

H.493
As Passed By Senate Institutions
Sec.-by-Sec. Description of
Fiscal Years 2024–2025 Capital Construction Adjustment Act

Sec. 1. *Legislative Intent.* Sets out the two-year capital budgeting process.

- Appropriates not more than \$56,445,325.00 in the first year of biennium, and the rest of the \$122,767,367.00 in funds authorized is appropriated in the second year of the biennium.
- Sets out that there will be a capital budget adjustment bill in FY 2025.
- FY 2025 appropriations are subject to budget adjustment unless otherwise indicated.

Secs. 2–14. *Appropriations.* Appropriates funds for capital construction projects. Specific appropriations are shown in the accompanying spreadsheet.

- Sec. 2. (State Buildings) appropriates \$47,651,244.00 over FY24 and FY25 to the Department of Buildings and General Services (BGS) to repair and upgrade State buildings, including the following:
 - Appropriates \$16,501,244.00 over FY24 and FY25 for major maintenance.
 - Appropriates \$500,000.00 over FY24 and FY25 for physical security enhancement at buildings and facilities Statewide.
 - Appropriates \$850,000.00 over FY24 and FY25 for reuse, contingency, and planning.
 - Appropriates \$7,625,000.00 over FY24 and FY25 for HVAC renovations at the State House.
 - Appropriates \$2,750,000.00 over FY24 and FY25 for door control system replacement at the Northeast State Correctional Facility.
 - Appropriates \$6,000,000.00 over FY24 and FY25 for renovation of the courthouse in White River Junction.
 - Appropriates \$3,000,000.00 over FY24 and FY25 for the statewide planning, design, and construction of three-acre parcel stormwater.
 - Appropriates \$1,250,000.00 over FY24 and FY25 for the R22 refrigerant phase out project.
 - Appropriates \$750,000.00 over FY24 and FY25 for the master plan, design, and decommissioning of the Therapeutic Community Residence in Middlesex.
 - Appropriates \$75,000.00 in FY24 to the Art in State Buildings Program.
 - Appropriates \$3,500,000.00 in FY25 to the replacement of the boiler at the Northern State Correctional Facility.
 - *Related Sections:*
 - Sec. 2(d) authorizes BGS to expend funds for a water-to-water heat pump system to dehumidify the State House.
 - *See also* Sec. 18 for related capital projects receiving funding from the FY24 Appropriations Act.
- Sec. 3. (Human Services) appropriates to \$16,500,000.00 over FY24 and FY25 to the Department of Buildings and General Services for the Agency of Human Services for various human services and corrections projects.
 - Appropriates \$300,000.00 in FY24 for planning, design, and construction for upgrades at correctional facilities.

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- Appropriates \$2,500,000.00 in FY25 for the planning, design, and construction of the booking expansion at the Northwest State Correctional Facility.
- Appropriates \$13,000,000.00 in FY25 for the planning and design for the replacement of the Chittenden Regional Correctional Facility and a reentry facility.
- Appropriates \$700,000.00 in FY25 for upgrades and replacements of HVAC systems at State correctional facilities.
 - Sec. 3(c) directs BGS to evaluate and develop a design for the upgrades and replacement of HVAC systems in all State correctional facilities. BGS is authorized to use funds to install HVAC systems in common rooms, break rooms, day rooms, and cafeterias if it is possible to do so to provide immediate relief.
 - *See also* Sec. 18 for related capital projects receiving funding from the FY24 Appropriations Act.
 - Sec. 24 (adding 29 V.S.A. § 170a) directs BGS to coordinate with DOC on the design and planning of any maintenance, renovation, or construction of a State correctional facility to incorporate evidence-based design principles for wellness environments.
 - Sec. 25 (Northwest State Correctional Facility; Booking Expansion) directs the Secretary of Human Services to request federal funds to support construction at the Facility. It also states the intent of the General Assembly of what should be incorporated into the design of the booking expansion project.
 - Sec. 26 (Replacement Women’s Facilities) directs BGS to submit a site location proposal to the House Committee on Corrections and Institutions and the Senate Committee on Institutions for replacement of the women’s facility by January 15, 2024. BGS is required to submit monthly updates on the status of the proposal between September 15, 2023 to December 15, 2023.
 - Sec. 27 (DOC; Replacement of Women’s Facilities; Report) directs DOC to submit a written report to the House Committee on Corrections and Institutions and on Judiciary and the Senate Committee on Institutions and on Judiciary by November 15, 2023 regarding the proposed size and scale of replacement women’s facilities.
- Sec. 4. (Commerce and Community Development)
 - Appropriates \$1,000,000.00 over FY24 and FY25 to perform major maintenance at State historic sites.
 - Appropriates \$92,000.00 over FY24 and FY25 to preserve underwater historic sites.
 - Appropriates \$50,000.00 over FY24 and FY25 to provide roadside historic markers.
 - Appropriates \$50,000.00 over FY24 and FY25 for unmarked burial sites.
- Sec. 5. (Grant Programs) appropriates \$4,350,000.00 over FY24 and FY25 to the Building Communities Grants Programs.

