

1 TO THE HONORABLE SENATE:

2 The Committee on Institutions to which was referred House Bill No. 739
3 entitled “An act relating to capital construction and State bonding budget
4 adjustment” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 2021 Acts and Resolves No. 50, Sec. 1 is amended to read:

9 Sec. 1. LEGISLATIVE INTENT

10 (a) It is the intent of the General Assembly that of the \$127,378,694.00
11 \$143,757,972.00 authorized in this act, not more than \$70,074,988.00
12 \$69,549,988.00 shall be appropriated in the first year of the biennium, and the
13 remainder shall be appropriated in the second year.

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

19 (c) It is also the intent of the General Assembly that in the second year of
20 the biennium, the General Assembly address the impacts of the COVID-19
21 pandemic by offsetting capital projects with funds appropriated to the State

1 from the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (ARPA) to the
2 extent these appropriations are in compliance with federal law and guidance.

3 Sec. 2. 2021 Acts and Resolves No. 50, Sec. 2 is amended to read:

4 Sec. 2. STATE BUILDINGS

5 * * *

6 (c) The following sums are appropriated in FY 2023:

7 (1) Statewide, major maintenance: \$7,350,000.00 \$7,096,521.00

8 (2) ~~Statewide, BGS engineering and architectural project costs:~~

9 \$3,747,442.00 [Repealed.]

10 * * *

11 (12) Burlington, 32 Cherry Street, parking garage renovations planning,
12 design, and construction: \$865,000.00 \$565,000.00

13 * * *

14 (15) Montpelier, State House, HVAC renovations:

15 \$2,535,000.00 \$6,800,000.00

16 * * *

17 (17) ~~Statewide, three-acre parcel, stormwater planning, design and~~
18 ~~implementation:~~ \$600,000.00

19 (18) Statewide, correctional facilities, door control system replacements:

20 \$670,000.00

1	<u>(18) Burlington, 108 Cherry Street, parking garage repairs:</u>	
2		<u>\$2,000,000.00</u>
3	<u>(19) Springfield, Southern State Correctional Facility, door control</u>	
4	<u>system replacement:</u>	<u>\$750,000.00</u>
5	<u>(20) Windsor, former Southeast State Correctional Facility, necessary</u>	
6	<u>demolition, salvage, dismantling, and improvements to facilitate future use of</u>	
7	<u>the facility:</u>	<u>\$400,000.00</u>
8	<u>(21) 133 State Street, renovations for the Office of Legislative</u>	
9	<u>Information Technology and shared common spaces:</u>	<u>\$1,400,000.00</u>
10	Appropriation – FY 2022	\$19,316,774.00
11	Appropriation – FY 2023	\$24,800,442.00 \$28,714,521.00
12	Total Appropriation – Section 2	\$44,117,216.00 \$48,031,295.00

13 Sec. 3. 2021 Acts and Resolves No. 50, Sec. 3 is amended to read:

14 Sec. 3. HUMAN SERVICES

15 * * *

16 (b) The following sums are appropriated in FY 2023 to the Department of
17 Buildings and General Services for the Agency of Human Services for the
18 following projects described in this subsection:

19	(1) Women’s correctional facilities, replacement:	\$1,000,000.00
20	(2) Statewide, correctional facility, life safety and security needs and	
21	enhancements:	\$200,000.00

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(b) The following sums are appropriated in FY 2023 to the Vermont State Colleges for the projects described in this subsection:

(1) construction, renovation, and major maintenance at any facility owned or operated in the State by the Vermont State Colleges: \$2,000,000.00

(2) infrastructure transformation planning <u>and space modification:</u>		
	\$100,000.00	<u>\$900,000.00</u>
Appropriation – FY 2022		\$2,000,000.00
Appropriation – FY 2023	\$2,100,000.00	<u>\$2,900,000.00</u>
Total Appropriation – Section 8	\$4,100,000.00	<u>\$4,900,000.00</u>

Sec. 6. 2021 Acts and Resolves No. 50, Sec. 9 is amended to read:

Sec. 9. NATURAL RESOURCES

* * *

(e) The following sums are appropriated in FY 2023 to the Agency of Natural Resources for the Department of Environmental Conservation for the projects described in this subsection:

* * *

(2) Dam safety and hydrology projects <u>High and Significant Hazard</u>		
<u>Dam, dam safety improvements:</u>	\$805,000.00	<u>\$3,115,000.00</u>

* * *

(4) <u>Little Hosmer Dam, rehabilitation:</u>		<u>\$190,000.00</u>
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1 appropriated in FY 2023 to the Agency of Agriculture, Food and Markets for
2 water quality grants and contracts.

