

1 TO THE HONORABLE SENATE:

2 The Committee on Institutions to which was referred House Bill No. 955
3 entitled “An act relating to capital construction and State bonding budget
4 adjustment” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 2019 Acts and Resolves No. 42, Sec. 2 is amended to read:

9 Sec. 2. STATE BUILDINGS

10 * * *

11 (b) The following sums are appropriated in FY 2020:

12 * * *

13 (7) Montpelier, State House, new drapes and carpeting or carpeting
14 repair in the Governor’s ceremonial office and the vestibule near the
15 Governor’s ceremonial office, the Hall of Flags, the Cedar Creek Room, the
16 Senate Secretary’s Office, and ~~the~~ carpeting or carpeting repair in the Card
17 Room: \$45,000.00

18 * * *

19 (c) The following sums are appropriated in FY 2021:

20 * * *

21 (4) Statewide, planning, use, and contingency: ~~\$500,000.00~~ \$529,077.00

1 (d) The sum of ~~\$3,900,000.00~~ \$4,500,000.00 is appropriated in FY 2021 to
2 the Agency of Human Services for the Department of Vermont Health Access,
3 Integrated Eligibility and Enrollment system.

4 * * *

5 (f) The Commissioner of Buildings and General Services, in consultation
6 with the Commissioner of Corrections, may use the amount appropriated in
7 subdivision (c)(5) of this section to build a new greenhouse at the Caledonia
8 Work Camp if a new build is more cost-effective than the relocation of the
9 greenhouse from the former Southeast State Correctional Facility. Where
10 appropriate, inmate labor may be used for the new build of a greenhouse.

11	Appropriation – FY 2020	\$8,828,000.00 <u>\$8,100,000.00</u>
12	Appropriation – FY 2021	\$5,875,000.00 <u>\$8,175,000.00</u>
13	Total Appropriation – Section 3	\$14,703,000.00
14		<u>\$16,275,000.00</u>

15 Sec. 3. 2019 Acts and Resolves No. 42, Sec. 5 is amended to read:

16 Sec. 5. COMMERCE AND COMMUNITY DEVELOPMENT

17 * * *

18 (c) ~~The sum of \$250,000.00 is appropriated in FY 2021 to the Department~~
19 ~~of Buildings and General Services for the Agency of Commerce and~~
20 ~~Community Development for major maintenance at statewide historic sites.~~

1 (f) The following sums are appropriated in FY 2021 to the Agency of
2 Natural Resources for the Department of Environmental Conservation for the
3 projects described in this subsection:

4 * * *

5 (2) Dam safety and hydrology projects: ~~\$895,000.00~~ \$916,138.00

6 (3) Engineering and construction grants related to improvements for
7 public water systems with confirmed concentrations of PFAS exceeding
8 20 nanograms per liter and on a do-not-drink notice: \$550,000.00

9 * * *

10 (i)(1) Notwithstanding 24 V.S.A. § 4753(a)(9), it is the intent of the
11 General Assembly that the reallocation in Sec. 13 of this act, amending 2019
12 Acts and Resolves No. 42, Sec. 20(h), the amount of \$130,000.00 from the
13 Vermont Drinking Water Revolving Loan be used to support the appropriation
14 in subdivision (f)(3) of this section.

15 (2) For the amount appropriated in subdivision (f)(3) of this section, the
16 Agency shall use \$50,000.00 for grants to reimburse any schools that operate
17 public water systems with confirmed concentrations of PFAS exceeding
18 20 nanograms per liter and on a do-not-drink notice for their costs of providing
19 bottled or bulk water.

20 (3) Any recovery or repayment of funds appropriated by subdivision
21 (f)(3) of this section from a person responsible for the contamination of a

1 public water system receiving those funds shall be used for future capital
2 construction acts.

3 Appropriation – FY 2020 \$9,025,807.00 \$8,975,807.00

4 Appropriation – FY 2021 \$7,341,400.00 \$7,912,538.00

5 Total Appropriation – Section 10 \$16,367,207.00 \$16,888,345.00

6 Sec. 7. 2019 Acts and Resolves No. 42, Sec. 11 is amended to read:

7 Sec. 11. CLEAN WATER INITIATIVES

8 * * *

9 (h) The sum of \$4,294,503.00 is appropriated in FY 2021 to the Agency of
10 Agriculture, Food and Markets for water quality grants and contracts.

