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H.882

Introduced by Committee on Corrections and Institutions

Date:

Subject: Capital construction; State bonding; budget adjustment

Statement of purpose of bill as introduced: This bill proposes to adjust the FY
2024 capital construction budget.

An act relating to capital construction and State bonding budget adjustment

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 2023 Acts and Resolves No. 69, Sec. 1 is amended to read:

* * * Legislative Intent * * *

Sec. 1. LEGISLATIVE INTENT

(a) It is the intent of the General Assembly that of the ~~\$122,767,376.00~~
\$130,606,224.00 authorized in this act, not more than ~~\$56,520,325.00~~
\$56,420,325.00 shall be appropriated in the first year of the biennium, and the
remainder shall be appropriated in the second year.

(b) It is the intent of the General Assembly that in the second year of the
biennium, any amendments to the appropriations or authorities granted in this
act shall take the form of the Capital Construction and State Bonding

1 Adjustment Bill. It is the intent of the General Assembly that unless otherwise
2 indicated, all appropriations in this act are subject to capital budget adjustment.

3 * * * Capital Appropriations * * *

4 Sec. 2. 2023 Acts and Resolves No. 69, Sec. 2 is amended to read:

5 Sec. 2. STATE BUILDINGS

6 * * *

7 (c) The following sums are appropriated in FY 2025:

8 (1) Statewide, major maintenance: ~~\$8,500,000.00~~ \$8,717,818.00

9 * * *

10 (4) Middlesex, Middlesex Therapeutic Community Residence, master
11 plan, design, and decommissioning: ~~\$400,000.00~~ \$50,000.00

12 (5) ~~Montpelier, State House, replacement of historic finishes:~~
13 ~~\$50,000.00~~ [Repealed.]

14 * * *

15 (11) Statewide, R22 refrigerant phase out:
16 ~~\$1,000,000.00~~ \$750,000.00

17 (12) Statewide, Art in State Buildings Program: \$75,000.00

18 (13) St. Albans, Northwest State Correctional Facility, roof
19 replacement:
20 \$400,000.00

1 (a) The following sums are appropriated in FY 2024 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: \$500,000.00 \$400,000.00

6 * * *

7 (f) The following amounts are appropriated in FY 2025 to the Agency of
8 Natural Resources for the Department of Fish and Wildlife for the projects
9 described in this subsection:

10 (1) General infrastructure projects, including small-scale maintenance
11 and rehabilitation of infrastructure, and improvements to buildings, including
12 conservation camps:

13 \$1,344,150.00 \$1,900,000.00

14 * * *

15 (3) Salisbury fish hatchery, feasibility study: \$100,000.00

16 Appropriation – FY 2024 \$6,997,081.00 \$6,897,081.00

17 Appropriation – FY 2025 \$7,497,051.00 \$8,152,901.00

18 Total Appropriation – Section 9 \$14,494,132.00 \$15,049,982.00

19 Sec. 6. 2023 Acts and Resolves No. 69, Sec. 10 is amended to read:

20 Sec. 10. CLEAN WATER INITIATIVES

21 * * *

1 (e) ~~The sum of \$6,000,000.00 is appropriated in FY 2025 to the Agency of~~
2 ~~Natural Resources for the Department of Environmental Conservation for~~
3 ~~clean water implementation projects. [Repealed.]~~

4 * * *

5 (g) The following sums are appropriated in FY 2025 to the Agency of
6 Natural Resources for the following projects:

7 (1) the Clean Water State/EPA Revolving Loan Fund (CWSRF) match
8 for the Water Pollution Control Fund: \$1,600,000.00

9 (2) municipal pollution control grants: \$3,300,000.00

10 (h) The sum of \$550,000.00 is appropriated in FY 2025 to the Agency of
11 Natural Resources for the Department of Forests, Parks and Recreation for
12 forestry access roads, recreation access roads, and water quality improvements.

13 (i) In FY 2024 and FY 2025, any agency that receives funding from this
14 section shall consult with the State Treasurer to ensure that the projects are
15 capital eligible.

