. FISCAL YEAR END 2011 TRANSPORTATION FUND SURPLUS

Subject to the funding of the transportation fund stabilization reserve in accordance with 32 V.S.A. § 308a and notwithstanding 32 V.S.A. § 308c (transportation fund surplus reserve), any surplus in the transportation fund as of the end of fiscal year 2011 up to a maximum amount of \$1,000,000.00 may be transferred to the TIB debt service fund by order of the secretary of transportation, with the approval of the secretary of administration, for the purpose of providing the funds the treasurer deems likely to be needed to satisfy any debt service reserve requirement of transportation infrastructure bonds that may be issued pursuant to the authority granted in Sec. 9 of this act, to pay the issuance costs of such bonds, or to pay debt service obligations due on such bonds in fiscal years 2012 and 2013.

Sec. 11. FISCAL YEAR END 2011 TIB FUND SURPLUS

Any surplus in the transportation infrastructure bond fund as of the end of fiscal year 2011 up to a maximum amount of \$1,000,000.00 may be transferred to the TIB debt service fund by order of the secretary of transportation, with the approval of the secretary of administration, for the purpose of providing the funds the treasurer deems likely to be needed to satisfy any debt service reserve requirement of transportation infrastructure bonds that may be issued pursuant to the authority granted in Sec. 9 of this act, to pay the issuance costs of such bonds, or to pay debt service obligations due on such bonds in fiscal years 2012 and 2013.

Sec. 12. AUTHORITY TO REDUCE FISCAL YEAR 2011 APPROPRIATIONS

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority in the fiscal year 2011 transportation program, the

secretary of transportation, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may reduce fiscal year 2011 transportation fund appropriations, other than appropriations for the town highway state aid, structures, and class 2 roadway programs, or TIB fund appropriations, and transfer in fiscal year 2011 the amount of the reductions to the TIB debt service fund for the purpose of providing the funds the treasurer deems likely to be needed to satisfy any debt service reserve requirement of transportation infrastructure bonds that may be issued pursuant to the authority granted in Sec. 9 of this act, to pay the issuance costs of such bonds, or to pay debt service obligations due on such bonds in fiscal years 2012 and 2013.

(b) The secretary's authority under subsection (a) of this section to reduce appropriations is limited to appropriations, the reduction of which, by itself, will not have the effect of significantly delaying the planned fiscal year 2011 work schedule of a project which formed the basis of the project's funding in fiscal year 2011.

(c) When any appropriation is reduced pursuant to this section, the secretary shall report the reduction to the joint fiscal office and to the house and senate committees on transportation when the general assembly is in session, and when the general assembly is not in session, to the joint transportation oversight committee.

Sec. 13. CHANGE TO CONSENSUS REVENUE FORECAST

In the event the July 2011 consensus revenue forecast of fiscal year 2012 transportation fund or TIB fund revenue is increased above the January 2011 forecast, the increase up to \$2,000,000.00 may be transferred to the TIB debt service fund, by order of the secretary of transportation with the approval of the secretary of administration, for the purpose of providing the funds the treasurer deems likely to be needed to satisfy any debt service reserve requirement of transportation infrastructure bonds that may be issued pursuant to the authority granted in Sec. 9 of this act, to pay the issuance costs of such bonds, or to pay debt service obligations due on such bonds in fiscal years 2012 and 2013.

Sec. 14. AUTHORITY TO REDUCE FISCAL YEAR 2012 APPROPRIATIONS

(a) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority in the fiscal year 2012 transportation program, the secretary of transportation, with the approval of the secretary of administration and subject to the provisions of subsection (b) of this section, may reduce fiscal year 2012 transportation fund appropriations, other than appropriations

for the town highway state aid, structures, and class 2 roadway programs, or TIB fund appropriations, and transfer in fiscal year 2012 the amount of the reductions to the TIB debt service fund for the purpose of providing the funds the treasurer deems likely to be needed to pay debt service obligations of transportation infrastructure bonds authorized by Sec. 9 of this act in fiscal year 2013.

(b) The secretary's authority under subsection (a) of this section to reduce appropriations is limited to appropriations, the reduction of which, by itself, in the context of any spending authorized for the project in the fiscal year 2012 transportation program will not have the effect of significantly delaying the planned work schedule of the project which formed the basis of the project's funding in fiscal years 2012 and 2013.

(c) The agency shall expedite the procedures required to determine the eligibility and certification of federal toll credits with respect to potentially qualifying capital expenditures made by Vermont entities through the end of fiscal year 2011 which, subject to compliance with federal maintenance of effort requirements, would be available for use by the state in fiscal year 2013. The fiscal year 2013 transportation program shall reserve up to \$3,000,000.00 of such potentially available federal toll credits and federal formula funds and authorize the secretary to utilize the federal toll credits and federal formula funds to accomplish the objectives of this section.

(d) When any appropriation is reduced pursuant to this section, the secretary shall report the reduction to the joint fiscal office and to the house and senate committees on transportation when the general assembly is in session, and when the general assembly is not in session, to the joint transportation oversight committee.

* * * White River Junction Railroad Station * * *

Sec. 15. ACQUISITION OF WHITE RIVER JUNCTION RAILROAD STATION

(a) The agency is authorized to acquire the White River Junction railroad station from Rio Blanco Corporation or its successors in interest for a purchase price of up to \$875,000.00. The subject property is a 6,774-square-foot commercial building sited on approximately 0.73 acres of land, is located at 100-106 Railroad Row in the village of White River Junction within the town of Hartford, and is all the same property conveyed to Rio Blanco Corporation by two deeds: Release Deed from Central Vermont Railway, Inc., dated February 1, 1995, and recorded at Book 219, pages 45-50, and Release Deed from Boston & Maine Corporation dated February 2, 1995, and recorded at Book 219, pages 51-60, both in the land records of the town of Hartford.

(b) A new project is added to the fiscal year 2011 and 2012 transportation program — rail program for purchase of the White River Junction railroad station.

(c) Notwithstanding 32 V.S.A. § 706 and the limits on program, project, or activity spending authority in the fiscal year 2011 and 2012 transportation programs, authority to spend fiscal year 2011 and 2012 appropriations of transportation or TIB funds of up to \$875,000.00 is added to the state's fiscal year 2011 and 2012 transportation program — rail program for purchase of the White River Junction railroad station.

(d) The agency shall promptly report to the joint transportation oversight committee and to the joint fiscal office any action taken under the authority granted in subsection (a) of this section.

(e) Following conveyance of the White River Junction railroad station to the state of Vermont, the agency shall administer the property in accordance with 5 V.S.A. chapter 56 (intercity rail passenger service).

* * * Aviation Program Plan * * *

Sec. 16. AVIATION PROGRAM PLAN

(a) By January 15, 2012, the secretary of transportation shall develop a business plan to achieve the goal of each state-owned airport operating at a profit or, at a minimum, without a state subsidy, by June 30, 2015. In developing this plan, the secretary shall review the aviation programs of other states; study whether aircraft registration fees, hangar fees, landing fees for noncommercial aircraft, and other service fees would yield profits for the state; estimate the net profits that would be generated at various fee levels and for various fee types; and review any other subject matter the secretary deems relevant to advancing the goal of financially self-sustaining state-owned airports. If the agency determines that a state-owned airport is unlikely to become financially self-sustaining by June 30, 2015, the plan shall include recommendations for the sale or closure or both of any such airport or an explanation as to why any such airport should not be sold or closed.

(b) By January 15, 2012, the secretary shall submit the business plan required under subsection (a) of this section to the house and senate committees on transportation and any recommendations for proposed legislation needed to implement the plan.

* * * Municipal Airports * * *

Sec. 17. 5 V.S.A. § 695 is amended to read:

§ 695. FEDERAL ASSISTANCE

~~No municipality in this state, whether acting alone or jointly with another municipality or with the state shall submit to the Federal Aviation Administration of the United States any project application under the provisions of any federal statute, unless the project and the project application have been first approved by the secretary which approval shall not be unreasonably withheld. No A municipality shall directly accept, receive, receipt for, or disburse any funds granted by the United States under the Federal Airport Act or amendments to that act, but it shall designate~~ may petition the secretary to serve as its agent ~~and in its behalf~~ to accept, receive, ~~receipt~~ account for, and disburse all funds granted by the United States for an airport project. ~~It~~ If the secretary agrees to serve as agent, the municipality shall enter into an agreement with the secretary prescribing the terms and conditions of the agency relationship in accordance with any applicable federal or state laws, ~~rules and or regulations and applicable laws of this state.~~

* * * State Aid for Town Highway Roadways and Structures * * *

Sec. 18. 19 V.S.A. § 306 is amended to read:

§ 306. APPROPRIATION; STATE AID FOR TOWN HIGHWAYS

* * *

(e) State aid for town highway structures. There shall be an annual appropriation for grants to municipalities for maintenance, including actions to extend life expectancy, and for construction of sidewalks, bridges, culverts, and other structures, including causeways and retaining walls, intended to preserve the integrity of sidewalks and the traveled portion of class 1, 2, and 3 town highways. Each fiscal year, the agency shall approve qualifying projects with a total estimated state share cost of ~~\$3,490,000.00~~ \$5,833,500.00 at a minimum as new grants. The agency's proposed appropriation for the program shall take into account the estimated amount of qualifying invoices submitted to the agency with respect to project grants approved in prior years but not yet completed as well as with respect to new project grants to be approved in the fiscal year. In a given fiscal year, should expenditures in the town highway structures program exceed the amount appropriated, the agency shall advise the governor of the need to request a supplemental appropriation from the general assembly to fund the additional project cost, provided that the agency has previously committed to completing those projects. Funds received as grants for state aid for town highway structures may be used by a municipality to

satisfy a portion of the matching requirements for federal earmarks, subject to subsection 309b(c) of this title.

(f), (g) [Deleted.]

(h) Class 2 town highway roadway program. There shall be an annual appropriation for grants to municipalities for resurfacing, rehabilitation, or reconstruction of paved or unpaved class 2 town highways. Each fiscal year, the agency shall approve qualifying projects with a total estimated state share cost of ~~\$4,240,000.00~~ \$7,248,750.00 at a minimum as new grants. The agency's proposed appropriation for the program shall take into account the estimated amount of qualifying invoices submitted to the agency with respect to project grants approved in prior years but not yet completed as well as with respect to new project grants to be approved in the fiscal year. In a given fiscal year, should expenditures in the town highway class 2 roadway program exceed the amount appropriated, the agency shall advise the governor of the need to request a supplemental appropriation from the general assembly to fund the additional project cost, provided that the agency has previously committed to completing those projects. Funds received as grants for state aid under the class 2 town highway roadway program may be used by a municipality to satisfy a portion of the matching requirements for federal earmarks, subject to subsection 309b(c) of this title.

