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Sec. 2. 2017 Acts and Resolves No. 84, Sec. 3 is amended to read:

Sec. 3. HUMAN SERVICES

\* \* \*

(b) ~~The sum of \$300,000.00 is appropriated in FY 2019 to the Department of Buildings and General Services for the Agency of Human Services for the projects described in subsection (a) of this section.~~ The following sums are appropriated in FY 2019 to the Department of Buildings and General Services for the Agency of Human Services:

(1) Statewide correctional facilities, cameras, locks, perimeter intrusion at correctional facilities: \$300,000.00

(2) Chittenden County Regional Correctional Facility and Northwest State Correctional Facility, renovations, beds for therapeutic placement: \$600,000.00

(3) Essex, Woodside Juvenile Rehabilitation Center, design and construction documents: \$500,000.00

(4) Brattleboro, Brattleboro Retreat, renovation and fit-up: \$4,500,000.00

(c) For the amount appropriated in subdivision (b)(2) of this section, it is the intent of the General Assembly that the funds be used to construct a therapeutic environment in the Chittenden Regional Correctional Facility and in the Northwest State Correctional Facility for persons in the custody of the Department of Corrections who do not meet the clinical criteria for inpatient

1 hospitalization but would benefit from a more therapeutic placement. The  
2 therapeutic environment shall include three beds in the Chittenden Regional  
3 Correctional Facility and ten beds in the Northwest State Correctional Facility.

4 (d) For the amount appropriated in subdivision (b)(4) of this section:

5 (1) The use of funds shall be restricted to capital renovations and fit-up  
6 costs and shall not be used for any periodic lease payments, usage fees, or  
7 other operating expenses.

8 (2)(A) The State of Vermont shall execute an agreement with the  
9 Brattleboro Retreat for the renovation and fit-up project at the Brattleboro  
10 Retreat, with a targeted completion date of December 2019. The Department  
11 of Buildings and General Services shall not expend funds until the  
12 Commissioner of Buildings and General Services and the Secretary of Human  
13 Services have notified the Commissioner of Finance and Management and the  
14 Chairs of the House Committee on Corrections and Institutions and on Health  
15 Care, and the Senate Committees on Health and Welfare and on Institutions,  
16 that an agreement has been executed between the Brattleboro Retreat and the  
17 State.

18 (B) The agreement described in subdivision (2)(A) of this subsection

19 (d) shall include the following provisions:

20 (i) the Brattleboro Retreat shall provide access to a minimum of  
21 12 beds, including level-1 beds, to the State for a period determined by the  
22 Secretary to be in the best interests to the State; and

1                   (ii) terms and conditions that ensure the protection of State

2                   investment of capital appropriations, including:

3                   (I) an initial strategic plan for long-term reuse of renovated

4                   facilities;

5                   (II) authority for the Agency of Human services to conduct an

6                   annual review of the Brattleboro Retreat's budget; and

7                   (III) a process for sharing information necessary to the

8                   Department of Mental Health for its statutory oversight responsibilities.

9                   (iii) an attachment to the agreement that includes the

10                  memorandum of agreement relating to Medicaid billing between the Agency of

11                  Human Services, the Office of the Attorney General and the Brattleboro

12                  Retreat.

13                  (C) Prior to execution, the State Treasurer shall approve the

14                  agreement described in subdivision (2)(A) of this subsection (d) to ensure that

15                  it is in compliance with applicable tax-exempt bond requirements.

16                  (D) The Commissioner of Buildings and General Services and

17                  Secretary of Human Services may also propose draft legislation to the **House**

18                  **Committee on Corrections and Institutions and on Health Care, and the Senate**

19                  **Committees on Health and Welfare and on Institutions** that may be necessary

20                  to fulfill the agreement.

21                  (3)(A) On or before October 15, 2018, the Secretary of Human Services

22                  shall notify the Chairs of the **House Committee on Corrections and Institutions**

23                  **and on Health Care, and the Senate Committees on Health and Welfare and on**

1 Institutions if an agreement between the Brattleboro Retreat and the State of  
2 Vermont cannot be reached and shall submit to them an alternative proposal  
3 for the 12 beds. The Secretary of Human Services shall also send the  
4 alternative proposal to the Joint Fiscal Committee.

5 (B) With approval of the Speaker of the House and the President Pro  
6 Tempore of the Senate, as appropriate, the House Committee on Corrections  
7 and Institutions and on Health Care, and the Senate Committees on Health and  
8 Welfare and on Institutions may meet up to two times when the General  
9 Assembly is not in session to evaluate, approve, or recommend alterations to  
10 the proposal. Members of the House Committee on Corrections and  
11 Institutions and on Health Care, and the Senate Committees on Health and  
12 Welfare and on Institutions shall be entitled to receive a per diem and expenses  
13 as provided in 2 V.S.A. § 406.

14 Appropriation – FY 2018 \$300,000.00

15 Appropriation – FY 2019 ~~\$300,000.00~~ \$5,900,000.00

16 Total Appropriation – Section 3 ~~\$600,000.00~~ \$6,200,000.00

17 \* \* \* Human Services \* \* \*

18 Sec. 20. AGENCY OF HUMAN SERVICES; FACILITIES PLAN; UPDATE

19 On or before February 1, 2019, the Secretary of Human Services, in  
20 consultation with the Commissioner of Buildings and General Services, shall  
21 update the facilities plan and recommendations required by 2017 Acts and  
22 Resolves No. 84, Sec. 31, taking into consideration changes proposed in the  
23 2018 legislative session. The Agency’s update shall include a review of the

House Committee on Health Care

Proposed amendments to H.923

RDW, 5/2/2018

1 populations and bed capacity needs described in 2017 Acts and Resolves No.

2 84, Sec. 31, and the analysis and recommendations for the future use of the

3 Southeast State Correctional Facility prepared by the Commissioner of

4 Buildings and General Services.