

A-63

**ORIGINAL**

H.457

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Introduced by Committee on Institutions

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Date:

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Subject: Capital construction; capital appropriations; state bonding; department

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of corrections

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Statement of purpose: This bill proposes to authorize bonding, appropriate

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capital funds, and address miscellaneous corrections issues.

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AN ACT RELATING TO CAPITAL CONSTRUCTION, STATE

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BONDING, AND THE DEPARTMENT OF CORRECTIONS

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

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*See P. 1a*  
~~Sec. 1a. SHORT TITLE~~

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~~This act may be referred to as the 2003 Capital Construction Bill or the~~

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~~2003 Capital Construction Act.~~

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~~\*\*\* Capital Appropriations \*\*\*~~

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Sec. 1b. STATE BUILDINGS

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~~The sum of \$7,045,000 is appropriated to the department of buildings and~~

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~~general services, and the commissioner is authorized to direct funds~~

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~~appropriated in this section to the projects contained in this section; however,~~

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~~no project shall be canceled unless the chairs of the house and senate~~

H. 457

Sec. 1a. *SHORT TITLE; CONTENTS*

(a) This act may be referred to as the 2003 Capital Construction Bill or the 2003 Capital Construction Act.

(b) Contents of Act:

\*\*\* APPROPRIATIONS \*\*\*

<u>Section</u>	<u>Description</u>	<u>Amount</u>
	<b><u>Buildings and General Services</u></b>	
<u>1b(1)</u>	<u>Barre, court house and office building, renovations</u>	<u>400,000</u>
<u>1b(2)</u>	<u>Burlington, Cherry St. Garages, repairs</u>	<u>375,000</u>
<u>1b(3)</u>	<u>Burlington, co-location Health &amp; Public Safety Lab, site selection and design; (see Sec. 31 for language)</u>	<u>500,000</u>
<u>1b(4)</u>	<u>Montpelier, 133 State St, addition for AOT, design</u>	<u>200,000</u>
<u>1b(5)</u>	<u>Montpelier, district heating system (see Sec. 32 for language)</u>	<u>60,000</u>
<u>1b(6)</u>	<u>Montpelier, Winooski River Greenway Project; design &amp; implementation</u>	<u>25,000</u>
<u>1b(7)</u>	<u>Waterbury, Dale facility, new chiller and heat recovery unit</u>	<u>300,000</u>
<u>1b(8)</u>	<u>Statewide, major maintenance</u>	<u>4,450,000</u>
<u>1b(9)</u>	<u>Statewide, ADA, accessibility to public buildings</u>	<u>450,000</u>
<u>1b(10)</u>	<u>Statewide, contingency</u>	<u>500,000</u>
<u>1b(11)</u>	<u>Statewide, building reuse</u>	<u>100,000</u>
<u>1b(12)</u>	<u>Statewide, planning</u>	<u>20,000</u>
<u>1b(13)</u>	<u>Statewide, rest areas, repairs</u>	<u>75,000</u>
<u>1b(14)</u>	<u>Statewide, security enhancements</u>	<u>250,000</u>
<u>1b(15)</u>	<u>Statewide, State House, room renovations</u>	<u>60,000</u>
	<b><u>Human Services</u></b>	
<u>2</u>	<u>St. Albans, NW Correctional Facility, sprinkler system</u>	<u>375,000</u>
	<b><u>Judiciary</u></b>	
<u>3</u>	<u>Rutland, court house , phase II; judicial records project</u>	<u>4,000,000</u>
	<b><u>Commerce and Community Development</u></b>	
<u>4(a)(1)</u>	<u>Statewide, major maintenance at all historic sites</u>	<u>100,000</u>
<u>4(a)(2)</u>	<u>Bennington, battle monument, stairway and cast iron repairs</u>	<u>125,000</u>
<u>4(a)(3)</u>	<u>Strafford, Morrill Homestead, match for enhancement grant</u>	<u>40,000</u>
<u>4(a)(4)</u>	<u>Calais, Kent Tavern, phase one, restoration</u>	<u>150,000</u>

<u>4(b)(1) Historic preservation grants</u>	<u>150,000</u>
<u>4(b)(2) Historic barns and agricultural buildings grants</u>	<u>150,000</u>
<u>4(b)(3) Cultural facilities grants</u>	<u>50,000</u>
<u>4(c) Statewide, underwater preserves</u>	<u>25,000</u>
<u>4(d) Bennington, battle monument, lighting</u>	<u>40,000</u>
<u>4(e) Commerce and Community Development Projects</u>	<u>189,574</u>
<u>4(f)(1) Broadband, report to the General Assembly</u>	<u>0</u>
<u>4(f)(2) Broadband, rural communities</u>	<u>15,000</u>
<u>4(f)(3) Broadband, Capitol Complex Pilot</u>	<u>0</u>
<u>4(g) Statewide, historic site markers</u>	<u>15,000</u>
<u>4(h) Statewide, Unmarked Burials Fund</u>	<u>15,000</u>
<u>4(i) Statewide, Recreational Facilities Grants (see Sec. 39 for language)</u>	<u>195,000</u>

### Education

<u>5(a) School Construction</u>	<u>8,600,000</u>
<u>5(b)(1) North Country Career and Technical Center</u>	<u>250,000</u>
<u>5(b)(2)(A)Chittenden, Lake Champlain Regional Chamber of Commerce</u>	<u>150,000</u>
<u>5(b)(2)(B)Chittenden County Regional Technical Center</u>	<u>250,000</u>
<u>5(b)(3) Southeastern Vermont Technical Center</u>	<u>1,000,000</u>
<u>5(c) Vocational Center Equipment</u>	<u>500,000</u>
<u>5(d) Hannaford Career Center; re-allocated funds</u>	<u>318,000</u>
<u>5(e) Technical center accounting; report to the General Assembly</u>	<u>0</u>

### UVM

<u>6(a) Agricultural Science Building, first phase, replacement of space</u>	<u>1,000,000</u>
<u>6(b) Re-allocation authority</u>	<u>0</u>

### State Colleges

<u>7 Major Maintenance</u>	<u>3,000,000</u>
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### Natural Resources

<u>8(a) Water pollution grants &amp; public drinking water; includes Marshfield</u>	<u>7,100,000</u>
<u>8(b) Dams, maintenance, repair, reconstruction</u>	<u>451,064</u>
<u>8(c) Forest, Parks and Recreation, major maintenance</u>	<u>500,000</u>
<u>8(d) Fish &amp; Wildlife, Kehoe conservation camp, construction</u>	<u>350,000</u>
<u>8(e) Green Mountain Club; Long Trail</u>	<u>50,000</u>
<u>8(f) Ruffed Grouse Society</u>	<u>50,000</u>

<b><u>Military</u></b>	
9 <u>Various, maintenance, repairs, replacement</u>	<u>165,000</u>
<b><u>Veterans Home</u></b>	
10 <u>Electrical and heating systems, upgrades and repairs</u>	<u>160,000</u>
<b><u>Vermont Historical Society</u></b>	
11 <u>Vermont History Center, renovations</u>	<u>325,000</u>
<b><u>Public Safety</u></b>	
12(a) <u>Addison County, state police station, acquisition, construction</u>	<u>1,300,000</u>
12(b) <u>Bethel State Police (Royalton)</u>	<u>50,000</u>
12(c) <u>St. Albans State Police</u>	<u>50,000</u>
12(d) <u>Pittsford, state police, West Cottage fit up</u>	<u>42,000</u>
<b><u>Criminal Justice Training Council</u></b>	
13(a) <u>Pittsford, Training Academy, miscellaneous repairs to campus</u>	<u>150,000</u>
<b><u>Vermont Fire Service Training Council</u></b>	
13(b)(1) <u>Pittsford, portable flashover simulator, tractor and trailer</u>	<u>150,000</u>
13(b)(2) <u>Pittsford, fire response training vehicle (pumper)</u>	<u>250,000</u>
13(c) <u>Master plan update</u>	<u>50,000</u>
13(d) <u>Condition of appropriation; equal educational opportunity</u>	<u>0</u>
13(e) <u>Condition of appropriation; signage</u>	<u>0</u>
<b><u>Agriculture, Food and Markets</u></b>	
14(a) <u>Nonpoint pollution reduction, best management practices</u>	<u>750,000</u>
14(b) <u>Montpelier, 116 State Street, heat system replacement</u>	<u>500,000</u>
14(c) <u>AG Economic Development Study (see Sec. 71 for language)</u>	<u>25,000</u>
<b><u>Vermont Public Television</u></b>	
15 <u>Vermont Public Television, conversion to digital broadcasting</u>	<u>350,000</u>
<b><u>Vermont Interactive Television</u></b>	
16(1) <u>White River Junction site upgrade</u>	<u>50,000</u>
16(2) <u>Camera/lens/controller, upgrade</u>	<u>50,000</u>
16(3) <u>Time-base correctors and switches</u>	<u>20,000</u>
16(4) <u>Computer display enhancements</u>	<u>25,000</u>
16(5) <u>Computer, servers and software</u>	<u>30,000</u>
<b><u>Vermont Rural Fire Protection</u></b>	
17 <u>Dry Hydrant Program</u>	<u>100,000</u>

<u>18(a) Reallocation, Act 185 of 1996, Sec. 1(a)(3)</u>	<u>-41,880</u>
<u>18(b) Reallocation, Act 149 of 2002, Sec. 1b(6)</u>	<u>-3,200,000</u>
<u>18(c) Reallocation, Act 149 of 2002, Sec. 5(d)</u>	<u>-225,000</u>
<u>18(d) Reallocation, Act 61 of 2001, Sec. 6(c)(2)</u>	<u>-893,758</u>
<u>18(e) Reallocation, Act 149 of 2002, Sec. 5(b)(2)(B)</u>	<u>-1,000,000</u>
<u>18(f) Reallocation, Act 149 of 2002, Sec. 1b(3)</u>	<u>-200,000</u>

**\*\*\* POLICY \*\*\***

**Managing this Act**

- 20 Reallocation among historic preservation sites
- 21 Transfer by ANR, BGS, & Military of project balances
- 22 Authority of departments to receive grants

**Buildings and General Services**

- 23 Miscellaneous uncodified authority given to BGS
- 24 Miscellaneous BGS property transactions
- 25 Purchasing card program authorized
- 26-28 Redesignates existing law so similar sections are together
- 29-30 Public records exemption
- 31 STUDY; co-location of health/forensic labs (funding §§ 1b(3), 18(f))
- 32 STUDY; Capitol Complex; thermal energy needs (funding § 1b(5))
- 33 STUDY; Waterbury State Hospital

**Human Services; Corrections**

- 34 Inmate vocational training
- 35 Video conferencing in courts/prisons; STUDY/PILOT

**Commerce and Community Development**

- 36 Unmarked burials fund – clarification of 18 V.S.A. § 5212b
- 37 Unmarked burials fund; report on spending
- 38 Hydro dams, creates Authority
- 39-40 Recreational facilities grant program / 2-yr sunset; (funding § 4(j))

**Education; School Construction**

- 41 North Country Career Center
- 42-43 Austine School – subordination of state lien; selection of president
- 44 Twinfield early education; 30% state funding authorized
- 45 South West Career Center, tuition

**State Colleges**

46 \$1M and \$40M borrowing authorized

47 Removes BGS from involvement

**Natural Resources**

48 Authorizes conveyances of land

49 Sewer priority rules

50 Establishes stormwater fund

51-52 Sewer capacity allocation

53-55 Phosphorus

56 Lists annually identify % ANR land

57 Pond name – authorizes libraries to go through process

58 Dams; requests legislation

59-61 Drinking Water fund, administrative rate

62 Bradford – sludge; clarification

63 Woodford State Park -moved from Senate § 8(e)

64-65 Green Mountain Conservation Camp Endowment Fund

**Military**

66 Sale of Northfield Armory

**Veterans Home**

67 STUDY; by Legislative Council

**Public Safety**

68 Clarifies terrorism study committee established in 2002

69 Fire department finances; fees

70 Clarifies session law re PSAP; Derby

**Agriculture, Food and Markets**

71 STUDY; Agricultural economic development Sec. 14(c)

72 Milk at rest areas

73 Makes explicit that milk processing is within VEDA's mission

**Education & Health Buildings Finance Agency**

74 Tightens oversight; tax-exempt bonding

**Miscellaneous**

75 Clarification; state's attorney appropriation, 2002 session

76-77 Electricians

78 Toilet facilities at snack bars

79 Effective Date

*\*\*\* Capital Appropriations \*\*\**

*Sec. 1b. STATE BUILDINGS*

The sum of \$7,765,000 is appropriated to the department of buildings and general services, and the commissioner is authorized to direct funds appropriated in this section to the projects contained in this section; however, no project shall be canceled unless the chairs of the house and senate committees on institutions are notified before that action is taken. The individual appropriations in this section are estimates only.

<u>(1) Barre, courthouse and office building, renovation of 3rd and 4th floors, engineering and design of 11,000-square-foot addition and new facade:</u>	<u>(400,000)</u>
<u>(2) Burlington, Cherry Street garages, repairs:</u>	<u>(375,000)</u>
<u>(3) Burlington, department of health laboratory and criminal justice forensic science laboratory, co-location, for the design work required in Sec. 31 of this act:</u>	<u>(500,000)</u>
<u>(4) Montpelier, 133 State Street, preliminary design studies for an addition to house the agency of transportation:</u>	<u>(200,000)</u>
<u>(5) Montpelier, capitol complex, long-term thermal energy needs, to assist with the requirements of Sec. 32 of this act:</u>	<u>(60,000)</u>
<u>(6) Montpelier, to begin implementing vegetation plans along the Winooski River up to the Taylor Street bridge as envisioned in the Capital District Master Plan adopted by the city-state commission in 2000:</u>	<u>(25,000)</u>
<u>(7) Waterbury, Dale facility, new chiller and heat recovery unit:</u>	<u>(300,000)</u>
<u>(8) Statewide, major maintenance:</u>	<u>(4,450,000)</u>
<u>(9) Statewide, Americans with Disabilities Act, accessibility to public buildings:</u>	<u>(450,000)</u>
<u>(10) Statewide, contingency fund:</u>	<u>(500,000)</u>
<u>(11) Statewide, building reuse:</u>	<u>(100,000)</u>
<u>(12) Statewide, planning:</u>	<u>(20,000)</u>
<u>(13) Statewide, rest areas, replacements or repairs of infrastructure:</u>	<u>(75,000)</u>
<u>(14) Statewide, security enhancements:</u>	<u>(250,000)</u>
<u>(15) Statewide, State House, to continue to purchase conference tables and chairs for first floor committee rooms, provided that furniture purchased with this appropriation shall be, to the extent feasible, made by Vermont craftspeople and that preference will be given to the use of Vermont wood when appropriate:</u>	<u>(60,000)</u>
<u>(Total appropriation – Section 1b</u>	<u>\$7,765,000)</u>

*Sec. 2. HUMAN SERVICES*

The sum of \$375,000 is appropriated to the department of buildings and general services for the agency of human services for installation of a sprinkler system and a smoke evacuation system and

for design of a fire suppression system in the Northwest State Correctional Facility in St. Albans.

(Total appropriation – Section 2 \$375,000)

### Sec. 3. JUDICIARY

The sum of \$4,000,000 is appropriated to the department of buildings and general services for the judiciary for construction of the Rutland courthouse; provided this sum shall include an appropriation of \$50,000 to the department of buildings and general services for the office of the court administrator to initiate the first phase of the Vermont early judicial records project to inventory, microfilm, and house Vermont judicial records dating from 1785 to 1845 according to archival practices and controls.

(Total appropriation – Section 3 \$4,000,000)

### Sec. 4. COMMERCE AND COMMUNITY DEVELOPMENT

(a) The following sums are appropriated to the department of buildings and general services for the agency of commerce and community development for the following projects; provided the projects shall be under the supervision of the department of buildings and general services:

(1) Statewide, major maintenance at historic sites: 100,000

(2) Bennington, Bennington Battle monument, finalize stairway and cast-iron repairs:  
125,000

(3) Strafford, Morrill Homestead, final matching funds for transportation enhancement grant to design and construct a visitor/education building: 40,000

(4) Calais, Kent Tavern, phase one brick and clapboard restoration:  
150,000

(b) The following sums are appropriated to the agency of commerce and community development, division for historic preservation, for:

(1) Historic preservation grants: 150,000

(2) Historic barns and agricultural buildings grants; no additional consideration shall be given for a barn or agricultural building that is in active use: 150,000

(3) Cultural facilities grant program, to be administered by the Vermont Arts Council and made available on a one-for-one matching basis with funds raised from nonstate sources; no such grant shall be available for a project receiving funding from any other appropriation of this act. The Vermont Arts Council may use up to six percent of the total amount appropriated to administer the program. The remaining appropriation shall be awarded on a competitive basis. In recommending grant awards, a review panel shall give priority consideration to applicants who demonstrate greater financial need or are in underserved areas of the state: 50,000

(c) The sum of \$25,000 is appropriated to the agency of commerce and community development for underwater preserves.

(d) The sum of \$40,000 is appropriated to the department of buildings and general services to illuminate the Bennington Battle monument in accordance with Sections 54(G) and 51(D) of the interim zoning bylaw adopted by the Village of Old Bennington on April 1, 2003. In addition, on or before February 15, 2004, the department shall file a report with the house and senate committees on institutions that shall (1) examine the impact of lighting the monument as permitted under the interim zoning bylaw and the advisability of lighting it for periods exceeding what is currently

permitted and (2) provide an estimate of the additional cost necessary to illuminate the statues of Colonel Seth Warner and General John Stark.

(e) Community development projects.

(1) The sum of \$100,000 is appropriated to the agency of commerce and community development for the Vermont sustainable jobs fund to assist in the creation of community infrastructure necessary to support a vibrant economy in the following municipalities:

(A) Town of Brighton (Island Pond), Brighton Community Forum, provide matching funds necessary to create a welcome center as part of downtown redevelopment efforts focused on tourism: 33,333

(B) Town of Alburg, Alburg Action Steering Committee, continuation of downtown revitalization efforts and development of marketing package for existing industrial site: 33,333

(C) Town of Springfield, Springfield Regional Development Corporation, planning by regional partners of a business incubator facility to assist with the development of sustainable technology: 33,334

(2) Disbursement of the sums appropriated in subdivision (e)(1) of this section is conditioned upon demonstration to the satisfaction of the agency or its designee that the following standards have been met:

(A) The community in which the project is proposed faces high unemployment, major downturns in business activity, or a stagnant economy.

(B) Members of the community are actively working with local businesses to develop and implement an economic plan that promotes job creation and retention.

(C) Necessary infrastructure improvements identified in the economic plan are business-related and will be an important component of business growth.

(D) The economic plan incorporates existing resources to rebuild the economic base of the community.

(3) The sum of \$45,000 is appropriated to the agency of commerce and community development for the Vermont Outdoor Guide Association, for statewide outdoor recreational and nature-based tourism opportunities; provided that no part of this appropriation shall be used to pay salaries.

(4) The sum of \$7,074 is appropriated to the agency of commerce and community development for the Lake Champlain Walleye Association, Inc. to assist with the construction of a portable hatchery for cultivating walleye fry; provided that no part of this appropriation shall be used to pay salaries.

(5) The sum of \$37,500 is appropriated to the agency of commerce and community development for Lake Champlain International, Inc. to assist with a series of community programs hosted by the organization along 120 miles of Vermont shoreline; provided that no part of this appropriation shall be used to pay salaries.

(f) Broadband communications.

(1) The chief information officer may extend and renegotiate, but shall not renew for greater than 12-month intervals, the existing state broadband contracts with Verizon Communications Inc.

and Adelpia Business Solutions that expire September 20, 2003. In consultation with the Vermont Council on Rural Development Telecommunications Committee, broadband vendors providing services in Vermont, and the department of public service, the office shall evaluate the potential for and advisability of allowing businesses to purchase limited broadband services through state contracts in areas where such services are currently unavailable or are prohibitively expensive. The office shall develop recommendations and a request for proposals supporting its conclusions. On or before January 15, 2004, the chief information officer shall report to the senate and house committees on institutions concerning implementation of this subsection.