11 (i) The following sums are appropriated in FY 2021 to the Agency of
12 Natural Resources for the Department of Environmental Conservation projects
13 described in this subsection:

14 (1) Water Pollution Control Fund, Clean Water/EPA Revolving Loan
15 Fund (CWSRF) match: \$1,605,497.00

16 (2) Municipal Pollution Control Grants, pollution control projects, and
17 planning advances for feasibility studies: \$3,300,000.00

18 (j) The sum of \$1,900,000.00 is appropriated in FY 2021 to the Agency of
19 Natural Resources for the Department of Forests, Parks and Recreation for best
20 management practices at State-owned forest and recreational access points.

1 (k)(1) The following sums are appropriated in FY 2021 to the Vermont

2 Housing and Conservation Board for the following projects:

3 (A) Agricultural water quality projects: \$1,100,000.00

4 (B) Land conservation and water quality projects: \$1,700,000.00

5 (2) A grant issued under subdivision (1)(A) of this subsection:

6 (A) shall not be considered a State grant under 6 V.S.A. chapter 215,
7 subchapter 3 for purposes of calculating the maximum amount of a State water
8 quality assistance award under 6 V.S.A. § 4824 or 4826; and

9 (B) may be used to satisfy a grant recipient’s cost share requirements.

10	Appropriation – FY 2020	\$12,100,000.00
11	Appropriation – FY 2021	\$13,900,000.00
12	Total Appropriation – Section 11	\$26,000,000.00

13 Sec. 8. 2019 Acts and Resolves No. 42, Sec. 12 is amended to read:

14 Sec. 12. MILITARY

15 (a) The sum of \$700,000.00 is appropriated in FY 2020 to the Department
16 of Military for maintenance and renovations at State armories. To the extent
17 feasible, these funds shall be used to match federal funds.

18 (b) The sum of ~~\$800,000.00~~ \$1,420,000.00 is appropriated in FY 2021 to
19 the Department of Military for the projects described in subsection (a) of this
20 section.

21	Appropriation – FY 2020	\$700,000.00
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1 Appropriation – FY 2021 \$800,000.00 \$1,420,000.00
2 Total Appropriation – Section 12 \$1,500,000.00 \$2,120,000.00

3 Sec. 9. 2019 Acts and Resolves No. 42, Sec. 13 is amended to read:

4 Sec. 13. PUBLIC SAFETY

5 * * *

6 (d) The sum of \$2,000,000.00 is appropriated in FY 2021 to the
7 Department of Buildings and General Services for renovation costs associated
8 with the relocation of a replacement for the Middlesex Field Station to the
9 former Department of Libraries building in Berlin.

10 Appropriation – FY 2020 \$2,200,000.00
11 Appropriation – FY 2021 \$5,400,000.00 \$7,400,000.00
12 Appropriation – Section 13 \$7,600,000.00 \$9,600,000.00

13 Sec. 10. 2019 Acts and Resolves No. 42, Sec. 14 is amended to read:

14 Sec. 14. AGRICULTURE, FOOD AND MARKETS

15 * * *

16 (c) The sum of ~~\$200,000.00~~ \$280,000.00 is appropriated in FY 2021 to the
17 Department of Buildings and General Services for the Agency of Agriculture,
18 Food and Markets for major maintenance at the Vermont building of the
19 Eastern States Exposition.

20 Appropriation – FY 2020 \$300,000.00
21 Appropriation – FY 2021 \$200,000.00 \$280,000.00

1 Total Appropriation – Section 14 \$500,000.00 \$580,000.00

2 Sec. 11. 2019 Acts and Resolves No. 42, Sec. 18 is amended to read:

3 Sec. 18. VERMONT HOUSING AND CONSERVATION BOARD

4 (a) The sum of \$1,800,000.00 is appropriated in FY 2020 to the Vermont
5 Housing and Conservation Board for housing projects.