16 Appropriation – FY 2024 \$9,885,000.00

17 Appropriation – FY 2025 \$6,000,000.00 \$5,450,000.00

18 Total Appropriation – Section 10 \$15,885,000.00 \$15,335,000.00

1 Sec. 7. 2023 Acts and Resolves No. 69, Sec. 15a is added to read:

2 Sec. 15a. DEPARTMENT OF LABOR

3 The sum of \$1,540,000.00 is appropriated in FY 2025 to the Department of
4 Buildings and General Services for the Department of Labor for upgrades of
5 mechanical systems and HVAC, life safety needs, and minor interior renovations
6 at 5 Green Mountain Drive in Montpelier.

7 * * * Funding * * *

8 Sec. 8. 2023 Acts and Resolves No. 69, Sec. 16 is amended to read:

9 Sec. 16. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

10 (a) The following sums are reallocated to the Department of Buildings
11 and General Services from prior capital appropriations to defray expenditures
12 authorized in Sec. 2 of this act:

13 * * *

14 (5) of the amount appropriated in 2015 Acts and Resolves No. 26, Sec.

15 2(b) (various projects): \$65,463.17 \$147,206.37

16 * * *

17 (7) of the amount appropriated in 2016 Acts and Resolves No. 160,

18 Sec. 1(c)(5) (major maintenance): \$93,549.00 \$116,671.15

19 * * *

20 (10) of the amount appropriated in 2017 Acts and Resolves No. 84,

21 Sec. 2(c) (various projects): ~~\$24,363.06~~ \$476,725.66

1 * * *

2 (13) of the amount appropriated in 2019 Acts and Resolves No. 42,
3 Sec. 2(b)(3) (major maintenance): \$32,780.00 \$439,889.66

4 * * *

5 (17) of the amount appropriated in 2012 Acts and Resolves No. 40,
6 Sec. 2(b)(4) (Statewide, major maintenance): \$9,606.45

7 (18) of the amount appropriated in 2013 Acts and Resolves No. 51, Sec.
8 2(b)(4) (Statewide, major maintenance): \$7,207.90

9 (19) of the amount appropriated in 2017 Acts and Resolves No. 84, Sec.
10 2(b)(5) (Montpelier, State House, Dome, Drum, and Ceres, design, permitting,
11 construction, restoration, renovation, and lighting):
12 \$38,525.00

13 (20) of the amount appropriated in 2017 Acts and Resolves No. 84,
14 Sec. 11(b)(4) (municipal pollution control grants, pollution control projects
15 and planning advances for feasibility studies, new projects):
16 \$4,498.17

17 (21) of the amount appropriated in 2017 Acts and Resolves No. 84,
18 Sec. 11(f)(2) (EcoSystem restoration and protection): \$4,298.22

19 (22) of the amount appropriated in 2018 Acts and Resolves No. 190,
20 Sec. 8(m) (Downtown Transportation Fund pilot project): \$9,150.00

1 Municipal Pollution Control Grants for pollution control projects and
2 planning advances for feasibility studies; and

3 (20) the Agency of Natural Resources is authorized to spend
4 \$3,000,000.00 for the Department of Forests, Parks and Recreation for the
5 maintenance facilities at the Gifford Woods State Park and Groton Forest
6 State Park; and.

7 (21) ~~the Agency of Natural Resources is authorized to spend~~
8 ~~\$800,000.00 for the Department of Fish and Wildlife for infrastructure~~
9 ~~maintenance and improvements of the Department's buildings, including~~
10 ~~conservation camps. [Repealed.]~~

11 (d) FY 2025 capital projects. To the extent general funds are available to
12 appropriate to the Fund established in 32 V.S.A. § 1001b in FY 2025, it is the
13 intent of the General Assembly that the following capital projects receive
14 funding from the Fund:

15 * * *

16 (3) the sum of ~~\$2,000,000.00~~ \$1,500,000.00 to the Department of
17 Buildings and General Services for the renovation of the interior HVAC steam
18 lines at 120 State Street in Montpelier;

19 (4) the sum of ~~\$1,000,000.00~~ \$850,000.00 to the Department of
20 Buildings and General Services for the Judiciary for design, renovations, and
21 land acquisition at the Washington County Superior Courthouse in Barre;

1 Sec. 12. FISH HATCHERY FEASIBILITY STUDY

2 (a) On or before December 15, 2024, the Commissioner of Fish and
3 Wildlife shall report to the House Committee on Corrections and Institutions
4 and the Senate Committee on Institutions regarding the feasibility of
5 continuing operations at the Salisbury Fish Hatchery after December 31, 2027,
6 of transferring the production capacity of the Salisbury Fish Hatchery to the
7 Ed Weed Fish Hatchery in Grand Isle, and of alternative options for replacing
8 the production capacity of the Salisbury Fish Hatchery.

