

1 TO THE HONORABLE SENATE:

2 The Committee on Institutions to which was referred House Bill No. 438  
3 entitled “An act relating to capital construction and State bonding” respectfully  
4 reports that it has considered the same and recommends that the Senate  
5 propose to the House that the bill be amended as follows:

6 First: In Sec. 2, State Buildings, in subdivision (b)(10), by striking out  
7 “\$2,800,000.00” and inserting in lieu thereof \$2,750,000.00, and by striking  
8 out all after subdivision (c)(18) and inserting in lieu thereof the following:

9 <u>Appropriation – FY 2022</u>	<u>\$19,316,774.00</u>
10 <u>Appropriation – FY 2023</u>	<u>\$24,800,442.00</u>
11 <u>Total Appropriation – Section 2</u>	<u>\$44,117,216.00</u>

12 Second: In Sec. 4, Commerce and Community Development, by striking  
13 out subsection (c) in its entirety and by relettering the remaining subsection to  
14 be alphabetically correct.

15 Third: In Sec. 9, Natural Resources, by striking out subsection (c) in its  
16 entirety and inserting in lieu thereof the following:

17 (c) The following amounts are appropriated in FY 2022 to the Agency of  
18 Natural Resources for the Department of Fish and Wildlife for the projects  
19 described in this subsection:

20 (1) General infrastructure projects, including small-scale maintenance  
21 and rehabilitation of infrastructure: \$1,264,500.00

1           (2) Lake Champlain Walleye Association, Inc., to upgrade and repair the  
2           Walleye rearing, restoration, and stocking infrastructure:           \$25,000.00

3           and by striking out all after subdivision (f)(2) and inserting in lieu thereof the  
4           following:

5           (g) The following amounts are appropriated in FY 2023 to the Agency of  
6           Natural Resources for the projects described in this subsection:

7           (1) General infrastructure projects, including small-scale maintenance  
8           and rehabilitation of infrastructure:   \$1,083,500.00

9           (2) Lake Champlain Walleye Association, Inc., to upgrade and repair the  
10          Walleye rearing, restoration, and stocking infrastructure:           \$25,000.00

11          Appropriation – FY 2022   \$11,455,214.00

12          Appropriation – FY 2023   \$9,853,264.00

13          Total Appropriation – Section 9   \$21,308,478.00

14          Fourth: By striking out Sec. 26, Federal Funds; Capital Projects, in its  
15          entirety and inserting in lieu thereof the following:

16          Sec. 26. FEDERAL FUNDS; CAPITAL PROJECTS

17          (a) Intent. It is the intent of the General Assembly, to the extent permitted  
18          by federal law and guidance, to use federal funds provided to the State by the  
19          American Rescue Plan Act of 2021, Pub. L. 117-2, in the Coronavirus Capital  
20          Projects Fund to carry out critical capital projects for the Executive,  
21          Legislative, and Judicial Branches to directly enable work, education, and

1 health monitoring, including remote options, in response to the public health  
2 emergency with respect to the Coronavirus Disease (COVID-19).

3 (b) Prioritized uses. The federal funds provided to the State by the  
4 American Rescue Plan Act of 2021, Pub. L. 117-2, in the Coronavirus Capital  
5 Projects Fund shall be prioritized for critical capital projects proposed by the  
6 Executive, Legislative, and Judicial Branches in response to the COVID-19  
7 pandemic and the entire amount provided to the State shall not be for the  
8 exclusive use of any single branch of State government.

9 (c) Recommendation.

10 (1) On or before December 15, 2021, the Commissioner of Finance and  
11 Management shall recommend a list of priority projects for the use of federal  
12 funds by the Executive Branch from the Coronavirus Capital Projects Fund for  
13 FY 2023 to the Governor for the FY 2022–2023 capital budget adjustment  
14 report. Consistent with federal guidance as it becomes available, Executive  
15 Branch recommendations may include infrastructure that provides the greatest  
16 economic benefit in and among our communities. Any recommendations shall  
17 take into consideration the capital needs of all three branches.

18 (2) On or before December 15, 2021, the Joint Legislative Management  
19 Committee shall recommend a list of priority projects for the use of federal  
20 funds from the Coronavirus Capital Projects Fund for capital projects in the  
21 Legislative Branch and the Court Administrator shall submit a list of priority

1 projects for the use of federal funds from the Coronavirus Capital Projects  
2 Fund for capital projects in the Judicial Branch to the House Committee on  
3 Corrections and Institutions and the Senate Committee on Institutions for  
4 allocation in the FY 2022–2023 Capital Budget Adjustment Act. Any  
5 recommendations shall take into consideration the capital needs of all three  
6 branches.

7 Fifth: By striking out Sec. 31, effective date, and its reader assistance  
8 heading in their entirety and inserting in lieu thereof the following:

9 Sec. 31. 29 V.S.A. § 410 is amended to read:

10 § 410. RULEMAKING; ENCROACHMENTS ON PUBLIC WATERS

11 (a) The Department may adopt rules to implement the requirements of this  
12 chapter.

13 (b) The Department shall adopt rules establishing criteria for issuing an  
14 encroachment permit under this chapter for the creation of artificial reefs or  
15 sinking of vessels within the waters under the jurisdiction of the Department,  
16 including the requirement that any creation of an artificial reef or sinking of a  
17 vessel complies with federal rules or guidance for such activities.

18 Sec. 32. ANR ENCROACHMENT RULES; IMPLEMENTATION

19 (a) On or before January 1, 2022, the Department of Environmental  
20 Conservation shall initiate the rulemaking required under 29 V.S.A. § 410.



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(Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

FOR THE COMMITTEE