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**Act No. 139 (H.955). Appropriations and finance; bonding; capital construction; budget adjustment; State buildings**

**An act relating to capital construction and State bonding budget adjustment**

This act adjusts the second year of the State's biennial capital budget for fiscal years 2020 and 2021, reallocates \$3,753,195.56 from prior capital appropriations, and authorizes the State to issue \$11,634,360.00 of additional general obligation bonds that were authorized but not issued in fiscal year 2020. This act also:

Appropriations

- Appropriates capital funds in the amount of \$138,567,556 over two years for capital construction projects, including the following appropriations:
  - \$500,000 to the Department of Buildings and General Services in fiscal year 2021 for the planning and design of an HVAC system in the State House to address air quality and mold issues
  - \$1,500,000 to the Department of Buildings and General Services in fiscal year 2021 for the replacement, site acquisition, planning, and design for a stand-alone courthouse with no retail space in Newport
  - \$700,000 to the Department of Buildings and General Services in fiscal year 2021 for renovation costs for the Department of Fish and Wildlife and Department of Forests, Parks and Recreation at the former Southeast Correctional Facility
  - \$75,000 to the Department of Buildings and General Services in fiscal year 2021 for EV charging stations in State-owned parking lots
  - \$57,000 to the Department of Buildings and General Services in fiscal year 2021 for flexible meeting spaces in the State House cafeteria
  - \$1,500,000 to the Agency of Human Services in fiscal year 2021 for the Brattleboro Retreat for level-1 bed construction
  - \$200,000 to the Agency of Human Services in fiscal year 2021 for site preparation and relocation and rebuild of a greenhouse at the Caledonia County Workcamp with the use of inmate labor to the extent feasible
  - \$100,000.00 to the Agency of Commerce and Community Development for Highgate Native American Cemetery, slope stabilization
  - \$500,000 to the Agency of Natural Resources in fiscal year 2021 for engineering and construction grants related to improvements for public water systems with

confirmed concentrations of PFAs exceeding 20 nanograms per liter and on a do-not-drink notice

- \$4,294,503 to the Agency of Agriculture in fiscal year 2021 for water quality grants and contracts
- \$1,605,497 to the Agency of Natural Resources in fiscal year 2021 for the Clean Water Revolving Loan Fund and \$3,300,000 in FY 21 for municipal pollution control grants
- \$1,900,000 to the Department of Forests, Parks and Recreation in fiscal year 2021 for best management practices at State-owned forest and recreational access points
- \$1,100,000 to the Vermont Housing and Conservation Board in fiscal year 2021 for water quality improvement grants and land conservation and water quality projects
- \$2,000,000 to the Department of Buildings and General Services in fiscal year 2021 for renovation costs associated with the relocation of a replacement for the Middlesex Field Station to the former Department of Libraries building in Berlin
- \$2,830,000 to the Agency of Transportation in fiscal year 2021 for the Lamoille Valley Rail Trail
- \$750,000 to the Agency of Transportation in fiscal year 2021 for the Electric Vehicle Equipment Grant Program

This act also does the following:

#### Clean Water Initiatives

- Amends the FY 2020 and FY 2021 appropriation to the Vermont Housing and Conservation Board for water quality improvement grants by clarifying that these grants are not subject to a cost-share requirement

#### Commerce and Community Development

- Adds intent language that no future capital funding shall be made available for new underwater preserve projects

#### COVID-19 Response

- Authorizes the Emergency Board, in consultation with the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions, to reallocate any project balances from any capital construction acts for any capital expenditures associated with the COVID-19 emergency response
- Requires the Commissioner of Finance and Management to report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with a review of all capital expenditures associated with the COVID-19 emergency response, with an assessment of whether CARES Act funding may be used to address

capital expenditures, whether any other federal funds are available, and an assessment of any General Fund need that may qualify as a capital expenditure