* * *

Sec. 19. 19 V.S.A. § 309b(a) is amended to read:

(a) Notwithstanding subsection 309a(a) of this title, grants provided to towns under the town highway structures program shall be matched by local funds sufficient to cover 20 percent of the project costs, unless the town has adopted road and bridge standards, has completed a network inventory, and has submitted an annual certification of compliance for town road and bridge standards to the secretary, in which event the local match shall be sufficient to cover 10 percent of the project costs, or unless a grant or portion of a grant is for sidewalk construction, in which event the local match shall be equal to the grant amount awarded or to the portion of the grant to be used for sidewalk construction. The secretary may adopt rules to implement the town highway structures program. Town highway structures projects receiving funds pursuant to this subsection shall be the responsibility of the applicant municipality.

* * * Utility Adjustments * * *

Sec. 20. UTILITY ADJUSTMENTS

Notwithstanding chapter 16 of Title 19, during fiscal years 2011, 2012, and 2013, the agency of transportation is authorized to pay from a federal earmark for a highway project the costs of adjustments to municipal utilities located within a state highway right-of-way needed to accommodate the project, provided that the earmark involves no state matching funds and no commitment of state or additional federal funds, and provided that the utility adjustment costs are otherwise eligible for federal participation.

* * * Scenic Byways and Roads * * *

Sec. 21. The title of 10 V.S.A. chapter 19 is amended to read:

CHAPTER 19. SCENERY PRESERVATION COUNCIL

Sec. 22. 10 V.S.A. § 425 is amended to read:

§ 425. ~~SCENERY PRESERVATION~~ BYWAYS ADVISORY COUNCIL

(a) The ~~scenery preservation~~ byways advisory council shall:

(1) upon request, advise and consult with the agency of transportation, organizations, municipal planning commissions or legislative bodies, or regional planning commissions concerning byway program grants and in the designation of municipal scenic roads or byways;

(2) recommend for designation state scenic roads or byways after holding a public meeting to determine local support for designation;

(3) encourage and assist in fostering public awareness; and understanding of, and public participation in promoting, the objectives and functions of scenery preservation and in stimulating public participation and interest current intrinsic scenic and other qualities within byways and scenic road corridors.

(b) The ~~scenery preservation~~ byways advisory council shall consist of ~~seven~~ eight members: the secretary of natural resources or his or her designee; the secretary of transportation or his or her designee; the commissioner of tourism and marketing or his or her designee; and five members appointed by the governor. The terms of the members appointed by the governor shall be for three years, except that he or she shall appoint the first members so that the terms of the members end in one year, two years, and three years. The governor shall designate an appointed member to serve as ~~chairman~~ chair at the governor's pleasure. Except as provided in this section, no state employee or member of any state commission or any federal employee or member of any

federal commission shall be eligible for membership on the ~~scenery preservation~~ byways advisory council. Members of the council who are not full-time state employees shall be entitled to a per diem as provided in 32 V.S.A. § 1010(b) and reimbursement for their actual necessary expenses. ~~The council shall meet no more than two times per year, and meetings may be called by the chair of the council or the secretary of transportation or his or her designee~~ may call meetings of the council.

~~(c) The transportation board shall, in consultation with the scenery preservation council, and considering the criteria recommended in subdivision (b)(5) of this section, prepare, adopt and promulgate standards, and criteria for variances therefrom, pursuant to chapter 25 of Title 19, to carry out the purposes of this chapter. The standards shall include, but shall not be limited to, descriptions of techniques for construction, including roadside grading and planting and preservation of intimate roadside environments as well as scenic outlooks. The standards shall further prescribe minimum width, alignment and surface treatment with particular reference to the legislative findings of this act. The standards shall include methods of traffic control, such as signs, speed limits, signals and warnings, which shall not, within appropriate safety considerations, jeopardize the scenic or historic value of such roads. These standards shall be revised as necessary taking into consideration increased weight, load and size of vehicles making use of scenic roads, such as, but not limited, to forest product vehicles, agribusiness vehicles and school buses. No provision of the scenic road law may deny necessary improvement to or maintenance of scenic roads over which such vehicles must travel. Rehabilitation or reconstruction of byways or state scenic roads shall be conducted in accordance with the agency of transportation's Vermont Design Standards, as amended. Signs along byways and scenic roads shall be in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices, as amended.~~

~~(d) Provisions of this chapter shall apply only within the highway right of way. [Repealed.]~~

~~(e) All actions, including promulgation of rules, regulations or recommendations for designation, shall be made pursuant to the provisions of chapter 25 of Title 3. [Repealed.]~~

Sec. 23. 19 V.S.A. § 2501 is amended to read:

§ 2501. STATE SCENIC ROADS; DESIGNATION AND DISCONTINUANCE

(a) On the recommendation of the ~~scenery preservation~~ byways advisory council, the transportation board may designate or discontinue any state

highway, or portion of a state highway, as a state scenic road. The board shall hold a hearing on the recommendation and shall submit a copy of its decision together with its findings to the ~~scenery preservation~~ byways advisory council within 60 days after receipt of the recommendation. The hearing shall be held in the vicinity of the proposed scenic highway.

(b) Annually, the council shall provide information to the agency of commerce and community development on designated scenic roads for inclusion on state maps.

(c) A state scenic road shall not be reconstructed or improved unless the reconstruction or improvement ~~conforms to the standards established by the agency of transportation pursuant to 10 V.S.A. § 425~~ is conducted in accordance with the agency of transportation's Vermont Design Standards, as amended.

Sec. 24. 19 V.S.A. § 2502 is amended to read:

§ 2502. TOWN SCENIC ROADS; DESIGNATION AND DISCONTINUANCE

(a) On recommendation of the planning commission of a municipality, or on the initiative of the legislative body of a municipality, a legislative body may, after one public hearing warned for the purpose, designate or discontinue any town highway or portion of a town highway as a town scenic highway. Such action by the legislative body may be petitioned by the registered voters of the municipality pursuant to the provisions of 24 V.S.A. § 1973.

(b) A town scenic road may be reconstructed or improved in a manner ~~consistent with the standards established by the transportation board, pursuant to 10 V.S.A. § 425~~ consistent with the agency of transportation's Vermont Design Standards, as amended. A class 1, 2 or 3 scenic highway shall still be eligible to receive aid pursuant to the provisions of this title.

(c) ~~The legislative body of a municipality may appeal for a variance from standards promulgated by the transportation board. In these appeals, the board's decision shall be final. [Repealed.]~~

Sec. 25. 30 V.S.A. § 218c(d)(2) is amended to read:

(2) Prior to the adoption of any transmission system plan, a utility preparing a plan shall host at least two public meetings at which it shall present a draft of the plan and facilitate a public discussion to identify and evaluate nontransmission alternatives. The meetings shall be at separate locations within the state, in proximity to the transmission facilities involved or as otherwise required by the board, and each shall be noticed by at least two

advertisements, each occurring between one and three weeks prior to the meetings, in newspapers having general circulation within the state and within the municipalities in which the meetings are to be held. Copies of the notices shall be provided to the public service board, the department of public service, any entity appointed by the public service board pursuant to subdivision 209(d)(2) of this title, the agency of natural resources, the division for historic preservation, the department of health, the ~~scenery preservation~~ byways advisory council, the agency of transportation, the attorney general, the chair of each regional planning commission, each retail electricity provider within the state, and any public interest group that requests, or has made a standing request for, a copy of the notice. A verbatim transcript of the meetings shall be prepared by the utility preparing the plan, shall be filed with the public service board and the department of public service, and shall be provided at cost to any person requesting it. The plan shall contain a discussion of the principal contentions made at the meetings by members of the public, by any state agency, and by any utility.

Sec. 26. 30 V.S.A. § 248(a)(4)(C) is amended to read:

(C) At the time of filing its application with the board, copies shall be given by the petitioner to the attorney general and the department of public service, and, with respect to facilities within the state, the department of health, agency of natural resources, historic preservation division, ~~scenery preservation council, state planning office~~, agency of transportation, the agency of agriculture, food and markets and to the chairperson or director of the municipal and regional planning commissions and the municipal legislative body for each town and city in which the proposed facility will be located. At the time of filing its application with the board, the petitioner shall give the byways advisory council notice of the filing.

* * * Rest Areas and Welcome Centers; Funding * * *

Sec. 27. APPORTIONMENT STUDY

The joint fiscal office, in consultation with the commissioner of buildings and general services or designee and the secretary of transportation or designee, shall study how the cost of maintaining, staffing, and operating rest areas, information centers, and welcome centers could be apportioned between the general fund and the transportation fund. The joint fiscal office shall submit a report of its findings to the joint transportation oversight committee by November 1, 2011.

* * * State Highway Condemnation Law Study Committee * * *

Sec. 28. STATE HIGHWAY CONDEMNATION LAW STUDY COMMITTEE

(a) A study committee is established, consisting of a member of the house committee on transportation designated by the speaker, a member of the house committee on judiciary designated by the speaker, a member of the senate committee on transportation designated by the committee on committees, a member of the senate committee on judiciary designated by the committee on committees, a representative of the Vermont Bar Association designated by the association, a representative of the Vermont League of Cities and Towns designated by the league, a representative of the Vermont Society of Land Surveyors designated by the society, and the secretary of transportation or designee who shall serve as chair.

(b) The chair shall call the first meeting of the committee to be held by September 1, 2011, and the committee is authorized to hold up to five in-person meetings. The agency of transportation shall provide administrative support for the committee, and the office of legislative council shall provide staff service to the committee. The secretary of transportation or designee and staff of the office of legislative council shall prepare the report required under subsection (e) of this section based on the findings of the committee, and the committee shall terminate upon delivery of this report.

(c) The committee shall investigate possible changes in the state's highway condemnation law set forth in chapter 5 of Title 19 to achieve improved integration with the transportation planning process, federal and state environmental reviews, legislative oversight of the transportation program under 19 V.S.A. § 10g, and the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. § 4601 et seq. The committee also shall investigate the effect of possible changes to chapter 5 of Title 19 on other provisions of law that reference and rely upon the procedures set forth in that chapter.

(d) For attendance at a meeting when the general assembly is not in session, legislative members of the committee shall be entitled to per diem compensation and expense reimbursement as provided in 2 V.S.A. § 406(a).

(e) The committee shall deliver a report of its findings, including any recommendations for proposed legislation, to the house and senate committees on transportation and on judiciary by January 15, 2012.

