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H.543

Introduced by Committee on Corrections and Institutions

Date:

Subject: Capital construction; capital appropriations; State bonding

Statement of purpose of bill as introduced: This bill proposes to authorize bonding, appropriate capital funds, and address miscellaneous related items.

An act relating to capital construction and State bonding

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

* * * Capital Appropriations * * *

Sec. 1. LEGISLATIVE INTENT

(a) It is the intent of the General Assembly that of the \$123,180,000.00 authorized in this act, not more than \$63,071,128.00 shall be appropriated in the first year of the biennium, and the remainder shall be appropriated in the second year.

(b) It is the intent of the General Assembly that in the second year of the biennium, any amendments to the appropriations or authorities granted in this act shall take the form of a Capital Construction and State Bonding Adjustment Bill. It is the intent of the General Assembly that unless otherwise indicated, all appropriations in this act are subject to capital budget adjustment.

1		<u>\$120,000.00</u>
2	<u>(9) Newport, Northeast State Correctional Facility, direct digital HVAC</u>	
3	<u>control system replacement:</u>	<u>\$900,000.00</u>
4	<u>(10) Rutland, Asa Bloomer, major renovation:</u>	<u>\$250,000.00</u>
5	<u>(11) Southern State Correctional Facility, door control project:</u>	
6		<u>\$1,450,000.00</u>
7	<u>(c) The following sums are appropriated in FY 2021:</u>	
8	<u>(1) Statewide, BGS engineering and architectural project costs:</u>	
9		<u>\$3,735,000.00</u>
10	<u>(2) Statewide, physical security enhancements:</u>	<u>\$275,000.00</u>
11	<u>(3) Statewide, major maintenance:</u>	<u>\$6,557,813.00</u>
12	<u>(4) Statewide, planning, use, and contingency:</u>	<u>\$500,000.00</u>
13	<u>(5) Burlington, 108 Cherry Street, parking garage repairs:</u>	
14		<u>\$7,500,000.00</u>
15	<u>(6) Montpelier, State house, historical restorations:</u>	<u>\$75,000.00</u>
16	<u>(7) Montpelier, Department of Labor, facilities modernization project:</u>	
17		<u>\$300,000.00</u>
18	<u>(8) Newport, Northeast State Correctional Facility, direct digital HVAC</u>	
19	<u>control system replacement:</u>	<u>\$900,000.00</u>
20	<u>(9) Rutland, Asa Bloomer, major renovation:</u>	<u>\$250,000.00</u>

1	<u>(10) Southern State Correctional Facility, door control project:</u>	
2		<u>\$1,000,000.00</u>
3	<u>Appropriation – FY 2020</u>	<u>\$20,123,423.00</u>
4	<u>Appropriation – FY 2021</u>	<u>\$21,092,813.00</u>
5	<u>Total Appropriation – Section 2</u>	<u>\$41,216,236.00</u>

6 Sec. 3. HUMAN SERVICES

7 (a) The following sums are appropriated in FY 2020 to the Department of
8 Buildings and General Services for the Agency of Human Services for the
9 following projects described in this subsection:

10 (1) Statewide, secure residential recovery facility, replacement, land
11 acquisition, design, permitting, and construction documents: \$3,000,000.00

12 (2) Rutland, Rutland Regional Medical Center, therapeutic community
13 residence: \$100,000.00

14 (3) Statewide, correctional facility, life safety and security needs and
15 enhancements: \$250,000.00

16 (4) Statewide, correctional facility, replacement of Chittenden Regional
17 Correctional Facility, planning and feasibility: \$250,000.00

18 (b) The sum of \$4,750,000.00 is appropriated in FY 2020 to the Agency of
19 Human Services for the Department of Vermont Health Access, Integrated
20 Eligibility and Enrollment system.

1 (c) The following sums are appropriated in FY 2021 to the Department of
2 Buildings and General Services for the Agency of Human Services for the
3 following projects described in this subsection:

4 (1) Statewide, secure residential recovery facility, replacement, land
5 acquisition, design, permitting, and construction: \$1,500,000.00

6 (2) Statewide, correctional facility, life safety and security needs and
7 enhancements: \$225,000.00

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

11 (e)(1) The Department of Buildings and General Services is authorized to
12 use the funds appropriated in subdivision (a)(4) of this section to evaluate
13 options for the site location of a new correctional facility to replace the
14 Chittenden Regional Correctional Facility. The evaluation shall be conducted in
15 coordination with the Department of Corrections and shall be within the context
16 of developing an overall strategic plan for statewide correctional facilities. It
17 shall also include conducting feasibility studies and program analysis, site
18 selection, purchase opportunities, and whether the new correctional facility
19 should be a separate facility or part of a campus.