#### State Buildings

- The Commissioner of Buildings and General Services shall:
  - use amounts from the FY 2020 and FY 2021 appropriation for statewide, planning, use, and contingency to support the cost of the analysis of different state-of-the-art correctional facility models if this cost exceeds \$200,000
  - study other State uses for storage of State-owned equipment and whether the former Southeast State Correctional Facility would be an appropriate place for storage
  - submit monthly updates beginning on July 1, 2020 to the Joint Legislative Justice Oversight Committee on the status of the RFP for an analysis for construction of different state-of-the-art correctional facility models and submit a copy of the analysis to the House Committee on Corrections and Institutions and the Senate Committee on Institutions by January 1, 2021
  - demolish Wasson Hall in the Waterbury State Office Complex
  - conduct a facilities condition analysis by requiring investment-grade equivalent energy audits through the State Energy Management Program and use up to four percent of the amounts appropriated to major maintenance and planning for the condition analysis and audits
  - obtain approval from the Joint Legislative Management Committee to obtain approval for any proposals to relocate space used by the Legislative Branch
  - transfer a larger piece of land located on the Monocacy National Battlefield Park to the US National Park Service
- Authorizes BGS to charge a fee for use of charging stations
- Requires the Capitol Complex Commission to submit a report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with a process for naming State buildings and facilities in the Capitol Complex by January 15, 2021
- Requires the Department of Libraries to submit a report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions with a process for naming all State buildings and facilities, except those in the Capitol Complex, by January 15, 2021

#### Human Services

- Requires Brattleboro Retreat to submit monthly reports covering financial performance to the Agency of Human Services
- Extends the deadline for the Department of Disabilities, Aging, and Independent Living to amend its rule pertaining to the therapeutic community residences to allow secure residential recovery facilities to utilize emergency involuntary procedures by June 1, 2021

#### Military

- Authorizes the Board of Armory Commissioners to sell the Enosburg Armory Building to the Town of Enosburgh at below fair market value if used for municipal

purposes. If the town no longer uses the building, the State shall have the right of first refusal.

#### Natural Resources

- Authorizes the use of up to \$50,000.00 from the amount appropriated for engineering and construction grants related to improvements for public water systems for grants to reimburse schools that operate public water systems with confirmed concentrations of PFAS exceeding 20 nanograms per liter and on a do-not-drink notice for their costs for providing bottled or bulk water. Requires any monies received from a responsible party in connection with a grant made from the appropriation to be used for future capital construction acts.
- Creates a new special fund to be administered by the Secretary of Natural Resources to provide grants to public water systems responding to or remediating emerging contaminants in a public water supply

#### State House

- Directs the Legislative Advisory Committee on the State House to develop a plan for the acquisition or commission of artwork for the State House collection that incorporates new diversity and leadership policies
- Requires the State Curator to adopt an acquisition policy and interpretive plan for the State House art collection

#### Transportation

- Requires that the amount appropriated to the Lamoille Valley Rail Trail in FY 21 be reallocated to future capital construction acts if matching federal funds are not available or if federal funds do not require a match
- Directs the Commissioner of Forests, Parks and Recreation and the Secretary of Administration to submit a plan on whether the Lamoille Valley Rail Trail may be developed into a State park
- Requires the Commissioner of Forests, Parks and Recreation and the Secretary of Transportation to develop an MOU regarding maintenance of the Lamoille Valley Rail Trail
- Establishes the Electric Vehicle Equipment Grant Program within the Agency of Transportation to support the continued buildout of electric vehicle supply equipment available to the public and build upon the existing EV grant program administered by the Department of Housing and Community Development on behalf of the Department of Environmental Conservation

#### University of Vermont

- Amends language in FY 2020 and FY 2021 appropriations to clarify that capital appropriations may be used at any facility owned or operated by UVM in the State (not restricted to academic buildings)

Vermont State Colleges

- Amends language in FY 2020 and FY 2021 appropriations to clarify that capital appropriations may be used at any facility owned or operated by the Vermont State Colleges in the State (not restricted to academic buildings)

Effective Date: July 6, 2020