

June 12, 2020

Sec.-by-Sec. Description of
Fiscal Years 2020-2021 Capital Construction Bill
H.955

As Recommended by Senate Institutions

*Yellow highlighting indicates change from House Passed Version

Overview of Changes from House Passed Version: The capital bill as recommended by Senate Institutions makes three changes from the version passed by the House. First, the bill increases the amounts reallocated from previous capital bill appropriations that were not expended by \$730,000. Second, the FY 21 appropriation to AOE for the Lamoille Valley Rail Trail is increased by \$730,000 to \$2,830,000 (using the additional reallocated funds). Second, Sec. 22 of the bill requiring DOC to submit a report that develops a bed-count capacity estimate and a programming framework for a potential new Women’s Reentry Center is struck out. Third, a new Sec. 22 is added to the bill to require reports from the Capitol Complex Commission and the Department of Libraries on recommendations for a process to name State buildings and facilities in the Capitol Complex and Statewide.

Sec. 1. Amends Appropriations in Sec. 2 (State Buildings). Appropriates funds in FY 2020 and FY 2021 to the Department of Buildings and General Services

- Amends the language for the FY 2020 appropriation for the State House to include funding for “new drapes, and carpeting or carpeting repair in the Governor’s ceremonial office and the vestibule near the Governor’s ceremonial office, the Hall of Flags, the Cedar Creek Room, the Senate Secretary’s Office, and the carpeting or carpeting repair in the Card Room”
- Amends the FY 2021 appropriation for 108 Cherry Street from \$7,500,000 to \$7,400,000.00
- Amends the FY 2021 appropriation for statewide, planning, use, and contingency from \$500,000 to \$529,077
 - Authorizes the Commissioner of BGS to use amounts from the FY 2020 and FY 2021 appropriation for statewide, planning, use, and contingency to support the cost of the analysis of different state-of-the-art correctional facility models if this cost exceeds \$200,000
- Amends the language for the FY 2021 appropriation for the State House to include funding for “new drapes, and carpeting or carpeting repair in the Governor’s ceremonial office and the vestibule near the Governor’s ceremonial office, the Hall of Flags, the Senate Secretary’s Office, and the carpeting or carpeting repair in the Card Room”
- Adds a \$500,000 appropriation in FY 2021 for the planning and design of an HVAC system in the State House to address air quality and mold issues
- Adds a \$1,500,000 appropriation in FY 2021 for the replacement, site acquisition, planning, and design for a stand-alone courthouse with no retail space in Newport
- Appropriates \$700,000 in FY 2021 to BGS for “renovation costs for the Department of Fish and Wildlife and Department of Forests, Parks, and Recreation” at former Southeast Correctional Facility
 - Requires BGS to submit a plan for reuse of the former Southeast State Correctional Facility by January 15, 2021.
 - Directs BGS to study other State uses for storage of State-owned equipment.
- Appropriates \$75,000 in FY 2021 to BGS for EV charging stations in State-owned parking lots
- Appropriates \$57,000 in FY 21 for flexible meeting spaces in the State House cafeteria

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- Amends FY 20 language to require monthly updates to Joint Legislative Justice Oversight Committee from BGS and DOC on status of BGS RFP for an analysis for construction of different state-of-the art correctional facility models

Sec. 2. Amends Appropriations to Sec. 3 (Human Services). Appropriates funds in FY 2021 to the Agency of Human Services

- Appropriates \$1,500,000 in FY 21 to AHS for Brattleboro Retreat for level-1 bed construction
 - Sec. 27 of the bill requires Brattleboro Retreat to comply with certain requirements for appropriation
- Appropriates \$200,000 in FY 21 to BGS for site preparation and relocation and rebuild of a greenhouse at the Caledonia County Workcamp with the use of inmate labor, to the extent feasible
 - Allows for a new build of a greenhouse if more cost-effective than relocating and rebuilding a greenhouse

Sec. 3. Amends Appropriations in Sec. 5 (Commerce and Community Development).

Appropriates funds in FY 2021 to the Agency of Commerce and Community Development

- Adds an FY 2021 appropriation of \$100,000.00 for Highgate Native American cemetery, slope stabilization.
- Moves appropriation for major maintenance at historic sites directly to ACCD (rather than through BGS)
- Adds intent language that no future capital funding shall be made available for new underwater preserve projects.