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- Sec. 6. (Education) appropriates \$100,000.00 over FY24 and FY25 to the Agency of Education for emergency aid.
- Sec. 7. (University of Vermont) appropriates \$3,100,000.00 over FY24 and FY25 for construction, renovation, and major maintenance at any facility owned or operated in the State by UVM.
- Sec. 8. (Vermont State Colleges) appropriates \$3,000,000.00 over FY24 and FY25 for construction, renovation, and major maintenance at any facility owned or operated in the State by the State Colleges.
- Sec. 9. (Natural Resources) appropriates \$15,094,132.00 over FY24 and FY25 to the Agency of Natural Resources for projects, including the Drinking Water State Revolving Fund, dam maintenance, infrastructure rehabilitation at State parks, and general infrastructure projects for the Department of Fish and Wildlife.
 - *Related Sections:*
 - *See also* Sec. 18 for related capital projects receiving funding from the FY24 Appropriations Act.
 - Sec. 32 (Repeal) repeals the sunset on the suspension of private loans for clean water projects (24 V.S.A. § 4763), which allows for the Secretary to make loans to private entities for clean water projects through the EPA Pollution Control Revolving Fund. The sunset required that no applications for loans be submitted after June 30, 2023.
- Sec. 10. (Clean Water Initiatives)
 - Appropriates to the Agency of Agriculture, Food and Markets \$2,202,019.00 in FY 24 for water quality grants and contracts.
 - Appropriates approximately \$332,981.00 in FY24 to the Department of Environmental Conservation for the State match for clean water and drinking water.
 - Appropriates \$4,000,000.00 to the Department of Environmental Conservation for municipal pollution control grants.
 - Appropriates \$550,000.00 in FY 24 to the Department of Forests, Parks and Recreation for forestry access roads, recreation access roads, and water quality improvements.
 - Appropriates \$2,800,000.00 over FY 24 to the Vermont Housing and Conservation Board for agricultural water quality projects and land conservation and water quality projects.
 - Appropriates \$6,000,000.00 in FY 25 to the Department of Environmental Conservation for clean water implementation projects.
 - *Related Sections:*
 - Sec. 9(f) requires the Clean Water Fund Board to make recommendations for the clean water implementation programs funded in FY25 by December 1, 2023. Also requires the Clean Water Fund Board to include in its recommendations for the list of programs funded in FY 25 a recommendation on whether funds appropriated to the Clean Water Fund may be used for municipal pollution control grants.

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- Sec. 9(g) requires the Treasurer to ensure all projects funded from this section are capital eligible.
- *See also* Sec. 18 for related capital projects receiving funding from the FY24 Appropriations Act.

- Sec. 11. (Military)
 - Appropriates \$2,315,000.00 over FY24 and FY25 for maintenance and renovations at State armories, including ADA compliance.

- Sec. 12. (Agriculture, Food and Markets)
 - Appropriates \$2,7000,000.00 over FY24 and FY25 for major maintenance at the Vermont building of the Eastern States Exposition.
 - Appropriates \$1,040,000.00 in FY25 for construction of the Vermont Agriculture and Environmental Laboratory Heat Plant.

- Sec. 13. (Vermont Rural Fire Protection) appropriates \$250,000.00 over FY24 and FY25 to the Department of Public Safety for the dry hydrant program.