(2) The sum of \$15,000 is appropriated to the department of buildings and general services for use by the Vermont Council on Rural Development, Inc. to assist rural Vermont communities that lack access to low cost business telecommunications services at data transfer rates of 500 kilobits in at least one direction to identify their broadband needs, assess their aggregate demand, negotiate with service providers, and obtain the best services at the most competitive pricing. As a condition of this appropriation, the Vermont Council on Rural Development shall agree to report and shall report to the senate and house committees on institutions concerning the implementation of this subsection.

(3) Pilot Project. On or before January 15, 2004, the commissioner of buildings and general services, with the approval of the secretary of administration, may transfer and use not more than \$50,000 of the total sum appropriated to the department in Sec. 1b(8) of this act (major maintenance) to participate in a pilot project for the delivery of high-speed broadband wireless telecommunications service, to serve all or part of the capitol complex. Participation in the pilot project shall be on terms and conditions related to price, security, and extent of service as agreed to by the commissioner in consultation with the chief information officer and the legislative council.

(g) The sum of \$15,000 is appropriated to the agency of commerce and community development for replacement of historic site markers erected in the early 1950s.

(h) The sum of \$15,000 is appropriated to the agency of commerce and community development for the unmarked burials fund established in Sec. 57 of No. 149 of the Acts of the 2001 Adj. Sess. (2002).

(i) The sum of \$195,000 is appropriated to the department of buildings and general services for the recreational facilities grant program created in Sec. 39 of this act.

(Total appropriation – Section 4

\$1,259,574)

#### Sec. 5. EDUCATION

(a) The sum of \$8,600,000 is appropriated to the department of education for state aid for school construction projects pursuant to section 3448 of Title 16.

(b) The following sums are appropriated to the department of buildings and general services for technical center projects:

(1) North Country Career Center. The sum of \$250,000 is appropriated to the department of buildings and general services for planning in connection with the North Country Career Center project required in Sec. 41 of this act and, if necessary, for extension of the option on the Sherlaw property.

(2) Chittenden County Regional Technical Center.

(A) The sum of \$150,000 is appropriated to the department of buildings and general services for use by the Lake Champlain Regional Chamber of Commerce for the Workforce Investment Board to continue planning in connection with the Chittenden County Regional Technical Center, which may be used for the following purposes:

(i) Final financial analysis of operating and capital costs.

(ii) Continued curriculum development.

(iii) Implementation of a governance transition plan.

(iv) Community outreach and informational meetings.

(v) Preparation and coordination of a regional vote; provided that no portion of this appropriation may be used to advocate for a specific result.

(B) The sum of \$250,000 is appropriated to the department of buildings and general services for continued planning and design of construction documents, provided that no funds shall be expended until there has been a favorable regional vote to proceed with the project: 250,000

(3) Southeastern Vermont Career Education Center.

(A) Findings. The general assembly finds that the renovation of approximately 36,000 square feet of space occupied by the Southeastern Vermont Career Education Center at the Brattleboro Union High School District #6 building in Brattleboro must be undertaken at the same time that the rest of the building is renovated. The estimated cost to renovate the Southeastern Vermont Career Education Center portion of the building is approximately \$3,000,000.

(B) Appropriation. The sum of \$1,000,000 is appropriated to the department of buildings and general services for the Brattleboro Union High School District #6 for the Southeastern Vermont Career Education Center.

(c) The sum of \$500,000 is appropriated to the department of education for regional technical education centers and comprehensive high schools to assist with the purchase of educational program equipment, to be distributed in equal amounts to each center and high school with no local matching funds required.

(d) Patricia A. Hannaford Career Center.

(1) Findings. The general assembly finds that:

(A) The Patricia A. Hannaford Career Center ("Hannaford Center") and the Vermont Technical Center ("VTC") have entered into a partnership to provide secondary and postsecondary programs related to agriculture and agriculture-related industries to ensure that students have the necessary training for successful career entry and continuous career development.

(B) The Hannaford Center and VTC have developed a business plan and timetable to offer a new program in diesel power mechanics in the fall of 2003, pending funding support and program approvals for the institutions involved and the Vermont State Colleges.

(C) Subsequent program development is planned in agribusiness food processing and in natural resource management.

(D) The lease of additional space and the renovation of portions of the Hannaford Center's Middlebury campus is critical to the provision of these educational and economic growth opportunities.

(2) The sum of \$318,000 is appropriated to the department of buildings and general services for the planning and construction or fit-up of space for a power mechanics program at the Patricia A. Hannaford Career Center, as the first phase in the development of an agricultural workforce development center project; provided the Middlebury Union High School District first demonstrates to the satisfaction of the commissioners of education and of buildings and general services that it has determined the location of the project, that the funds appropriated in this subsection are adequate to complete phase one of the project, and that the District has received commitments for the 50 percent local match required in 16 V.S.A. § 3448e to support the planning and construction or fit-up of space for the power mechanics program. Notwithstanding any provision of Title 16 to the contrary, the District is authorized to make the demonstration of the required 50 percent local match under this subsection by presenting evidence of in-kind contributions of equipment from private sources.

(e) On or before December 15, 2003, the Lake Champlain Regional Chamber of Commerce, on behalf of the Chittenden County Regional Technical Center, the Middlebury Union High School District, on behalf of the Patricia A. Hannaford Career Center, and the North Country Workforce Development Board, created in Sec. 41 of this act, on behalf of the North Country Career Center shall provide to the departments of education and of buildings and general services a detailed written account of how funds appropriated to them in this section were expended. On or before January 15, 2004, the departments shall report this accounting to the house and senate committees on institutions.

(Total appropriation – Section 5 \$11,068,000)

#### Sec. 6. UNIVERSITY OF VERMONT

(a) The sum of \$1,000,000 is appropriated to the department of buildings and general services for the University of Vermont for the first phase of funding for replacement of space in the Joseph E. Hills Agricultural Science Building.

(b) The University of Vermont may reallocate appropriations made to it in Sec. 11(a) of No. 29 of the Acts of the 1999 Session (Perkins Geology Building) and Sec. 13 of No. 148 of the Acts of the 1999 Adj. Sess. (2000) (Perkins Geology Building) for renovations to Delehanty Hall on the former Trinity College campus.

(Total appropriation – Section 6 \$1,000,000)

#### Sec. 7. VERMONT STATE COLLEGES

The sum of \$3,000,000 is appropriated to the department of buildings and general services for the Vermont state colleges for major facility maintenance.

(Total appropriation – Section 7 \$3,000,000)

#### Sec. 8. NATURAL RESOURCES

(a) The sum of \$7,100,000 is appropriated to the agency of natural resources for water pollution grants and the state match for the pollution control and public drinking water supply program state revolving fund loans, all in accordance with chapter 55 of Title 10 and chapter 120 of Title 24; provided this sum shall include a grant of \$50,000 to the Marshfield Village Water District to improve the existing water system such that the public drinking water supplied by the Marshfield Village Water District meets state standards for uranium.

(b) The sum of \$451,064 is appropriated to the agency of natural resources for maintenance, repair, and reconstruction of state-owned dams.

(c) The sum of \$500,000 is appropriated to the department of buildings and general services for the agency of natural resources, department of forests, parks and recreation for major maintenance and for construction of one- and two-room cabins at state parks and recreation areas.

(d) The sum of \$350,000 is appropriated to the agency of natural resources for the department of fish and wildlife for foundation and exterior construction of a dining hall and education center at the Kehoe conservation camp in Castleton; provided that the existing dining hall shall not be destroyed or substantially changed in appearance; and further provided that any new buildings or construction shall be consistent with the character of the camp as it existed in 1969, and shall be as approved by the division of historic preservation.

(e) The sum of \$50,000 is appropriated to the agency of natural resources for the Green Mountain Club, Inc. for the procurement, in fee simple or by easement, of properties along the Long Trail.

(f) The sum of \$50,000 is appropriated to the department of fish and wildlife for the Ruffed Grouse Society, a non-profit corporation working to promote healthy forest environments, to accelerate the process of implementing management plans on Vermont's wildlife management areas in cooperation with the department of fish and wildlife; provided that approximately one-third of this appropriation shall be made to each of the three chapters of the society located in Vermont: the Green Mountain chapter, the Northeast chapter, and the Southern Vermont chapter.

(Total appropriation – Section 8 \$8,501,064)

#### Sec. 9. MILITARY

The sum of \$165,000 is appropriated to the department of the military for various capital needs arising from physical plant emergencies and maintenance requirements and for repair or replacement of roofs, electrical infrastructure, heating systems, and ADA compliance.

(Total appropriation – Section 9 \$165,000)

#### Sec. 10. VERMONT VETERANS' HOME

The sum of \$160,000 is appropriated to the department of buildings and general services for the Vermont veterans' home for upgrades and repairs to parking lots, electrical infrastructure, heating systems, and laundry facilities.

(Total appropriation – Section 10 \$160,000)

#### Sec. 11. VERMONT HISTORICAL SOCIETY

The sum of \$325,000 is appropriated to the Vermont historical society for continuing renovation of the former Spaulding Graded School in Barre to become an education and research center known as the Vermont History Center.

(Total appropriation – Section 11 \$325,000)

#### Sec. 12. PUBLIC SAFETY

(a) The sum of \$1,300,000 is appropriated to the department of buildings and general services for the department of public safety to purchase land and to design, engineer, construct, and fit-up a new state police station in Addison County to replace the station currently located in Middlebury;

provided that the state shall purchase two contiguous parcels, known as Lots C and D, owned by Peter M. Norris, Jr. on U.S. Route 7 in New Haven for this purpose.

(b) The sum of \$50,000 is appropriated to the department of buildings and general services for the department of public safety to design, engineer, and site a new state police station to replace the existing Bethel Field Station; provided that the new station shall be modeled after the Vermont state police station building in Derby; and further provided that the new station shall include adequate space for the law enforcement division of the department of fish and wildlife that services the area and for local firefighters, emergency rescue services, and not-for-profit and community organizations.

(c) The sum of \$50,000 is appropriated to the department of buildings and general services for the department of public safety to identify suitable real property on which to locate a new state police station to replace the existing St. Albans Field Station, for which it is authorized to secure an option. This appropriation shall also be used to design and engineer the new state police station, using the Vermont state police station building in Derby as a prototype.

(d) The sum of \$42,000 is appropriated to the department of buildings and general services for the department of public safety to fit-up West Cottage at the Pittsford Academy for use by the state police.

(Total appropriation – Section 12

\$1,442,000)

### Sec. 13. CRIMINAL JUSTICE AND FIRE SERVICE TRAINING COUNCILS

(a) The sum of \$150,000 is appropriated to the department of buildings and general services for the Vermont criminal justice training council in Pittsford for miscellaneous repairs to facility and grounds.

(b) The following sums are appropriated to the department of buildings and general services for the Vermont fire service training council in Pittsford, subject to the conditions set forth in subsection (c) of this section, for:

(1) Portable/transportable flashover simulator tractor trailer: 150,000

(2) Fire response training vehicle (pumper): 250,000

(c) The sum of \$50,000 is appropriated to the department of buildings and general services to be used to update the 1996 Master Plan for the Vermont criminal justice training and fire service training councils. The study shall include consideration of the future demands that the anticipated expanded use of the Pittsford training facility may cause on town infrastructure. The study shall also explore options for sources, other than state capital appropriations, to fund all or part of the proposed expansion of the facility.

(d) In order to provide equal educational opportunities to interested parties throughout the state, the fire service training council shall:

(1) Provide modules and basic training courses in all regions of the state.

(2) Begin to offer, on or before September 1, 2003, modules and courses in all regions of the state, sufficient for certification of Firefighter Levels 1 and 2.

(3) Begin to offer, on or before September 1, 2005, modules and courses in all regions of the state, sufficient for certification as Fire Officer Levels 1 and 2.

(e) Before any activity authorized and funded by this section has been substantially completed, the commissioner of buildings and general services shall erect a sign at the entrance of the facility that states the name designated in Sec. 821(a)(2) of No. 148 of the 1997 Adj. Sess. (1998) as follows: "Vermont Fire and Police Training Academy."

(Total appropriation – Section 13 \$600,000)

#### Sec. 14. AGRICULTURE, FOOD AND MARKETS

(a) The sum of \$750,000 is appropriated to the department of agriculture, food and markets, best management practice implementation cost share program, for agricultural nonpoint source pollution reduction.

(b) The sum of \$500,000 is appropriated to the department of buildings and general services for the department of agriculture, food and markets to replace heat and ventilation systems at 116 State Street in Montpelier.

(c) The sum of \$25,000 is appropriated to the department of buildings and general services for the department of economic development to undertake the agricultural economic development study required in Sec. 71 of this act.

(Total appropriation – Section 14 \$1,275,000)

#### Sec. 15. VERMONT PUBLIC TELEVISION

The sum of \$350,000 is appropriated to the department of buildings and general services for Vermont Public Television for the federally-mandated conversion of its transmission sites to digital broadcasting format.

(Total appropriation – Section 15 \$350,000)

#### Sec. 16. VERMONT INTERACTIVE TELEVISION

The following sums are appropriated to the department of buildings and general services for Vermont Interactive Television for an equipment replacement fund to support the following:

- |   |               |
|---|---------------|
| <u>(1) White River Junction site upgrade:</u> | <u>50,000</u> |
| <u>(2) Camera/lens/controller upgrades:</u>   | <u>50,000</u> |
| <u>(3) Time-base correctors and switches:</u> | <u>20,000</u> |
| <u>(4) Computer display enhancements:</u>     | <u>25,000</u> |
| <u>(5) Computer servers and software:</u>     | <u>30,000</u> |

(Total appropriation – Section 16 \$175,000)

#### Sec. 17. VERMONT RURAL FIRE PROTECTION

The sum of \$100,000 is appropriated to the department of buildings and general services for the Vermont rural fire protection task force to continue the dry hydrant program.

(Total appropriation – Section 17 \$100,000)

\* \* \* Financing This Act \* \* \*

#### Sec. 18. REALLOCATION OF FUNDS

(a) Of the amount appropriated in Sec. 1(a)(3) of No. 185 of the Acts of the 1995 Adj. Sess. (1996) (Pittsford, Fire and Police Academy, renovation and construction), the sum of \$41,880 is

reallocated to the department of buildings and general services to defray expenditures authorized by this act.

(b) Of the amount appropriated in Sec. 1b(6) of No. 149 of the Acts of the 2001 Adj. Sess. (2002) (Montpelier, Vermont Mutual Insurance Company, purchase of real property), the sum of \$3,200,000 is reallocated to the department of buildings and general services to defray expenditures authorized by this act.

(c) Of the amount appropriated to the department of education in Sec. 5(d) of No. 149 of the Acts of the 2001 Adj. Sess. (2002) (Patricia A. Hannaford Career Center), the sum of \$225,000 is reallocated to the department of buildings and general services for the purposes set forth in Sec. 5(d) of this act (Patricia A. Hannaford Career Center).

(d) Of the amount appropriated to the department of buildings and general services in Sec. 6(c)(2) of No. 61 of the Acts of 2001 (North Country Career and Technical Center), the sum of \$893,758 is reallocated to the department of buildings and general services to defray expenditures authorized by this act.

(e) Of the amount appropriated to the department of buildings and general services in Sec. 5(b)(2)(B) of No. 149 of the Acts of the 2001 Adj. Sess. (2002) (North Country Career and Technical Center), the sum of \$1,000,000 is reallocated to the department of buildings and general services to defray expenditures authorized by this act.

(f) Of the amount appropriated to the department of buildings and general services in Sec. 1b(3) of No. 149 of the 2001 Adj. Sess. (2002) (colocation of department of health laboratory and criminal justice forensic science laboratory, site study and conceptual design), the sum of \$200,000 is reallocated to the department of buildings and general services to defray expenditures authorized in Sec. 1b(3) (co-location of department of health laboratory and criminal justice forensic science laboratory, study) of this act.

(Total reallocation– Section 18

\$5,560,638)

#### Sec. 19. GENERAL OBLIGATION BONDS

The state treasurer is authorized to issue general obligation bonds in the amount of \$36,000,000 for the purpose of funding the appropriations of this act. Authorization granted in Sec. 18 of No. 149 of the Acts of the 2001 Adj. Sess. (2002) to issue general obligation bonds in the amount of \$39,000,000 remains in effect. The state treasurer, with the approval of the governor, shall determine the appropriate form and maturity of the bonds authorized by this section consistent with the underlying nature of the appropriation to be funded. The state treasurer shall allocate the estimated cost of bond issuance, or issuances, to the entities to which funds are appropriated pursuant to this section and for which bonding is required as the source of funds, pursuant to 32 V.S.A. § 954.

(Total bonding – Section 19

\$36,000,000)

*\*\*\* Managing This Act \*\*\**

#### Sec. 20. AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT; REALLOCATION

The commissioner of buildings and general services may reallocate the funds in Sec. 4(a) of this act (commerce and community development) to other state historic sites only for major maintenance, should a more pressing need arise following the session.

#### Sec. 21. TRANSFER OF FUNDS APPROPRIATED IN THIS ACT

(a) Natural resources. The secretary of natural resources, with the approval of the secretary of administration, may transfer any unexpended project balances between projects authorized in Sec. 8(a), (b), and (d) of this act (natural resources).

(b) Natural resources. The commissioner of buildings and general services, with the approval of the secretary of administration, may transfer any unexpended project balances between projects authorized in Sec. 8(c) of this act (natural resources) and may reallocate the funds in those sections to other state parks and recreation areas.

(c) Military. The adjutant general, with the approval of the secretary of administration, may transfer any unexpended project balances between projects authorized by Sec. 9 of this act (military).

#### Sec. 22. ACCEPTANCE OF GRANTS AND OTHER FUNDS

(a) Notwithstanding section 5 of Title 32 (acceptance of grants):

(1) The commissioner of environmental conservation, with the approval of the secretary of natural resources, may accept federal grants made available through the federal Clean Water Act and the federal Drinking Water Act in accordance with chapter 120 of Title 24. Acceptance of this grant money is hereby approved, provided all notifications are made under subsection 4760(a) of Title 24.

(2) The commissioner of corrections, with the approval of the secretary of human services, may accept federal grants made available through federal crime bill legislation.

(3) The commissioner of health, with the approval of the secretary of human services, may accept federal grants made available through the Labor/Health and Human Services appropriations bill. The department of buildings and general services shall be responsible for site acquisition and any new construction or building renovations resulting from such grant in connection with a juvenile residential treatment facility.

(b) Each receipt of a grant or gift authorized by this section shall be reported by the commissioner of the department receiving the funds to the chairs of the house and senate committees on institutions and to the joint fiscal committee.

\* \* \* Buildings and General Services; State Buildings \* \* \*

#### Sec. 23. BUILDINGS AND GENERAL SERVICES; MISCELLANEOUS PROVISIONS

(a) The commissioner of buildings and general services is authorized to utilize funds appropriated under this act for capital projects requiring additional support that were funded with capital or general appropriations made in prior years.

(b) Notwithstanding any provisions of 32 V.S.A. § 5 to the contrary, the commissioner of buildings and general services, on behalf of any qualifying state agency or department or the Vermont state colleges, may request and accept free electric cars offered through the Green Mountain Institute's neighborhood program.

(c) The commissioner of buildings and general services is authorized to provide aid to communities in order to resolve municipal boundary disputes.

#### Sec. 24. PROPERTY TRANSACTIONS AND RELATED ISSUES

(a) Notwithstanding any provision of 29 V.S.A. § 104 to the contrary, the commissioner of buildings and general services is authorized, with the approval of the secretary of administration, to

deed to the Town of Springfield 30 acres more or less of real property adjacent to the Southern State Correctional Facility and commonly referred to as "The Industrial Park," pursuant to a written agreement between the state and the town, dated March 30, 1999.

(b) Notwithstanding any provision of law to the contrary, the commissioner of buildings and general services is authorized, with the approval of the secretary of administration, to execute any deed or other document necessary to adjust the property line along the southern edge of the Redstone property in Montpelier for the purpose of clearing up conflicting deed language, or, if necessary, to convey up to one-half acre of real property along the southern edge of the property for that purpose.