* * * Sign and Travel Information Law * * *

Sec. 29. 10 V.S.A. § 494 is amended to read:

§ 494. EXEMPT SIGNS

The following signs are exempt from the requirements of this chapter except as indicated in section 495 of this title:

* * *

(16) ~~[Repealed.]~~ Signs displaying a message of congratulations, condolences, birthday wishes, or displaying a message commemorating a personal milestone or event; provided, however, any such message is maintained for not more than two weeks.

* * *

Sec. 30. TRAVEL INFORMATION COUNCIL – RULEMAKING AND RECOMMENDATIONS

(a) By July 1, 2012, the travel information council shall, pursuant to the rulemaking authority granted in 10 V.S.A. § 484(b), adopt rules as to what constitutes flashing intermittent or moving lights or animated or moving parts within the meaning of 10 V.S.A. § 495(a)(3). In adopting these rules, the travel information council shall consider reliable empirical studies of the effect of changing or flashing signs on traffic safety; the current state of sign technology and expected future developments in sign technology; and the findings set forth in 10 V.S.A. § 482 concerning the value of the scenic resources of the state, the importance of providing information regarding services, accommodations, and points of interest to the traveling public, and the hazard created by the proliferation of outdoor advertising. The agency of transportation shall provide staff and administrative support during the rulemaking process.

(b) The travel information council shall study whether, consistent with the legislative findings set forth in 10 V.S.A. § 482, and based on the council's experience enforcing 10 V.S.A. chapter 21, the list of exempt signs at 10 V.S.A. § 494 should be amended. The council shall report its findings to the house and senate committees on transportation and to the house and senate committees on natural resources and energy by January 15, 2012.

* * * Motor Fuel Transportation Infrastructure Assessment * * *

Sec. 31. 23 V.S.A. § 3106(a) is amended to read:

(a) Except for sales of motor fuels between distributors licensed in this state, which sales shall be exempt from the tax and from the motor fuel

transportation infrastructure assessment, in all cases not exempt from the tax under the laws of the United States at the time of filing the report required by section 3108 of this title, each distributor shall pay to the commissioner a tax of \$0.19 upon each gallon of motor fuel sold by the distributor, and a motor fuel transportation infrastructure assessment in the amount of two percent of the retail price ~~exclusive of all federal and state taxes~~ upon each gallon of motor fuel sold by the distributor, exclusive of: all federal and state taxes, the petroleum distributor licensing fee established by 10 V.S.A. § 1942, and the motor fuel transportation infrastructure assessment authorized by this section. The retail price shall be based upon the average retail prices for regular gasoline determined and published by the department of public service. The retail price applicable for the January–March quarter shall be the average of the retail prices published by the department of public service the prior October, November, and December; and the retail price applicable in each succeeding calendar quarter shall be equal to the average of the retail prices published by the department of public service in the preceding quarter. The distributor shall also pay to the commissioner a tax and a motor fuel transportation infrastructure assessment in the same amounts upon each gallon of motor fuel used within the state by him or her.

* * * Public Transit Advisory Council * * *

Sec. 32. 24 V.S.A. § 5084 is amended to read:

§ 5084. PUBLIC TRANSIT ADVISORY COUNCIL

(a) A public transit advisory council shall be created by the secretary of transportation under 19 V.S.A. § 7(f)(5), to consist of the following members:

- (1) the secretary of transportation or designee;
- (2) ~~the executive director of the Vermont public transportation association;~~
- (~~3~~) three representatives of the Vermont public transportation association;
- (~~4~~)(3) a representative of the Chittenden County transportation authority;
- (~~5~~)(4) the secretary of human services or designee;
- (~~6~~)(5) the commissioner of ~~employment and training~~ labor or designee;
- (~~7~~)(6) the secretary of commerce and community development or designee;
- (~~8~~)(7) a representative of the Vermont center for independent living;

- (9)(8) a representative of the ~~council~~ community of Vermont elders;
- (10)(9) a representative of private bus operators and taxi services;
- (11)(10) a representative of Vermont intercity bus operators;
- (12)(11) a representative of the Vermont association of planning and development agencies;
- (13)(12) a representative of the Vermont league of cities and towns;
- (14)(13) a citizen appointed by the governor;
- (15)(14) a member of the senate, appointed by the committee on committees; and
- (16)(15) a member of the house of representatives, appointed by the speaker.

* * *

* * * Public Transportation Planning; Annual Reporting * * *

Sec. 33. 24 V.S.A. § 5089(b) is amended to read:

(b) Recognizing that the growing demand for new regional and commuter services must be considered within the context of the continuing need for local transit services that meet basic mobility needs, the agency of transportation shall consult annually with the regional planning commissions and public transit providers in advance of the award of available planning funds. The agency shall maintain a working list of both short- and long-term planning needs, goals, and objectives that balances the needs for regional service with the need for local service. Available planning funds shall be awarded in accordance with state and federal law and as deemed necessary and appropriate by the agency following consultation with the regional planning commissions and the public transit providers. ~~The agency shall report annually to the general assembly on planning needs, expenditures, and cooperative planning efforts.~~

Sec. 34. 24 V.S.A. § 5092 is amended to read:

§ 5092. REPORTS

The agency of transportation, in cooperation with the public transit advisory council, shall develop an annual report of financial and performance data of all public transit systems that receive operating subsidies in any form from the state or federal government, including but not limited to subsidies related to the elders and persons with disabilities transportation program for service and capital equipment. Financial and performance data on the elders and persons

with disabilities transportation program shall be a separate category in the report. The report shall be modeled on the Federal Transit Administration's national transit database program with such modifications as appropriate for the various services, ~~including the~~ and guidance found in ~~the most current short-range public transportation plans~~ and the most current state policy plan. The report shall describe any action taken by the agency pursuant to contractual authority to terminate funding for routes or to request service changes for failure to meet performance standards. The report shall be available to the general assembly by January 15 of each year.

* * * Temporary Siting of Meteorological Stations * * *

Sec. 35. 30 V.S.A. § 246 is amended to read:

§ 246. TEMPORARY SITING OF METEOROLOGICAL STATIONS

(a) For purposes of this section, a "meteorological station" consists of one temporary tower, which may include guy wires, and attached instrumentation to collect and record wind speed, wind direction, and atmospheric conditions.

(b) The public service board shall establish by rule or order standards and procedures governing application for, and issuance or revocation of, a certificate of public good for the temporary installation of one or more meteorological stations under the provisions of section 248 of this title. A meteorological station shall be deemed to promote the public good of the state if it is in compliance with the criteria of this section and the board rules or orders. An applicant for a certificate of public good for a meteorological station shall be exempt from the requirements of subsection 202(f) of this title.

(c) In developing rules or orders, the board:

(1) Shall develop a simple application form and shall require that completed applications be filed with the board, the department of public service, the agency of natural resources, the agency of transportation, and the municipality in which the meteorological station is proposed to be located.

* * *

* * * Transportation Program; Project Dates * * *

Sec. 36. 19 V.S.A. § 10g(o) is added to read:

(o) For projects initially approved by the general assembly for inclusion in the state transportation program after January 1, 2009, the agency's proposed transportation program prepared pursuant to subsection (a) of this section and the official transportation program prepared pursuant to subsection (f) of this

section shall include the year in which such projects were first approved by the general assembly.

* * * Possession of Valid Operator's License * * *

Sec. 37. 23 V.S.A. § 611 is amended to read:

§ 611. POSSESSION OF LICENSE CERTIFICATE

Every licensee shall have his or her operator's license certificate in his or her immediate possession at all times when operating a motor vehicle. However, no person charged with violating this section or section 610 of this title shall be convicted if he or she produces in court or to the arresting enforcement officer an operator's license certificate theretofore issued to him or her and valid which, at the time of his or her arrest or within 14 days following its expiration citation, was valid or had expired within the prior 14 days.

* * * Parking for Blind and Disabled * * *

Sec. 38. 23 V.S.A. § 304a(d) is amended to read:

(d) A person who is blind or who has an ambulatory disability may park and may park without fee for ~~not more than~~ 10 continuous days in a parking zone which is restricted as to the length of time parking is permitted, except that a person who is blind or who has an ambulatory disability may park and may park without fee for 24 continuous hours in a state or municipally owned parking garage whether or not the garage restricts the length of time that parking is permitted. This section shall not apply to zones in which parking, standing, or stopping of all vehicles is prohibited, which are reserved for special vehicles, or where parking is prohibited by any parking ban. As a condition to this privilege, the vehicle shall display the special handicapped plate or placard issued by the commissioner or a special registration license plate or placard issued by any other jurisdiction.

Sec. 39. 20 V.S.A. § 2904 is amended to read:

§ 2904. PARKING SPACES

Any parking facility on the premises of a public building shall contain at least the number of parking spaces required by ADAAG standards, and in any event at least one parking space, as ~~free~~ designated parking for individuals with ambulatory disabilities or blind individuals patronizing the building. The space or spaces shall be accessibly and proximately located to the building, and, subject to 23 V.S.A. § 304a(d), shall be provided free of charge. Consideration shall be given to the distribution of spaces in accordance with the frequency and persistence of parking needs. Such spaces shall be

designated by a clearly visible sign that cannot be obscured by a vehicle parked in the space, by the international symbol of access and, where appropriate, by the words "van accessible"; shall otherwise conform to ADAAG standards; and shall be in accordance with the standards established under section 2902 of this title.

Sec. 40. 23 V.S.A. § 304b is amended to read:

§ 304b. CONSERVATION MOTOR VEHICLE REGISTRATION PLATES

(a) The commissioner shall, upon application, issue conservation registration plates for use only on vehicles registered at the pleasure car rate and on trucks registered for less than 26,001 pounds, on vehicles registered to state agencies under section 376 of this title and excluding vehicles registered under the International Registration Plan. Plates so acquired shall be mounted on the front and rear of the vehicle. The commissioner of motor vehicles and the commissioner of fish and wildlife shall determine the graphic design of the special plates in a manner which serves to enhance the public awareness of the state's interest in restoring and protecting its wildlife and major watershed areas. The commissioner of motor vehicles and the commissioner of fish and wildlife may alter the graphic design of these special plates provided that plates in use at the time of a design alteration shall remain valid subject to the operator's payment of the annual registration fee. Applicants shall apply on forms prescribed by the commissioner and shall pay an initial fee of \$23.00 in addition to the annual fee for registration. In following years, in addition to the annual registration fee, the holder of a conservation plate shall pay a renewal fee of \$23.00. The commissioner ~~shall~~ may adopt rules under 3 V.S.A. chapter 25 to implement the provisions of this subsection. The commissioner of motor vehicles and the commissioner of fish and wildlife shall annually submit to the members of the house committees on transportation and fish, wildlife and water resources, and the members of the senate committees on transportation and natural resources and energy a report detailing, over a three-year period, the revenue generated, the number of new conservation plates sold and the number of renewals, and recommendations for program enhancements.