6 (b) The sum of ~~\$1,800,000.00~~ \$3,800,000.00 is appropriated in FY 2021 to
7 the Vermont Housing and Conservation Board for ~~the project described in~~
8 ~~subsection (a) of this section~~ housing and conservation projects.

9 Appropriation – FY 2020 \$1,800,000.00

10 Appropriation – FY 2021 ~~\$1,800,000.00~~ \$3,800,000.00

11 Total Appropriation – Section 18 ~~\$3,600,000.00~~ \$5,600,000.00

12 Sec. 12. AGENCY OF TRANSPORTATION

13 (a) The sum of \$50,000.00 is appropriated in FY 2020 to the Agency of
14 Transportation for the Lamoille Valley Rail Trail.

15 (b) The following sums are appropriated in FY 2021 to the Agency of

16 Transportation for the following projects:

17 (1) Lamoille Valley Rail Trail: \$2,830,000.00

18 (2) Electric Vehicle Equipment (EVSE) Grant Program: \$750,000.00

19 (c) For the amount appropriated in subdivision (b)(1) of this section, if

20 matching federal funds are not available or if federal funds do not require a

1 state match, the funds shall be used for projects in a future capital construction
2 act.

3 (d) On or before January 15, 2021, the Commissioner of Forests, Parks and
4 Recreation, in consultation with the Secretary of Administration, shall develop
5 and submit a plan to the House Committee on Corrections and Institutions and
6 the Senate Committee on Institutions on whether the Lamoille Valley Rail
7 Trail may be developed into a linear State park.

8 (e) The Secretary of Transportation and the Commissioner of Forests,
9 Parks and Recreation shall develop a memorandum of understanding (MOU)
10 regarding the ongoing maintenance of the Lamoille Valley Rail Trail. On or
11 before January 15, 2021, and prior to execution, the Secretary and
12 Commissioner shall report back to the House Committee on Corrections and
13 Institutions and the Senate Committee on Institutions with a draft of the MOU
14 and an implementation plan for the MOU.

15	<u>Appropriation – FY 2020</u>	<u>\$50,000.00</u>
16	<u>Appropriation – FY 2021</u>	<u>\$3,580,000.00</u>
17	<u>Total Appropriation – Section 12</u>	<u>\$3,630,000.00</u>

1 \$1,225,076.00 in unexpended funds reallocated to the Department of Buildings
2 and General Services to defray expenditures authorized in Sec. 2 of this act.

3 (2) Of the amount appropriated in 2017 Acts and Resolves No. 84, Sec.
4 7 (emergency aid for school construction), the amount of \$37,264.89 in
5 unexpended funds is reallocated to defray expenditures authorized in this act.

6 (3) Of the amount appropriated in 2018 Acts and Resolves No. 42,
7 Sec. 7(a) (emergency aid for school construction), the amount of \$49,382.00 in
8 unexpended funds is reallocated to defray expenditures authorized in this act.

9 (c)(1) Of the amount appropriated in 2015 Acts and Resolves No. 26, Sec.
10 6(b)(3) (Unmarked Burial Fund) to the Agency of Commerce and Community
11 Development, the amount of \$29,849.00 in unexpended funds is reallocated to
12 defray expenditures authorized in this act.

13 (2) Of the amount appropriated in 2018 Acts and Resolves No. 190,
14 Sec. 5(d)(4) (Civil War Heritage Trail Sign) to the Agency of Commerce and
15 Community Development, the amount of \$29,948.00 in unexpended funds is
16 reallocated to the Department of Buildings and General Services to defray
17 expenditures authorized in Sec. 2 of this act.

18 * * *

19 (e) Of the amount appropriated in 2019 Acts and Resolves No. 42,
20 Sec. 6(a)(8) (Agricultural Fairs Capital Projects Competitive Grant Program)

1 to the Agency of Agriculture, Food and Markets, the amount of \$18,696.00 in
2 unexpended funds is reallocated to defray expenditures authorized in this act.