(c) Notwithstanding any provision of law to the contrary, the commissioner of buildings and general services is authorized, with the approval of the secretary of administration, to sell approximately one-half acre of land from the former State Farm lands in Duxbury to a property abutter. Sale of this land is contingent upon receiving proper state and local permit approvals and receiving fair market value for the sale. All costs associated with this transfer shall be borne by the property abutter.

Sec. 25. 29 V.S.A. § 907 is amended to read:

§ 907. MANNER OF PAYMENT OF BILLS FOR PURCHASES

(a) The commissioner of buildings and general services shall furnish to suppliers at the expense of the state the forms for all proposals and contracts. He The commissioner shall make all contracts in duplicate and shall forward forthwith one copy to the commissioner of finance and management. An item of expense for any article mentioned in this chapter shall not be allowed by the commissioner of finance and management in the settlement of any account except when the purchase of the article is authorized and approved by the commissioner of buildings and general services.

(b) The commissioner of buildings and general services may establish a purchasing card program for the purpose of authorizing all spending units of the state to use a purchasing card as an alternative payment method for official state purchases. The commissioner may contract with one or more financial institutions, card-issuing banks, credit card companies, charge card companies, debit card companies, or third-party merchant banks to provide state purchasing cards. The commissioner is authorized to establish policies for participation in the program and use of the purchasing card.

Sec. 26. 29 V.S.A. § 103 is redesignated to read:

§ ~~103~~ 164. LEASES

Sec. 27. 29 V.S.A. § 104 is redesignated to read:

§ ~~104~~ 166. SELLING OR RENTING STATE PROPERTY

Sec. 28. 29 V.S.A. § 105 is redesignated to read:

§ ~~105~~ 167. RENTAL OF STATE PROPERTY TO VETERANS' ORGANIZATIONS

Sec. 29. 1 V.S.A. § 317(c)(31) and (32) are added to read:

(c) The following public records are exempt from public inspection and copying:

\* \* \*

(31) With respect to publicly-owned, -managed, or -leased structures, and only to the extent that release of information contained in the record would present a substantial likelihood of jeopardizing the safety of persons or the security of public property, final building plans and as-built plans, including drafts of security systems within a facility, that depict the internal layout and structural elements of buildings, facilities, infrastructures, systems, or other structures owned, operated, or leased by an agency before, on, or after the effective date of this provision; emergency evacuation, escape, or other emergency response plans that have not been published for public use; and vulnerability assessments, operation and security manuals, plans, and security codes. For purposes of this subdivision, "system" shall include electrical, heating, ventilation, air conditioning, telecommunication, elevator, and security systems. Information made exempt by this subdivision may be disclosed to another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; to a licensed architect, engineer, or contractor who is bidding on or performing work on or related to buildings, facilities, infrastructures, systems, or other structures owned, operated, or leased by the state. The entities or persons receiving such information shall maintain the exempt status of the information. Such information may also be disclosed by order of a court of competent jurisdiction, which may impose protective conditions on the release of such information as it deems appropriate. Nothing in this subdivision shall preclude or limit the right of the general assembly or its committees to examine such information in carrying out its responsibilities or to subpoena such information. In exercising the exemption set forth in this subdivision and denying access to information requested, the custodian of the information shall articulate the grounds for the denial.

(32) The account numbers for bank, debit, charge, and credit cards held by an agency or its employees on behalf of the agency.

#### **Sec. 30. PUBLIC RECORDS EXEMPTIONS; LEGISLATIVE INTENT**

The general assembly has amended 1 V.S.A. § 317(c) to include subdivision (31) to address security concerns.

#### **Sec. 31. CO-LOCATION OF DEPARTMENT OF HEALTH AND CRIMINAL JUSTICE FORENSIC SCIENCE LABORATORIES**

(a) The general assembly finds:

(1) It is in the best interest of the state to combine the laboratory facilities of the departments of health and of public safety and to construct a single, new facility.

(2) Co-locating a new state laboratory facility with laboratories of the University of Vermont will promote education, training, professional development, efficiency or operations, and opportunities for collegial development.

(b) In designing the facility, the commissioner of buildings and general services shall consider the following:

(1) The design that ensures the ability of the laboratories to discharge their duties effectively and to safeguard evidence and dangerous substances.

(2) A design philosophy that enables cross-training of laboratory staff where appropriate.

(3) A methodology by which construction costs can be shared equitably by all parties.

(4) Identification of any federal funds and other grants available or anticipated to become available to assist with design, construction, or operation of the facility.

(5) The ability to include incubation space for private enterprise either at the facility or to be co-located with other University programs

(6) The ability to include laboratory space for research or teaching to be used by Saint Michael's College, provided that all costs for such space shall be equitably allocated to and borne by the colleges.

**Sec. 32. STUDY; CAPITOL COMPLEX; LONG-TERM THERMAL ENERGY NEEDS**

The commissioner of buildings and general services shall study and identify preferred strategies for meeting the long-term thermal energy needs of the capitol complex area, including review of recent developments in technology relative to wood-fired systems and other systems that use a local source of energy as a primary fuel. The commissioner shall identify potential sites for and the optimal size of a new boiler facility to serve the capitol complex area, shall consider whether it would be advantageous to the state to join a district heat authority or to partner with other energy users, and shall conduct engineering and cost analyses of those systems the study identifies as preferable. With the approval of the secretary of administration, some or all of the appropriation made in Sec. 1b(5) of this act may be used to work with private or public entities in connection with the study. On or before January 15, 2004, the commissioner shall report the results of the study, including specific recommendations concerning strategies, conversion timelines, and phasing options, to the house and senate committees on institutions and on natural resources and energy.

**Sec. 33. STUDY; VERMONT STATE HOSPITAL; WATERBURY; SECURE BED SPACE**

(a) The general assembly has taken testimony that a lack of specialized units in the inpatient psychiatric unit of the Vermont State Hospital in Waterbury has resulted in an unacceptable number of injuries to patients and staff at the facility.

(b) The department of developmental and mental health services is directed to conduct a comprehensive evaluation of the need for psychiatric inpatient services throughout Vermont, including services provided by the Vermont State Hospital, in order to map out strategic recommendations for the future of the hospital. In the course of this study, the department shall consult with advocates for patients at the facility, representatives of the Vermont state employees' association, representatives of community mental health centers, the Vermont Psychiatric Society (a part of the Vermont Medical Society), and the department of buildings and general services. The commissioner of developmental and mental health services shall report his or her findings and recommendations to the house and senate committees on institutions and on health and welfare on or before January 15, 2004.

(c) Pending results of the study and plan required in subsection (b) of this section, the commissioner of buildings and general services, in consultation with the commissioner of developmental and mental health services and with the approval of the secretary of administration, is authorized to undertake emergency steps to lease, create, or renovate space for specialized units, which may be funded pursuant to the emergency expenditure provisions of 29 V.S.A. § 152(25).

(d) On or before September 1, 2003, the department of developmental and mental health services shall adopt clear protocols for ensuring that patients from all wards have access to the recreation area outside the confines of the building that houses the inpatient psychiatric unit, consistent with each patient's individual treatment plan.

\* \* \* Human Services; Corrections \* \* \*

*Sec. 34. INMATE VOCATIONAL TRAINING*

(a) The corrections workforce committee, established in Sec. 40 of No. 149 of the Acts of the 2001 Adj. Sess. (2002), shall work with the departments of employment and training and of corrections to develop and implement an orientation program for persons placed on furlough pursuant to 28 V.S.A. § 808, to be presented at least once every three months at its 12 regional career resource centers, addressing the availability of training in the building trades. The committee shall report its progress on this initiative to the senate and house committees on institutions on or before January 15, 2004.

(b) The corrections workforce committee shall work with the apprenticeship program of the department of employment and training and with the department of corrections to develop a proposal for a training program in which persons under the custody of the commissioner of corrections shall be involved in the manufacturing, construction, and rehabilitation of affordable housing in cooperation with other public and private entities. The corrections workforce committee shall present the training proposal, which shall include a proposed budget and provide details of potential federal or other funding sources, to the senate and house committees on institutions on or before January 15, 2004.

*Sec. 35. TELEPHONE AND INTERACTIVE VIDEO CONFERENCING TECHNOLOGY IN THE COURTS AND CORRECTIONAL FACILITIES; STUDY; PRISONER TRANSPORT; PILOT PROJECT*

(a) There is created a committee comprised of the commissioner of corrections, the court administrator, the Vermont defender general, the executive director of the department of state's attorneys, the commissioner of buildings and general services, and the president of the sheriff's association, or their designees, to consider options for reducing the cost of transporting individuals between and among the courts and correctional facilities of the state. Implementation of telephone and video conferencing shall be among the options studied by the committee. On or before January 15, 2004, the committee shall report its findings and recommendations to the house and senate committees on judiciary and on institutions. The report shall include an analysis of the projected net savings of the options studied, and proposed legislation to implement the committee's recommendations. Legislative council shall provide administrative support and assistance with drafting the report and any proposed legislation.

(b) The court administrator shall develop a proposal for a pilot project implementing telephone and video conferencing at the Vermont District Court in Bennington and the Marble Valley Regional Correctional Facility in order to reduce costs associated with transportation of incarcerated defendants. On or before July 15, 2003, the Vermont Supreme Court is requested to submit a proposed judicial rule to implement the pilot project to the legislative committee on judicial rules, which shall consider the proposal in the manner it considers proposed rules pursuant to chapter 1 of Title 12.

\* \* \* Commerce and Community Development \* \* \*

*Sec. 36. 18 V.S.A. § 5212b(e) is amended to read:*

*§ 5212b. UNMARKED BURIAL SITES SPECIAL FUND*

\* \* \*

*(e) The funds shall be used for the following purposes relating to unmarked burial sites:*

\* \* \*

(5) To acquire property or development rights, provided the commissioner of housing and community affairs determines that disbursements for this purpose will not unduly burden the fund, and further provided the commissioner shall expend funds for this purpose only with the concurrence of the secretary of commerce and community development and after consultation with the legislative bodies of any affected municipality or municipalities.

**Sec. 37. UNMARKED BURIAL SITE FUND REPORT; DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

The commissioner of housing and community affairs shall issue a written report to the senate committee on economic development, housing and general affairs, the house committee on general, housing and military affairs, and the governor's advisory commission on Native American affairs on or before January 15, 2004, regarding the implementation of 18 V.S.A. § 5212b. The report shall include:

(1) The balance of the unmarked burial sites special fund, including the sources of deposits.

(2) Disbursements that have been made from the fund, the municipality for which the disbursement was made, and a description of the process used or implemented by the municipality to protect unmarked burial sites or property owners, or both.

(3) Management processes implemented by municipalities that are designed to protect unmarked burial sites, preserve Native American human remains, and protect the rights of owners of property on which unmarked burial sites exist or are suspected to exist and an evaluation of the effectiveness of these processes and a description of the actions taken by the division of historic preservation to encourage and support appropriate municipalities to design such a process.

(4) Improvements made to facilitate access to and communications with the governor's advisory commission on Native American affairs, including assuring publication of telephone and fax numbers and postal and e-mail addresses in local and state directories, message retrieval, state website presence, and any other enhancement implemented to improve access to the governor's advisory commission on Native American affairs.

(5) The status of any rulemaking initiated or completed pursuant to this act.

**Sec. 38. VERMONT RENEWABLE POWER SUPPLY ACQUISITION AUTHORITY**

(a) A Vermont Renewable Power Supply Acquisition Authority shall be created to prepare due diligence and feasibility studies regarding the purchase of hydroelectric dams and related assets on the Connecticut and Deerfield Rivers and, with the consent of the governor, to enter into negotiations necessary to prepare a proposal for the purchase of the dams, to be submitted to the general assembly for its consideration.

(b) The Authority shall be composed of eight members. The members shall be the Secretary of Administration, or designee, to serve as chair; the State Treasurer, or designee; the Commissioner of Public Service, or designee; a person chosen by the Public Service Board; two Representatives chosen by the Speaker of the House, and two Senators chosen by the Senate Committee on Committees.

(c) The Authority shall prepare two studies as follows:

(1) A study of the financial and technical issues involved in a purchase of the hydroelectric dams on the Connecticut and Deerfield Rivers; and

(2) A study of the principal policy issues implicated by such a purchase, if it were authorized, including:

(A) administrative and structural options for the ownership of the facilities and the sale and distribution of their power output, which might include ownership through the creation of a limited purpose state public power authority; by the Vermont Public Power Supply Authority; by one or more Vermont utilities; or by a public-private partnership.

(B) alternatives for disposition of the power output of the facilities, including wholesale and retail sales within and outside the state and use of the power within a portfolio to support advanced and renewable energy technologies, and the impacts of these alternatives on the credit-worthiness of the state and the ability of Vermont utilities to access investment capital on reasonable commercial terms.

(d) The Authority may consult with other state, municipal, or private entities, including representatives of the State Treasurer; the Vermont Agency of Natural Resources; the Vermont Municipal Bond Bank; representatives of existing municipal, cooperative, and investor-owned utilities; the Vermont Department of Public Service, and, where appropriate, the Public Service Board. Reasonable administrative support for the Authority shall be provided upon request by the Department of Public Service and the legislative council. Legislative members of the Authority shall receive per diem and expenses pursuant to 2 V.S.A. § 406; members of the Authority who are not state employees may be compensated by their appointing authorities.

(e) The Authority may obtain, use, and develop commercial and financial information of a proprietary nature whose public release could jeopardize the position of the State of Vermont and its agents in negotiations or other efforts to present recommendations for the Legislature to purchase the facilities on advantageous terms. The Authority may also obtain, use, and develop information for the same purposes that is entitled to proprietary treatment to protect the commercial or trade secret interests of others. All information not exempt from public inspection under 3 V.S.A. § 317 shall be available to the public, including any reports and recommendations received by the Authority, which may be redacted as necessary to accomplish the purpose of this subsection.

(f) The members of the Authority shall be appointed not later than 29 days following passage of this act and the Secretary of Administration shall convene the Authority not later than 30 days after the effective date of this act to initiate the studies required in this section. The Authority may retain professional assistance to undertake the duties required herein, and may use the appropriation contained in House Bill H.464 to accomplish these objectives. Notwithstanding any provision of law to the contrary, the Authority may contract with one or more qualified entities to undertake the duties required by this section without the need to competitively bid such contracts. The Authority shall complete the studies no later than December 1, 2003, and present its recommendations to the senate committee on finance, the house committee on commerce, and the house and senate committees on natural resources and energy. The recommendations shall include best case, middle range, and worst case scenarios.

(g) If at any time prior to December 1, 2003, the Authority determines that the purchase of the hydroelectric facilities and related assets available for sale will promote the general good of the state and that action by the general assembly is necessary before the 2004 session to effectuate the purchase, then the Authority shall request that the Governor convene a special session of the general assembly for the purpose of considering and acting in response to the recommendations of the Authority. The Authority may use funds appropriated in any manner it determines necessary to

accomplish the purpose of this section, including the use of contractual services. If the Authority determines that additional expenditures are necessary to preserve options on behalf of the state, the Authority is authorized to seek further funding from the Emergency Board.

#### Sec. 39. RECREATIONAL FACILITIES GRANT PROGRAM

In order to provide an ongoing source of funding for the development of opportunities for youth of the state to engage in healthy activities, there is created a recreational facilities grant program to provide competitive grants to municipalities and nonprofit organizations to stimulate the creation and development of recreational opportunities for community youth. The program is authorized to award matching grants of up to \$50,000 per project, provided that grant funds shall be awarded only when evidence is presented by a successful applicant that three dollars have been raised from nonstate sources for every one dollar awarded under this program. The fund shall be capped at 0.5 percent of the amount of new capital debt authorized for the year. The program shall be administered by the department of buildings and general services which is hereby authorized to adopt rules that are necessary for implementation of the program, including a definition of "recreational facility" and a list of criteria by which applications will be evaluated, and that are consistent with the provisions of this section.

#### Sec. 40. SUNSET

Sec. 39 of this act is repealed effective July 1, 2005.

\* \* \* Education; School Construction \* \* \*

#### Sec. 41. NORTH COUNTRY CAREER CENTER; PLANNING AND REGIONWIDE VOTE

(a) Findings. The general assembly finds that:

(1) On March 27, 2001, Kathy Austin, chair of the North Country Career Center ("NCCC") governance board, and Grant Spates, chair of the North Country Union High School ("NCUHS") board, testified before the senate committee on institutions.

(2) The two board chairs, on behalf of and with the majority votes of their respective boards, and with the approval of the department of education, jointly recommended, because of the space requirements necessary to accommodate the proposed programs and course offerings, that a new NCCC be constructed as a stand-alone facility on a specific off-site location in the town of Derby.

(3) In reliance on that recommendation, the 2001 general assembly appropriated the sum of \$950,000 in Sec. 6(c)(2) of No. 61 of the Acts of 2001 for "planning, design, and engineering of a new, stand-alone facility" for the NCCC "at a location off the present site."

(4) Also in reliance on the 2001 recommendation, which was reaffirmed in March 2002, the 2002 general assembly appropriated the sum of \$1,000,000 in Sec. 5(b)(2)(B) of No. 149 of the Acts of 2001 Adj. Sess. (2002) "for the design and construction of a stand-alone facility" for the NCCC "to be located in Derby."

(5) In the summer of 2002, the NCUHS board, after hearing opposition to the size and site of the planned facility from the superintendent of the Orleans-Essex North Supervisory Union and others, created an ad hoc committee to reconsider the size and site of the proposed project. That committee issued its report to the NCUHS board and the NCCC governance board in December, 2002. The report recommended that the project be downsized to serve 200 full-time equivalent ("FTE") students instead of the originally-planned 260 FTE. The report did not recommend a site, but summarized the benefits and liabilities of the two sites considered during the planning of the

project, reflecting a difference of approximately \$400,000 in operating costs. The governance board was informed that the NCUHS board already had rescinded its selection of the Derby site in favor of building the new center on the NCUHS campus or, failing that, on the campus of the junior high school. The governance board approved a motion to reconsider its selection of site and on December 18, 2002 it voted to concur with the NCUHS board to pursue a project on the NCUHS campus, resulting in the resignation of the NCCC governance board chair, who was a representative of the business community.

(6) On January 1, 2003, the memorandum of agreement between the NCCC governance board and the NCUHS board expired.

(7) The sum of \$56,242 has been expended or encumbered in connection with the proposed project at an off-site location. In addition, a total of \$219,500 in capital funds was appropriated for the proposed project in 1998, 1999, and 2000 and has all been spent.

(8) During the 2003 session, including a meeting on April 17, 2003 in the senate chamber, the general assembly received testimony from members of the NCUHS board and the former NCCC governance board about the decision of the two boards to build the center on the NCUHS campus. The chair of the NCCC governance board expressed a belief that the NCCC governance board as it was constituted in late 2002 was out of balance, not adequately representing the views of the business and adult education communities. The general assembly has also heard testimony from residents of the region who focused their comments on whether the proposed NCCC project should be located on the NCUHS campus or at an off-site location.

(9) It is clear that no regional consensus exists as to the proposed programs and course offerings for the project, which were the two principal factors that drove the original decision to propose constructing the facility off-site.

(b) North Country Workforce Development Board. There is hereby created a board, to be known as the North Country Workforce Development Board ("Board").

(1) Membership. The Board shall be composed primarily of residents of the technical center region as follows:

(A) The chair of the board of the Lake Region Union High School #24, or the chair's designee who shall be a member of the board.

(B) The chair of the board of the NCUHS #22, or the chair's designee who shall be a member of the board.

(C) The adult services coordinator of the NCCC.

(D) Four members of the business community who reside and do business in the NCCC region, as that region is defined by state board of education rule, to be appointed by Vermont's North Country Chamber of Commerce, or its successor entity.

(E) The mayor of the City of Newport, or if the mayor is unable to attend, then the mayor's designee shall be the president of the Newport City council.

(F) The chair of the Derby selectboard or the chair's designee, who shall be a member of the selectboard.

(G) The chancellor of the Vermont State Colleges, or the chancellor's designee, who shall represent colocators who have previously expressed an interest in establishing an ongoing physical presence and relationship with the workforce development center.

(2) Actions of the Board. Eight members shall constitute a quorum of the Board. Any vote taken by the Board shall be binding only if a quorum is present and voting and if affirmed by a vote of at least six of the voting members present.