- Sec. 14. (Vermont Housing and Conservation Board) appropriates \$3,600,000.00 over FY24 and FY25 to the Vermont Housing and Conservation Board for housing and conservation projects.

- Sec. 15. (Veterans' Home)
 - Appropriates \$260,000.00 in FY24 to BGS for the Veterans' Home for maintenance.
 - Appropriates \$4,500,000.00 in FY24 for an emergency generator and boiler replacement.
 - Appropriates \$1,000,000.00 in FY24 for an elevator upgrade.
 - Appropriates \$230,000.00 in FY24 for resident care furnishings and security systems.
 - Requires the Veterans' Home to submit a status report on any unexpended funds related to the appropriation for maintenance and the resident care furnishings and security systems to the House Committee on Corrections and Institutions and the Senate Committee on Institutions by January 15, 2024.

Sec. 16. *Reallocations.* Reallocates \$14,767,376.32 in funds that were authorized in former capital bills but never spent.

Sec. 17. *General Obligation Bonds and Appropriations.* Authorizes the State Treasurer to issue general obligation bonds in the amount of \$108,000,000.00 for FY24 and FY25 as recommended by the Capital Debt Affordability Advisory Committee.

Sec. 18. *FY 2024 and 2025; Cash Fund for Capital Infrastructure and Other Essential Investments; Intent Authorizations.*

- Adds findings that capital projects may be funded from the Cash Fund established in 32 V.S.A. § 1001b.

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- Expresses the intent of the General Assembly to authorize spending for certain capital projects that will be funded in the FY24 Appropriations Act and to appropriate funds for certain projects in FY25.
- Authorizes spending in FY24 from the Cash Fund capital projects in the amount of \$39,385,000.00 (appropriations for these projects are in the FY 2024 Appropriations Act).
- Provides intent, subject to a sufficient appropriation in FY25, to authorize spending for capital projects in the amount of \$10,000,000.00 from the Capital Expenditure Cash Fund.
- Requires the Secretary of Administration to submit recommendations for capital projects to be funded from the Cash Fund in FY25 to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions by December 15, 2023.

Sec. 19. Amends 26 V.S.A. § 4811 (Motor Vehicle Safety Standards)

- Requires that a race track grand stand is only constructed on the curved side of a track if the barrier, including all walls, fencing, and overhangs, meets the same standards for the straightaway of the track with spectators.

Sec. 20. Amends 29 V.S.A. § 166 (Selling or Renting State Property).

- Authorizes BGS to list the sale of property with a real estate agent.
- Authorizes BGS to provide notice for property sold at auction or by sealed bid by electronic means.

Sec. 21. Sale of Properties.

- Subsection (a) (110 State Street). Authorizes the Commissioner of Buildings and General Services to sell 110 State Street and requires the Commissioner to give a right of first refusal to the City of Montpelier. The City has 90 days from the date of the offer to notify of the intent to purchase, and until June 1, 2024 to submit a written offer.
- Subsection (b) (Stanley Hall and Wasson Hall). Authorizes the Commissioner of Buildings and General Services to subdivide, sell, or otherwise dispose of the land in the Waterbury State Office Complex that formerly housed Stanley Hall and Wasson Hall and the adjacent parking lot to the Town of Waterbury provided that the Town selectboard takes a formal action within 90 days of the written offer to express an interest in purchasing the property and the Town submits a written offer no later than June 1, 2024.
- Subsection (c) (108 Cherry Street). Authorizes the Commissioner of Buildings and General Services to sell 108 Cherry Street and requires the Commissioner to give a right of first refusal to the City of Burlington. The City has 90 days from the date of the offer to notify of the intent to purchase, and until June 1, 2024 to submit a written offer.

Sec. 22. Relocation of State Employees; Department of Buildings and General Services; City of Burlington. Directs BGS to work with the City of Burlington to find another appropriate location in downtown Burlington to relocate State employees who provide client services prior to the sale of 108 Cherry Street.

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Sec. 23. Amends 32 V.S.A. § 701a (Capital Construction Bill).