3 (f) Of the amount appropriated in 2018 Acts and Resolves No. 190,
4 Sec. 3(b)(3) (Essex, Woodside Juvenile Rehabilitation Center, design and
5 construction documents) to the Agency of Human Services, the amount of
6 \$499,139.00 in unexpended funds is reallocated to defray expenditures
7 authorized in this act.

8 (g) Of the amount appropriated in 2009 Acts and Resolves No. 43,
9 Sec. 9(d) (Montpelier Flood Control) to the Agency of Natural Resources, the
10 amount of \$21,137.83 in unexpended funds is reallocated to defray
11 expenditures authorized in this act.

12 (h) Of the amount appropriated in 2019 Acts and Resolves No. 42, Sec.
13 13(b) (School Safety and Security Grant Program) to the Department of Public
14 Safety, the amount of \$25,000.00 in unexpended funds is reallocated to defray
15 expenditures authorized in this act.

16 (i) Of the amount appropriated in 2015 Acts and Resolves No. 26, Sec. 16
17 (electronic medical records) to the Vermont Veterans' Home, the amount of
18 \$497,483.00 in unexpended funds is reallocated to defray expenditures in this
19 act.

20 (j) Of the amount appropriated in 2012 Acts and Resolves No. 104, Sec. 8,
21 amending 2011 Acts and Resolves No. 40, Sec. 12 (Vermont Drinking Water

1 Revolving Loan Fund), the amount of \$130,000.00 in unexpended funds is
2 reallocated to defray expenditures in this act.

3 (k) Of the amount appropriated in 2018 Acts and Resolves No. 84,
4 Sec. 6(a)(3) (Cultural Facilities Grant Program) to the Vermont Arts Council,
5 the amount of \$8,500.00, and the of the amount appropriated in 2018 Acts and
6 Resolves No. 84, Sec. (6)(b)(3) to the Vermont Arts Council, the amount of
7 \$5,000.00 in unexpended funds are reallocated to defray expenditures in this
8 act.

9 (l) Of the amount appropriated in 2016 Acts and Resolves No. 160, Sec. 15
10 (State House security), the amount of \$94.67 in unexpended funds is
11 reallocated to defray expenditures in this act.

12 Total Reallocations and Transfers – Section 20 ~~\$1,375,341.06~~ \$2, 377,854.50

13 Sec. 14. GENERAL OBLIGATION BONDS AND APPROPRIATIONS;

14 FY 2021

15 The State Treasurer is authorized to issue additional general obligation
16 bonds in the amount of \$11,634,361.55 that were previously authorized but
17 unissued under 2019 Acts and Resolves No. 42 for the purpose of funding the
18 appropriations in this act.

19 Total Revenues – Section 14 \$11,634,361.55

1 upon sealed bids in the discretion of the Commissioner of Buildings and
2 General Services, who may reject any or all bids. Notice of the sale or a
3 request for sealed bids shall be posted in at least three public places in the town
4 where the property is located and also published three times in a newspaper
5 having a known circulation in the town, the last publication to be not less than
6 10 days before the date of sale or opening of the bids. Failing to consummate a
7 sale under the method prescribed in this section, the Commissioner of
8 Buildings and General Services is authorized to list the sale of this property
9 with a real estate agent licensed by the State of Vermont. This subsection shall
10 not apply to ~~exchanges of lands~~ the sale, conveyance, exchange, or lease of
11 lands or interests in lands; to the amendment of deeds, leases, and easements;
12 or to sales of timber made in accordance with the provisions of 10 V.S.A.
13 chapter ~~55 or to the sale of land or interests in land made in accordance with~~
14 155 or the provisions of 10 V.S.A. chapter 83.

15 * * *

16 Sec. 19. 2013 Acts and Resolves No. 1, Sec. 100(c), as amended by 2014 Acts
17 and Resolves No. 179, Sec. E.113.1, 2015 Acts and Resolves No. 58,
18 Sec. E.113.1, 2017 Acts and Resolves No. 84, Sec. 29, 2018 Acts and Resolves
19 No. 190, Sec. 18, and 2019 Acts and Resolves No. 42, Sec. 25, is further
20 amended to read:

1 (c) Sec. 97 (general obligation debt financing) shall take effect on ~~July 1,~~
2 ~~2020~~ July 1, 2021.