9 (b) The report shall:

10 (1) identify the repairs, improvements, and other work necessary to
11 enable the Salisbury Fish Hatchery to obtain any permits necessary to continue
12 operating after December 31, 2027 and provide a detailed analysis of the
13 associated costs and a plan for accomplishing the work;

14 (2) identify any repairs, improvements, and other work necessary to
15 enable the production capacity of the Salisbury Fish Hatchery to be transferred
16 to the Ed Weed Fish Hatchery and provide a detailed analysis of the associated
17 costs and a plan for accomplishing the work; and

18 (3) examine alternative approaches to maintaining the State's fish
19 production capacity, including an analysis of associated costs and work
20 necessary to successfully implement each identified alternative approach.

21 * * * Buildings and General Services * * *

1 Sec. 13. 2023 Acts and Resolves No. 69, Sec. 22 is amended to read:

2 Sec. 22. SALE OF PROPERTIES

3 * * *

4 (c) 108 Cherry Street. Notwithstanding 29 V.S.A. § 166(b), the
5 Commissioner of Buildings and General Services is authorized to sell the
6 property located at 108 Cherry Street in the City of Burlington. The
7 Commissioner shall first offer in writing to the City the right to purchase the
8 property.

9 * * *

10 (3) Notwithstanding 29 V.S.A. § 166(d) and 29 V.S.A. § 160, of the
11 proceeds received by the State for the sale of the property located at 108
12 Cherry Street in the City of Burlington, \$6,242,500.00 shall be deposited into
13 the Property Management Revolving Fund (58700) to recover the deficit
14 incurred in the fund as a result of the original purchase of the property and,
15 notwithstanding 29 V.S.A. § 168(c), \$293,753.63 shall be deposited into the
16 State Energy Revolving Fund (59700) to repay debt outstanding for loans for
17 energy improvement projects on the property.

18 Sec. 14. SALE OF FORMER WILLISTON STATE POLICE BARRACKS;

19 INTENT; REPORT

20 Prior to authorizing the sale of the former Williston State Police Barracks, it
21 is the intent of the General Assembly that the Town of Williston shall report to

1 the House Committee on Corrections and Institutions in January 2025

2 regarding:

3 (1) whether the town desires to purchase the property; and

4 (2) if so:

5 (A) the feasibility of the Town purchasing the property, including
6 any requested conditions on the sale of the property; and

7 (B) the potential future uses of the property envisioned by the Town.

8 Sec. 15. 29 V.S.A. § 166 is amended to read:

9 § 166. SELLING OR RENTING STATE PROPERTY

10 * * *

11 (b)(1) Upon authorization by the General Assembly, which may be granted
12 by resolution, and with the advice and consent of the Governor, the
13 Commissioner of Buildings and General Services may sell real estate owned
14 by the State. ~~Such~~ The property shall be sold to the highest bidder ~~therefor~~ at
15 public auction or upon sealed bids ~~in~~ at the discretion of the Commissioner of
16 Buildings and General Services, who may reject any or all bids, or the
17 Commissioner is authorized to list the sale of property with a real estate agent
18 licensed by the State. In no event shall the property be sold for less than fair
19 market value as determined by the Commissioner in consultation with an
20 independent real estate broker or appraiser, or both, retained by the
21 Commissioner, unless otherwise authorized by the General Assembly.