Sec. 4. Amends Appropriations in Sec. 8 (University of Vermont). Appropriates funds in FY 2021 to the University of Vermont

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

Sec. 5. Amends Appropriations in Sec. 9 (Vermont State Colleges). Appropriates funds in FY 2021 to the Vermont State Colleges

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

Sec. 6. Amends Appropriations in Sec. 10 (Natural Resources). Appropriates funds in FY 2021 to the Agency of Natural Resources

- Amends the FY 2021 appropriation for dam safety and hydrology projects from \$895,000 to \$916,138
- Adds \$500,000 appropriation in FY 2021 to ANR for “engineering and construction grants related to improvements for public water systems with confirmed concentrations of PFAS exceeding 20 nanograms per liter and on a do-not-drink notice”
 - Reallocates \$170,000 from Drinking Water Loan Fund to support the Emerging Contaminant Fund
 - Authorizes the use of up to \$50,000.00 for grants to reimburse schools that operate public water systems with confirmed concentrations of PFAS exceeding 20 nanograms per liter and on a do-not-drink notice for their costs for providing bottled or bulk water
 - Requires any monies received from a responsible party in connection with a grant made from the appropriation to be used for future capital construction acts

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Sec. 7. Amends Appropriations in Sec. 11 (Clean Water Initiatives). Appropriates funds in FY 2021 for clean water initiatives

- Appropriates \$4,294,503 in FY 21 to the Agency of Agriculture for water quality grants and contracts.
- Appropriates \$1,605,497 in FY 21 to the Agency of Natural Resources for the Clean Water Revolving Loan Fund and \$3,300,000 in FY 21 for municipal pollution control grants
- Appropriates \$1,900,000 in FY 21 to the Department of Forests, Parks and Recreation for best management practices at State-owned forest and recreational access points.
- Appropriates \$1,100,000 in FY 21 to the Vermont Housing and Conservation Board for water quality improvement grants and clarifies that these grants are not subject to a cost-share requirement
- Appropriates \$1,700,000 in FY 21 to the Vermont Housing and Conservation Board for land conservation and water quality projects

Sec. 8. Amends Appropriations in Sec. 12 (Military) Appropriates funds in FY 2021 to the Department of Military

- Amends the FY 21 appropriation to the Department of Military for maintenance and renovations at State armories from \$800,000 to \$1,420,000

Sec. 9. Amends Appropriations in Sec. 13 (Public Safety). Appropriates funds in FY 2021 to the Department of Public Safety

- Appropriates \$2,000,000 in FY 21 to the Department of Buildings and General Services for renovation costs associated with the relocation of a replacement for the Middlesex Field Station to the former Department of Libraries building in Berlin

Sec. 10. Amends Sec. 14 (Agency of Agriculture). Appropriates funds in FY 2021 to the Agency of Agriculture

- Amends the appropriation in FY 21 to the Agency of Agriculture for the maintenance of the Vermont building of the Eastern States Exposition from \$200,000 to \$280,000

Sec. 11. Amends Sec. 18 (Vermont Housing and Conservation Board). Appropriates funds in FY 2021 to the Vermont Housing and Conservation Board

- Amends FY 21 appropriation for housing to “housing and conservation projects” and increases amount of FY 21 appropriation too \$3,800,000

Sec. 12. Adds Sec. 12 (Agency of Transportation). Appropriates funds in FY 2020 and FY 2021 to the Agency of Transportation

- Appropriates \$50,000 in FY 20 and \$2,830,000 in FY 21 for the Lamoille Valley Rail Trail
 - Requires that the amount appropriated to the Lamoille Valley Rail Trail in FY 21 be reallocated to future capital construction acts if matching federal funds are not available or if federal funds do not require a match
 - Directs the Commissioner of Forests, Parks, and Recreation and the Secretary of Administration to submit a plan on whether the Lamoille Valley Rail Trail may be developed into a State park
 - Requires the Commissioner of Forests, Parks, and Recreation and the Secretary of Transportation to develop an MOU regarding maintenance of the Lamoille Valley Rail Trail
- Appropriates \$750,000 in FY 21 to AOT for the Electric Vehicle Equipment Grant Program

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Sec. 13. Amends Appropriations in Sec. 20 (Reallocations).