3 Sec. 20. OFFICE RELOCATION; LEGISLATIVE STAFF

4 Notwithstanding 29 V.S.A. § 165, the Commissioner of Buildings and
5 General Services shall require approval from the Joint Legislative Management
6 Committee for any proposals to relocate space used by the Legislative Branch.
7 The Joint Legislative Management Committee shall consult with the Chair of
8 the House Committee on Corrections and Institutions and the Chair of the
9 Senate Committee on Institutions prior to granting approval.

10 Sec. 21. 2019 Acts and Resolves No. 42, Sec. 22 is amended to read:

11 Sec. 22. PROPERTY TRANSACTIONS; MISCELLANEOUS

12 * * *

13 (b)(1) The Commissioner of Buildings and General Services is authorized
14 to transfer a ~~20 by 20 foot parcel~~ two contiguous tracts of land totaling
15 approximately 3,152 square feet located on the Monocacy National Battlefield
16 Park located at 5201 Urbana Pike, Frederick, Maryland, to the United States
17 National Park Service.

18 * * *

1 Sec. 22. NAMING STATE BUILDING AND FACILITIES; REPORT
2 CAPITOL COMPLEX COMMISSION; DEPARTMENT OF
3 LIBRARIES

4 (a) Intent. It is the intent of the General Assembly to establish a plan for
5 naming State buildings and facilities in the Capitol Complex in Montpelier and
6 Statewide.

7 (b) Capitol Complex Commission. On or before January 15, 2021, the
8 Capitol Complex Commission shall submit a report to the House Committee
9 on Corrections and Institutions and the Senate Committee on Institutions with
10 recommendations for a process to name State buildings and facilities in the
11 Capitol Complex, as defined in 29 V.S.A. § 182.

12 (c) Department of Libraries. On or before January 15, 2021, the
13 Department of Libraries shall submit a report to the House Committee on
14 Corrections and Institutions and the Senate Committee on Institutions with
15 recommendations for a process to name all State buildings and facilities,
16 except for buildings and facilities located in the Capitol Complex, as defined in
17 29 V.S.A. § 182.

18 * * * COVID-19 Emergency * * *

19 Sec. 23. COVID-19 EMERGENCY RESPONSE; REALLOCATIONS

20 (a) Intent. In response to the unprecedented challenges posed by the
21 COVID-19 pandemic, the General Assembly acknowledges that continued

1 funding of capital projects and infrastructure will help boost our local economy
2 and support the health and welfare of Vermonters. Accordingly, it is the intent
3 of the General Assembly that the projects funded in this capital construction
4 act will serve to support and help drive growth in Vermont’s economy during
5 this uncertain time.

6 (b) Reallocation authority. Notwithstanding 29 V.S.A. § 152(a)(20) and
7 (a)(25) nor any other provision of law, the Emergency Board, in consultation
8 with the Chairs of the House Committee on Corrections and Institutions and
9 the Senate Committee on Institutions, is authorized to reallocate any project
10 balances from any capital construction acts for any capital expenditures
11 associated with the COVID-19 emergency response.

12 (c) Report. On or before August 15, 2020, the Commissioner of Finance
13 and Management, in consultation with the Joint Fiscal Office and the Office of
14 Legislative Council, shall report to the House Committee on Corrections and
15 Institutions and the Senate Committee on Institutions, with a review of all
16 capital expenditures associated with the COVID-19 emergency response, an
17 assessment of whether CARES Act funding may be used to address any capital
18 expenditures, whether any other federal funds are available to meet those
19 needs, and an assessment of any General Fund need that may qualify as a
20 capital expenditure.