(3) Authority. The general assembly confers on the Board all authority to study and recommend what action, if any, the general assembly should take with regard to creation of a regional technical center school district and a workforce development center, including proposed programs and course offerings, and the size and the scope of the project. It shall also have the authority and the responsibility of being the "planning committee" as set forth in subchapter 5A of chapter 37 of Title 16, consistent with the provisions of this section.

(4) Organizational meeting. An organizational meeting of the Board shall be called by the staff of the legislative council to occur no later than 30 days following the effective date of this act. At the organizational meeting, the first order of business shall be to elect, by majority vote of all voting members of the Board, a member to serve as chair of the Board. At the organizational meeting, the chair shall ensure that the Board establishes a timetable by which to attain the goals set forth in this section.

(5) Assistance and access to records and information. The director of the NCCC, the director of the University of Vermont Extension Service, and the commissioners of education, of employment and training, and of buildings and general services, or their designees, shall make themselves available to inform and advise the Board. The commissioner of education shall provide administrative support; the staff of legislative council shall provide support to the department if needed. The superintendents of the Orleans Central Supervisory Union and the Orleans-Essex North Supervisory Union, the director and adult services coordinator of the NCCC, and their staff members shall ensure that all records and information related to the planning, design, and management of the proposed workforce development center, or other proposals, are made available to the Board; shall provide the Board access to all supervisory union data and budgets that the Board deems necessary for the implementation of this section; and shall make themselves available to advise the Board on all matters relating to the supervisory union.

(c) Workforce development goals. The Board shall solicit comments from local community members of the technical center region, as that region is defined by state board of education rule, on the technical education vision for workforce development in Orleans and portions of Essex Counties. With support from the department of education, the Board shall then reconsider the workforce development goals of the proposed project, including the proposed programs and course offerings and projected operational costs. If the Board's goals differ from the goals expressed in the program of studies, enrollment projections, and education specifications submitted by the former NCCC governance board and approved by the department of education in amended form in autumn 2002, then the Board shall seek approval from the department of education before proceeding.

(d) Location supportive of goals. After the Board has reconsidered the proposed programs and course offerings pursuant to subsection (c) of this section, and if the Board affirmatively votes to create a comprehensive workforce development center to offer a system of education and training for secondary and adult students, then the following shall occur:

(1) On-site location. The department of buildings and general services shall evaluate whether it is feasible to locate the project on the NCUHS campus. In connection with its evaluation, the department shall assume that all of the existing square footage constructed with 100 percent state dollars, 100 percent federal dollars, or both, is available for the project. In addition, the department shall:

(A) Review and assess all existing planning documents in connection with developing a workforce development center on the NCUHS campus; conduct additional assessments as necessary to determine if the NCUHS campus is a feasible alternative, including a traffic study; and if feasible, prepare an estimate for the cost of expanding and renovating existing space to support the proposed programs and course offerings.

(B) If an on-site location is deemed feasible under subdivision (A) of this subdivision (1), obtain a preliminary determination from the City of Newport zoning administrator and the coordinator of the District 7 Environmental Commission concerning the conditions that would be required if on-site construction is otherwise authorized under applicable local, regional, and state land use requirements.

(2) Off-site location. The department of buildings and general services shall seek to extend its option on the Sherlaw property for up to two additional years following the date the current option expires.

(3) Proposed location or locations. With support from the departments of education and of buildings and general services, the Board shall:

(A) Review all work conducted on facility planning, including work required by this subsection and work performed by the former NCCC governance board.

(B) Prepare and present at no less than two public forums:

(i) a visual representation of the building and site proposed for the project if located on the Sherlaw property and, if determined by the department of buildings and general services pursuant to this subsection to be feasible, on the NCUHS campus.

(ii) estimates of construction and operating costs for the project if located on the Sherlaw property and, if determined by the department of buildings and general services pursuant to this subsection to be feasible, on the NCUHS campus.

(C) Select a proposed location that best serves the proposed programs and course offerings for the purpose of recommending a location to the voters of the region.

(e) Regional technical center district. The Board shall determine, in consultation with the commissioner of education, whether to propose creation of a regional technical center school district, as defined in subchapter 5A of chapter 37 of Title 16, and if so, shall obtain approval of the proposal from the state board of education. The Board may delegate the authority to perform the requirements of this subsection to a five-member subcommittee, whose membership shall be determined by the Board.

(f) Public vote. The Board shall hold a regionwide vote, in the NCCC technical center region defined by state board of education rules, as follows:

(1) If the Board has decided to propose the creation of a regional technical center school district and has obtained the approval of the state board of education, it shall present to the voters

an article to approve or disapprove the creation of a regional technical center school district in compliance with subchapter 5A of chapter 37 of Title 16.

(2) The Board shall present to the voters an article to approve or disapprove its proposed project. If the Board is forwarding a proposal on the creation of a regional technical center school district, both articles shall be included on the same ballot and at the same time, the vote shall be held in compliance with 16 V.S.A. § 1574, and the Board shall determine whether the ballots are comingled.

(3) Prior to the vote, the Board shall conduct a hearing in compliance with 17 V.S.A. § 2680g and shall present information to the voters on the workforce development goals, proposed programs and course offerings, a proposed operating budget, sources of funds, the impact on property taxes, and, if proposed, details on the proposed regional technical center school district.

(g) Report to legislative committees. On or before January 15, 2004, the departments of education and of buildings and general services shall provide a progress report to the house and senate committees on institutions concerning the implementation of this section.

(h) Reclamation of technical center space. The department of education shall ensure that the total amount of square footage designated and built for the technical education programs on or about 1968 on the NCUHS campus shall be reclaimed for use by the NCCC no later than September 1, 2003, unless that date is otherwise extended by the commissioner of education for good cause shown.

Sec. 42. 16 V.S.A. § 3823 is amended to read:

§ 3823. THE AUSTINE SCHOOL; FINANCING

The Austine School of Brattleboro, a nonprofit school for the deaf, may from time to time receive state capital appropriations for improvements to the school, subject to the requirements established by Act No. 74 of the Acts of 1910 that the school property shall not be sold without the approval of the general assembly, and that if the school property is sold all state capital funds appropriated for use by the school shall be repaid to the state, without interest, from proceeds of the sale.

(a) Notwithstanding any provision of law to the contrary, the Vermont Center for the Deaf and Hard of Hearing, which owns and operates the Austine School for the Deaf, and its successors in interest are authorized to mortgage, pledge as collateral, sell, transfer, or otherwise convey any real property associated with the Austine School for the Deaf without consent of the general assembly.

(b) All state capital appropriations made to or for the benefit of the Austine School for the Deaf prior to or subsequent to the effective date of this section shall create a first priority lien in favor of the state unless expressly waived by the general assembly; provided that this first priority lien shall be subordinate, in an amount not to exceed \$3,000,000.00, to the interest of any lender to whom the Vermont Center for the Deaf and Hard of Hearing has pledged its real property as collateral pursuant to subsection (a) of this section.

(c) If the Vermont Center for the Deaf and Hard of Hearing sells any or all of its real property, then, subject to the subordination provisions of subsection (b) of this section, all state capital appropriations made to or for the benefit of the Austine School shall be repaid to the state, without interest, from any remaining proceeds of the sale.

Sec. 43. 16 V.S.A. § 3824 is added to read:

§ 3824. THE AUSTINE SCHOOL FOR THE DEAF; SELECTION OF PRESIDENT

Any president of the Vermont Center for the Deaf and Hard of Hearing selected and hired subsequent to the effective date of this section shall be selected and hired pursuant to the provisions for employing a superintendent of schools in section 241 of this title. For purposes of this section, the terms "supervisory union," "supervisory union board," and "supervisory district board" as used in section 241 shall mean the board of trustees of the Vermont Center for the Deaf and Hard of Hearing.

Sec. 44. TWINFIELD EARLY CARE AND EDUCATION CENTER; AUTHORIZATION

Notwithstanding any provision of law that renders an early education program ineligible for state school construction aid under chapter 123 of Title 16, the Twinfield Union School District is eligible to receive state school construction aid of 30 percent of the approved cost of a project that reutilizes existing space or constructs new space, or both, to support a community early education facility. The state school construction aid may be used to improve existing, non-early education facilities as long as such improvements result in sufficient space to accommodate a community early education facility. Any project, cost of a project, and state aid under this section shall be subject to approval by the commissioner of education; subject to an affirmative vote, by Australian ballot on or before October 1, 2003, of the voters of the district of a duly warned article that reads substantially as follows: "Shall the Twinfield Union School District apply for state school construction aid in an amount equal to 30 percent of the approved cost of a project that results in an early education facility, and if so approved, shall federal funds and other non-local funds comprise 70 percent of the approved cost of the project?"; and subject to the district's submission to the department of an application for state school construction aid on or before October 1, 2003. If so approved, the state board of education shall place the project on the prioritized list of school construction projects. Notwithstanding the provisions of 16 V.S.A. § 3448(a)(8)(B) and prior to release of state aid, federal funds and other non-local funds shall comprise 70 percent of the approved cost of the project, which may include funds from the U. S. Department of Health and Human Services, Administration of Children and Families and Community Development Block Grants administered by the State of Vermont. Federal and non-local funds received in connection with the approved project shall be considered eligible construction costs. With the exception of subsections 3448(b) and (c) which shall apply to the Twinfield Union School District in connection with this project, nothing in this section shall be construed as requiring the district to comply with any other requirement of section 3448.

Sec. 45. SOUTHWEST VERMONT CAREER DEVELOPMENT CENTER; TUITION CHARGES TO NEW YORK STUDENTS IN THE BENNINGTON REGIONAL LABOR MARKET

(a) Notwithstanding 16 V.S.A. § 1552, the Southwest Vermont Career Development Center may enroll, on a space available basis, a student who resides within the New York portion of the Bennington regional labor market, as defined by the commissioner of employment and training. The center shall charge the sending school district an amount that is \$100.00 greater than the amount it assesses a sending district for a student who is a resident of Vermont. However, if the additional cost to the center to educate the student exceeds the assessment plus \$100.00, the center shall charge the New York sending district the excess amount.

(b) This section is repealed on July 1, 2005. However, a New York student who is enrolled and has completed one year of a two-year program as of July 1, 2005 may be enrolled for a second year. In such instance, the center shall continue to charge the sending district pursuant to subsection (a) of this section.

\* \* \* State Colleges \* \* \*

*Sec. 46. SPENDING AND BONDING AUTHORIZATION; VERMONT STATE COLLEGES*

(a) In conformity with 16 V.S.A. § 2171(e), the general assembly approves the expenditure by the Vermont state colleges from its revenues, other than state appropriations, and from its self-generated revenues established for the purpose of capital improvements on housing, dining, and general purpose facilities, to an aggregate of \$1,000,000 for necessary capital improvements.

(b) Notwithstanding the provision of 16 V.S.A. § 2171(e), requiring specific prior legislative approval of capital improvements for which the Vermont state colleges intends to borrow funds, the Vermont state colleges may issue no more than \$40,000,000 in general obligation bonds, to be repaid from its revenues, other than state appropriations, for the acquisition or construction of buildings for the community college of Vermont and for capital improvements on housing, dining, and general purpose facilities at any of the state colleges.

*Sec. 47. 16 V.S.A. § 2179 is amended to read:*

*§ 2179. NONAPPLICABILITY OF CERTAIN STATUTES*

*Except as expressly provided in this chapter, the corporation, its officers and employees shall not be governed by: (1) chapter 9 of Title 3, dealing with administrative departments; (2) chapter 13 of Title 3, dealing with classification of state personnel; (3) chapter 16 of Title 3, dealing with state employees retirement system except as may be otherwise agreed by the board of trustees of the system and the board of trustees of the corporation with respect to those officers and employees of the corporation transferred to the corporation from the state institutions replaced by the corporation; (4) chapter 55 of this title, dealing with the state teachers retirement system except as may be otherwise agreed by the board of trustees of the system and the board of trustees of the corporation with respect to those officers and employees of the corporation transferred to the corporation from the state institutions replaced by the corporation; (5) chapter 7 of Title 32, dealing with public moneys; (6) chapters 3 and 5 of this title, dealing with the state board of education and the commissioner of education; (7) chapter 49 of Title 29, dealing with supplies, duties of commissioner of buildings and general services as to purchases of material, supplies or equipment except upon request of the corporation, or (8) chapter 5 of Title 29, dealing with the department of buildings and general services, except that any contracts awarded for the construction of buildings by the corporation shall be under the supervision of the commissioner of buildings and general services continue to be subject to the provisions of 29 V.S.A. § 161(b).*

\* \* \* Natural Resources \* \* \*

*Sec. 48. ACTION REGARDING STATE LAND*

Pursuant to 10 V.S.A. § 2603(b), the commissioner of forests, parks and recreation is authorized to exchange or lease certain state lands, as follows:

(1) To convey a permanent easement to Verizon New England Inc. for a 30' x 30' area of Grand Isle State Park to construct, operate, maintain, and replace telecommunications equipment necessary to modernize and enhance telephone communications in the Town of Grand Isle. As compensation for this easement, Verizon New England Inc. shall provide the state an amount to be determined by the commissioner of buildings and general services.

(2) To amend the department's leases with National Grid (formerly New England Power Company) at Ascutey State Park and Molly Stark State Park to include a provision for the emergency restoration of communication facilities in the event of a disaster or emergency.

Specifically, the leases shall be amended to include the following provision: "In the event that a communications facility operated by the Lessee is damaged or cannot be operated, the Lessor hereby agrees that the Lessee may locate and operate a temporary communications facility, including but not limited to a temporary replacement communications tower and supporting equipment, on the property to provide replacement communications until such time as the communications facility can be restored to operation. The Lessor will be notified of the circumstances requiring the placement of temporary communications facilities as soon as reasonably practicable thereafter. Repairs or replacement of the Lessee's damaged facility will take place within a reasonable amount of time, weather permitting. The temporary communications facility will remain in operation until full service is restored with a new or repaired communications facility." In addition, any lease renewed or amended pursuant to this subdivision shall encourage colocation consistent with state policy of any new electronic communication facilities at these sites.

(3) To exchange lands and interests in lands with the Town of St. Albans by which the state would convey a portion of St. Albans Bay State Park (currently under long-term lease to the Town of St. Albans) to the Town of St. Albans in exchange for a town-owned parcel located along nearby Black Creek adjacent to state-owned Black Creek Wildlife Management Area. This exchange would result in town ownership and control of the developed portion of the state park and would consolidate state ownership and ensure continued public recreational access along Black Creek to the north of Highway 36. This land exchange would be contingent on the following: (A) a public meeting is held in the town to inform local residents of the proposal and to ensure public support; (B) all necessary federal, state, and local permits, approvals, and requirements for the exchange are met; (C) the state agrees to add the town-owned parcel that is to come into state ownership as part of the department of fish and wildlife's Black Creek Wildlife Management Area and to allow public access on this parcel for hunting, fishing, trapping, and other compatible uses; (D) the town agrees that the park and associated dock will remain open and available to all members of the public; (E) the town assumes responsibility for paying all legal costs associated with the land exchange; (F) the town assumes liability for the park from the date of transfer; (G) the town agrees to operate, manage, and maintain the park in a manner consistent with the park's current operation; and (H) the property will revert to the state if, for any reason, the park no longer functions as a public recreational facility.

#### Sec. 49. MUNICIPAL POLLUTION CONTROL PRIORITY SYSTEM RULE

(a) The general assembly finds that the municipal pollution control priority system rule amendment adopted on August 30, 2002 is not as clear and predictable as it could be to assist municipalities in planning for compact growth in downtowns, village centers, and growth centers.

(b) The secretary of natural resources shall study the provisions of the existing rule. This study shall include:

- (1) A summary of issues concerning implementation of the rule;
- (2) A list of proposed alternatives to address the identified issues; and
- (3) A draft proposed final rule.

(c) On or before December 15, 2003, the secretary shall submit a report to the house and senate committees on natural resources and energy and on institutions that summarizes the study results and contains recommendations for implementing the study results.

(d) Any revisions to the municipal pollution control priority system rule as a result of the study and report shall be proposed by the agency and filed with the secretary of state on or before March 15, 2004.

(e) The secretary of natural resources, or the deputy secretary if specifically designated by the secretary, shall make all determinations regarding implementation of this rule amendment unless and until the rule is revised after the submittal of the report under subsection (c) of this section.

Sec. 50. 24 V.S.A. § 4753(a)(8) is added to read:

§ 4753. REVOLVING LOAN FUNDS; AUTHORITY TO SPEND; REPORT

(a) There is hereby established a series of special funds to be known as:

\* \* \*

(8) The Vermont stormwater management fund which shall be used to provide grants and loans to municipalities, pursuant to rules proposed by the agency of natural resources and enacted by the general assembly, for planning, designing, engineering, constructing, repairing, or improving infrastructure necessary to protect the waters of the state from the adverse impacts of untreated stormwater runoff. Funds may also be used to plan and establish a process for managing stormwater within or among municipalities.

Sec. 51. 24 V.S.A. § 2291 is amended to read:

§ 2291. ENUMERATION OF POWERS

For the purpose of promoting the public health, safety, welfare, and convenience, a town, city, or incorporated village shall have the following powers:

\* \* \*

(22) To regulate the sale and conveyance of sewage capacity to users, including phasing provisions and other conditions based on the impact of residential, commercial, or industrial growth within a town, in accord with principles in a duly adopted town plan.

Sec. 52. 24 V.S.A. § 3625(a) is amended to read:

(a) When capacity under an original or amended discharge permit under 10 V.S.A. § 1263 is or has been granted to any municipality, as defined in 1 V.S.A. § 126, except existing town school districts or incorporated school districts, that capacity shall be allocated, in a manner consistent with a municipality's obligation to its bondholders to establish rates and apply the proceeds as set forth in section 3616 of this title, pursuant to one of the following, ~~adopted and in effect by July 1, 1990~~ whether in the form as adopted, or as later amended:

(1) an ordinance adopted under sections 1972 and 1973 of this title. This ordinance may authorize the municipality to include, in any specific allocation, phasing provisions and other conditions intended to implement provisions of a municipal plan adopted under section 4385 of this title or bylaws adopted under sections 4403 and 4404 of this title;

(2) bylaws adopted under sections 4403 and 4404 of this title; or

(3) interim bylaws adopted under section 4410 of this title.

Sec. 53. 10 V.S.A. § 1266a is amended to read:

§ 1266a. DISCHARGES OF PHOSPHORUS

(a) No person directly discharging into the drainage basins of Lake Champlain or Lake Memphremagog shall discharge any waste which that contains a phosphorus concentration in excess of 0.80 milligrams per liter on a monthly average basis. The secretary of natural resources shall establish a schedule for municipalities that requires compliance with this section at a rate that

~~corresponds to the rate at which funds are provided under subsection 1625(e) of this title. To the extent that funds are not provided to municipalities eligible under that subsection, municipal compliance with this section shall not be required. Discharges of less than 200,000 gallons per day, permitted on or before July 1, 1991, shall not be subject to the requirements of this section subsection. Discharges from a municipally owned aerated lagoon type secondary sewage treatment plant in the Lake Memphremagog drainage basin, permitted on or before July 1, 1991 shall not be subject to the requirements of this section subsection unless the plant is modified to use a technology other than aerated lagoons.~~

(b) Notwithstanding any provision of subsection (a) of this section to the contrary, the secretary shall establish effluent phosphorus wasteload allocations or concentration limits within any drainage basin in Vermont, as needed to achieve wasteload allocations in a total maximum daily load document approved by the United States Environmental Protection Agency, or as needed to attain compliance with water quality standards adopted by the Vermont water resources board pursuant to chapter 47 of this title.

(c) The secretary of natural resources shall establish a schedule for municipalities that requires compliance with this section at a rate that corresponds to the rate at which funds are provided under subsection 1625(e) of this title. To the extent that funds are not provided to municipalities eligible under that subsection, municipal compliance with this section shall not be required.

Sec. 54. 10 V.S.A. § 1625(e) is amended to read:

§ 1625. AWARDS FOR POLLUTION ABATEMENT PROJECTS TO ABATE DRY WEATHER SEWAGE FLOWS

\* \* \*

(e) If the department finds that a proposed municipal water pollution control project is necessary to reduce effluent phosphorus concentration or mass loading to the level required in section 1266a of this title, the department shall award to the municipality, subject to the availability of funds, a state assistance grant. Such grants shall be for 100 percent of the eligible project cost. This funding shall not be available for phosphorus removal projects where the effluent concentration must be reduced in order to maintain a previously permitted mass loading of phosphorus.