20 (2) On or before January 15, 2020, the Commissioner of Buildings and
21 General Services, in consultation with the Commissioner of Corrections, shall

1 submit a recommendation for a site location for the new correctional facility to
2 the Chairs of the House Committee on Corrections and Institutions and the
3 Senate Committee on Institutions, based on the evaluation described in
4 subdivision (1) of this subsection. It is the intent of the General Assembly that
5 when evaluating site locations, preference shall be first given to State-owned
6 property.

7 (3) The Commissioner of Buildings and General Services shall notify the
8 House Committee on Corrections and Institutions and the Senate Committee on
9 Institutions at least monthly of updates on the recommendation described in this
10 subsection.

11	<u>Appropriation – FY 2020</u>	<u>\$8,350,000.00</u>
12	<u>Appropriation – FY 2021</u>	<u>\$5,625,000.00</u>
13	<u>Total Appropriation – Section 3</u>	<u>\$13,975,000.00</u>

14 Sec. 4. JUDICIARY

15 The sum of \$1,496,398.00 is appropriated in FY 2020 to the Judiciary for the
16 case management IT system.

17	<u>Appropriation – FY 2020</u>	<u>\$1,496,398.00</u>
18	<u>Total Appropriation – Section 4</u>	<u>\$1,496,398.00</u>

1 Sec. 5. COMMERCE AND COMMUNITY DEVELOPMENT

2 (a) The following sums are appropriated in FY 2020 to the Department of
3 Buildings and General Services for the Agency of Commerce and Community
4 Development:

5 (1) Major maintenance at historic sites statewide: \$250,000.00
6 (2) Schooner Lois McClure, repairs and upgrades: \$22,500.00
7 (3) Highgate Native American Cemetery, slope stabilization, Monument
8 Road: \$100,000.00

9 (b) The following sums are appropriated in FY 2020 to the Agency of
10 Commerce and Community Development for the following projects described in
11 this subsection:

12 (1) Underwater preserves: \$25,000.00
13 (2) Placement and replacement of roadside historic markers:
14 \$25,000.00

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

18 (d) The following sums are appropriated in FY 2021 to the Agency of
19 Commerce and Community Development for the following projects described in
20 this subsection:

21 (1) Underwater preserves: \$25,000.00

1 available from the National Endowment for the Arts, provided that all capital
2 funds are made available to the Cultural Facilities Grant Program:

3 \$200,000.00

4 (4) To the Department of Buildings and General Services for the
5 Recreational Facilities Grant Program:

\$200,000.00

6 (5) To the Department of Buildings and General Services for the Human
7 Services and Educational Facilities Competitive Grant Program (Human
8 Services):

\$100,000.00

9 (6) To the Department of Buildings and General Services for the Human
10 Services and Educational Facilities Competitive Grant Program (Education):

\$100,000.00

11 (7) To the Department of Buildings and General Services for the Regional
12 Economic Development Grant Program:

\$200,000.00

13 (8) To the Agency of Agriculture, Food and Markets for the Agricultural
14 Fairs Capital Projects Competitive Grant Program:

\$200,000.00

15 (9) To the Enhanced 911 Board for the Enhanced 911 Compliance Grants
16 Program:

\$400,000.00

17 (b) The following sums are appropriated in FY 2021 for Building
18 Communities Grants established in 24 V.S.A. chapter 137:
19

1 (c) The Vermont Division for Historic Preservation and Vermont Advisory
2 Council on Historic Preservation shall be consulted on projects utilizing the
3 funds appropriated in this section before the alteration or demolition of any
4 property that is potentially of historical, architectural, archaeological, or cultural
5 significance, including any property listed in or eligible for the State Register of
6 Historic Places.

7 <u>Appropriation – FY 2020</u>	<u>\$1,400,000.00</u>
8 <u>Appropriation – FY 2021</u>	<u>\$1,000,000.00</u>
9 <u>Total Appropriation – Section 8</u>	<u>\$2,400,000.00</u>

10 Sec. 9. VERMONT STATE COLLEGES

11 (a) The sum of \$2,000,000.00 is appropriated in FY 2020 to the Vermont
12 State Colleges for construction, renovation, and major maintenance.