(b) Initial fees collected under subsection (a) of this section shall be allocated as follows:

(1) \$11.00 to the transportation fund.

(2) ~~\$6.00~~ \$12.00 to the department of fish and wildlife for deposit into, or apportionment among, the nongame wildlife account created in 10 V.S.A. § 4048.

~~(3) \$6.00 to the department of fish and wildlife for deposit into, the watershed management account created in 10 V.S.A. § 4050, or any other account related to restoring and protecting Vermont's wildlife and major watershed areas.~~

(c) Renewal fees collected under subsection (a) of this section shall be allocated as follows:

(1) ~~\$10.00~~ \$20.00 to the department of fish and wildlife for deposit into, or apportionment among, the nongame wildlife account created in 10 V.S.A. § 4048.

~~(2) \$10.00 to the department of fish and wildlife for deposit into, the watershed management account created in 10 V.S.A. § 4050, or any other account related to restoring and protecting Vermont's wildlife and major watershed areas.~~

~~(3)~~(2) \$3.00 to the transportation fund.

Sec. 41. EFFECTIVE DATES

(a) This section, Secs. 9 (western rail corridor grant application), 12 (authority to reduce fiscal year 2011 appropriations), 15 (White River Junction railroad station), 16 (aviation program plan), 20 (utility adjustments), and 29-30 (sign law provisions) shall take effect on passage.

(b) Sec. 36 (transportation program project dates) shall take effect on January 1, 2012.

(c) Sec. 19 (town highway structures match) shall take effect on July 2, 2011.

(d) All other sections of this act shall take effect on July 1, 2011.

Sec. 42. SUNSET

Sec. 29 (exempt signs) shall be repealed on July 1, 2012.

(Committee vote: 5-0-0)

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Kitchel, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Transportation.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposal of amendment was agreed to, and third reading of the bill was ordered.

Rules Suspended; Bill Amended; Third Reading Ordered**H. 446.**

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to capital construction and state bonding.

Was taken up for immediate consideration.

Senator Hartwell, for the Committee on Institutions, to which the bill was referred, reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

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

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

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

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

(3) of the \$153 million authorized by this act, no more than \$85,635,157 shall be appropriated in the first year of the biennium, and the remainder shall be appropriated in the second year.

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

(c) On or before January 15, 2012, each entity to which funds are appropriated under this act shall submit to the house committees on corrections and institutions and the senate committee on institutions a brief report on the

status of each project. The report shall be no more than one page in length for each project.

* * * Capital Appropriations * * *

Sec. 2. STATE BUILDINGS

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

(b) The following sums are appropriated in FY 2012:

- (1) Statewide, asbestos and lead abatement: 100,000
- (2) Statewide, building reuse and planning: 125,000
- (3) Statewide, contingency: 300,000
- (4) Statewide, elevator repairs and upgrades: 50,000

(5) Statewide, major maintenance. Of this amount, up to \$360,000 may be used for window sills and frames in coordination with the ARRA-funded window replacement project in Waterbury. For the purposes of this act, major maintenance shall mean deferred maintenance, planned capital renewal, and routine maintenance as these terms are defined in the memorandum of explanation of terminology dated April 14, 2011 from BGS to the chairs of the institutions committees: 9,000,000

(6) Statewide, BGS engineering, project management, and architectural project costs. It is the intent of the general assembly to evaluate in the second year of the biennium the appropriate amount for future funding of this project: 2,428,802

(7) Statewide, physical security enhancements: 150,000

(8) Brattleboro, state office building, HVAC replacement and renovations: 3,275,000

(9) Burlington, 108 Cherry St., HVAC upgrades: 1,000,000

(10) Montpelier, 116 State St., restore building envelope: 1,000,000

(11) Burlington, for Burlington International Airport to continue the process of planning and designing a new aviation technical center. 150,000

(12) Montpelier, 120 State St., restroom renovations: 250,000

(13) Montpelier, 120 State St., planning and design for building renovations: 250,000

(14) Newport, Hebard state office building, façade replacement and water intrusion prevention: 350,000

(15) Newport, Northern State Correctional Facility, maintenance shop: 350,000

(16) Springfield Correctional Facility, exterior mechanical building: 350,000

(17) Springfield, MA, exposition center building upgrades: 300,000

(18) St. Albans, Northwest State Correctional Facility, maintenance shop: 350,000

(19) St. Johnsbury, Caledonia Community Work Camp wood boiler and generator upgrade: 400,000

(20) Waterbury, powerhouse fuel tank replacement: 400,000

(21) Waterbury, wood-chip-fired boiler facility planning: 500,000

(22) Montpelier, upgrade and repairs to existing heat plant: 1,900,000

(c) The following sums are appropriated in FY 2013:

(1) Statewide, asbestos and lead abatement: 100,000

(2) Statewide, contingency: 300,000

(3) Statewide, elevator repairs and upgrades: 50,000

(4) Statewide, major maintenance, as that term is defined in subdivision (b)(5) of this act: 8,000,000

(5) Statewide, BGS engineering, project management, and architectural project costs. It is the intent of the general assembly to evaluate in the second year of the biennium the appropriate amount for future funding of this project: 2,482,802

(6) Statewide, physical security enhancements: 150,000

(7) Burlington, 108 Cherry St., HVAC upgrades: 1,000,000

(d) For the project described in subdivision (b)(13), the commissioner shall present a design plan to the committees on institutions on or before January 15, 2012.

Appropriation – FY 2012 \$22,978,802

Appropriation – FY2013 \$12,028,802

Total Appropriation – Section 2 \$35,007,604

Sec. 3. ADMINISTRATION

(a) Of the funds appropriated to the department of taxes for the Vermont Center for Geographic Information for an ongoing project to update statewide quadrangle maps through digital orthophotographic quadrangle mapping:

- (1) \$100,000 is appropriated in FY 2012.
- (2) \$100,000 is appropriated in FY 2013.

(b) The sum of \$7,000,000 is appropriated to Vermont Telecommunications Authority (VTA) in FY 2012 for the project described in Sec. 49 of this act.

(c) The sum of \$4,800,000 is appropriated to VTA in FY 2013 for the project listed in subsection (b) of this section, provided that VTA successfully achieves the outcomes listed in Sec. 49(i) of this act, as determined by the house committees on commerce and economic development and on corrections and institutions, the senate committees on economic development, housing and general affairs and on finance, and the joint fiscal committee.

<u>Appropriation – FY 2012</u>	<u>\$7,100,000</u>
<u>Appropriation – FY 2013</u>	<u>\$4,900,000</u>
<u>Total Appropriation – Section 3</u>	<u>\$12,000,000</u>

Sec. 4. HUMAN SERVICES

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

- (1) Health laboratory, continuation of design, permitting, bidding, and construction phases for co-location of department of health laboratory with the UVM Colchester research facility: 14,000,000
- (2) Vermont state hospital, ongoing safety renovations: 100,000
- (3) Vermont state hospital, continuation of planning and design: 1,000,000
- (4) Corrections, continuation of suicide prevention project: 100,000
- (5) Corrections, security upgrades: 100,000
- (6) Corrections, removal of existing dam at the Southeast State Correctional Facility in Windsor and upgrade of the facility’s potable and fire suppression water supply: 1,000,000

(b) The sum of \$1,400,000 is appropriated to the department of buildings and general services in FY 2012 for the department of corrections master plan outlined in Sec. 38 of this act.

(c) The following sums are appropriated in FY 2013 to the department of buildings and general services for the agency of human services for the projects described in this subsection:

(1) Corrections, rehabilitate VCI print shop: 143,920

(2) Corrections, removal of existing dam at the Southeast State Correctional Facility in Windsor and upgrade of the facility's potable and fire suppression water supply: 400,000

(3) Vermont state hospital, continuation of planning and design: \$1,609,346

(d) \$14,000,000 is appropriated in FY 2013 to the department of buildings and general services for the agency of human services to continue the project described in subdivision (a)(1) of this section. For the purpose of allowing the department of buildings and general services to enter into contractual agreements and complete work on the health laboratory project as soon as possible, it is the intent of the general assembly that these are committed funds not subject to budget adjustment.

Appropriation – FY 2012 \$17,700,000

Appropriation – FY2013 \$16,153,266

Total Appropriation – Section 4 \$33,853,266

Sec. 5. JUDICIARY

(a) \$200,000 is appropriated in FY 2012 to the department of buildings and general services on behalf of the Judiciary to perform repairs and upgrades to bring county courthouse facilities into ADA compliance. The department shall perform these repairs in accordance with the County Courts Americans with Disabilities Act Audits Reports submitted by the department to the general assembly pursuant to Sec. 235a of No. 154 of the Acts of the 2009 Adj. Sess. (2010).