Sec. 55. PHOSPHORUS GRANTS; PRIORITIES; PHASED FUNDING; LEGISLATIVE INTENT

(a) It is the intent of the general assembly that all projects listed on the Agency of Natural Resources' one-page document, entitled "Wastewater Project Phase-In List from the Capital Bill Conference Committee" and dated May 20, 2003, that proceed to construction between the effective date of this act and June 30, 2005, will receive all or a portion of the grant funds for which they are eligible in accordance with chapter 55 of Title 10. Where a project proceeds with a grant in an amount less than the amount for which it would ordinarily be eligible, the project will receive elevated priority for funding in subsequent years in order to provide full funding pursuant to statute.

(b) It is the intent of the general assembly that the amendments to 10 V.S.A. § 1266a contained in this act include the elimination of the exemption for aerated lagoons at wastewater treatment plants located in the Lake Champlain drainage basin so that the clean-up of excess phosphorus concentrations in Lake Champlain can proceed in accordance with the total maximum daily load (TMDL) document approved by the United States Environmental Protection Agency.

Sec. 56. 32 V.S.A. § 4154a is added to read:

§ 4154a. STATE-OWNED LAND

At least two months prior to each annual town meeting, the listers of each municipality in which the agency of natural resources or one of its subdivisions holds title to lands and premises shall report to the selectboard of the municipality regarding the percentage of acreage within the municipality that is owned or otherwise controlled by the agency.

Sec. 57. POND IN TOWN OF WESTMORE; NAME; REPEAL

(a) Sec. 79 of No. 233 of the Acts of the 1993 Adj. Sess. (1994) and Secs. 10(a)(3)(F) and 10e of No. 185 of the Acts of the 1995 Adj. Sess. (1996) (naming a pond purportedly known as "Unknown Pond" in the Town of Westmore as "Taylor Pond") are repealed. The order issued June 20, 2000 by the department of libraries naming this pond "Taylor Pond" is void.

(b) The department of public libraries shall name the pond referred to in subsection (a) of this section pursuant to the procedures and standards set forth in chapter 9 of Title 10.

Sec. 58. PRIVATELY- AND MUNICIPALLY-OWNED DAMS; STATE POLICY

(a) Findings. The general assembly finds that:

(1) The state plays a central role in ensuring that privately- and municipally-owned dams do not present a safety hazard. Since 1876, state law has provided a mechanism by which the state detects and repairs unsafe dams and recovers the cost of repairs from the owners. As the cost of construction has increased and the value of mill benefits has decreased, the ability of private and municipal owners to pay for dam maintenance has diminished.

(2) State policy should encourage private and municipal dam owners to remove their dams voluntarily, where appropriate. It should provide technical and financial assistance to municipalities to take care of the dams they own and to assume ownership or control of privately-owned dams. A few additional dams of statewide significance should be acquired by the state.

(b) Proposed legislation. On or before January 15, 2004, the agency of natural resources, in consultation with the secretary of administration, shall present to the house and senate committees on institutions proposed legislation supporting the conclusions reached in the agency's Proposed Policy on Dams dated April 2003. Specifically, the proposed legislation shall address the following:

(1) Amendments to existing regulatory programs for dams, permits, inspections, and procedures for emergency responses to hazardous dams pursuant to chapter 43 of Title 10.

(2) The financial implications of a capital budget policy that proposes to promote the removal of dams to address public safety, hazard mitigation, and environmental concerns and that includes incentives for municipalities to own and properly maintain dams.

Sec. 59. 10 V.S.A. § 1624(b) is amended to read:

(b) Loans.

\* \* \*

(2) The certification by the secretary shall specify the interest rate, and indicate which of the following loan conditions concerning construction loans apply:

\* \* \*

(B) *In no instance shall the annual interest rate, plus administrative fee, be less than necessary to achieve an annual household user cost of equal to one and one-quarter percent of the median household income of the applicant municipality or served area, taking into account:*

\* \* \*

(6) *For purposes of this subsection, the secretary shall determine the median household income of a municipality from the most recent federal census data available when the priority list used for funding the project was approved, or at the option of an applicant municipality, based on the recommendation of an independent contractor hired by the municipality and approved by the secretary. The determination of the secretary shall be final. The cost of an independent contractor may be included in the total cost of a project. When using federal census data to determine the median household income of a municipality, the census data shall be adjusted for inflation beginning in the second year of availability by increasing it four percent per year.*

\* \* \*

*Sec. 60. 24 V.S.A. § 4771(a)(5) is amended to read:*

(5) *Notwithstanding subdivision (4) of this subsection, a privately-owned nonprofit community type system may qualify for a 30-year loan term at an interest rate, plus administrative fee, to be established by the secretary of natural resources which shall be no more than three percent or less than minus three percent, provided the applicant system meets the income level and annual household user cost requirements of a disadvantaged municipality as defined in subdivision 1571(9) of Title 10, and provided that at least 80 percent of the residential units served by the water system are continuously occupied by local residents and at least 80 percent of the water produced is for residential use, in which case the secretary shall certify the loan term and interest rate to VEDA. In no instance shall the annual interest rate, plus an administrative fee, be less than is necessary to achieve an annual household user cost of equal to one and one-quarter percent of the median household income of the applicant water system computed in the same manner as prescribed in subdivision 1624(b)(2)(B) of Title 10.*

*Sec. 61. 10 V.S.A. § 1571(9) is amended to read:*

*§ 1571. DEFINITIONS*

*As used in this chapter:*

\* \* \*

(9) *"Disadvantaged municipality" means a municipality or the served area of a municipality which has a median household income below the state average median household income as determined by the secretary, and which after construction of the proposed water supply improvements will have an annual household user cost greater than ~~1.25~~ one percent of the median household income as determined by the secretary.*

*Sec. 62. CLARIFICATION*

*Sec. 8(a)(2) of No. 149 of the Acts of the 2001 Adj. Sess. (2002) is amended to read:*

*Sec. 8. NATURAL RESOURCES*

(a) *The following sums are appropriated to the agency of natural resources*

\* \* \*

(2) Solid waste implementation grant, in accordance with 10 V.S.A. § 6603c, for a sludge storage facility, appurtenant construction, and related engineering at the Bradford wastewater treatment facility, as well as land acquisition for sludge management: 180,000

**Sec. 63. WOODFORD STATE PARK; PARKING; STUDY AND AUTHORIZATION**

(a) The commissioner of forests, parks and recreation shall study how best to address the winter parking needs of individuals using the Woodford State Park in Woodford. The commissioner shall report the results of the study, together with proposed solutions, to the house and senate committees on institutions on or before January 15, 2004.

(b) Notwithstanding subsection (a) of this section, if the commissioner identifies a suitable location for a parking lot prior to September 1, 2003, the commissioner shall have the authority to spend not more than \$15,000 from the appropriation made in Sec. 8(c) of this act to complete construction of a gravel parking lot that shall not exceed six inches in depth.

Sec. 64. 10 V.S.A. § 4049a is added to read:

**§ 4049a. GREEN MOUNTAIN CONSERVATION CAMP ENDOWMENT FUND**

There is established in the agency of natural resources a fund to be known as the green mountain conservation camp endowment fund, to be managed by the secretary and from which expenditures may be made by the commissioner of fish and wildlife for the purpose of supporting the maintenance of and minor improvements to the green mountain conservation camps in Castleton and Woodbury and for the camps' ongoing expenses such as the purchase of recreation equipment. There shall be deposited into the fund monies received by the agency and designated for this purpose, including appropriations of the general assembly, grants, and donations.

Sec. 65. 10 V.S.A. § 4049b is added to read:

**§ 4049b. GREEN MOUNTAIN CONSERVATION CAMP ENDOWMENT FUND COMMITTEE**

(a) There is created a green mountain conservation camp endowment fund committee comprised of five members who shall serve for concurrent terms of four years. Members of the committee shall be appointed by the commissioner of fish and wildlife as follows: two members shall be chosen from the employees of the department; the three other members shall be chosen on the basis of fundraising experience.

(b) The committee shall promote and seek contributions to the green mountain conservation camp endowment fund established by section 4049a of this title.

\* \* \* Military \* \* \*

**Sec. 66. SALE OF NORTHFIELD ARMORY**

The board of armory commissioners may sell the Northfield armory pursuant to chapter 27 of Title 20 to Norwich University for the sum of \$50,000. Proceeds of the sale shall be used to fund the state's share of construction costs for the army aviation flight facility located in South Burlington. Any excess proceeds shall be used for the repair or maintenance of existing armories in the state for which no funds have been budgeted during the fiscal year in which the proceeds are received.

\* \* \* Vermont Veterans' Home \* \* \*

*Sec. 67. STUDY; VERMONT VETERANS' HOME*

On or before November 15, 2003, the staff of the legislative council, the Vermont veterans' home board of trustees, the office of the attorney general, and the office of finance and management shall research and report to the general assembly concerning any potential conflicts or ambiguity in Vermont law relating to the operations and management of the Vermont veterans' home.

\* \* \* Public Safety \* \* \*

*Sec. 68. Sec. 11(b) of No. 149 of the Acts of the 2001 Adj. Sess. (2002) is amended to read:*

*(b) The department of public safety, division of the Vermont state police, homeland security unit shall work jointly with the coalition of fire and rescue service for the state of Vermont to study how best to manage and direct anticipated federal anti-terrorism grant funds to support local first responders. Any grant proposal or plan shall incorporate jointly agreed-upon recommendations. The Vermont coalition of fire and emergency services shall select two individuals from its membership, at least one of whom shall be a volunteer firefighter, to represent its interests in this regard.*

*Sec. 69. STUDY; EXTENSION OF DEADLINE*

The report required by Sec. 91 of No. 149 of the Acts of the 2001 Adj. Sess. (2002) shall be submitted to the house and senate committees on institutions, the house committee on ways and means, and the senate committee on finance on or before January 15, 2004. The commissioner of banking, insurance, securities, and health care administration shall convene the first meeting of the study committee, which shall occur no later than 30 days after the effective date of this act.

*Sec. 70. CLARIFICATION*

Sec. 88(b) of No. 152 of the Acts of the 1999 Adj. Sess. (2000), as amended by Sec. 15 of No. 11 of the Acts of the 2001 Session, is further amended to read:

*(b) Notwithstanding the provisions of 30 V.S.A. § 7054 or 32 V.S.A. § 511, monies deposited into the E-911 fund and carried forward to a subsequent fiscal year shall not be spent, as excess receipts or otherwise, for the construction or maintenance of any public service answering points not already in operation on January 1, 2001, except for those already approved for the E-911 Board's network, database, and equipment, and their maintenance costs, associated with Rockingham and Rutland, and Derby, without the express, annual appropriation of the general assembly.*

\* \* \* Agriculture, Food and Markets \* \* \*

*Sec. 71. STUDY; AGRICULTURAL ECONOMIC DEVELOPMENT*

(a) Study. The commissioner of economic development shall undertake a study of the agricultural sector of the Vermont economy. It is the intent of the general assembly that, in designing and carrying out the study, the commissioner be guided by the considerations outlined in this section.

(b) Focus. The study should focus on all elements of the Vermont agricultural economy, but should recognize the evolving context of the dairy industry, and should address all possible income growth opportunities in agriculture. The study should also address circumstances of farmers and others wishing to expand or diversify into other agricultural endeavors.

(c) Substance. The study should:

(1) Describe and measure present conditions, and when possible historic trends, including in-state production, and related to this production, both in- and out-of-state value-added processing, marketing, distribution, and consumption. The description should include: economic production functions and resulting productivity levels; employment and wage levels; and secondary benefits within the Vermont economy.

(2) Identify, through analysis of micro-economic conditions, market or public policy barriers to successful entry, expansion, and innovation in Vermont agribusinesses. Based on this analysis, it should identify situations in which both private and public investment and other types of intervention could most enhance businesses' financial viability, job creation, and gross state revenues.

(d) Products. The study should produce:

(1) A baseline data set for use in charting future trends and in evaluating future economic development decisions.

(2) A general reference document for use by agribusiness persons, public officials, and the general public to learn about conditions of and business opportunities in the Vermont agricultural economy.

(3) A report to the general assembly containing recommended Vermont public policy, government organization, and investment, including ways state economic development agencies could collaborate to enhance agricultural economic productivity and expansion.

(4) A strategy for the broad dissemination of study products and for their use by state and national private and public decision makers responsible for economic development, and by individuals, firms, and other private and public organizations and institutions that already are, or could be, active participants in Vermont agriculture.

(e) Review; completion date. The commissioner shall by September 15, 2003, present at a joint meeting of the chairs of the senate and house committees on agriculture, on appropriations, and on institutions, the senate committee on economic development, housing and general affairs, and the house committee on commerce a study design, work plan, schedule, and budget for accomplishing the study, at which time such members of the general assembly shall determine whether the proposed study meets the intent of this section and, if so, set the study completion date.

Sec. 72. 29 V.S.A. § 160b is added to read:

§ 160b. SALE OF MILK AND MILK PRODUCTS AT INFORMATION CENTERS

(a) The division for the blind and visually impaired is encouraged to sell milk and milk products, with a preference for the sale of Vermont-produced milk whenever feasible, in vending machines at rest areas and information centers in this state according to policies and rules established by the commissioner of buildings and general services.

(b) The commissioner shall designate areas within rest areas and welcome centers for the sale of milk and milk products with an emphasis on the sale of Vermont-made products. The commissioner, at his or her sole discretion, shall have the authority to designate the areas where sales may occur.

Sec. 73. 10 V.S.A. § 211(c) is amended to read:

(c) Therefore, the general public advantage requires:

\* \* \*

(7) Low-cost capital to assist Vermont family farmers to farm as provided in section 272(a)(3) of this title; and

(8) Low-cost capital available for the purchase of land, buildings, and equipment to process Vermont milk, including the processing of milk into cheese, yogurt, or other value-added milk products.

\* \* \* Educational and Health Buildings Financing Agency \* \* \*

Sec. 74. 16 V.S.A. § 3856(h) is amended to read:

(h)(1) In the discretion of the agency, the bonds may be secured by a trust indenture by and between the agency and a corporate trustee ~~or~~ and the resolution authorizing the bonds may provide for the appointment of a corporate trustee for the purpose of securing the bonds, which may be any trust company or bank having the powers of a trust company in or out of the state of Vermont.

(2) The trust indenture or resolution authorizing the bonds;

(A) may contain reasonable provisions for protecting and enforcing the rights and remedies of the bondholders, including covenants setting forth the duties of the agency in relation to the acquisition, construction, maintenance, operation, repair and insurance of the facilities and the custody, safeguarding and application of all moneys; ; and

(B) may provide that any facility shall be constructed and paid for under the supervision and approval of ~~consulting engineers or architects~~ a bond construction oversight committee or other internal committee of the borrower's board of directors or trustees which has been designated to provide reasonable assurance and reporting, or both, so that all phases of construction comply with applicable Vermont statutes and rules and the covenants of all bond financing agreements.

(3) The agency may provide by the trust indenture or resolution authorizing the bonds for the payment of the proceeds of the bonds and the revenues of any facility or moneys received under the terms of any lease, as the case may be, to the trustee of the trust indenture or resolution authorizing the bonds or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine.

(4) If the bonds are secured by trust indenture or by the appointment of a trustee pursuant to the resolution authorizing the bonds, the bondholders shall have no authority to appoint a separate trustee to represent them.

\* \* \* Miscellaneous; Effective Date \* \* \*

Sec. 75. CLARIFICATION

The appropriation made to the department of state's attorneys and sheriffs in Sec. 15 of No. 149 of the 2001 Adj. Sess. (2002) "for the purchase and installation of a comprehensive case management software system" is intended for the purchase of both case management software and the hardware necessary to support the software to support integration with other entities in the criminal justice system.

Sec. 76. 26 V.S.A. § 881(9) is amended to read:

(9) "Registered apprentice" means an apprentice registered with the apprenticeship division of the state department of ~~labor and industry~~ employment and training for electrical training.

Sec. 77. 26 V.S.A. § 908(b) is amended to read:

*(b) All journeyman and master electricians shall, as a condition of license renewal, complete 15 hours of instruction, approved by the board, on the national electrical code during the preceding 36-month period. All holders of a type-S journeyman license shall, as a condition of renewal, complete eight hours of instruction, approved by the board, on the subject of the license holder's specialty during the preceding 36 months, except that holders of multiple type-S licenses shall not be required to complete more than 15 hours of instruction during the preceding 36 months.*

Sec. 78. 18 V.S.A. § 4355 is amended to read:

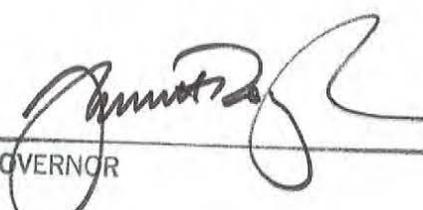
**§ 4355. REGULATIONS; REPORTS**

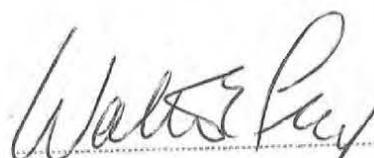
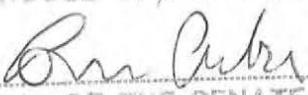
*(a) The board may prescribe such rules and regulations as may be necessary to insure the operation in a sanitary and healthful manner of places in which food is prepared and served to the public or in which lodgings are provided. All reports which such board may require shall be on forms prescribed by it.*

*(b) The board shall not adopt any rule requiring food establishments that operate less than six months of the year and provide outdoor seating for no more than 16 people to provide toilet facilities to patrons, and any such rule or portion thereof now in effect is repealed.*

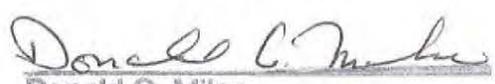
**Sec. 79. EFFECTIVE DATE**

*This act shall take effect from passage. The sums appropriated and the spending authority authorized by this act shall be continuing and shall not revert at the end of the fiscal year.*

  
GOVERNOR 6/11/03  
Date

  
SPEAKER OF THE HOUSE OF REPRESENTATIVES  
  
PRESIDENT OF THE SENATE

ATTESTED TO:

  
Donald G. Milne  
Clerk, House of Representatives

1 committees on institutions are notified before that action is taken. The  
2 individual appropriations in this section are estimates only.

3 (1) Burlington, Cherry Street garages, repairs: (375,000)

4 (2) Burlington, department of health laboratory and criminal justice  
5 forensic science laboratory, collocation, site selection, and preliminary design:

6  
7 (500,000)

8 (3) Waterbury, Dale facility, new chiller and heat recovery unit:  
9 (300,000)

10 (4) Statewide, major maintenance: (4,500,000)

11 (5) Statewide, Americans with Disabilities Act, accessibility to public  
12 buildings: (500,000)

13 (6) Statewide, contingency fund: (500,000)

14 (7) Statewide, building reuse: (100,000)

15 (8) Statewide, planning: (20,000)

16 (9) Statewide, security enhancements: (250,000)

17 (Total appropriation – Section 1b \$7,045,000)

18 Sec. 2. HUMAN SERVICES

19 The sum of \$375,000 is appropriated to the department of buildings and  
20 general services for the agency of human services for installation of a sprinkler  
21 system and a smoke evacuation system and for design of a fire suppression

1 ~~system in the Northwest State Correctional Facility in St. Albans.~~

2 (Total appropriation – Section 2 \$375,000)

3 Sec. 3. JUDICIARY

4 The sum of \$4,000,000 is appropriated to the department of buildings and  
5 general services for the judiciary for phase two construction of the Rutland  
6 courthouse.