13 (b) The sum of \$2,000,000.00 is appropriated in FY 2021 to the Vermont
14 State Colleges for the projects described in subsection (a) of this section.

15 (c) The Vermont Division for Historic Preservation and Vermont Advisory
16 Council on Historic Preservation shall be consulted on projects utilizing the
17 funds appropriated in this section before the alteration or demolition of any
18 property that is potentially of historical, architectural, archaeological, or cultural
19 significance, including any property listed in or eligible for the State Register of
20 Historic Places.

21 <u>Appropriation – FY 2020</u>	<u>\$2,000,000.00</u>
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1 (c) The following sums are appropriated in FY 2020 to the Agency of
2 Natural Resources for the Department of Fish and Wildlife for the projects
3 described in this subsection:

4 (1) General infrastructure projects, including small scale maintenance and
5 rehabilitation of infrastructure: \$1,300,000.00

6 (2) Fish culture stations, address fish stocking impacts of Salisbury Fish
7 Culture Station discharge issues, including analysis and design of treatments or
8 other changes to Salisbury's discharge, a feasibility study of State fish
9 hatcheries to evaluate and design potential increases in capacity at those
10 facilities, and implementing alterations at other fish hatcheries to allow the
11 rearing of brood stock: \$280,000.00

12 (d) The sum of \$175,000.00 is appropriated in FY 2020 to the Green
13 Mountain Club, Inc. for the procurement in fee simple or by easement of the
14 Codding Hollow properties (117.5 acres in the Town of Waterville and an
15 abutting 49.6 acres in the Town of Johnson) containing the Long Trail tread
16 way.

17 (e) The following sums are appropriated in FY 2021 to the Agency of
18 Natural Resources for the Department of Environmental Conservation for the
19 projects described in this subsection:

20 (1) Drinking Water Supply, Drinking Water State Revolving Fund:
21 \$2,221,400.00

1 (D) Vermont Aquiros Farms, 1294 Loop Road, Troy, Vermont; and

2 (E) Parcel Number 7020043.000, 4452 Darling Hill Road, Burke,

3 Vermont.

4 (2) Notwithstanding 29 V.S.A. § 166(d), the net proceeds of the sale of

5 the properties describes in subdivision (1) of this subsection (a) shall be

6 transferred to the Newport Economic Development Settlement Fund at the

7 Department of Economic Development (Dept ID 7120010481).

8 (b)(1) The Commissioner of Buildings and General Services is authorized to

9 transfer a 20-foot by 20-foot parcel located on the Monacy National Battlefield

10 located at 5201 Urbana Pike, Frederick, Maryland to the United States National

11 Park Service.

12 (2) The Commissioner of Buildings and General Services, on behalf of

13 the Division for Historic Preservation, is also authorized to enter into an

14 agreement to transfer the 10th Vermont Volunteer Infantry Regiment Monument

15 at the Monocacy National Battlefield Park in Frederick, Maryland, to the United

16 States National Park Service. The transfer shall be subject to conditions that

17 ensure rights of access, public visitation, and preservation of the Monument.

18 Sec. 23. 2016 Acts and Resolves No. 88, Sec. 3a is amended to read:

19 Sec. 3a. REPEAL

20 2 V.S.A. chapter 30 (Capitol Complex Security Advisory Committee) is

21 repealed on ~~June 30, 2019~~ June 30, 2021.

1 Sec. 24. 2013 Acts and Resolves No. 1, Sec. 100(c), as amended by 2014 Acts
2 and Resolves No. 179, Sec. E.113.1, 2015 Acts and Resolves No. 58, Sec. 113.1,
3 2017 Acts and Resolves No. 84, Sec. 29, and 2018 Acts and Resolves No. 190,
4 Sec. 19 is further amended to read:

5 (c) Sec. 97 (general obligation debt financing) shall take effect on ~~July 1,~~
6 2019 July 1, 2020.

7 Sec. 25. STATE HOUSE SPACE; SHORT-TERM; ASSESSMENT

8 On or before January 15, 2020, the Sergeant at Arms and the Commissioner
9 of Buildings and General Services shall conduct an assessment of space needs
10 for legislative staff and Capitol Police offices in the State House and prepare a
11 report with options for space reconfiguration to the House Committee on
12 Corrections and Institutions and the Senate Committee on Institutions.