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

Total Appropriation – Section 5 \$400,000

Sec. 6. COMMERCE AND COMMUNITY DEVELOPMENT

(a) The following sums are appropriated in FY 2012 to the department of buildings and general services for the agency of commerce and community development for the following projects:

(1) Major maintenance at historic sites statewide; provided such maintenance shall be under the supervision of the department of buildings and general services: 250,000

(2) Vermont archeology heritage center; rehabilitation of unused space at the Vermont history center and associated moving costs: 400,000

(3) Historic property stabilization and rehabilitation fund: 100,000

(b) \$200,000 is appropriated in FY 2013 to the department of buildings and general services for the agency of commerce and community development major maintenance at historic sites statewide; provided such maintenance shall be under the supervision of the department of buildings and general services: 200,000

(c) The following sums are appropriated in FY 2012 to the agency of commerce and community development for the following projects:

(1) Underwater preserves: 50,000

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

(d) The following sums are appropriated in FY 2013 to the agency of commerce and community development for the following projects:

(1) Underwater preserves: 25,000

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

Appropriation – FY 2012 \$815,000

Appropriation – FY 2013 \$240,000

Total Appropriation – Section 6 \$1,055,000

Sec. 7. BUILDING COMMUNITIES GRANTS

(a) The following sums are appropriated in FY 2012 for building communities grants established in chapter 137 of Title 24:

(1) To the agency of commerce and community development, division for historic preservation, for the historic preservation grant program: 250,000

(2) To the agency of commerce and community development, division for historic preservation, for the historic barns preservation grant program. Of this sum, up to \$20,000 may be used for the Barn Census Project: 250,000

(3) To the Vermont council on the arts for the cultural facilities grant program: 250,000

(4) To the department of buildings and general services for the recreational facilities grant program: 250,000

(5) To the department of buildings and general services for the human services and educational facilities competitive grant program: 250,000

(6) For the agricultural fairs capital projects competitive grant program: 250,000

(b) The following sums are appropriated in FY 2013 for building communities grants established in chapter 137 of Title 24:

(1) To the agency of commerce and community development, division for historic preservation, for the historic preservation grant program: 250,000

(2) To the agency of commerce and community development, division for historic preservation, for the historic barns preservation grant program: 250,000

(3) To the Vermont council on the arts for the cultural facilities grant program: 250,000

(4) To the department of buildings and general services for the recreational facilities grant program: 250,000

(5) To the department of buildings and general services for the human services and educational facilities competitive grant program: 250,000

(6) For the agricultural fairs capital projects competitive grant program: 250,000

Appropriation – FY 2012 \$1,500,000

Appropriation – FY 2013 \$1,500,000

Total Appropriation – Section 7 \$3,000,000

Sec. 8. EDUCATION

(a) \$7,000,000 is appropriated in FY 2012 to the department of education for funding the state share of completed school construction projects pursuant to 16 V.S.A. § 3448. The appropriation shall be allocated according to the

priorities established by the state board of education for fiscal year 2012, excluding emergency projects and asset renewal projects. Major addition or renovation projects shall receive 30 percent of the remaining amount owed by the state. Technical education projects shall each receive 33 percent of the remaining amount owed by the state. Of the balance remaining of the appropriation once all major addition or renovation and technical education projects are paid, renewable energy projects shall receive an equal percentage of the amount owed by the state.

(b) \$7,000,000 is appropriated in FY 2013 pursuant to 16 V.S.A. § 3448. It is the intent of the general assembly that these are committed funds not subject to capital budget adjustment

Total Appropriation – Section 8 \$14,000,000

Sec. 9. AUSTINE SCHOOL

The sum of \$500,000 is appropriated in FY 2012 to the department of buildings and general services for the final phase of renovation of Holton Hall at the Austine School. This shall be the last capital funding for this project.

Total Appropriation – Section 9 \$500,000

Sec. 10. UNIVERSITY OF VERMONT

(a) \$1,800,000 is appropriated in FY 2012 to the University of Vermont for construction, renovation, and major maintenance.

(b) \$1,800,000 is appropriated in FY 2013 for the project described in subsection (a) of this section. It is the intent of the general assembly to evaluate in the second year of the biennium the appropriate amount for future funding of this project.

Total Appropriation – Section 10 \$3,600,000

Sec. 11. VERMONT STATE COLLEGES

(a) \$1,800,000 is appropriated in FY 2012 to Vermont State Colleges for construction, renovation, and major maintenance.

(b) \$1,800,000 is appropriated in FY 2013 to Vermont State Colleges for construction, renovation, and major maintenance. It is the intent of the general assembly to evaluate in the second year of the biennium the appropriate amount for future funding of this project.

Total Appropriation – Section 11 \$3,600,000

Sec. 12. NATURAL RESOURCES

(a) The following sums are appropriated to the agency of natural resources in FY 2012 for:

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

(A) Clean water state/EPA revolving loan fund (CWSRF) match: 1,460,400

(B) Combined sewer overflow project in Springfield, several areas: 210,000

(C) Principal and interest on short-term borrowing associated with delayed grant funding for the Pownal project: 550,000

(D) Springfield loan conversion: 100,000

(E) Administrative support – engineering, oversight, and program management. It is the intent of the general assembly to evaluate in the second year of the biennium the appropriate amount for future funding of this project: 275,000

(2) the drinking water state revolving fund for the following projects:

(A) Engineering oversight and project management. It is the intent of the general assembly to evaluate in the second year of the biennium the appropriate amount for future funding of this project: 275,000

(B) Balance of match to federal FY 2010 EPA grant: 2,515,253

(C) Partial match to federal FY 2011 EPA grant: 271,460

(3) the following water pollution control TMDL and wetland protection projects:

(A) Ecosystem restoration and protection: 2,500,000

(B) Waterbury waste treatment facility phosphorous removal: 2,700,000

(4) the following dam safety and hydrology projects:

(A) Wolcott Pond dam repair and maintenance: 150,000

(B) Waterbury dam maintenance: 175,000

(5) The following sum is appropriated to the agency of natural resources for the department of forests, parks and recreation for statewide small-scale rehabilitation, wastewater repairs, preventive improvements and upgrades of restrooms and bathhouses, and statewide small-scale road rehabilitation

projects. Up to \$100,000 of these funds may be used to work with the Vermont youth conservation corps on appropriate forests, parks and recreation projects: 2,500,000

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

(A) general infrastructure projects: 250,000

(B) removal of unsafe dilapidated structures. Of this amount, up to \$50,000 may be used for improvements to state-owned shooting ranges: 150,000

(C) fish culture station improvements: 550,000

(D) fishing access improvements: 100,000

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

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

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

(B) Combined sewer overflow projects:

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

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

(C) Principal and interest on short-term borrowing associated with delayed grant funding for the Pownal project: 500,000

(D) Springfield loan conversion: 100,000

(E) Administrative support – engineering, oversight, and program management. It is the intent of the general assembly to evaluate in the second year of the biennium the appropriate amount for future funding of this project: 300,000

(2) the following projects:

(A) the drinking water state revolving fund for balance of match to federal FY 2011 EPA grant: 2,433,140

(B) Engineering oversight and program management: 300,000

(3) ecosystem restoration and protection: 2,500,000

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

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

(A) fish culture station improvements: 550,000

(B) fishing access improvements: 100,000

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

Appropriation – FY 2012 14,732,113

Appropriation – FY 2013 11,683,540

Total Appropriation – Section 12 \$26,415,653

Sec. 13. MILITARY

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

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

Total Appropriation – Section 13 \$750,000

Sec. 14. PUBLIC SAFETY

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

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

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

(e) \$10,000 is appropriated in FY 2012 for an architectural assessment of the Vermont State Police barracks in Middlesex to determine the most cost-effective way to modify the existing facilities to enhance officer and suspect safety by incorporating an existing garage to aid in criminal transport, creating an updated holding cell, and creating a contained processing and booking area that is separate from staff work space.

(f) For a future project to consolidate Vermont State Police facilities currently located in Bradford and St. Johnsbury into one location, the commissioners of the departments of public safety and of buildings and general services shall explore land opportunities adjacent to exit 18 on I-91 in Barnet. If an appropriate site is identified, the commissioner of buildings and general services may acquire an option on the land, pursuant to the authority granted in 29 V.S.A. § 152(3)(B).

(g)(1) Prior to entering into any new lease for the division of fire safety and on or before January 15, 2012, the department of public safety in collaboration with the department of buildings and general services shall submit to the house committee on corrections and institutions and the senate committee on institutions for approval a study of the cost savings and impact to programs and services that are likely to result if the Rutland and Springfield regional offices are consolidated. At a minimum, the study shall consider whether the consolidation would:

(A) affect the quality of services to the public.

(B) create geographical hardships for the public or employees.

(C) decrease the effective delivery of services and, if there is a decrease, whether this loss negates any potential cost savings.

(D) affect department operations.

(E) affect employee morale.

(F) create hardships for the communities that will lose the regional offices.

(2) The study shall also consider how the consolidation would affect the inventory of existing state-owned property and whether technology could be used to link supervisors with their employees and, if so, whether this technology is available currently within the department.

<u>Appropriation – FY 2012</u>	<u>\$2,560,000</u>
<u>Appropriation – FY 2013</u>	<u>\$2,550,000</u>
<u>Total Appropriation – Section 14</u>	<u>\$5,110,000</u>

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

No capital funds other than those to be used for major maintenance shall be appropriated for the criminal justice training council or the fire training council until the two entities enter into a memorandum of understanding regarding governance, efforts to consolidate, and a strategic plan for working together in the future.

Sec. 16. AGRICULTURE, FOOD AND MARKETS

(a) \$1,300,000 is appropriated in FY 2012 to the agency of agriculture, food and markets for the best management practice implementation cost share program, to continue to reduce nonpoint source pollution in Vermont. Cost share funds shall not exceed \$75,000 or 90 percent of the total cost of a project. Whenever possible, state funds shall be combined with federal funds to complete projects.

(b) \$1,400,000 is appropriated in FY 2013 for the program described in subsection (a) of this section.

<u>Total Appropriation – Section 16</u>	<u>\$2,700,000</u>
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Sec. 17. VERMONT PUBLIC TELEVISION

(a) \$500,000 is appropriated in FY 2012 to Vermont Public Television for the state match for the federally mandated conversion of its transmission network to digital format.

(b) \$300,000 is appropriated in FY 2013 for the project described in subsection (a) of this section.

<u>Total Appropriation – Section 17</u>	<u>\$800,000</u>
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Sec. 18. VERMONT RURAL FIRE PROTECTION

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

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

<u>Total Appropriation – Section 18</u>	<u>\$200,000</u>
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Sec. 19. VERMONT VETERANS' HOME

(a) \$200,000 is appropriated in FY 2012 to the department of buildings and general services for the Vermont Veterans' Home to replace the nurse call system on B and C wings of the facility.

(b) \$100,000 is appropriated in FY 2012 to the department of buildings and general services for the Vermont Veterans' Home to design an upgrade of the kitchen and dietary storage areas to be code compliant and to improve the food preparation and delivery systems.

Total Appropriation – Section 19 \$300,000

Sec. 20. VERMONT CENTER FOR CRIME VICTIM SERVICES

(a) \$50,000 is appropriated in FY 2012 to the Vermont Center for Crime Victim Services for Americans with Disabilities Act improvements at domestic and sexual violence shelters and nonshelter programs. The Vermont Center for Crime Victim Services shall continue to file annually and in the manner prescribed the report required by Sec. 20 of No. 161 of the Acts of the 2009 Adj. Sess. (2010).

(b) \$35,000 is appropriated in FY 2013 for the project described in subsection (a) of this section.

Total Appropriation – Section 20 \$85,000

Sec. 21. INFORMATION AND INNOVATION

\$5,780,000 is appropriated in FY 2013 to the department of information and innovation for the upgrade of the financial and human resources computer system. The department shall report back to the general assembly on or before January 15, 2012 regarding how the appropriations granted in Sec. C.100 of H.441 of the 2011 Session (the appropriations bill) have been used for this project.