- Reallocates \$2, 377,854.50 of funds that were authorized in former capital bills but never spent

Sec. 14. Amends Sec. 19 (General Obligation Bonds and Appropriations).

- Authorizes the State Treasurer to issue additional general obligation bonds in the amount of \$11,634,361 that were authorized in 2019 but never issued

Sec. 15. Sale of Enosburg Armory

- Authorizes Board of Armory Commissioners to sell Enosburg Armory Building to the Town of Enosburgh at below fair market value if used for municipal purposes. If the Town no longer uses the building, the State shall have the right of first refusal

Sec. 16. Amends 2018 Acts and Resolves No. 190, Sec. 1, amending 2017 Acts and Resolves No. 84, Sec. 2(17) (Wasson Hall)

- Authorizes BGS to demolish Wasson Hall in the Waterbury State Office Complex

Sec. 17. Amends 29 V.S.A. § 157 (Facilities Conditions Analysis)

- Amends the authority of BGS to conduct a facilities condition analysis by requiring investment-grade equivalent energy audits

Sec. 18. Amends 29 V.S.A. § 166 (Selling or Renting State Property)

- Makes a technical correction in the statutory section covering the sale of State property and the exceptions made for property sold by the Department of Forests, Parks and Recreation by repealing an incorrect cross-reference

Sec. 19. Amends 2019 Acts and Resolves No. 42, Sec. 25 (Funding of Engineering Costs)

- Extends the date that the funding of engineering costs will be transferred from the capital bill to the General Fund to July 1, 2021

Sec. 20. Office Relocation; Legislative Staff

- Requires BGS to obtain approval from the Joint Legislative Management Committee to obtain approval for any proposals to relocate space used by the Legislative Branch

Sec. 21. Amends 2019 Acts and Resolves No. 42, Sec. 22 (Property Transactions)

- Authorizes the Commissioner of BGS to transfer a larger piece of land located on the Monacacy National Battlefield Park to the US National Park Service

Sec. 22. Naming State Buildings and Facilities; Report; Capitol Complex Commission; Department of Libraries

- Requires the Capitol Complex Commission to submit a report to the House Committee on Institutions and the Senate Committee on Institutions with a process for naming State buildings and facilities in the Capitol Complex by January 15, 2021.
- Requires the Department of Libraries to submit a report to the House Committee on Institutions and the Senate Committee on Institutions with a process for naming all State buildings and facilities, except those in the Capitol Complex, by January 15, 2021.

Sec. 23. COVID-19 Emergency Response; Reallocation

- Authorizes the Emergency Board, in consultation with the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions, is

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authorized to reallocate any project balances from any capital construction acts for any capital expenditures associated with the COVID-19 emergency response.

- Requires the Commissioner of Finance and Management to report to the House Committees on Corrections and Institutions and the Senate Committee on Institutions, with a review of all capital expenditures associated with the COVID-19 emergency response, an assessment of whether CARES Act funding may be used to address capital expenditures, whether any other federal funds are available, and an assessment of any General Fund need that may qualify as a capital expenditure.

Sec. 24. Amends 2016 Acts and Resolves No. 93, Sec. 4 (Refund upon Sale provision)

- Extends the date that school districts are required to repay a percentage of State aid if a school building is sold

Sec. 25. Funding for Electric Vehicle Supply Equipment

- Establishes the Electric Vehicle Equipment Grant Program within the Agency of Transportation to support the continued buildout of electric vehicle supply equipment available to the public and build upon the existing EV grant program administered by the Department of Housing and Community Development on behalf of the Department of Environmental Conservation.

Sec. 26. Electric Vehicle Charging Stations; Department of Buildings and General Services; Fee

- Authorizes BGS to charge a fee for use of charging stations

Sec. 27. Brattleboro Retreat

- Requires Brattleboro Retreat to comply with certain financial requirements for the \$1,500,000 appropriation in Sec. 2

Sec. 28. Amends 2019 Acts and Resolves No. 42, Sec. 31 (DAIL Rulemaking)

- Extends the deadline for the Department of Disabilities, Aging, and Independent Living to amend its rule pertaining to the therapeutic community residences to allow secure residential recovery facilities to utilize emergency involuntary procedures by June 1, 2021

Sec. 29. Effective Date.

- The act takes effect on passage