* * * Human Services * * *

Sec. 27. BRATTLEBORO RETREAT

(a) For the amount appropriated in Sec. 2 of this act, amending 2019 Acts and Resolves No. 42, Sec. 3(c)(4), the Brattleboro Retreat must comply with the following provisions:

(1) The Retreat shall deliver to the Agency of Human Services monthly reports covering financial performance upon passage of this bill. All financial reports shall be delivered by the end of the month for the previous month's fiscal performance period. Financial reports shall include the following:

(A) income statement, with narrative;

(B) balance sheet, with narrative;

(C) cash flow statement, with narrative;

(D) accounts payable update and summary, with narrative;

(E) accounts receivable update and summary, with narrative; and

(F) a copy of the standard monthly financial package that is provided to the Finance Committee of the Board of Trustees.

(2) The Retreat shall follow best practices outlined in the March 2020 Best Practices Memorandum and ensure compliance with Medicaid billing practices and provider enrollment.

1 (3) The Retreat shall keep the Agency advised of any event or
2 occurrence that materially impacts its financial stability, performance, staffing
3 service delivery capacity, or viability.

4 (4) The Retreat shall provide information to the Department of Mental
5 Health necessary for its statutory oversight responsibilities.

6 (5) The Retreat shall work with the Department of Mental Health to
7 develop an initial strategic plan for the long-term reuse of the renovated
8 facilities to meet future system of care needs.

9 (6) The Retreat shall provide the State access to the 12 level-1 beds,
10 constructed pursuant to 2018 Acts and Resolves No. 190, Sec. 2, for a period
11 determined by the Secretary of Human Services to be in the best interests of
12 the State.

13 (7) The Retreat shall adhere to the terms and conditions of the contract
14 with the Department of Mental Health for the operation of the 12 level-1 beds
15 constructed pursuant to 2018 Acts and Resolves No. 190, Sec. 2.

16 (b) The Brattleboro Retreat, the Agency of Human Services, and the
17 Department of Buildings and General Services shall provide a report at the
18 July and September Joint Fiscal Committee meetings that includes the
19 following information:

20 (1) the Retreat financial reports, including income statement, balance
21 sheet, and cash flow projections;

1 (2) the status of the 12 level-1 beds, constructed pursuant to 2018 Acts
2 and Resolves No. 190, Sec. 2, including anticipated opening date and cost
3 estimates to complete;

4 (3) an update on the development of a long-term strategic plan that
5 analyzes current and future needs of the service delivery priorities and role of
6 the Retreat in Vermont’s mental health system of care; and

7 (4) an update on the strategic plan for the long-term reuse of the
8 renovated facility to meet future system of care needs.

9 Sec. 28. 2019 Acts and Resolves No. 42, Sec. 31 is amended to read:

10 Sec. 31. DEPARTMENT OF DISABILITIES, AGING, AND

11 INDEPENDENT LIVING; RULEMAKING

12 The Department of Disabilities, Aging, and Independent Living shall amend
13 its rules, pursuant to 3 V.S.A. chapter 25, pertaining to therapeutic community
14 residences to allow secure residential recovery facilities to utilize emergency
15 involuntary procedures so that those amended rules are finally adopted on or
16 before ~~June 1, 2020~~ June 1, 2021, unless that deadline is extended by the
17 Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).
18 These rules shall be identical to the rules adopted by the Department of Mental
19 Health that govern the use of emergency involuntary procedures in psychiatric
20 inpatient units.

1 (4) payment of the costs of oversight or conducting restoration,
2 replacement, or rehabilitation of a natural resource injured by an emerging
3 contaminant.

4 (b) The Secretary may bring an action under this section or other available
5 State and federal laws to enforce the obligation to repay the Fund.

6 (c) As used in this section:

7 (1) “Emerging contaminant” means:

8 (A) a hazardous material as defined in subdivision 6602(16) of this
9 title;

10 (B) any constituent for which the Department of Health has
11 established a health advisory; or

12 (C) any constituent that the Secretary determines is an imminent and
13 substantial endangerment to human health, natural resources, or public assets.

14 (2) “Natural resources” means fish, wildlife, biota, air, surface water,
15 groundwater, wetlands, drinking water supplies, or State-held public lands.

16 (3) “Public asset” means:

17 (A) any wastewater treatment facility permitted under chapter 47 of
18 this title;

19 (B) any public water system or noncommunity system permitted
20 under chapter 56 of this title;