7 (Total appropriation – Section 3 \$4,000,000)

8 Sec. 4. COMMERCE AND COMMUNITY DEVELOPMENT

9 (a) The following sums are appropriated to the department of buildings and  
10 general services for the agency of commerce and community development for  
11 the following projects; provided the projects shall be under the supervision of  
12 the department of buildings and general services:

13 (1) Statewide, major maintenance at historic sites: 154,880

14 (2) Bennington, Bennington Battle monument, finalize stairway and  
15 cast-iron repairs: 125,000

16 (3) Strafford, Morrill Homestead, final matching funds for  
17 transportation enhancement grant to design and construct a visitor/education  
18 building: 40,000

19 (4) Calais, Kent Tavern, phase one brick and clapboard restoration:

20 (b) The following sums are appropriated to the agency of commerce and 150,000

21 community development, division for historic preservation, for:

(1) Historic preservation grants: 150,000

1 ~~(2) Historic barns and agricultural buildings grants; no additional~~  
2 consideration shall be given for a barn or agricultural building that is in active  
3 use: 150,000

4 (3) Cultural facilities grant program, to be administered by the Vermont  
5 Arts Council and made available on a one-for-one matching basis with funds  
6 raised from nonstate sources; no such grant shall be available for a project  
7 receiving funding from any other appropriation of this act. The Vermont Arts  
8 Council may use up to six percent of the total amount appropriated to  
9 administer the program. The remaining appropriation shall be awarded on a  
10 competitive basis. In recommending grant awards, a review panel shall give  
11 priority consideration to applicants who demonstrate greater financial need or  
12 are in underserved areas of the state: 50,000

13 (c) The sum of \$25,000 is appropriated to the agency of commerce and  
14 community development for underwater preserves. \$844,880  
15 (Total appropriation – Section 4 \$694,880)

16 Sec. 5. EDUCATION

17 (a) The sum of \$8,455,000 is appropriated to the department of education  
18 for state aid for school construction projects pursuant to section 3448 of  
19 Title 16.

20 (b) The following sums are appropriated to the department of buildings and  
21 general services for technical center projects:

1 (1) North Country Career and Technical Center:

2 (A) The sum of \$225,000 is appropriated to the department of  
3 buildings and general services in connection with the North Country Career  
4 Center project, to assist in the planning and evaluation of on-site or off-site  
5 locations as set forth in subdivision (a)(5) of Sec. 33 of this act and, if  
6 necessary, for extension of the option on the Sherlaw property.

7 (B) The sum of \$75,000 is appropriated to the department of  
8 buildings and general services for the North Country Career Center Planning  
9 Committee, established in Sec. 33 of this act, and may be used for the  
10 following purposes:

11 (i) To hire a facilitator to assist the Planning Committee, as it  
12 deems necessary, to implement Sec. 33 of this act.

13 (ii) To revise the stated program of study and education  
14 specification, if necessary, pursuant to subdivision (a)(3) of Sec. 33 of this act.

15 (iii) To draft a governance report, if necessary, pursuant to  
16 subdivision (a)(4) of Sec. 33 of this act.

17 (iv) To pay for the costs associated with the regional vote required  
18 by subdivision (a)(6) of Sec. 33 of this act.

19 (2) Chittenden County Regional Technical Center, for continued  
20 planning and design of construction documents, provided that no funds shall be

1 expended until there has been a favorable regional vote to proceed with the  
2 project: 250,000

3 (3) Southeastern Vermont Career Education Center, for payment of a  
4 portion of the state's total obligation of \$9,449,968 for construction of the  
5 technical center: 1,250,000

6 (c) The sum of \$500,000 is appropriated to the department of education for  
7 regional technical education centers and comprehensive high schools to assist  
8 with the purchase of educational program equipment, to be distributed in equal  
9 amounts to each center and high school with no local matching funds required.

10 (d) The sum of \$318,000 is appropriated to the department of buildings and  
11 general services for the planning and construction or fit-up of space for a  
12 power mechanics program at the Patricia A. Hannaford Career Center, as the  
13 first phase in the development of an agricultural workforce development center  
14 project; provided the Middlebury Union High School District first  
15 demonstrates to the satisfaction of the commissioners of education and of  
16 buildings and general services that it has determined the location of the project,  
17 that the funds appropriated in this subsection are adequate to complete phase  
18 one of the project, and that the District has received commitments for the 50  
19 percent local match required in 16 V.S.A. § 3448e to support the planning and  
20 construction or fit-up of space for the power mechanics program.

21 Notwithstanding any provision of Title 16 to the contrary, the District is

1 authorized to make the demonstration of the required 50 percent local match  
2 under this subsection by presenting evidence of in-kind contributions of  
3 equipment from private sources.

4 (e) On or before January 15, 2004, the North Country Career Center  
5 Planning Committee, the Lake Champlain Regional Chamber of Commerce on  
6 behalf of the Chittenden County Regional Technical Center, and the  
7 Middlebury Union High School District on behalf of the Patricia A. Hannaford  
8 Career Center shall provide to the house and senate committees on institutions  
9 a detailed written account of how funds appropriated to them in this section or  
10 in prior capital acts were expended.

11 (Total appropriation – Section 5 \$11,073,000)

12 Sec. 6. UNIVERSITY OF VERMONT

13 The sum of \$1,000,000 is appropriated to the department of buildings and  
14 general services for the University of Vermont for the first phase of funding for  
15 replacement of space in the Joseph E. Hills Agricultural Science Building.

16 (Total appropriation – Section 6 \$1,000,000)

17 Sec. 7. VERMONT STATE COLLEGES

18 The sum of \$3,000,000 is appropriated to the department of buildings and  
19 general services for the Vermont state colleges for major facility maintenance.

20 (Total appropriation – Section 7 \$3,000,000)



~~[Deleted]~~

~~(b) The sum of \$30,000 is appropriated to the department of the military for  
renovations to Camp Johnson in Colchester to create a family support resource  
center for the families of military personnel.~~

~~\$165,000~~

~~(Total appropriation – Section 9~~

~~\$195,000)~~

Sec. 10. VERMONT VETERANS' HOME

The sum of \$160,000 is appropriated to the department of buildings and  
general services for the Vermont veterans' home for upgrades and repairs to  
parking lots, electrical infrastructure, heating systems, and laundry facilities.

(Total appropriation – Section 10

\$160,000)

Sec. 11. VERMONT HISTORICAL SOCIETY

The sum of \$325,000 is appropriated to the Vermont historical society for  
continuing renovation of the Spaulding Graded School in Barre to become an  
education and research center known as the Vermont History Center.

(Total appropriation – Section 11

\$325,000)

Sec. 12. PUBLIC SAFETY

The following sums are appropriated to the department of buildings and  
general services for the department of public safety for:

(1) Addison County, state police station, to purchase a 2.48-acre parcel  
more or less, known as Lot E, owned by Peter and Dolores Norris on Route 7  
in New Haven and to design and construct a new Addison County state police  
station to replace the station currently located in Middlebury:

1,200,000



1 (Total appropriation – Section 13

~~\$700,000~~

~~\$750,000)~~

2 Sec. 14. AGRICULTURE, FOOD AND MARKETS

3 (a) The sum of \$750,000 is appropriated to the department of agriculture,  
4 food and markets, best management practice implementation cost share  
5 program, for agricultural nonpoint source pollution reduction.

6 (b) The sum of \$500,000 is appropriated to the department of buildings and  
7 general services for the department of agriculture, food and markets to replace  
8 heat and ventilation systems at 116 State Street in Montpelier.

9 (Total appropriation – Section 14

\$1,250,000)

10 Sec. 15. VERMONT PUBLIC TELEVISION

11 The sum of \$325,000 is appropriated to the department of buildings and  
12 general services for Vermont Public Television for the federally-mandated  
13 conversion of its transmission sites to digital broadcasting format.

14 (Total appropriation – Section 15

\$325,000)

15 Sec. 16. VERMONT INTERACTIVE TELEVISION

16 The following sums are appropriated to the department of buildings and  
17 general services for Vermont Interactive Television for an equipment  
18 replacement fund to support the following:

19 (1) White River Junction site upgrade: 50,000

20 (2) Camera/lens/controller upgrades: 50,000

21 (3) Time-base correctors and switches: 20,000



1 ~~Career Center), the sum of \$225,000 is reallocated to the department of~~  
2 ~~buildings of general services for the purposes set forth in Sec. 5(d) of this act~~  
3 ~~(Patricia A. Hannaford Career Center).~~

4 (d) Of the amount appropriated to the department of buildings and general  
5 services in Sec. 6(c)(2) of No. 61 of the Acts of 2001 (North Country Career  
6 and Technical Center), the sum of \$~~643,000~~<sup>713,000</sup> is reallocated to the department of  
7 buildings and general services for the purposes set forth in ~~Sec. 4(a)(4)~~ (Kent Tavern),  
8 Country Career Center), Sec. 5(b)(2) (Chittenden County Regional Technical  
9 Center), and Sec. 5(d) (Patricia A. Hannaford Career Center) of this act.

10 (Total reallocation – Section 18 \$4,179,880  
~~\$4,109,880~~

11 Sec. 19. GENERAL OBLIGATION BONDS

12 The state treasurer is authorized to issue general obligation bonds in the  
13 amount of \$36,000,000 for the purpose of funding the appropriations of this  
14 act. Authorization granted in Sec. 18 of No. 149 of the Acts of the 2001 Adj.  
15 Sess. (2002) to issue general obligation bonds in the amount of \$39,000,000  
16 remains in effect. The state treasurer, with the approval of the governor, shall  
17 determine the appropriate form and maturity of the bonds authorized by this  
18 section consistent with the underlying nature of the appropriation to be funded.  
19 The state treasurer shall allocate the estimated cost of bond issuance, or  
20 issuances, to the entities to which funds are appropriated pursuant to this

1 section and for which bonding is required as the source of funds, pursuant to  
2 32 V.S.A. § 954.

3 (Total bonding – Section 19 \$36,000,000)

4 \* \* \* Managing This Act \* \* \*

5 Sec. 20. AGENCY OF COMMERCE AND COMMUNITY

6 DEVELOPMENT; REALLOCATION

7 The commissioner of buildings and general services may reallocate the  
8 funds in Sec. 4(a) of this act (commerce and community development) to other  
9 state historic sites only for major maintenance, should a more pressing need  
10 arise following the session.

11 Sec. 21. TRANSFER OF FUNDS APPROPRIATED IN THIS ACT

12 (a) Natural resources. The secretary of natural resources, with the approval  
13 of the secretary of administration, may transfer any unexpended project  
14 balances between projects authorized in Sec. 8(a), (b), and (d) of this act  
15 (natural resources).

16 (b) Natural resources. The commissioner of buildings and general services,  
17 with the approval of the secretary of administration, may transfer any  
18 unexpended project balances between projects authorized in Sec. 8(c) of this  
19 act (natural resources) and may reallocate the funds in those sections to other  
20 state parks and recreation areas.

1       (c) Military. The adjutant general, with the approval of the secretary of  
2       administration, may transfer any unexpended project balances between projects  
3       authorized by Sec. 9 of this act (military).

4       Sec. 22. ACCEPTANCE OF GRANTS AND OTHER FUNDS

5       (a) Notwithstanding section 5 of Title 32 (acceptance of grants):

6       (1) The commissioner of environmental conservation, with the approval  
7       of the secretary of natural resources, may accept federal grants made available  
8       through the federal Clean Water Act and the federal Drinking Water Act in  
9       accordance with chapter 120 of Title 24. Acceptance of this grant money is  
10       hereby approved, provided all notifications are made under subsection 4760(a)  
11       of Title 24.

12       (2) The commissioner of corrections, with the approval of the secretary  
13       of human services, may accept federal grants made available through federal  
14       crime bill legislation.

15       (3) The commissioner of health, with the approval of the secretary of  
16       human services, may accept federal grants made available through the  
17       Labor/Health and Human Services appropriations bill. The department of  
18       buildings and general services shall be responsible for site acquisition and any  
19       new construction or building renovations resulting from such grant in  
20       connection with a juvenile residential treatment facility.

1 (b) Each receipt of a grant or gift authorized by this section shall be  
2 reported by the commissioner of the department receiving the funds to the  
3 chairs of the house and senate committees on institutions and to the joint fiscal  
4 committee.

5 \* \* \* Buildings and General Services; State Buildings \* \* \*

6 Sec. 23. BUILDINGS AND GENERAL SERVICES; MISCELLANEOUS  
7 PROVISIONS

8 (a) The commissioner of buildings and general services is authorized to  
9 utilize funds appropriated under this act for capital projects requiring  
10 additional support that were funded with capital or general appropriations  
11 made in prior years.

12 (b) Notwithstanding any provisions of 32 V.S.A. § 5 to the contrary, the  
13 commissioner of buildings and general services, on behalf of any qualifying  
14 state agency or department or the Vermont state colleges, may request and  
15 accept free electric cars offered through the Green Mountain Institute's  
16 neighborhood program.

17 (c) The commissioner of buildings and general services is authorized to  
18 provide aid to communities in order to resolve municipal boundary disputes.

19 Sec. 24. PROPERTY TRANSACTIONS AND RELATED ISSUES

20 (a) Notwithstanding any provision of 29 V.S.A. § 104 to the contrary, the  
21 commissioner of buildings and general services is authorized, with the

1 approval of the secretary of administration, to deed to the Town of Springfield  
2 30 acres more or less of real property adjacent to the Southern State  
3 Correctional Facility and commonly referred to as "The Industrial Park,"  
4 pursuant to a written agreement between the state and the town, dated  
5 March 30, 1999.

6 (b) Notwithstanding any provision of law to the contrary, the commissioner  
7 of buildings and general services is authorized, with the approval of the  
8 secretary of administration, to execute any deed or other document necessary  
9 to adjust the property line along the southern edge of the Redstone property in  
10 Montpelier for the purpose of clearing up conflicting deed language, or, if  
11 necessary, to convey up to one-half acre of real property along the southern  
12 edge of the property for that purpose.

13 (c) Notwithstanding any provision of law to the contrary, the commissioner  
14 of buildings and general services is authorized, with the approval of the  
15 secretary of administration, to sell approximately one-half acre of land from  
16 the former State Farm lands in Duxbury to a property abutter. Sale of this land  
17 is contingent upon receiving proper state and local permit approvals and  
18 receiving fair market value for the sale. All costs associated with this transfer  
19 shall be borne by the property abutter.

1 Sec. 25. 29 V.S.A. § 907 is amended to read:

2 § 907. MANNER OF PAYMENT OF BILLS FOR PURCHASES

3 (a) The commissioner of buildings and general services shall furnish to  
4 suppliers at the expense of the state the forms for all proposals and contracts.  
5 ~~He~~ The commissioner shall make all contracts in duplicate and shall forward  
6 forthwith one copy to the commissioner of finance and management. An item  
7 of expense for any article mentioned in this chapter shall not be allowed by the  
8 commissioner of finance and management in the settlement of any account  
9 except when the purchase of the article is authorized and approved by the  
10 commissioner of buildings and general services.

11 (b) The commissioner of buildings and general services may establish a  
12 purchasing card program for the purpose of authorizing all spending units of  
13 the state to use a purchasing card as an alternative payment method for official  
14 state purchases. The commissioner may contract with one or more financial  
15 institutions, card-issuing banks, credit card companies, charge card companies,  
16 debit card companies, or third-party merchant banks to provide state  
17 purchasing cards. The commissioner is authorized to establish rules for  
18 participation in the program and use of the purchasing card.

19 Sec. 26. 29 V.S.A. § 103 is redesignated to read:

20 § ~~403~~ 164. LEASES

1 Sec. 27. 29 V.S.A. § 104 is redesignated to read:

2 § 404 166. SELLING OR RENTING STATE PROPERTY

3 Sec. 28. 29 V.S.A. § 105 is redesignated to read:

4 § ~~405~~ 167. RENTAL OF STATE PROPERTY TO VETERANS'

5 ORGANIZATIONS

6 *See P. 19a*  
~~Sec. 29. 1 V.S.A. § 317(c)(31) and (32) are added to read:~~

7 (c) The following public records are exempt from public inspection and  
8 copying:

9 \* \* \*

10 (31) Building plans, blueprints, schematic drawings, and diagrams,  
11 including draft, preliminary, and final formats, that depict the internal layout  
12 and structural elements of buildings, facilities, infrastructures, systems, or  
13 other structures owned or operated by an agency before, on, or after the  
14 effective date of this provision; emergency evacuation, escape, or other  
15 emergency response plans that have not been published for public use; and  
16 vulnerability assessments, operation and security manuals, plans, and security  
17 codes. For purposes of this subdivision, "system" shall include electrical,  
18 heating, ventilation, air conditioning, telecommunication, elevator, and  
19 security systems. Information made exempt by this subdivision may be  
20 disclosed to another governmental entity if disclosure is necessary for the  
21 receiving entity to perform its duties and responsibilities; to a licensed

*Sec. 29. 1 V.S.A. § 317(c)(31) and (32) are added to read:*

*(c) The following public records are exempt from public inspection and copying:*

*\* \* \**

*(31) Final building plans and as-built plans, including drafts of security systems within a facility, that depict the internal layout and structural elements of buildings, facilities, infrastructures, systems, or other structures owned or operated by an agency before, on, or after the effective date of this provision; emergency evacuation, escape, or other emergency response plans that have not been published for public use; and vulnerability assessments, operation and security manuals, plans, and security codes. For purposes of this subdivision, "system" shall include electrical, heating, ventilation, air conditioning, telecommunication, elevator, and security systems. Information made exempt by this subdivision may be disclosed to another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; to a licensed architect, engineer, or contractor who is bidding on or performing work on or related to buildings, facilities, infrastructures, systems, or other structures owned or operated by the state; or upon a showing of good cause before a court of competent jurisdiction. The entities or persons receiving such information shall maintain the exempt status of the information.*

*(32) The account numbers for bank, debit, charge, and credit cards held by an agency or its employees on behalf of the agency.*

1 ~~architect, engineer, or contractor who is bidding on or performing work on or~~  
2 ~~related to buildings, facilities, infrastructures, systems, or other structures~~  
3 ~~owned or operated by the state; or upon a showing of good cause before a court~~  
4 ~~of competent jurisdiction. The entities or persons receiving such information~~  
5 ~~shall maintain the exempt status of the information.~~

6 (32) The names of cardholders and account numbers for bank, debit,  
7 charge, and credit cards held by an agency or its employees on behalf of the  
8 agency. Notwithstanding the provisions of this subdivision, any other agency  
9 which is authorized to have access to such records by any provision of law  
10 shall be granted such access in the furtherance of such agency's statutory  
11 duties.

12 Sec. 30. PUBLIC RECORDS EXEMPTIONS; LEGISLATIVE INTENT

13 The general assembly has amended 1 V.S.A. § 317(c) to include new  
14 subdivisions (31) and (32) to address security concerns.

15 \* \* \* Judiciary \* \* \*

16 Sec. 31. RUTLAND COUNTY; BORROWING AUTHORIZED;

17 ASSISTANT JUDGES

18 Notwithstanding any provisions of 24 V.S.A. § 82 to the contrary, the  
19 assistant judges of Rutland county may borrow a sum not to exceed \$125,000  
20 to pay for renovations and improvements to the county courthouse, including  
21 alterations necessary to ensure accessibility. Notes or other evidence of

1 indebtedness not exceeding that amount, payable in not more than five years  
2 from the date of execution, may be issued by the county treasurer on behalf of  
3 the County of Rutland. All such notes or evidence of indebtedness shall  
4 contain on their face a statement of the purpose for which they are issued and  
5 of the authority conferred by this section and shall be evidence of the county's  
6 liability to the bona fide holder of the instrument. The form, denominations,  
7 maturities, interest rates, and other terms, conditions, and details of the note or  
8 other evidence of indebtedness shall be determined by resolution of the  
9 assistant judges of Rutland County. Notes or other evidence of indebtedness  
10 issued under the provisions of this section shall be paid from county funds  
11 raised by taxation pursuant to 24 V.S.A. § 133.

12 \* \* \* Commerce and Community Development \* \* \*

13 Sec. 32. 18 V.S.A. § 5212b(e) is amended to read:

14 § 5212b. UNMARKED BURIAL SITES SPECIAL FUND

15 \* \* \*

16 (e) The funds shall be used for the following purposes relating to unmarked  
17 burial sites:

18 \* \* \*

19 (5) To acquire property or development rights, provided the  
20 commissioner of housing and community affairs determines that disbursements  
21 for this purpose will not unduly burden the fund, and further provided the

1 commissioner shall expend funds for this purpose only with the concurrence of  
2 the secretary of commerce and community development and after consultation  
3 with the legislative bodies of any affected municipality or municipalities.