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

Sec. 22. HOUSING AND CONSERVATION BOARD

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

(1) give priority consideration to affordable housing preservation and infill projects in or near downtowns or village centers as well as consider applications to build or renovate housing for elders and supportive housing for persons with disabilities including persons with chronic mental illness and

transitional and supportive housing for individuals and families who might otherwise be homeless;

(2) consider the need for creating public inebriate beds and transitional housing in unserved areas of the state;

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

(4) leverage federal and private funds to the maximum extent feasible. If less than \$3,200,000 of the state's private use bond cap is made available to VHCB for loans to eligible affordable housing projects or if federal law prevents the state from combining the 9 percent housing tax credit with this capital appropriation, VHCB may increase the amount it allocates to conservation grant awards from its capital appropriation, notwithstanding the percentage provided for in this section, provided that VHCB increases its affordable housing investments by the same amount from funds appropriated to VHCB by Sec. ____ of No. ____ of 2011 (H.441; the appropriations bill); and

(5) Of this appropriation, \$600,000 shall be allocated to the agency of human services for two housing projects in Burlington to serve the agency's clients. The agency of human services shall enter into a memorandum of understanding with the Burlington Housing Authority on how the units in these projects can best be utilized for agency of human services clients.

(6) on or before January 31, 2012, provide its annual report to the senate committee on institutions and the house committee on corrections and institutions on how the funds appropriated by this section and by the FY 2012 Appropriations Act were spent or obligated.

Total Appropriation – Section 22

\$4,000,000

Sec. 22a. PUBLIC INEBRIATES TASK FORCE

The public inebriates task force established pursuant to Sec. 17 of No 179 of the Acts of the 2007 Adj. Sess. (2008) shall work with the Vermont housing and conservation board to provide public inebriate beds. The task force shall develop a plan to assemble support services and related annual funding, and assemble a facility with two to four beds, in one or more of the unserved areas of the state. The task force shall report the plan and its progress to the house committee on corrections and institutions and the senate committee on institutions on or before January 15, 2012.

Sec. 23. VERMONT INTERACTIVE TELEVISION

(a) \$299,242 is appropriated in FY 2012 to Vermont Interactive Television for the purchase of equipment necessary for systems and unit upgrades at Vermont Interactive Television sites.

(b) \$299,241 is appropriated in FY 2013 to Vermont Interactive Television for the project described in subsection (a) of this section.

Total Appropriation – Section 23 \$598,483

* * * 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:

(1) of the amount appropriated by Sec. 12(a) of No. 147 of the Acts of the 2005 Adj. Sess. (2006) (public safety): 6,303.13

(2) of the amount appropriated by Sec. 1 of No. 200 of the Acts of the 2007 Adj. Sess. (2008) (20 Houghton): 10,260.00

(3) of the amount appropriated by Sec. 6 of No. 200 of the Acts of the 2007 Adj. Sess. (2008) (human resources grants): 3,969.35

(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): 400,000.00

(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): 100,001.00

(6) of the amount appropriated by Sec. 1 of No. 43 of the Acts of 2009 (engineering staff): 74,472.91

Total Reallocations and Transfers – Section 24 \$595,006.39

Sec. 25. GENERAL OBLIGATION BONDS AND APPROPRIATIONS

The state treasurer is authorized to issue general obligation bonds in the amount of \$153,160,000 for the purpose of funding the appropriations of this act. The state treasurer, with the approval of the governor, shall determine the appropriate form and maturity of the bonds authorized by this section consistent with the underlying nature of the appropriation to be funded. The state treasurer shall allocate the estimated cost of bond issuance or issuances to the entities to which funds are appropriated pursuant to this section and for which bonding is required as the source of funds, pursuant to 32 V.S.A. § 954.

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

* * * Policy * * *

* * * Buildings and General Services * * *

Sec. 26. PROPERTY TRANSACTIONS; MISCELLANEOUS

(a) The department of buildings and general services, in consultation with the Rutland City mayor or designee, shall study the feasibility of selling the Asa Bloomer building and parking garage located in Rutland City, including the operations, maintenance, and security of the garage, separately or together for a single sale or together in perpetuity pursuant to 29 V.S.A. § 166 and shall make a recommendation to the committees on institutions on or before January 14, 2012.

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

(1) Fuller farmhouse at the Hubbardton Battlefield state historic site, 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 Grand Isle or, in the alternative, to donate the building to Hyde Park, or in the alternative to sell the property.

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

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

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

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

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

(e) On or before January 15, 2012, the commissioner of buildings and general services shall report to the house committee on corrections and institutions and the senate committee on institutions on whether it is in the best

interest of the state and to what extent it is feasible to locate the department of education offices at a single site.

Sec. 27. Sec. 25 of No. 43 of the Acts of 2009 is amended to read:

Sec. 25. PROPERTY TRANSACTIONS; MISCELLANEOUS

* * *

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

* * *

(2) The Redstone building at 26 Terrace Street in Montpelier after the secretary of state has moved to another location and the commissioner of buildings and general services has provided a feasibility study to the committees on institutions on or before Jan 15, 2012 on whether it is in the best interest of the state for the property to remain in the state's inventory for the support of state government, public functions, state museums, or any other use consistent with functions of state government, including apartment housing for the chief executive. The commissioner may propose a plan that includes partnering with non-profit entities to restore and renovate the Redstone building to accommodate the proposal and retain the property's historic value.

* * *

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

Sec. 26. PROPERTY TRANSACTIONS; MISCELLANEOUS

The commissioner of buildings and general services is authorized, with the approval of the secretary of administration, to sell the properties listed in this subsection pursuant to 29 V.S.A. § 166. ~~Of proceeds from the sales \$50,000 is appropriated to the Friends of the State House for renovations to the state house. The remainder is~~ Proceeds from the sale are appropriated to the department of buildings and general services for ~~construction and renovation of building 617 in Essex to house the department of health and department of public safety forensics laboratories~~ future capital projects.

* * *

Sec. 28a. Sec. 25 of No. 43 of the Acts of 2009 is amended to read:

Sec. 25. PROPERTY TRANSACTIONS; MISCELLANEOUS

* * *

(i) In Sec. 32(d) of No. 200 of the Acts of the 2007 Adj. Sess. (2008), the general assembly authorized the commissioner of buildings and general

services to sell, lease, subdivide, convert into condominiums, or any combination thereof the Thayer school building located at 1193 North Avenue in Burlington. The commissioner is hereby further authorized to transfer title by warranty deed for sale of the building and to convey the Thayer school property by warranty deed and to renegotiate or redevelop the terms of the property development agreement, including the state's present and future ownership interest in the real property and the scope and nature of the development agreement. If a proposal to renegotiate or redevelop the terms of the property development agreement is created when the general assembly is not convened, the proposal shall be presented to the chairs of the institutions committees to review and approve.

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

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

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

§ 155. HISTORIC PROPERTY STABILIZATION AND REHABILITATION SPECIAL FUND

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

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

(c) On or before January 15 of each year, the department shall report to the house committee on corrections and institutions and the senate committee on

institutions concerning deposits into and disbursements from the fund occurring in the previous calendar year, the properties sold and stabilized or rehabilitated during that period, and the department's plans for future stabilization or rehabilitation of state-owned historic properties.

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

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

Sec. 31. TRANSITION; FUNDING

(a) On or before July 15, 2011, the department of buildings and general services and the division for historic preservation shall develop a proposal for the program required in Sec. 30, 29 V.S.A. § 155(b), of this act and shall present the proposal to the chairs of the house committee on corrections and institutions and the senate committee on institutions. The chairs shall review the proposal and recommend to the joint fiscal committee whether or not to approve the proposal. After review of the proposal and the chairs' recommendations, the joint fiscal committee shall approve the proposal, disapprove the proposal, or direct the departments to amend and resubmit the proposal to the chairs by a date certain.

(b) The division for historic preservation shall consider the feasibility of expanding the program required in Sec. 30, 29 V.S.A. § 155(b), of this act to include the stabilization or rehabilitation of historic properties that are not owned by the state. The division shall present its recommendations in the form of proposed legislation to the house committee on corrections and institutions and the senate committee on institutions on or before January 15, 2012.

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

Sec. 32. INFORMATION CENTERS

The secretaries of transportation and commerce and community development and the commissioner of buildings and general services shall study and recommend on or before January 15, 2012 a future program for delivery of travel information services to motorists and the promotion of Vermont businesses and products to the motoring public.

Sec. 33. BICYCLE RACKS AT STATE BUILDINGS

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

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

(1) assess state-owned buildings under the jurisdiction and control of the department to determine the possibility of utilizing existing space for bicycle parking, as well as determining the location, type, and existence of current bicycle parking options. To the extent feasible, the commissioner shall identify areas at the capital complex in Montpelier and the state office complex in Waterbury where bicycle parking could be added. The commissioner shall consider the costs and savings associated with converting existing indoor space for bicycle parking and the installation costs of adding various types of outdoor bicycle parking options. Based on availability of existing space, ease of conversion of that space, and the availability and costs of creating additional outdoor bicycle parking, the commissioner shall create a priority list of changes that may be implemented to increase the number of bicycle parking 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.

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

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 commissioner's jurisdiction shall be available for use regardless of the gender of the user.

* * * Capital Budget Reporting * * *

Sec. 35. 32 V.S.A. § 309 is amended to read:

§ 309. CAPITAL BUDGET REPORT

(a) Consolidated capital budget request. In addition to the general operating budget request to be submitted by the governor to the general assembly pursuant to this chapter, the governor shall submit to the general assembly, not later than the ~~second week~~ third Tuesday of every annual session, a consolidated capital budget request for the following fiscal year, which encompasses all undertakings that may require state general obligation debt financing, including transportation projects as follows:

* * *

* * * Tort Claims Against the State * * *

Sec. 36. 12 V.S.A. § 5601(b) is amended to read:

(b) ~~Effective July 1, 1989, the maximum liability of the state under this section shall be \$250,000.00 to any one person and the maximum aggregate liability shall be \$500,000.00 to all persons arising out of each occurrence.~~ Effective July 1, ~~1990~~ 2011, the maximum liability of the state under this section shall be ~~\$250,000.00~~ \$500,000.00 to any one person and the maximum aggregate liability shall be ~~\$1,000,000.00~~ \$2,000,000.00 to all persons arising out of each occurrence.

Sec. 36a. 12 V.S.A. § 5606 is amended to read:

§ 5606. INDEMNIFICATION OF EMPLOYEES

* * *

(b) The maximum liability of the state under this section shall be ~~\$250,000.00~~ 500,000.00 to any one person and the maximum aggregate liability shall be ~~\$1,000,000.00~~ 2,000,000.00 to all persons arising out of each occurrence.