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Sec. 16. FORMER SOUTHEAST STATE CORRECTIONAL FACILITY;
BUILDING DEMOLITION

(a) The Department of Buildings and General Services, in consultation with the Mount Ascutney Regional Commission, shall determine the buildings at the former Southeast State Correctional Facility property that shall be prioritized for environmental remediation, demolition, salvage, and dismantling. The Commissioner shall consider the impact of building demolition on future site development when determining which buildings to prioritize.

(b) The Commissioner shall notify the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions of the buildings proposed for environmental remediation, demolition, salvage, and dismantling.

(c) Environmental testing and remediation, demolition, salvage, and dismantling shall commence during calendar year 2024.

Sec. 17. SOUTHEAST STATE CORRECTIONAL FACILITY; POTENTIAL
LAND TRANSFER; REPORT

(a) The Department of Fish and Wildlife, in consultation with the Department of Buildings and General Services, shall evaluate the potential transfer of a portion of the former Southeast State Correctional Facility

1 property to the Department of Fish and Wildlife for inclusion in the adjacent
2 wildlife management area. The evaluation shall:

3 (1) delineate the portions of the former Southeast State Correctional
4 Facility property that could be used for future redevelopment of the site, taking
5 into account any necessary setbacks from wetlands, streams, or wildlife
6 habitat;

7 (2) identify any portions of the property that could be transferred into
8 the adjacent wildlife management area and potential impacts on the
9 redevelopment or sale of the property from the transfer of the identified
10 portions; and

11 (3) identify any rights of way or easements that will be necessary for the
12 potential future redevelopment of any retained portion of the property.

13 (b) On or before January 15, 2025, the Commissioner of Fish and Wildlife
14 and the Commissioner of Buildings and General Services shall report to the
15 House Committee on Corrections and Institutions and the Senate Committee
16 on Institutions regarding the evaluation and any legislative action that may be
17 necessary to facilitate a proposed transfer or redevelopment of the property.

18 Sec. 18. STATE BUILDING NAMING; STUDY COMMITTEE; REPORT

19 (a) Creation. There is created the State Building Naming Study Committee
20 to develop a proposed process for naming State buildings that are under the
21 jurisdiction of the Department of Buildings and General Services.

1 (b) Membership. The Committee shall be composed of the following
2 members:

3 (1) the State Historic Preservation Officer or designee;

4 (2) the Secretary of Commerce and Community Development or
5 designee;

6 (3) the Commissioner of Buildings and General Services or designee;

7 (4) the Executive Director of the Vermont Historical Society or
8 designee;

9 (5) the State Librarian or designee

10 (6) the Executive Director of the Vermont League of Cities and Towns
11 or designee; and

12 (7) the Executive Director of the Office of Racial Equity or designee.

13 (c) Powers and duties. The Committee shall develop a proposed process
14 for naming State buildings that are under the jurisdiction of the Department of
15 Buildings and General Services. The proposed process developed by the
16 Committee shall address the following:

17 (1) an entity within State government, other than the General Assembly,
18 that should have authority for naming State buildings that are under the
19 jurisdiction of the Department of Buildings and General Services;

1 (2) entities and individuals who should be involved in determining
2 whether to name specific State buildings that are under the jurisdiction of the
3 Department of Buildings and General Services;

4 (3) methods by which a municipality or the general public may petition
5 to name a State building under the jurisdiction of the Department of Buildings
6 and General Services after a specific person;

7 (4) any requirements for a historical nexus between the building
8 proposed to be named and the person for whom it is proposed to be named;
9 and

10 (5) the process for considering a petition to name a State building,
11 including requirements related to public notice, conduct of hearings, and
12 standards for rendering a decision on a petition.

13 (d) Report. On or before January 15, 2025, the Committee shall report to
14 the House Committee on Corrections and Institutions and the Senate
15 Committee on Institutions regarding its proposal and any recommendations for
16 legislative action.

17 (e) Meetings.

18 (1) The State Historic Preservation Officer shall call the first meeting of
19 the Committee to occur on or before September 1, 2024.

20 (2) The Committee shall select a chair from among its members at the
21 first meeting.

1 (3) A majority of the membership shall constitute a quorum.

2 (4) The Committee shall cease to exist on January 30, 2025.