4 \* \* \* Education \* \* \*

5 Sec. 33. NORTH COUNTRY CAREER CENTER

6 (a) Process.

7 (1) Planning. The current North Country Career Center governance  
8 board is dissolved. All votes taken by that board, all agreements or  
9 memoranda of understanding entered into by or on behalf of that board, and  
10 the proposed governance model are null and void and have no binding  
11 authority. A new North Country Career Center Planning Committee  
12 ("Planning Committee") is created and is responsible for implementing this  
13 section. The superintendents of the Orleans Central Supervisory Union and the  
14 Orleans-Essex North Supervisory Union, the director and adult services  
15 coordinator of the North Country Career Center, and their staff members shall  
16 ensure that all records and information related to the planning, design, and  
17 management of the proposed workforce development center, or other  
18 proposals, are made available to the Planning Committee; shall provide the  
19 Planning Committee access to all supervisory union data and budgets that the  
20 Planning Committee deems necessary for the implementation of this section;  
21 and shall make themselves available to advise the Planning Committee on all

1 matters relating to the supervisory union. The membership of the Planning  
2 Committee shall be as follows:

3 (A) Four members of the business community who reside or do  
4 business in the North Country Career Center Region, as that region is defined  
5 by state board of education rules, to be appointed by the Northeast Kingdom  
6 Workforce Investment Board from nominations made by members of that  
7 Board, the Northeastern Vermont Development Association, and the North  
8 Country Chamber of Commerce.

9 (B) The chair of the Northeast Kingdom Workforce Investment  
10 Board or a designated member of the Board.

11 (C) The chair of the Northeastern Vermont Development Association  
12 or a designated member of the Association.

13 (D) The chair of the North Country Chamber of Commerce or a  
14 designated member of the Chamber Board.

15 (E) The chair of the board of the Lake Region Union High School  
16 #24 or a designated member of that board.

17 (F) The chair of the board of the North Country Union High School  
18 #22 or a designated member of that board.

19 (G) The director of the North Country Career Center.

20 (H) The adult services coordinator of the North Country Career  
21 Center.

1           (I) The principal of the Lake Region Union High School #24 or a  
2           designated staff member of that school who can speak for the administration.

3           (J) The principal of the North Country Union High School #22 or a  
4           designated staff member of that school who can speak for the administration.

5           (K) The chair of the Human Resources Investment Council or  
6           designee, who shall serve as a nonvoting member of the Committee.

7           (L) The chancellor of the Vermont State Colleges or designee, who  
8           shall serve as a nonvoting member of the Committee.

9           (M) The director of the University of Vermont Extension or  
10          designee, who shall serve as a nonvoting member of the Committee.

11          (N) The commissioners of education, of employment and training,  
12          and of buildings and general services or designee, who shall serve as nonvoting  
13          members of the Committee.

14          (O) The superintendents of the Orleans Central Supervisory Union  
15          and the Orleans-Essex North Supervisory Union or designee, who shall serve  
16          as nonvoting members of the Committee.

17          (2) Organizational meeting. An organizational meeting of the Planning  
18          Committee shall be called by the executive director of the Human Resources  
19          Investment Council to occur no later than June 1, 2003. At the organizational  
20          meeting, the first order of business shall be to elect, by majority vote of all  
21          voting members of the Planning Committee, a voting member to serve as chair

1 of the Planning Committee. At the organizational meeting, the chair shall  
2 ensure that the members of the Planning Committee establish a timetable and  
3 proposed budget by which to implement this section.

4 (3) Technical educational vision.

5 (A) The Planning Committee shall first determine a proposed  
6 technical education vision that best meets the technical education needs of the  
7 region ("the Technical Educational Vision"), and which shall include  
8 consideration of services to be delivered, populations to be served, and benefits  
9 to the community.

10 (B) When it has determined the Technical Educational Vision, the  
11 Planning Committee shall review and re-assess the program of study,  
12 enrollment projections, and education specifications submitted to and approved  
13 by the department of education in amended form in Autumn 2002 ("the 2002  
14 Specifications") to determine if the 2002 Specifications express and support  
15 the Technical Educational Vision, and shall proceed as follows:

16 (i) If the Planning Committee makes an affirmative determination  
17 that the 2002 Specifications express and support the Technical Education  
18 Vision, then it shall resubmit the 2002 Specifications to the department of  
19 education for its review and approval pursuant to Technical Center Planning  
20 and Construction Guidelines.

1           (ii) If the Planning Committee makes a negative determination or  
2 if the department of education fails to approve the 2002 Specifications when  
3 resubmitted, then the Planning Committee shall modify the 2002  
4 Specifications or develop a new proposed program of study, enrollment  
5 projections, and education specifications supportive of the Technical  
6 Educational Vision (both of which are referred to as the "Proposed  
7 Specifications") that it shall submit to the department of education for its  
8 review and approval pursuant to Technical Center Planning and Construction  
9 Guidelines.

10           (4) Governance vision. When the Planning Committee has determined  
11 the Technical Educational Vision and has received approval of either the  
12 resubmitted 2002 Specifications or the Proposed Specifications from the  
13 department of education, it shall evaluate and determine whether the host  
14 district shall remain the governing body of the North Country Career Center or  
15 whether to propose a change in the governance structure. If the Planning  
16 Committee determines that a change in the governance structure is advisable,  
17 then, pursuant to Title 16, it shall submit a report ("Governance Report") to the  
18 department of education for review and approval pursuant to subchapter 5A of  
19 chapter 37 of Title 16.

20           (5) Physical design and location necessary to support approved  
21 Technical Educational Vision. When the Planning Committee has determined

1 the Technical Educational Vision and Governance Vision, and has received  
2 necessary approval from the department of education as set forth in  
3 subdivisions (3) and (4) of this subsection, it shall determine the physical  
4 design and location necessary to support the approved Technical Educational  
5 Vision as follows:

6 (A) The Planning Committee shall review and assess all existing  
7 planning documents in connection with expanding the North Country Career  
8 Center at its present site on the North Country Union High School campus and  
9 may conduct additional research to determine if it is both possible and  
10 advisable to support the approved Technical Educational Vision on the North  
11 Country Union High School campus.

12 (B) The Planning Committee shall also assess the options for locating  
13 the North Country Career Center at a different location as follows: the  
14 Planning Committee shall review and assess all existing planning documents  
15 prepared in connection with the Sherlaw property and may conduct additional  
16 research concerning the Sherlaw property and a potential land and facility  
17 exchange with the North Country Union Junior High School in Derby.

18 (C) When it has determined a physical design and location necessary  
19 to support the approved Technical Educational Vision, the Planning  
20 Committee shall submit its proposed physical design and location to the

1 department of education for approval pursuant to Technical Center Planning  
2 and Construction Guidelines.

3 (6) Regional Vote. When it has completed the process outlined in  
4 subdivisions (2) through (5) of this subsection, the Planning Committee shall  
5 seek the approval of the voters as follows:

6 (A) If the Planning Committee proposes that the host district remain  
7 the governing body of the North Country Career Center, then it shall seek the  
8 approval of the voters of that host district for the Planning Committee's  
9 proposal for a physical design and location supportive of the Technical  
10 Education Vision.

11 (B) Alternatively, if the Planning Committee proposes to change the  
12 governance model, then it shall seek the approval of the voters in the entire  
13 technical center region, as that region is defined in the proposed governance  
14 model, of both the Planning Committee's proposed governance model and its  
15 proposal for a physical design and location supportive of the Technical  
16 Education Vision.

17 (C) The Planning Committee shall have sole responsibility for the  
18 supervision and direction of the vote required by this subdivision, but shall be  
19 provided advice upon request from the department of education and from the  
20 Orleans Central and Orleans-Essex North Supervisory Unions.

1 (b) Report to legislative committees. On or before January 15, 2004, the  
2 Planning Committee shall report to a joint session of the house and senate  
3 committees on institutions concerning the implementation of this section and  
4 shall provide a detailed account of expenditures made.

5 (c) Operational budget. Nothing in this section shall be construed to alter  
6 or amend any provision of existing law requiring a vote regarding the expected  
7 operational budget for the facility. Any such vote shall be under the sole  
8 supervision and direction of the approved governing body in place at the time  
9 of the vote.

10 Sec. 34. 6 V.S.A. § 3823 is amended to read:

11 § 3823. THE AUSTINE SCHOOL; FINANCING

12 ~~The Austine School of Brattleboro, a nonprofit school for the deaf, may~~  
13 ~~from time to time receive state capital appropriations for improvements to the~~  
14 ~~school, subject to the requirements established by Act No. 74 of the Acts of~~  
15 ~~1910 that the school property shall not be sold without the approval of the~~  
16 ~~general assembly, and that if the school property is sold all state capital funds~~  
17 ~~appropriated for use by the school shall be repaid to the state, without interest,~~  
18 ~~from proceeds of the sale.~~

19 (a) Notwithstanding any provision of law to the contrary, the Vermont  
20 Center for the Deaf and Hard of Hearing, which owns and operates the Austine  
21 School for the Deaf, and its successors in interest are authorized to mortgage,

1 pledge as collateral, sell, transfer, or otherwise convey any real property  
2 associated with the Austine School for the Deaf without consent of the general  
3 assembly.

4 (b) All state capital appropriations made to or for the benefit of the Austine  
5 School for the Deaf prior to or subsequent to the effective date of this section  
6 shall create a first priority lien in favor of the state unless expressly waived by  
7 the general assembly; provided that this first priority lien shall be subordinate,  
8 in an amount not to exceed \$3,000,000.00, to the interest of any lender to  
9 whom the Vermont Center for the Deaf and Hard of Hearing has pledged its  
10 real property as collateral pursuant to subsection (a) of this section.

11 (c) If the Vermont Center for the Deaf and Hard of Hearing sells any or all  
12 of its real property, then, subject to the subordination provisions of subsection  
13 (b) of this section, all state capital appropriations made to or for the benefit of  
14 the Austine School shall be repaid to the state, without interest, from any  
15 remaining proceeds of the sale.

16 Sec. 35. 16 V.S.A. § 3824 is added to read:

17 § 3824. THE AUSTINE SCHOOL FOR THE DEAF; SELECTION OF

18 PRESIDENT

19 Any president of the Vermont Center for the Deaf and Hard of Hearing  
20 selected and hired subsequent to the effective date of this section shall be  
21 selected and hired pursuant to the provisions for employing a superintendent of

1 schools in section 241 of this title. For purposes of this section, the terms  
2 “supervisory union,” “supervisory union board,” and “supervisory district  
3 board” as used in section 241 shall mean the board of trustees of the Vermont  
4 Center for the Deaf and Hard of Hearing.

5 \* \* \* State Colleges \* \* \*

6 Sec. 36. SPENDING AND BONDING AUTHORIZATION; VERMONT  
7 STATE COLLEGES

8 (a) In conformity with 16 V.S.A. § 2171(e), the general assembly approves  
9 the expenditure by the Vermont state colleges from its revenues, other than  
10 state appropriations, and from its self-generated revenues established for the  
11 purpose of capital improvements on housing, dining, and general purpose  
12 facilities, to an aggregate of \$1,000,000 for necessary capital improvements.

13 (b) Notwithstanding the provision of 16 V.S.A. § 2171(e), requiring  
14 specific prior legislative approval of capital improvements for which the  
15 Vermont state colleges intends to borrow funds, the Vermont state colleges  
16 may issue no more than \$40,000,000 in general obligation bonds, to be repaid  
17 from its revenues, other than state appropriations, for the acquisition or  
18 construction of buildings for the community college of Vermont and for capital  
19 improvements on housing, dining, and general purpose facilities at any of the  
20 state colleges.

1       Sec. 37. 16 V.S.A. § 2179 is amended to read:

2       § 2179. NONAPPLICABILITY OF CERTAIN STATUTES

3       Except as expressly provided in this chapter, the corporation, its officers  
4       and employees shall not be governed by: (1) chapter 9 of Title 3, dealing with  
5       administrative departments; (2) chapter 13 of Title 3, dealing with  
6       classification of state personnel; (3) chapter 16 of Title 3, dealing with state  
7       employees retirement system except as may be otherwise agreed by the board  
8       of trustees of the system and the board of trustees of the corporation with  
9       respect to those officers and employees of the corporation transferred to the  
10       corporation from the state institutions replaced by the corporation; (4) chapter  
11       55 of this title, dealing with the state teachers retirement system except as may  
12       be otherwise agreed by the board of trustees of the system and the board of  
13       trustees of the corporation with respect to those officers and employees of the  
14       corporation transferred to the corporation from the state institutions replaced  
15       by the corporation; (5) chapter 7 of Title 32, dealing with public moneys; (6)  
16       chapters 3 and 5 of this title, dealing with the state board of education and the  
17       commissioner of education; (7) chapter 49 of Title 29, dealing with supplies,  
18       duties of commissioner of buildings and general services as to purchases of  
19       material, supplies or equipment except upon request of the corporation, or (8)  
20       chapter 5 of Title 29, dealing with the department of buildings and general

1 ~~services, except that any construction of buildings by the corporation shall be~~  
2 ~~under the supervision of the commissioner of buildings and general services.~~

3 \* \* \* Natural Resources \* \* \*

4 Sec. 38. ACTION REGARDING STATE LAND

5 (a) Pursuant to 10 V.S.A. § 2603(b), the commissioner of forests, parks and  
6 recreation is authorized to exchange or lease certain state lands, as follows:

7 (1) To convey a permanent easement to Verizon New England Inc. for a  
8 30' x 30' area of Grand Isle State Park to construct, operate, maintain, and  
9 replace telecommunications equipment necessary to modernize and enhance  
10 telephone communications in the Town of Grand Isle. As compensation for  
11 this easement, Verizon New England Inc. shall provide the state the sum of  
12 \$4,000.

13 (2) To amend the department's leases with National Grid (formerly New  
14 England Power Company) at Ascutney State Park and Molly Stark State Park  
15 to include a provision for the emergency restoration of communication  
16 facilities in the even of a disaster or emergency. Specifically, the leases shall  
17 be amended to include the following provision: "In the event that a  
18 communications facility operated by the Lessee is damaged or cannot be  
19 operated, the Lessor hereby agrees that the Lessee may locate and operate a  
20 temporary communications facility, including but not limited to a temporary  
21 replacement communications tower and supporting equipment, on the property

1 to provide replacement communications until such time as the communications  
2 facility can be restored to operation. The Lessor will be notified of the  
3 circumstances requiring the placement of temporary communications facilities  
4 as soon as reasonably practicable thereafter. Repairs or replacement of the  
5 Lessee's damaged facility will take place within a reasonable amount of time,  
6 weather permitting. The temporary communications facility will remain in  
7 operation until full service is restored with a new or repaired communications  
8 facility."

9 (3) To exchange lands and interests in lands with the Town of St.  
10 Albans by which the state would convey a portion of St. Albans Bay State Park  
11 (currently under long-term lease to the Town of St. Albans) to the Town of St.  
12 Albans in exchange for a town-owned parcel located along nearby Black Creek  
13 adjacent to state-owned Black Creek Wildlife Management Area. This  
14 exchange would result in town ownership and control of the developed portion  
15 of the state park and would consolidate state ownership and ensure continued  
16 public recreational access along Black Creek to the north of Highway 36. This  
17 land exchange would be contingent on the following: (A) a public meeting is  
18 held in the town to inform local residents of the proposal and to ensure public  
19 support; (B) all necessary federal, state, and local permits, approvals, and  
20 requirements for the exchange are met; (C) the state agrees to add the  
21 town-owned parcel that is to come into state ownership to the Black Creek

1 Wildlife Management Area and to allow public access on this parcel for  
2 hunting, fishing, trapping, and other compatible uses; (D) the town agrees that  
3 the park and associated dock will remain open and available to all members of  
4 the public; (E) the town assumes responsibility for paying all legal costs  
5 associated with the land exchange; (F) the town assumes liability for the park  
6 from the date of transfer; (G) the town agrees to operate, manage, and maintain  
7 the park in a manner consistent with the park's current operation; and (H) the  
8 property will revert to the state if for any reason, the park no longer functions  
9 as a public recreational facility.

10 Sec. 39. 10 V.S.A. § 1628 is amended to read:

11 § 1628. PRIORITIES

12 The department shall make awards under this chapter to eligible municipal  
13 projects on the basis of urgency of need as determined according to a system of  
14 priorities adopted by the department, as in effect on January 1, 2002, and to the  
15 extent appropriate funds are available. The department shall assure that  
16 projects sponsored by a town school district, or incorporated school district  
17 shall be given increased priority for purposes of the receipt of engineering  
18 planning advances awarded under section 1593 of this chapter. The total  
19 amount of the engineering planning advances made and still outstanding  
20 during a period for this purpose shall not exceed 30 percent of the bond issue

1 or appropriation voted for construction grant funds by the general assembly for  
2 the period in which the award is made.

3 Sec. 40. 10 V.S.A. § 1630 is amended to read:

4 § 1630. REGULATIONS

5 The department with the approval of the secretary shall adopt regulations  
6 consistent with this subchapter as it finds necessary for proper administration  
7 of the subchapter, provided that the department shall have no authority to  
8 replace, amend, or otherwise modify any rules or regulations regarding the  
9 system of priorities, referred to in section 1628 of this chapter, in effect on  
10 January 1, 2002.

11 Sec. 41. 24 V.S.A. § 4758 is amended to read:

12 § 4758. LOAN PRIORITIES

13 (a) Periodically, and at least annually, the secretary shall prepare and  
14 certify to the bond bank a project priority list of those municipalities whose  
15 publicly-owned projects, or privately-owned wastewater systems, are eligible  
16 for financing or assistance under this chapter. In determining financing  
17 availability for wastewater projects under this chapter, the secretary of the  
18 agency having jurisdiction shall apply the following criteria, as well as any  
19 applicable rules or regulations regarding priority in effect on January 1, 2002,  
20 until such time as the method for determining financing priority is amended by  
21 the general assembly:

1 (1) the probable public benefit to be gained or preserved by the project  
2 to be financed;

3 (2) the long-term costs and the resulting benefits to be derived from the  
4 project. ~~In determining benefits, induced growth from a project that is not  
5 consistent with a town, city, or village plan, duly adopted under chapter 117 of  
6 this title, will not be considered;~~

7 (3) the cost of comparable credit or financing alternatives available to  
8 the municipality;

9 (4) the existence of immediate public health, safety and welfare factors,  
10 and compliance therewith;

11 (5) the existence of an emergency constituting a threat to public health,  
12 safety and welfare; and

13 (6) the current area and population to be served by the proposed project.

14 (b) In determining financing availability for stormwater projects under this  
15 chapter, the secretary of the agency having jurisdiction shall apply the  
16 following criteria:

17 (1) that the project is specifically or generally described in Vermont's  
18 nonpoint source management plan;

19 (2) that the project will remedy or prevent the impairment of waters, and  
20 the severity of that existing or prevented impairment; and

1 (3) that the project is consistent with the applicable basin plan for the  
2 waters affected by the project.

3 Sec. 42. 24 V.S.A. § 4759 is amended to read:

4 § 4759. REGULATIONS

5 The secretary and the bond bank may adopt rules and policies necessary to  
6 implement the provisions of this chapter in order to ensure the self-sustaining  
7 nature of the funds created under section 4753 of this chapter, and also to  
8 ensure compliance with the requirements of Title VI of the federal Clean  
9 Water Act and section 1452 of the federal Safe Drinking Water Act, and with  
10 any regulations promulgated by the U.S. Environmental Protection Agency  
11 which may require the state to implement a state environmental review process  
12 as a condition to receipt of federal funding, provided that the secretary shall  
13 have no authority to replace, amend, or otherwise modify any aspect of the  
14 system, as it existed on January 1, 2002, by which financing priority is  
15 determined.

16 Sec. 43. MUNICIPAL POLLUTION CONTROL PRIORITY SYSTEM

17 RULE

18 The municipal pollution control priority system rule, adopted in amended  
19 form by the agency of natural resources as chapter 2 of its environmental  
20 protection rules on August 30, 2002 and effective on September 30, 2002, is

1 repealed. The municipal pollution control priority system rule shall be as it  
2 existed on January 1, 2002.