* * *

* * * Human Services * * *

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.

Sec. 38. DEPARTMENT OF CORRECTIONS MASTER PLAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) the feasibility of expanding house arrest measures to initially avoid incarceration for misdemeanors and nonviolent felonies.

(d) It is the intent of the general assembly to:

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

(2) in the second year of the biennium evaluate the move required by subsection (a) of this section and consider strategies to reduce the number of women incarcerated.

* * * Natural Resources * * *

Sec. 39. LAKE CHAMPLAIN WALLEYE ASSOCIATION;
REALLOCATION

Of the funds appropriated in Sec. 11(g)(1) of No. 52 of the Acts of 2007, the Lake Champlain Walleye Association, Inc. is authorized to redirect the sum of \$21,150 to purchase walleye-rearing infrastructure upgrades.

Sec. 40. NATURAL RESOURCES; CONSOLIDATION; EXCESS
PROPERTY

The agency of natural resources shall conduct an inventory of unused building space within its properties, study how unused and underutilized buildings may be consolidated to provide more efficient agency operations and energy usage across the agency, and consider what buildings, if any, might be sold following consolidation. On or before January 15, 2012, the agency of natural resources shall report to the house committee on corrections and institutions and the senate committee on institutions on the matters listed in this section and any legislative changes that would need to occur to facilitate the consolidation process.

* * * Military Department * * *

Sec. 41. DEPARTMENT OF MILITARY; REALLOCATION

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

* * * Education * * *

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

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

* * * Fuels for Schools * * *

Sec. 43. 16 V.S.A. § 3448 is amended to read:

§ 3448. APPROVAL AND FUNDING OF SCHOOL CONSTRUCTION PROJECTS; RENEWABLE ENERGY

(a) Construction aid.

* * *

(3) Priorities. Following approval of a preliminary application and provided that the district has voted funds or authorized a bond for the total estimated cost of a project, the state board shall assign points to the project so that the project can be placed on a priority list based on the number of points received. Once a project receives points, if it does not receive funding in a given year, it shall not lose points in subsequent years and, pursuant to rule of the board and provided the scope of the project remains the same, it shall gain points due to length of time on the list and may gain points for any other reason. The points shall be assigned so that:

(A) First priority is given to emergency projects in excess of \$100,000.00 which address threats to the safety and health of students or employees created by unanticipated circumstances or events.

(B) Second priority is given to construction projects in excess of \$10,000.00 which address a need occasioned by deterioration of an existing building or equipment pursuant to subdivision (2)(A) of this subsection, and which extend the useful life of the building but which do not make extensive additions or extensive alterations to existing school facilities in which students are provided services. Examples of projects given priority under this subdivision are replacement, addition, or repair to utilities; projects which address environmental quality issues; repair of a roof; replacement of an existing space-heating, water-heating, cooling, or refrigeration system that uses fossil fuels with a system for the same purpose that uses or primarily relies upon biomass, a geothermal/ground source, wind, or solar energy, or replacement of a system with a more efficient fossil-fuel system that reduces fuel use by 10 percent or more or utilizes new technologies such as microturbines, cogeneration, fuel cells, or distributed generation; and replacement or upgrading of mechanical equipment.

(C) Remaining projects are given priority based on consideration of the relative degree of need pursuant to subdivision (2)(A) of this subsection.

* * *

Sec. 44. FUELS FOR SCHOOLS; ELIGIBILITY FOR STATE AID FOR CAPITAL CONSTRUCTION COSTS

Notwithstanding Sec. 36 of No. 52 of the Acts of 2007, Sec. 45 of No. 200 of the Acts of the 2007 Adj. Sess. (2008), and Sec. 22 of No. 54 of the Acts of 2009 (suspending state construction aid to schools), the commissioner of education may accept, review, and take action on applications for state aid under chapter 123 of Title 16 for projects under 16 V.S.A. 3448(a)(3)(B) that involve:

(1) the replacement of an existing space-heating, water-heating, cooling, or refrigeration system that uses fossil fuels with:

(A) a system for the same purpose that uses or primarily relies upon biomass, a geothermal/ground source, wind, or solar energy; or

(B) a more efficient fossil-fuel system that reduces fuel use by 10 percent or more or utilizes new technologies such as microturbines, cogeneration, fuel cells, or distributed generation; or

(2) replacement or upgrading of mechanical equipment.

* * * Transportation * * *

Sec. 45. TRANSPORTATION; CONSOLIDATION; EXCESS PROPERTY

The agency of transportation shall conduct an inventory of unused building space within its properties, study how unused and underutilized buildings may be consolidated to provide more efficient operations and energy usage across the agency, and consider what buildings, if any, might be sold following consolidation. On or before January 15, 2012, the agency of transportation shall report to the house committee on corrections and institutions and the senate committee on institutions on the matters listed in this section and any legislative changes that would need to occur to facilitate the consolidation process.

Sec. 46. TELECOMMUTING

On or before January 15, 2012, the secretaries of administration and transportation shall submit to the general assembly a report addressing whether and to what extent state employees could telecommute to perform their duties and what impact, if any, an increase in telecommuting by state employees would have on the inventory of state buildings.

* * * Energy Use on State Properties * * *

Sec. 47. STATE ENERGY USE

(a) The general assembly recognizes and applauds the ongoing efforts of the state to pursue all practicable measures to reduce overall energy consumption.

(b) It is the intent of the general assembly that each agency, board, department, commission, committee, branch, or authority of the state:

(1) reduce its energy consumption, including the amount of fuel used by its employees to travel to and from meetings during the work day, by five percent each year; and

(2) increase its use of renewable energy.

(c) The secretary of administration is charged with coordinating this initiative. The secretary or designee shall track the state's progress in meeting these goals and, for the purpose of encouraging success, shall have the authority to implement incentive programs, to consult with public and nonpublic entities about strategies, and to require the relevant subdivisions of the state government to take necessary actions. The secretary may use incentives received by the state from an electric energy efficiency entity to

cover the costs associated with tracking or encouraging success in meeting these goals.

(d) On or before January 15, 2012, the secretary of administration shall recommend to the general assembly and the governor strategies for investing in energy efficiency and renewable energy.

Sec. 48. 29 V.S.A. § 168 is amended to read:

§ 168. STATE RESOURCE MANAGEMENT; REVOLVING FUND

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

(b) Revolving fund.

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

(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) ~~Moneys~~ Monies saved by the implementation of resource management conservation measures.

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

(D) 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.

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

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

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

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

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

Sec. 49. ADMINISTRATION; VERMONT TELECOMMUNICATIONS AUTHORITY

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

(1) Fiber optic facilities.

(2) Telecommunications towers or other support structures.

(3) Equipment needed to deliver cellular service.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The VTA shall ensure that any investments made or grants awarded under this section are in furtherance of the goals stated in 30 V.S.A. § 8060(b) and shall use the telecommunications measures established pursuant to No. 146 of the Acts of the 2009 Adj. Sess. (2010) (an act relating to implementation of challenges for change) to track the progress made in attaining those goals through such investments and grants. Beginning October 1, 2011, and for the next succeeding two years, on a quarterly basis, the VTA shall submit to the house committees on commerce and economic development and on corrections and institutions, the senate committees on economic development, housing and general affairs and on finance, and the joint fiscal committee a progress report reflecting the outcomes and measures as applied to the projects funded under this section. This report shall include location specific information on the progress of deployment of telecommunications technology that does not require the utilization of towers.

* * * Authorization of Borrowing by Assistant Judges of
Orleans County * * *

Sec. 50. ORLEANS COUNTY; BORROWING AUTHORIZED;
ASSISTANT JUDGES

Notwithstanding 24 V.S.A. § 82, the assistant judges of Orleans County may borrow a sum not to exceed \$325,000.00 to pay for a sheriff's department facility in Derby, as authorized by 24 V.S.A. § 77(a). Notes or other evidence

of indebtedness not exceeding that amount, payable in not more than ten years from the date of execution, may be issued by the county treasurer on behalf of the County of Orleans. All such notes or evidence of indebtedness shall contain on their face a statement of the purpose for which they are issued and of the authority conferred by this section and shall be evidence of the county's liability to the bona fide holder of the instrument. The form, denominations, maturities, interest rates, and other terms, conditions, and details of the note or other evidence of indebtedness shall be determined by resolution of the assistant judges of Orleans County. Notes or other evidence of indebtedness issued under the provisions of this section shall be paid from county funds raised by taxation pursuant to 24 V.S.A. § 133.

Sec. 51. DURATION OF AUTHORITY; ORLEANS COUNTY BORROWING

The authority to borrow conferred by Sec. 50 of this act shall terminate on January 1, 2012. Any funds borrowed and notes or other forms of indebtedness issued prior to that date shall be subject to the terms of this act until repaid.

* * * Treasurer* * *

Sec. 52. 24 V.S.A. § 4572 is amended to read:

§ 4572. MEMBERSHIP; VACANCIES

The bank established by section 4571 of this title shall consist of the following five directors: the state treasurer, or his or her designee, who shall be a director ex officio, and four directors appointed by the governor with the advice and consent of the senate for terms of two years. The four directors appointed by the governor must be residents of the state and must be qualified voters therein for at least one year next preceding the time of appointment. The governor shall first appoint two directors to serve until February 1, 1971 and two directors to serve until February 1, 1972. Each director shall hold office for the term of his or her appointment and until his or her successor shall have been appointed and qualified. A director shall be eligible for reappointment. Any vacancy in a directorship occurring other than by expiration of term shall be filled in the same manner as the original appointment, except that the advice and consent of the senate shall not be required if it is not in session, but for the unexpired term only.

Sec. 53. 16 V.S.A. § 3852 is amended to read:

§ 3852. VERMONT EDUCATIONAL AND HEALTH BUILDINGS FINANCING AGENCY; CREATION; MEMBERS

(a) A board of ~~thirteen~~ 13 members known as the Vermont educational and health buildings financing agency is created. It is a body corporate and politic constituting a public instrumentality of the state. The commissioner of education, the secretary of human services, the state treasurer, or his or her designee, and the secretary of administration shall be members *ex officio*. The governor, with the advice and consent of the senate, shall appoint seven members for six-year terms. The members appointed by the governor shall appoint two additional members whose term of office shall be two years.