3 Sec. 19. FORENSIC FACILITY; NEEDS; REVIEW; REPORT

4 The Commissioner of Buildings and General Services, in consultation with
5 the Commissioners of Mental Health and of Disabilities, Aging, and
6 Independent Living, shall review the programming needs and facility
7 requirements of individuals who will be housed in a proposed forensic facility.

8 Sec. 20. DEPARTMENT FOR CHILDREN AND FAMILIES YOUTH

9 SHORT-TERM STABILIZATION AND TREATMENT CENTER;

10 LONG-TERM LEASE; AUTHORIZATION

11 Notwithstanding any provisions of 29 V.S.A. § 165(h) or 29 V.S.A.
12 § 166(a) to the contrary, the Commissioner of Buildings and General Services
13 is authorized to enter into a long-term ground lease agreement at a below-
14 market rate for an initial term of not more than 20 years with not more than
15 four five-year renewal options for the Department for Children and Families
16 Youth Short Term Stabilization and Treatment Center. At the end of the term
17 and any renewals, the ground lease shall terminate.

18 Sec. 21. CAPITOL COMPLEX FLOOD RECOVERY; SPECIAL

19 COMMITTEE

20 (a) The Special Committee on Capitol Complex Flood Recovery is
21 established. The Special Committee shall comprise the Joint Fiscal Committee

1 and the chairs of the House Committee on Corrections and Institutions and the
2 Senate Committee on Institutions.

3 (b)(1) The Special Committee shall meet at the call of the chair of the Joint
4 Fiscal Committee, in consultation with the chairs of the House Committee on
5 Corrections and Institutions and the Senate Committee on Institutions.

6 (2)(A) The Special Committee shall meet to review and recommend
7 alterations to proposals and plans for Capitol Complex flood recovery.

8 (B) The Special Committee may, as necessary, grant approval to
9 proposals and plans for Capitol Complex flood recovery.

10 (c) The Commissioner of Buildings and General Services shall provide
11 quarterly updates to the Special Committee on the planning process for Capitol
12 Complex flood recovery.

13 (d) The Special Committee shall be entitled to per diem and expenses as
14 provided in 2 V.S.A. § 23.

15 Sec. 22. STATE HOUSE; IMPROVEMENTS; DESIGN; SPECIAL

16 COMMITTEE

17 (a)(1) To allow the Department of Buildings and General Services to begin
18 the design development phase, it is the intent of the General Assembly to
19 approve a schematic design plan for accessibility, life safety, and mechanical
20 systems improvements to the State House identified in Scenario 1, as approved

1 by the Joint Legislative Management Committee on December 15, 2023 and
2 excluding any improvements that would impact committee rooms.

3 (2) The Commissioner of Buildings and General Services shall provide
4 the Special Committee established pursuant to subsection (b) of this section
5 with a draft schematic design plan for the work identified pursuant to
6 subdivision (1) of this subsection on or before July 15, 2024 and a final
7 schematic design plan on or before September 15, 2024.

8 (b)(1) A Special Committee to be called the Special Committee on State
9 House Improvements consisting of the Joint Legislative Management
10 Committee and the Chairs of the House Committee on Corrections and
11 Institutions and the Senate Committee on Institutions is established.

12 (2) The Special Committee is authorized to meet to:

13 (A) review and recommend alterations to the draft schematic design
14 to be submitted on or before July 15, 2024 as described in subsection (a) of
15 this section at a regularly scheduled Joint Legislative Management Committee
16 meeting; and

17 (B) review and approve the final schematic design to be submitted on
18 or before September 15, 2024 as described in subsection (a) of this section at a
19 regularly scheduled Joint Legislative Management Committee meeting.

20 (c) In making its decision, the Special Committee shall consider:

1 property, provided the option contains a provision stating that purchase of the
2 property shall occur only upon the approval of the General Assembly and the
3 appropriation of funds for this purpose. The State Treasurer is authorized to
4 advance a sum not to exceed ~~\$75,000.00~~ five percent of the listed sale price of
5 the property, upon warrants drawn by the Commissioner of Finance and
6 Management for the purpose of purchasing an option on a property pursuant to
7 this subdivision.