3 Sec. 44. 24 V.S.A. § 4753(a)(8) is added to read:

4 § 4753. REVOLVING LOAN FUNDS; AUTHORITY TO SPEND;  
5 REPORT

6 (a) There is hereby established a series of special funds to be known as:

7 \* \* \*

8 (8) The Vermont stormwater management fund which shall be used to  
9 provide grants and loans to municipalities, pursuant to rules proposed by the  
10 agency of natural resources and enacted by the general assembly, for planning,  
11 designing, engineering, constructing, repairing, or improving infrastructure  
12 necessary to protect the waters of the state from the adverse impacts of  
13 untreated stormwater runoff. Funds may also be used to plan and establish a  
14 process for managing stormwater within or among municipalities.

15 Sec. 45. 24 V.S.A. § 2291 is amended to read:

16 § 2291. ENUMERATION OF POWERS

17 For the purpose of promoting the public health, safety, welfare, and  
18 convenience, a town, city, or incorporated village shall have the following  
19 powers:

20 \* \* \*

1           (22) To regulate the sale and conveyance of sewage capacity to users,  
2           including phasing provisions and other conditions based on the impact of  
3           residential, commercial, or industrial growth within a town, in accord with  
4           principles in a duly adopted town plan.

5           Sec. 46. 24 V.S.A. § 3625(a) is amended to read:

6           (a) When capacity under an original or amended discharge permit under  
7           10 V.S.A. § 1263 is or has been granted to any municipality, as defined in  
8           1 V.S.A. § 126, except existing town school districts or incorporated school  
9           districts, that capacity shall be allocated, in a manner consistent with a  
10          municipality's obligation to its bondholders to establish rates and apply the  
11          proceeds as set forth in section 3616 of this title, pursuant to one of the  
12          following, ~~adopted and in effect by July 1, 1990~~ whether in the form as  
13          adopted, or as later amended:

14               (1) an ordinance adopted under sections 1972 and 1973 of this title,  
15               This ordinance may authorize the municipality to include, in any specific  
16               allocation, phasing provisions and other conditions intended to implement  
17               provisions of a municipal plan adopted under section 4385 of this title or  
18               bylaws adopted under sections 4403 and 4404 of this title;

19               (2) bylaws adopted under sections 4403 and 4404 of this title; or

20               (3) interim bylaws adopted under section 4410 of this title.

1       Sec. 47. 10 V.S.A. § 1266a is amended to read:

2       § 1266a. DISCHARGES OF PHOSPHORUS

3       (a) No person directly discharging into the drainage basins of Lake  
4       Champlain or Lake Memphremagog shall discharge any waste ~~which~~ that  
5       contains a phosphorus concentration in excess of 0.80 milligrams per liter on a  
6       monthly average basis. ~~The secretary of natural resources shall establish a~~  
7       ~~schedule for municipalities that requires compliance with this section at a rate~~  
8       ~~that corresponds to the rate at which funds are provided under subsection~~  
9       ~~1625(e) of this title. To the extent that funds are not provided to municipalities~~  
10      ~~eligible under that subsection, municipal compliance with this section shall not~~  
11      ~~be required.~~ Discharges of less than 200,000 gallons per day, permitted on or  
12      before July 1, 1991, shall not be subject to the requirements of this ~~section~~  
13      subsection. Discharges from a municipally owned aerated lagoon type  
14      secondary sewage treatment plant in the Lake Memphremagog drainage basin,  
15      permitted on or before July 1, 1991 shall not be subject to the requirements of  
16      this ~~section~~ subsection unless the plant is modified to use a technology other  
17      than aerated lagoons

18      (b) Notwithstanding any provision of subsection (a) of this section to the  
19      contrary, the secretary shall establish effluent phosphorus wasteload  
20      allocations or concentration limits within any drainage basin in Vermont, as  
21      needed to achieve wasteload allocations in a total maximum daily load

1 document approved by the United States Environmental Protection Agency, or  
2 as needed to attain compliance with water quality standards adopted by the  
3 Vermont water resources board pursuant to chapter 47 of this title.

4 (c) The secretary of natural resources shall establish a schedule for  
5 municipalities that requires compliance with this section at a rate that  
6 corresponds to the rate at which funds are provided under subsection 1625(e)  
7 of this title. To the extent that funds are not provided to municipalities eligible  
8 under that subsection, municipal compliance with this section shall not be  
9 required.

10 Sec. 48. 10 V.S.A. § 1625(e) is amended to read:

11 § 1625. AWARDS FOR POLLUTION ABATEMENT PROJECTS TO  
12 ABATE DRY WEATHER SEWAGE FLOWS

13 \* \* \*

14 (e) If the department finds that a proposed municipal water pollution  
15 control project is necessary to reduce effluent phosphorus concentration or  
16 mass loading to the level required in section 1266a of this title, the department  
17 shall award to the municipality, subject to the availability of funds, a state  
18 assistance grant. Such grants shall be for 100 percent of the eligible project  
19 cost. This funding shall not be available for phosphorus removal projects  
20 where the effluent concentration must be reduced in order to maintain a  
21 previously permitted mass loading of phosphorus.





*Sec. 50. 32 V.S.A. § 4154a is added to read:*

*§ 4154a. STATE-OWNED LAND*

*At least two months prior to each annual town meeting, the listers of each municipality in which the agency of natural resources or one of its subdivisions holds title to lands and premises shall report to the selectboard of the municipality regarding the percentage of acreage within the municipality that is owned or otherwise controlled by the agency.*

1 Sec. 52. 20 V.S.A. § 542 is amended to read:

2 § 542. ACQUISITION, MAINTENANCE, AND DISPOSAL OF  
3 PROPERTY FOR THE NATIONAL GUARD USE

4 (a) In the name of the state, the board shall be responsible for the real estate  
5 and personal property of the national guard. The board may acquire or  
6 purchase, and maintain and dispose of by sale or otherwise real estate and  
7 personal property.

8 (b) There is established a special fund comprising net revenue from the sale  
9 of property under this section and additions to the fund. Monies in the fund  
10 shall be available to the department for repair and maintenance of armories and  
11 for the state's share of construction costs of federally-funded national guard  
12 facilities. Any remaining balance at the end of a fiscal year shall be carried  
13 forward in the fund.

14 Sec. 53. 20 V.S.A. § 545(b) is amended to read:

15 (b) Fees collected under this section for rental of armories shall be credited  
16 to a the special fund established in section 542 of this title and shall be  
17 available to the department to offset the cost of providing the services.

18 \* \* \* Vermont Veterans' Home \* \* \*

19 Sec. 54. VERMONT VETERANS' HOME; STUDY

20 The staff of the legislative council, in consultation with the trustees of the  
21 Vermont veterans' home, the office of the attorney general, the office of

1 finance and management, and any other public or private entity staff deems  
2 appropriate, shall research and analyze the origin of the Vermont veterans'  
3 home and its trustees, the history of the home's management, and the public or  
4 private nature or status of both the home and its trustees. Staff shall also  
5 research and consider the potential impediments, if any, to assumption by the  
6 trustees of all powers and responsibilities related both to the management of  
7 the real and personal property of the home and to the ability of the trustees to  
8 contract for private accounting and managerial services.

9 \* \* \* Public Safety \* \* \*

10 Sec. 55. Sec. 11(b) of No. 149 of the Acts of the 2001 Adj. Sess. (2002) is  
11 amended to read:

12 (b) The department of public safety, division of the Vermont state police,  
13 homeland security unit shall work jointly with the coalition of fire and rescue  
14 service for the state of Vermont to study how best to manage and direct  
15 anticipated federal anti-terrorism grant funds to support local first responders.  
16 Any grant proposal or plan shall incorporate jointly agreed-upon  
17 recommendations. The Vermont coalition of fire and emergency services shall  
18 select two individuals from its membership, at least one of whom shall be a  
19 volunteer firefighter, to represent its interests in this regard.

1 ~~Sec. 56. STATE HOUSE SECURITY~~

2 ~~The commissioner of public safety and the sergeant at arms shall jointly~~  
3 ~~report to the joint fiscal committee at the September 2003 meeting with~~  
4 ~~recommendations for enhancing security within the State House. Upon the~~  
5 ~~request of the sergeant at arms, additional security required at the State House~~  
6 ~~during fiscal year 2004 shall be provided by the department of public safety.~~

7 \* \* \* Miscellaneous; Effective Date \* \* \*

8 Sec. 57. SUNSET

9 The authority to borrow conferred by Sec. 31 of this act shall terminate on  
10 January 1, 2004. Any funds borrowed and notes or other forms of  
11 indebtedness issued prior to that date shall be subject to the terms of this act  
12 until repaid.

13 Sec. 58. EFFECTIVE DATE

14 This act shall take effect from passage. The sums appropriated and the  
15 spending authority authorized by this act shall be continuing and shall not  
16 revert at the end of the fiscal year.

H.457

AN ACT RELATING TO CAPITAL CONSTRUCTION, STATE BONDING, AND THE DEPARTMENT OF CORRECTIONS.

PROOFREAD  
House Passage  
Final Passage

HOUSE OF REPRESENTATIVES  
3/26, 20 03  
ENTERED ON THE CALENDAR FOR NOTICE  
ASST. CLERK

HOUSE OF REPRESENTATIVES  
3/26, 20 03  
THE BILL APPEARING ON THE CALENDAR FOR NOTICE, CARRYING AN APPROPRIATION UNDER THE RULE WAS REFD TO THE C. ON APPROP.  
ASST. CLERK

HOUSE OF REPRESENTATIVES  
4/7, 20 03  
ENTERED ON THE CALENDAR FOR NOTICE  
ASST. CLERK

HOUSE OF REPRESENTATIVES

March 15, 2003

Introduced by Committee on Institutions.

Read the first time and, under the rule, placed on the Calendar for notice tomorrow.

Clerk  
Donald Miller

HOUSE OF REPRESENTATIVES  
4/8 03  
RPT. FAV. W/REC. OF AMEND. BY C. ON APPROV  
RPT. FAV. W/REC. OF AMEND. BY C. ON RD. 2ND T., REC. OF AMEND. OF C. ON AGREED TO, REC. OF C. ON AGREED TO AND 3RD RDG. ORDERED  
ASST. CLERK

PENDING THE QUESTION, *shall bill be read 3rd time*  
REP *Offerman* OF *Topsfield* MOVED TO AMEND THE *Bill* WHICH WAS ~~AGREED TO ON A DIV.~~ YES ~~NO~~  
*Pending the?*  
*Rep Hummel moved to substitute the amendment offered by Jewett et al for the amendment offered by Rep Offerman*

PENDING THE QUESTION *Substitute*  
REP *Kayser* OF *Bradford* DEMANDED THE YEAS AND NAYS WHICH DEMAND WAS SUSTAINED BY THE CONST. NUMBER THEREUPON THE CLERK PROCEEDED TO CALL THE ROLL AND THE Q. WAS DECIDED IN THE *Negative* YES 72 NO 71  
*The Speaker voted Nay creating a tie vote and defeated the Motion in accordance with Rule 76*

*Pending the?*  
*Rep offered amendment of course granted*  
*Amendment which was agreed to*

HOUSE OF REPRESENTATIVES  
4/9, 20 03  
TAKEN UP AND PENDING 3RD READING OF THE BILL.  
REP *Cass* OF *Winthrop* MOVED THAT THE BILL BE AMENDED WHICH WAS AGREED TO ON DIV. ~~YES~~ NO  
~~THEREUPON THE BILL WAS READ THE 3RD T. & PASSED.~~  
ASST. CLERK

HOUSE OF REPRESENTATIVES  
4/9, 20 03  
TAKEN UP AND PENDING 3RD READING OF THE BILL.  
REP *Webster* OF *Randolph* MOVED THAT THE BILL BE AMENDED WHICH WAS AGREED TO ON DIV. ~~YES~~ NO  
~~THEREUPON THE BILL WAS READ THE 3RD T. & PASSED.~~  
ASST. CLERK

HOUSE OF REPRESENTATIVES  
4/9, 20 03  
TAKEN UP AND PENDING 3RD READING OF THE BILL.  
REP *Dan* OF *Westport* MOVED THAT THE BILL BE AMENDED WHICH WAS AGREED TO ON DIV. ~~YES~~ NO  
~~THEREUPON THE BILL WAS READ THE 3RD T. & PASSED.~~  
ASST. CLERK

PENDING THE QUESTION  
REP *Symington* OF *Berchoff* DEMANDED THE YEAS AND NAYS, WHICH DEMAND WAS SUSTAINED BY THE CONST. NUMBER THEREUPON THE CLERK PROCEEDED TO CALL THE ROLL AND THE Q. WAS DECIDED IN THE *Negative* YES 67 NO 77

HOUSE OF REPRESENTATIVES  
 4/9, 20 03  
 TAKEN UP AND PENDING 3RD  
 READING OF THE BILL,  
 REP Rogers OF Castletan  
 MOVED THAT THE BILL BE  
 AMENDED WHICH WAS AGREED  
 TO ON DIV. YES NO  
 THEREUPON THE BILL WAS  
 READ THE 3RD TIME & PASSED.  
 ASST. CLERK

HOUSE OF REPRESENTATIVES  
 4/9, 20 03  
 TAKEN UP AND PENDING 3RD  
 READING OF THE BILL,  
 REP Stan OF Troy  
 MOVED THAT THE BILL BE  
 AMENDED WHICH WAS  
~~AGREED TO ON DIV. YES NO~~  
 THEREUPON THE BILL WAS  
 READ THE 3RD TIME & PASSED.  
 ASST. CLERK

PENDING THE QUESTION  
 Stan Amend  
 REP Stan OF Troy  
 DEMANDED THE YEAS AND NAYS,  
 WHICH DEMAND WAS SUSTAINED  
 BY THE CONST. NUMBER  
 THEREUPON THE CLERK  
 PROCEEDED TO CALL THE ROLL  
 AND THE Q. WAS DECIDED IN THE  
 Negative YES 46 NO 91

There upon the bill  
 was read a third time.  
 Mth. M. McGill

PENDING THE QUESTION  
 Shall the bill pass  
 REP Wood OF Broder  
 DEMANDED THE YEAS AND NAYS,  
 WHICH DEMAND WAS SUSTAINED  
 BY THE CONST. NUMBER  
 THEREUPON THE CLERK  
 PROCEEDED TO CALL THE ROLL  
 AND THE Q. WAS DECIDED IN THE  
 Affirmative YES 116 NO 25

When on motion  
 of Rep Webster  
 motion was  
 postponed until  
 the end of the  
 order of the  
 day  
 JH

SENATE CHAMBER  
 4/12, 20 03  
 Read and referred to Committee  
 on ~~Education~~ Institutions  
 Assistant Secretary

SENATE CHAMBER  
 4/29, 20 03  
 Entered on the Calendar for Notice.  
 Assistant Secretary

SENATE CHAMBER  
 4/29, 20 03  
 Bill, being on calendar for notice  
 and carrying an appropriation,  
 under the rule was referred to  
 Committee on Appropriations.  
 Assistant Secretary

SENATE CHAMBER  
 5/7, 20 03  
 Entered on the Calendar for Notice.  
 Assistant Secretary

SENATE CHAMBER  
 5/8, 20 03  
 Reported favorably with ~~recommendations~~  
 proposals of amendment. Read second time,  
~~recommendations~~ proposals of amendment  
 agreed to and third reading ordered  
 to Approp. withdrawn w/o objection  
 (Barthell) Thereupon the prop. of  
 Assistant Secretary

div. of Institutions - on  
 was agreed to.  
 Thereupon, Sen. Maynard moved to  
 table & moved by S.O. Sec 4 (4);  
 objection withdrawn;  
 Thereupon, 3rd reading was ordered.  
 JH

SENATE CHAMBER  
 5/9, 20 03  
 Pending third reading Sen. Illeri  
 moved that Senate propose to House that  
 bill be amended, which was agreed to.  
 Thereupon, bill was read third time and  
 passed in concurrence with proposal(s) of  
 amendment  
 which was agreed to;  
 Assistant Secretary

Thereupon, Sen. Laddy & Illeri  
 moved, - agreed to  
 Thereupon, Sen. Caura moved to  
 amend (wa)  
 Thereupon

SENATE CHAMBER  
 5/9, 20 03  
 Read third time and passed in  
 concurrence with proposals of  
 amendment. on a roll call  
 Yeas 29 Nays 0.  
 Assistant Secretary

SENATE CHAMBER  
 5/9, 20 03  
 On motion of Sen. Welch rules  
 were suspended and bill was ordered  
 messaged to House for passage  
 Assistant Secretary

H-457  
Page 2

HOUSE OF REPRESENTATIVES  
5/12, 20 03  
ENTERED ON THE CALENDAR  
FOR NOTICE.  
[Signature]  
ASST. CLERK

HOUSE OF REPRESENTATIVES  
5/13, 20 03  
SEN. PROP OF AMENDMENT  
CONSIDERED & PDG QUESTION  
WILL THE HOUSE CONCLUR WITH  
SEN. PROP. OF AMENDMENT?  
REP Wood OF Benton  
MOVED THE H. REFUSE CONCUR  
& ASK FOR C. OF CONF., WHICH  
WAS AGREED TO. THEREUPON,  
SPEAKER AFF'D. AS MEMBERS OF  
COMM. OF CONF. ON PART OF H.  
REP Wood OF Benton  
REP Pillsbury OF Benton  
REP [Signature] OF [Signature]  
[Signature]  
ASST. CLERK

HOUSE OF REPRESENTATIVES  
5/13, 20 03  
UPON MOTION OF  
REP Symons OF Jenks  
THE RULES WERE SUSPENDED  
AND THE BILL WAS ORDERED  
MESSAGED TO THE SENATE  
FORTHWITH.  
[Signature]  
ASST. CLERK

SENATE CHAMBER  
5/13, 20 03  
Pursuant to request of  
House, President  
announced appointment  
as Conference  
Committee members on  
part of Senate:  
Senator Iluzzi  
Senator Marzo  
Senator Campbell  
[Signature]  
Assistant Secretary

SENATE CHAMBER  
5/29, 20 03  
Appearing (pending entry) on the  
Calendar for Notice, on motion of  
Senator Welch, the rules  
were suspended and the bill was taken  
up for immediate consideration.  
[Signature]  
Assistant Secretary

SENATE CHAMBER  
5/29, 20 03  
Taken up; pending questions, Shall  
Senate accept and adopt report of  
Conference Committee? was decided  
in affirmative  
[Signature]  
Assistant Secretary

SENATE CHAMBER  
5/29, 20 03  
On motion of Sen. Welch rules  
were suspended and bill was ordered  
messaged to House forthwith  
[Signature]  
Assistant Secretary

HOUSE OF REPRESENTATIVES  
5/30, 20 03  
ENTERED ON THE CALENDAR  
FOR NOTICE.  
[Signature]  
ASST. CLERK

HOUSE OF REPRESENTATIVES  
5/30, 20 03  
THE BILL APPEARING ON THE  
CALENDAR FOR NOTICE, WAS  
TAKEN UP FOR IMMEDIATE  
CONSIDERATION UNDER SUSP.  
OF THE RULES, AS MOVED BY  
REP Symons OF Jenks  
[Signature]  
ASST. CLERK

HOUSE OF REPRESENTATIVES  
5/30, 20 03  
REPORT OF C. OF CONF. CONSIDERED  
& ADOPTED. ON PART OF HOUSE.  
[Signature]  
ASST. CLERK

PENDING THE QUESTION  
Adopt Report  
REP Sibert OF Wash  
DEMANDED THE YEAS AND NAYS,  
WHICH DEMAND WAS SUSTAINED  
BY THE CONST. NUMBER  
THEREUPON THE CLERK  
PROCEEDED TO CALL THE ROLL  
AND THE Q. WAS DECIDED IN THE  
Affirmative YES 16 NO 11.

5/30/03  
UPON MOTION OF  
REP. Symons OF Jenks  
THE RULES WERE SUSP. & THE ACTION  
OF HOUSE ON THE BILL WAS ORDERED  
MESSAGED TO SEN. FORTHWITH & THE  
BILL DELVD. TO GOV. FORTHWITH.  
[Signature]  
ASST. CLERK