* * *

Sec. 54. 16 V.S.A. § 2831 is amended to read:

§ 2831. MEMBERSHIP; VACANCIES

The corporation shall be governed and all of its powers exercised by a board of directors consisting of 11 members. The governor shall appoint five members as follows: one person to be the financial aid officer of an institution of postsecondary education in the state of Vermont; one person to be a guidance counselor from a Vermont secondary school, and three members representing the general public. In making the appointments of the members representing the general public, the governor shall give due consideration to the board's needs for expertise and experience in the management of a financial institution. The state treasurer or his or her designee shall be a member. The speaker of the Vermont house of representatives and the committee on committees of the Vermont senate shall each appoint one member from their respective legislative bodies to serve on the board. The board shall elect three additional members. All members shall be of full age, citizens of the United States and residents of Vermont. All appointments shall be for terms of six years with the exception of legislative members whose terms shall expire at the end of six years or when their service in the Vermont legislature is completed, whichever shall first occur. The date of the expiration of the term of appointment in each case shall be June 30. Vacancies which may occur by reason of death or resignation shall be filled in the same manner as original appointments.

Sec. 55. 10 V.S.A. § 632a(f) is amended to read:

(f) In order to assure the maintenance of the debt service reserve fund requirement in each debt service reserve fund established by the agency under this section, there may be appropriated annually and paid to the agency for

deposit in each fund a sum as shall be certified by the chair of the agency to the governor, the president of the senate, and the speaker of the house as is necessary to establish or restore each such debt service reserve fund to an amount equal to the requirement for each such fund. The chair shall annually, on or about February 1, make, execute, and deliver to the governor, the president of the senate, and the speaker of the house a certificate stating the sum required to restore each such fund to the amount required by this section; ~~and the sum,~~ and the governor shall, on or before March 1, submit a request for appropriations in the amount so certified, and such amount may be appropriated and, if appropriated, shall be paid to the agency during the then-current state fiscal year. In order to assure the funding of the pledged equity fund requirement in each pledged equity fund established by the agency under this section at the time and in the amount determined at the time of entering into any credit enhancement agreement related to a pledged equity fund, there may be appropriated and paid to the agency for deposit in each fund a sum as shall be certified by the chair of the agency to the governor, the president of the senate, and the speaker of the house as is necessary to establish each pledged equity fund to an amount equal to the amount determined by the agency at the time of entering into any credit enhancement agreement related to a pledged equity fund; provided that the amount requested, together with any amounts previously appropriated pursuant to this subsection for a particular pledged equity fund, shall not exceed the maximum amount of the state's commitment as determined by the agency pursuant to subsection (d) of this section. The chair shall, on or about the February 1 next following the designated date for fully funding a pledged equity fund, make, execute, and deliver to the governor, the president of the senate, and the speaker of the house a certificate stating the sum required to bring each fund to the amount required by this section or to otherwise satisfy the state's commitment with respect to each fund, and ~~the sum~~ the governor shall, on or before March 1, submit a request for appropriations in the amount so certified, and such amount may be appropriated and, such amount, if appropriated, shall be paid to the agency during the then-current state fiscal year. The combined principal amount of bonds, notes, and other debt instruments outstanding at any time and secured in whole or in part by a debt service reserve fund established under this section and the aggregate commitment of the state to fund pledged equity funds pursuant to this subsection shall not exceed \$155,000,000.00 at any time, provided that the foregoing shall not impair the obligation of any contract or contracts entered into by the agency in contravention of the Constitution of the United States. Notwithstanding anything in this section to the contrary, the state's obligation with respect to funding any pledged equity fund shall be limited to its maximum commitment, as determined by the agency pursuant to

subsection (d) of this section, and the state shall have no other obligation to replenish or maintain any pledged equity fund.

* * * Effective Dates; Statutory Revision * * *

Sec. 56. EFFECTIVE DATES; STATUTORY REVISION

(a) This act shall take effect on passage, except:

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

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

(b) Pursuant to the statutory revision authority provided in 16 V.S.A. chapter 13, after passage of this act and H.441 of this session (appropriations bill), the office of legislative council shall revise Sec. 22(4) of this act to refer to the appropriate section and act number of H.441 as enacted.

And that the bill ought to pass in concurrence with such proposal of amendment.

Senator Illuzzi, for the Committee on Appropriations, to which the bill was referred, reported recommending that the bill ought to pass in concurrence with proposal of amendment as recommended by the Committee on Institutions.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposal of amendment was agreed to, and third reading of the bill was ordered.

Rules Suspended; Bills Committed

H. 56.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to the Vermont Energy Act of 2011.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Natural Resources and Energy, Senator Campbell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Finance with the report of the Committee on Natural Resources and Energy *intact*,

Which was agreed to.

H. 155.

Appearing on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to property-assessed clean energy districts.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Natural Resources and Energy, Senator Campbell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Finance with the report of the Committee on Natural Resources and Energy *intact*,

Which was agreed to.

Rules Suspended; Bills Committed

H. 38.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to ensuring educational continuity for children of military families.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Education, Senator Campbell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Appropriations with the report of the Committee on Education *intact*,

Which was agreed to.

H. 202.

Pending entry on the Calendar for notice, on motion of Senator Campbell, the rules were suspended and House bill entitled:

An act relating to a universal and unified health system.

Was taken up for immediate consideration.

Thereupon, pending the reading of the report of the Committee on Health and Welfare, Senator Campbell moved that Senate Rule 49 be suspended in order to commit the bill to the Committee on Appropriations with the reports of the Committee on Health and Welfare and Finance *intact*,

Which was agreed to.

Joint Senate Resolution Adopted on the Part of the Senate

Joint Senate resolution of the following title was offered, read and adopted on the part of the Senate, and is as follows:

By Senators Carris and Mullin,

J.R.S. 29. Joint resolution relating to weekend adjournment.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 22, 2011, it be to meet again no later than Tuesday, April 26, 2011.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 21.

An act relating to the Uniform Limited Cooperative Association Act.

To the Committee on Rules.

H. 42.

An act relating to employment decisions based on credit information.

To the Committee on Rules.

H. 185.

An act relating to regulating fees and charges for propane gas.

To the Committee on Rules.

H. 438.

An act relating to the department of banking, insurance, securities, and health care administration.

To the Committee on Rules.

H. 452.

An act relating to establishing the boundary line between the towns of Shelburne and St. George.

To the Committee on Rules.

Bill Passed in Concurrence**H. 52.**

House bill of the following title was read the third time and passed in concurrence:

An act relating to the definition of poultry products.

Bill Passed in Concurrence with Proposal of Amendment**H. 88.**

House bill of the following title was read the third time and passed in concurrence with proposal of amendment:

An act relating to uniform child custody jurisdiction and enforcement.

Bill Amended; Third Reading Ordered; Rules Suspended; Bill Passed in Concurrence with Proposal of Amendment**S. 74.**

Senator White, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to the transferring of the animal spaying and neutering program to the office of the secretary of state.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 20 V.S.A § 3815 is amended to read:

§ 3815. DOG, CAT, AND WOLF-HYBRID SPAYING AND NEUTERING PROGRAM

(a) ~~The agency of agriculture, food and markets shall establish by rule a process by which a qualified organization~~ department of health shall administer a dog, cat, and wolf-hybrid spaying and neutering program providing reduced-cost spaying and neutering services and presurgical immunization for dogs, cats, and wolf-hybrids owned or cared for by low income individuals. The department shall implement the program through an

agreement with a qualified organization consistent with the applicable administrative rules.

(b) The program shall reimburse veterinarians who voluntarily consent to spay or neuter dogs, cats, and wolf-hybrids under the auspices of the program. The reimbursement shall be less any co-payment by the owner of a dog, cat, or wolf-hybrid for the cost of each spaying or neutering procedure.

~~(c) The agency of agriculture, food and markets is authorized to promulgate an emergency administrative rule by August 1, 2009, the purpose of which shall be that only a dog, cat, or wolf hybrid acquired for no compensation shall be eligible for funding from the animal spaying and neutering program established under this section. The rule shall provide consideration for the financial ability of the funding applicant to pay for the requested service. For the purposes of this subsection, a nominal fee or donation required for adoption of a dog, cat, or wolf hybrid shall not constitute compensation paid for the animal.~~ The secretary of human services may adopt and amend rules pursuant to chapter 25 of Title 3 to enable the department of health to carry out the purposes of this act.

Sec. 2. 20 V.S.A. § 3816 is amended to read:

§ 3816. ANIMAL SPAYING AND NEUTERING FUND; CREATION

(a) There is created, pursuant to subchapter 5 of chapter 7 of Title 32, in the ~~agency of agriculture, food and markets~~ department of health the dog, cat, and wolf-hybrid spaying and neutering special fund to finance the costs of the dog, cat, and wolf-hybrid spaying and neutering program established in section 3815 of this title.

(b) Revenue for the fund shall be derived from:

(1) The ~~\$2.00~~ surcharge payment paid to a municipality pursuant to subdivision 3581(c)(1) of this title.

(2) Gifts from private donors.

(3) Any appropriation which the general assembly makes to the fund.

(c) Interest earned on the fund shall be retained in the fund.

~~(d) The agency may offset the cost of administering the dog, cat, and wolf hybrid spaying and neutering program from the fund created in subsection (a) of this section in accordance with the provisions of section 10 of Title 6.~~ department of health shall use the revenue in the fund created in subsection (a) of this section for administering the dog, cat, and wolf-hybrid spaying and neutering program.

Sec. 3. ADMINISTRATIVE RULE APPLICABILITY

The department of health shall administer the dog, cat, and wolf-hybrid spaying and neutering program established in 20 V.S.A. § 3815 pursuant to the applicable administrative rule which became effective on July 1, 2010 until the rule is amended to reflect the transfer of the jurisdiction of the program to the department of health.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2011.

And that after passage the title of the bill be amended to read:

An act relating to the transferring of the animal spaying and neutering program to the department of health.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Thereupon, on motion of Senator Campbell, the rules were suspended and the bill was placed on all remaining stages of its passage.

Thereupon, the bill was read the third time and passed.

Third Reading Ordered; Rules Suspended; Bill Passed in Concurrence**H. 240.**

Senator Ayer, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to continuing to provide for the receivership of long-term care facilities.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

Thereupon, on motion of Senator Campbell, the rules were suspended and the bill was placed on all remaining stages of its passage in concurrence forthwith.

Thereupon, the bill was read the third time and passed in concurrence.

Rules Suspended; Bills Messaged

On motion of Senator Campbell, the rules were suspended, and the following bills were severally ordered messaged to the House forthwith:

S. 74; H. 52; H. 88; H. 240.

Adjournment

On motion of Senator Campbell, the Senate adjourned until eight o'clock and thirty minutes in the morning.