8 * * *

9 (19) Transfer any unexpended project balances between projects that are
10 authorized within the same section of ~~an annual~~ a biennial capital construction
11 act.

12 (20) Transfer any unexpended project balances between projects that are
13 authorized within different capital construction acts, with the approval of the
14 Secretary of Administration, when the unexpended project balance does not
15 exceed ~~\$100,000.00~~ \$200,000.00, or with the additional approval of the
16 Emergency Board when such balance exceeds ~~\$100,000.00~~ \$200,000.00.

17 * * *

18 (22) Use the contingency fund appropriation to cover shortfalls for any
19 project approved in any capital construction act; however, transfers from the
20 contingency in excess of ~~\$50,000.00~~ \$100,000.00 shall be done with the
21 approval of the Secretary of Administration.

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* * * Corrections * * *

Sec. 24. 2023 Acts and Resolves No. 69, Sec. 28 is amended to read:

Sec. 28. REPLACEMENT WOMEN’S FACILITIES; SITE LOCATION
PROPOSAL; DESIGN INTENT

(a) Site location proposal.

(1)(A) ~~Site location proposal.~~ On or before January 15, 2024 2025, the
Commissioner of Buildings and General Services shall submit a site location
proposal for replacement women’s facilities for justice-involved women to the
House Committee on Corrections and Institutions and the Senate Committee
on Institutions.

(B) It is the intent of the General Assembly that:

(i) when evaluating site locations, preference shall be given to
State-owned property; and

(ii) the site location, regardless of whether it is on State-owned
land or land proposed to be purchased by the State, shall be:

(I) near support services, programming, and work opportunities
needed to facilitate successful reentry into the community; and

(II) in a reasonable proximity to the existing workforce to
facilitate retention and continuity of experienced staff.

1 property and, if necessary, purchasing property on which to locate the
2 replacement facilities for justice-involved women.

3 Sec. 26. POTENTIAL REUSE OF CHITTENDEN REGIONAL
4 CORRECTIONAL FACILITY SITE; FEASIBILITY; REPORT

5 (a) On or before February 15, 2025, the Commissioner of Buildings and
6 General Services, in consultation with the Commissioner of Corrections, shall
7 report to the House Committee on Corrections and Institutions and the Senate
8 Committees on Institutions and on Judiciary regarding the feasibility of
9 utilizing the site of the Chittenden Regional Correctional Facility for a reentry
10 facility for eligible justice-involved men following the construction of
11 replacement facilities for justice-involved women.

12 (b) The report shall evaluate:

13 (1)(A) the condition and structure of the existing facility to determine if
14 it can be repurposed as a reentry facility in a manner that supports the
15 programmatic goals of the Department of Corrections using evidence-based
16 principles for wellness environments for supporting trauma-informed
17 practices; and

18 (B) if it can be repurposed as a reentry facility, the improvements and
19 other work necessary to support the programmatic goals of the Department of
20 Corrections using evidence-based principles for wellness environments for

1 supporting trauma-informed practices and the estimated cost of performing the
2 work;

3 (2)(A) whether a new reentry facility could be constructed on the site
4 following the demolition of some or all of the existing facility;

5 (B) potential designs for a newly constructed reentry facility at the
6 site that supports the programmatic goals of the Department of Corrections
7 using evidence-based principles for wellness environments for supporting
8 trauma-informed practices; and

9 (C) site work, improvements, and other work necessary to construct a
10 new reentry facility on the site, including the cost of any such work.

11 * * * Judiciary * * *

12 Sec. 27. BARRE; WASHINGTON COUNTY SUPERIOR COURTHOUSE;
13 LAND ACQUISITION; AUTHORIZATION; COMMUNICATION
14 WITH CITY

15 (a) The Commissioner of Buildings and General Services, in consultation
16 with the Judiciary, is authorized to use the amounts appropriated in 2023 Acts
17 and Resolves No. 69, Sec. 18(c)(11) and (d)(4) to purchase land as needed to
18 renovate or replace the Washington County Superior Courthouse.

19 (b) The Commissioner shall:

20 (1) consult with the City of Barre on potential options for renovating or
21 replacing the Washington County Superior Courthouse in Barre; and