13 * * * Corrections * * *

14 Sec. 26. COUNCIL ON STATE GOVERNMENTS; CORRECTIONS; STUDY

15 The Executive, Judicial, and Legislative Branches shall coordinate with the
16 Council on State Governments (the “CSG”) to engage CSG to conduct a review
17 of programming and population trends in Vermont’s correctional facilities.

1 ~~Chittenden Regional Correctional Facility and ten or more beds in the Alpha~~
2 ~~Unit at the Northwest State Correctional Facility.~~

3 ~~(2) the Commissioner of Buildings and General Services may use up to~~
4 ~~\$100,000.00 of the funds appropriated in subdivision (b)(1) of this section to~~
5 ~~support this project.~~

6 * * *

7 Sec. 28. REPLACEMENT OF MIDDLESEX SECURE RESIDENTIAL
8 RECOVERY FACILITY

9 (a) Intent. To the extent that the Department of Disabilities, Aging, and
10 Independent Living (DAIL) amends its rules pertaining to therapeutic
11 community residences to allow secure residential recovery facilities to utilize
12 emergency involuntary procedures and that these rules are identical to the rules
13 adopted by the Department of Mental Health governing the use of emergency
14 involuntary procedures in psychiatric inpatient units, it is the intent of the
15 General Assembly that the State shall replace the Middlesex Secure Residential
16 Recovery facility by:

17 (1) exploring the placement of interim secure residential beds or
18 permanent beds that could be flexible to meet other potential therapeutic
19 community residential uses at a facility operated by the Rutland Regional
20 Medical Center (RRMC) and Rutland Mental Health Services (RMHS)(the
21 RRMC and RMHS Proposal); and

1 (2) constructing a State-owned facility for up to an additional 16 beds
2 (the State-Owned Secure Residential Recovery Facility Proposal).

3 (b) RRMC and RMHS Proposal.

4 (1) For the amounts authorized in Sec. 3(a)(2) of this act the Secretary of
5 Human Services shall commence negotiations for the RRMC and RMHS
6 Proposal for eight interim beds in a secure residential recovery facility or
7 permanent beds that could be flexible to meet other potential therapeutic
8 community residential uses. The Secretary shall target a completion date for
9 negotiations of December 1, 2019.

10 (2) Beginning August 15, 2019, the Secretary of Human Services shall
11 notify the chairs of the House Committees on Corrections and Institutions and
12 on Health Care and the Senate Committees on Health and Welfare and on
13 Institutions at least monthly of updates on the status of the RRMC and RMHS
14 negotiations.

15 (3) On or before December 15, 2019, the Secretary shall submit a written
16 report on the status of the RRMC and RMHS negotiations to the House
17 Committees on Corrections and Institutions and on Health Care and the Senate
18 Committees on Health and Welfare and on Institutions.

1 (4) The Secretary shall not execute an agreement with RPMC and RMHS
2 without legislative approval.

3 (c) State-owned Secure Residential Recovery Facility Proposal.

4 (1) On or before October 15, 2019, the Secretary of Human Services and
5 the Commissioner of Buildings and General Services shall develop a proposal
6 that expedites the closure of the Middlesex Secure Residential Recovery Facility
7 and provides for construction of a 16-bed State-owned secure residential
8 recovery facility described in subsection (a) of this section and shall present this
9 proposal to the House Committee on Corrections and Institutions and the Senate
10 Committee on Institutions.

11 (2) With approval of the Speaker of the House and the President Pro
12 Tempore, as appropriate, the House Committee on Corrections and Institutions
13 and the Senate Committee on Institutions may meet up to one time when the
14 General Assembly is not in session to evaluate the proposal described in
15 subdivision (1) of this subsection and make a recommendation on the site
16 location to the Joint Fiscal Committee. The Committees shall notify the
17 Commissioner of Buildings and General Services and the Secretary of Human
18 Services prior to holding a meeting pursuant to this subsection. Committee
19 members shall be entitled to receive a per diem and expenses as provided in
20 2 V.S.A. § 406.

1 (3) The Joint Fiscal Committee shall review the recommendation of the
2 Committees described in subdivision (2) of this section at its September or
3 November 2019 meeting. If the Joint Fiscal Committee so determines, it shall
4 approve the proposal as recommended by the Committees.