- Requires the House Committee on Corrections and Institutions to make recommendations on capital projects that may be paid for from the Capital Infrastructure Reserve Fund, established in 32 V.S.A. § 1001b.
- Requires that any unexpended funds appropriated in a capital construction act that are at least five years old be reallocated to future capital construction acts.
- Requires the Commissioner of Finance and Management by November 15 each year to notify each entity that has received spending authority in a capital construction act to submit a detailed report on the fund balances for each authorized project with unexpended funds that are two or more years old.
- Requires the Commissioner of Finance and Management to submit a consolidated unexpended funds report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions by December 15 each year.

Sec. 24. Adds 29 V.S.A. § 170a (Design of Correctional Facilities; Use of Evidence-based Design Principles for Wellness Environments). Directs the Department of Buildings and General Services to coordinate with the Department of Corrections on the design and planning for any maintenance, renovation, or construction of a State correctional facility to ensure evidence-based design principles for wellness environments are incorporated into the design and planning phase of a project.

Sec. 25. Northwest State Correctional Facility; Funding Request for Federal Detainees; Intent for Booking Expansion.

- Requires the Secretary of Human Services to request federal funds to support construction at the Northwest State Correctional Facility by August 15, 2023. The Commissioner of Finance and Management may only release funds appropriated for the project in Sec. 3 of this act upon notification that the request was submitted.
- Expresses intent that BGS incorporate into the design of the booking expansion project the following: (1) renovations to the HVAC system, (2) enhanced employee amenities, (3) the use of renewable energy, and (4) the use of evidence-based principles for wellness environments for supporting trauma-informed practices.

Sec. 26. Replacement Women's Facilities; Site Location Proposal; Design Intent.

- Directs BGS to submit a site location proposal for replacement of women's facilities for justice-involved women to the House Committee on Corrections and Institutions and the Senate Committee on Institutions by January 15, 2024. Expresses intent to give preference to State-owned property and consider both co-locating facilities and the need for separate facilities. Requires BGS to submit monthly status updates on the proposal from September 15, 2023 through December 15, 2023.
- Expresses intent for BGS to incorporate into the design of any women's replacement facility the use of evidence-based principles for wellness environments supporting trauma-informed practices.

Sec. 27. Department of Corrections, Replacement Women's Facilities; Report

- Expresses intent that the State's long-term goal and vision for justice-involved individuals includes their reentry into the community through a system of supports grounded in restorative justice principles.

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- Requires DOC to submit a report to the House Committees on Corrections and Institutions and on Judiciary and the Senate Committees on Institutions and the Judiciary on the proposed size and scale of replacement women's facilities by November 15, 2023.

Sec. 28. *Barre; Washington County Superior Courthouse; Renovations.* Directs BGS to engage with the City of Barre by September 15, 2023 on options for renovating the existing Washington County Superior Courthouse or finding a new site location for the building.

Sec. 29. *General Assembly; State Buildings; Use of Space; Authority of Sergeant at Arms.* Extends the Legislature's authority to have exclusive use of certain rooms at 109 State Street until June 30, 2024.

Sec. 30. *State House; Expansion; Design; Special Committee.*

- Expresses intent that the General Assembly approve the programming option for a schematic design plan for the State House expansion as soon as practicable.
- Establishes a special committee comprising the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions, and the Joint Legislative Management Committee, to review, approve, or recommend alternations to the schematic design submitted by Freeman, French, Freeman.

Sec. 31. *Capital Complex Security Advisory Committee.*

- Extends the sunset date of the Committee from June 30, 2023 to June 30, 2024.

Sec. 32. *Repeal (private loans for clean water projects).* Repeals the sunset on 24 V.S.A. § 4763, which allows the Secretary of Natural Resources to make loans to private entities for clean water projects through the EPA Pollution Control Revolving Fund. The sunset required that no applications for loans be submitted after June 30, 2023.

Sec. 33. *Amends 2021 Acts and Resolves No. 50, Sec. 12, as amended by 2022 Acts and Resolves No. 180, Sec. 10 (the 2021 Capital Bill):* Amends a technical error appropriating money directly to the Department of Public Safety in the 2021 Capital Bill that should have been appropriated to the Department of Buildings and General Services on behalf of the Department of Public Safety.

Sec. 34. *Effective Date.* The act takes effect on passage.