5 Sec. 29. DEPARTMENT OF DISABILITIES, AGING, AND INDEPENDENT
6 LIVING; RULEMAKING

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

16 * * * Information Technology * * *

17 Sec. 30. INFORMATION TECHNOLOGY REVIEW

18 (a) The Executive Branch shall transfer, upon request, one vacant position
19 for use in the Legislative Joint Fiscal Office (JFO) for a staff position, or the
20 JFO may hire a consultant, to provide support to the General Assembly to

1 conduct independent reviews of State information technology projects and
2 operations.

3 (b) The Secretary of Administration and the Chief Information Officer shall:

4 (1) provide to the JFO access to the reviews conducted by Independent
5 Verification and Validation (IVV) firms hired to evaluate the State's current and
6 planned information technology project, as requested;

7 (2) ensure that IVV firms' contracts allow the JFO to make requests for
8 information related to the projects that it is reviewing and that such requests are
9 provided to the JFO in a confidential manner; and

10 (3) provide to the JFO access to all other documentation related to current
11 and planned information technology projects and operations, as requested.

12 (c) The JFO shall maintain a memorandum of understanding with the
13 Executive Branch relating to any documentation provided under subsection (b)
14 of this section that shall protect security and confidentiality.

15 (d) In FY 2020 and FY 2021, the JFO is authorized to use up to \$250,000.00
16 of the amounts appropriated in Sec. 3(a)(3) of this act to fund activities
17 described in this section.

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* * * Labor * * *

* * * Sunset of Adult Career and Technical Education

Equipment Grant Program * * *

Sec. 31. 2018 Acts and Resolves No. 190, Sec. 21 is amended to read:

Sec. 33b. REPEAL OF ADULT CAREER AND TECHNICAL
EDUCATION EQUIPMENT GRANT PROGRAM

The Adult Career and Technical Education Equipment Grant Program
established in Sec. 33a of this act shall be repealed on ~~July 1, 2019~~ July 1, 2021.

* * * Military * * *

Sec. 32. 2018 Acts and Resolves No. 190, Sec. 9, amending 2017 Acts and
Resolves No. 84, Sec. 12 is amended to read:

Sec. 12. MILITARY

* * *

(b) The following sums are appropriated in FY 2019 to the Department of
Military for the projects described in this subsection:

(1) Maintenance, renovations, roof replacements, ADA renovations, and
energy upgrades at State armories. To the extent feasible, these funds shall be
used to match federal funds: \$780,000.00

(2) Bennington Armory, site acquisition and permitting: \$60,000.00

* * *

1 (A) there shall be no deferral of payment;

2 (B) the term of the loan shall not exceed ~~20~~ 30 years when required by
3 section 4763c of this title; ~~and~~

4 (C) the loan may be evidenced by any other permitted debt instrument
5 payable as permitted by chapter 53 of this title; and

6 (D) the term of the loan shall not exceed 30 years for clean water
7 projects.

8 * * *

9 Sec. 35. 24 V.S.A. § 4763c is amended to read:

10 § 4763C. LOANS TO MUNICIPALITIES FOR MUNICIPAL PUBLIC
11 WATER SUPPLY SYSTEMS

12 (a) The Secretary may certify to the Vermont Municipal Bond Bank
13 established by section 4571 of this title the award of a loan to a municipality to
14 assist with a public water supply system project, when the Secretary finds that:

15 (1) the project is necessary;

16 (2) the proposed type, size, and estimated cost of the project are suitable
17 for its intended purpose; and

18 (3) the municipality will have the technical, financial, and managerial
19 ability to operate the facility in compliance with federal and State law.

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

4 (1) The term shall not exceed ~~20~~ 30 years, and the annual interest rate,
5 plus the administrative fee, shall be no more than three percent or less than
6 zero percent, except that when the applicant municipality is disadvantaged as
7 defined by subdivision 4752(12) of this title, the term shall not exceed ~~30~~
8 40 years. When the applicant municipality is disadvantaged as defined in
9 subdivision 4752(12), the annual interest rate, plus the administrative fee, shall
10 be no less than minus three percent.

11 * * *

12 (3) Loans awarded to a municipality that have not initiated repayment
13 prior to January 1, 2019 may be extended as provided by subdivisions (b)(1) and
14 (b)(2) of this section.

15 Sec. 36. BARNET FIRE DISTRICT #2

16 On or before December 15, 2019, the Barnet Fire District #2 and the
17 Secretary of Natural Resources shall develop a plan to address the public water
18 supply system.