3 * * *

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

7 (1) Water Pollution Control Fund, Clean Water State/EPA Revolving
8 Loan Fund (CWSRF) match: \$1,548,219.00

9 (2) Municipal Pollution Control Grants, pollution control projects and
10 planning advances for feasibility studies: \$2,715,000.00

11 (j)(1) The following amounts are appropriated in FY 2023 to the Vermont
12 Housing and Conservation Board for the projects described in this subsection:

13 (A) Agricultural water quality projects: \$200,000.00

14 (B) Land conservation and water quality projects: \$2,000,000.00

15 (2) A grant issued under subdivision (1)(A) of this subsection:

16 (A) shall not be considered a State grant under 6 V.S.A. chapter 215,
17 subchapter 3 for purposes of calculating the maximum amount of a State water
18 quality assistance award under 6 V.S.A. § 4824 or 4826; and

19 (B) may be used to satisfy a grant recipient's cost share requirements.

20 Appropriation – FY 2022 \$11,000,000.00

21 \$10,500,000.00

1	Appropriation – FY 2023	\$11,000,000.00
2		<u>\$6,663,219.00</u>
3	Total Appropriation – Section 10	\$22,000,000.00
4		<u>\$17,163,219.00</u>

5 Sec. 8. 2021 Acts and Resolves No. 50, Sec. 11 is amended to read:

6 Sec. 11. MILITARY

7 (a) The sum of \$900,000.00 is appropriated in FY 2022 to the Department
8 of Military for maintenance, renovations, and ADA compliance at State
9 armories.

10 (b) The sum of ~~\$900,000.00~~ \$1,100,000.00 is appropriated in FY 2023
11 to the Department of Military for the projects described in subsection (a) of
12 this section.

13	Appropriation – FY 2022	\$900,000.00
14	Appropriation – FY 2023	\$900,000.00 <u>\$1,100,000.00</u>
15	Total Appropriation – Section 11	\$1,800,000.00 <u>\$2,000,000.00</u>

16 Sec. 9. 2021 Acts and Resolves No. 50, Sec. 12 is amended to read:

17 Sec. 12. PUBLIC SAFETY

18 * * *

19 (b) ~~The sum of \$50,000.00 is appropriated in FY 2023 to the Department of~~
20 ~~Public Safety for a feasibility study for the Vermont Police Academy in~~

1 ~~Pittsford.~~ The following amounts are appropriated in FY 2023 to the
2 Department of Public Safety for the projects described in this subsection:

3 (1) Pittsford, Vermont Policy Academy, feasibility study: \$50,000.00

4 (2) Williston Public Safety Field Station, construction: \$3,500,000.00

5 Appropriation – FY 2022 \$6,120,000.00

6 Appropriation – FY 2023 ~~\$50,000.00~~ \$3,550,000.00

7 Total Appropriation – Section 12 ~~\$6,170,000.00~~ \$9,670,000.00

8 Sec. 10. 2021 Acts and Resolves No. 50, Sec. 13 is amended to read:

9 Sec. 13. AGRICULTURE, FOOD AND MARKETS

10 * * *

11 (b) The sum of ~~\$350,000.00~~ \$1,400,000.00 is appropriated in FY 2023 to
12 the Department of Buildings and General Services for the Agency of
13 Agriculture, Food and Markets for ~~the project described in subsection (a) of~~
14 ~~this section~~ major maintenance, renovation, and modernization planning and
15 design at the Vermont Building at the Eastern States Exhibition.

16 Appropriation – FY 2022 \$260,000.00

17 Appropriation – FY 2023 ~~\$350,000.00~~ \$1,400,000.00

18 Total Appropriation – Section 13 ~~\$610,000.00~~ \$1,660,000.00

1 Sec. 11. 2021 Acts and Resolves No. 50, Sec. 17a is added to read:

2 Sec. 17a. SERGEANT AT ARMS

3 The amount of \$185,000.00 is appropriated in FY 2023 to the Sergeant at
4 Arms for upgrades to 2 Aiken Street.

5 Total Appropriation – Section 17a \$185,000.00

6 Sec. 12. 2021 Acts and Resolves No. 50, Sec. 17b is added to read:

7 Sec. 17b. FY 2022 AND FY 2023; AMERICAN RESCUE PLAN ACT;
8 STATE AND LOCAL FISCAL RECOVERY FUND; CAPITAL
9 PROJECTS; AUTHORIZATIONS

10 (a) Findings. The General Assembly finds:

11 (1) In 2021 Acts and Resolves No. 74, Sec. G.700(c), the General
12 Assembly authorized the Commissioner of Finance and Management to use
13 not more than \$15,000,000.00 in American Rescue Plan Act (ARPA) funds to
14 offset capital funds appropriated to projects supporting water and sewer
15 infrastructure in fiscal year 2022 to the extent feasible under federal law and
16 guidance.

17 (2) The Governor’s fiscal year 2022–2023 capital budget adjustment
18 report included recommendations for water and sewer infrastructure projects
19 historically funded in the State’s capital construction act that could be funded
20 in fiscal years 2022 and 2023 with ARPA funds.

1 (3) The General Assembly finds that in addition to the capital projects
2 identified by the Governor’s fiscal year 2022–2023 capital budget adjustment
3 report, there are other capital projects that can be funded in fiscal year 2023
4 with ARPA funds.

5 (b) Intent. It is the intent of the General Assembly to authorize certain
6 projects that are eligible for ARPA funds in this act but appropriate the funds
7 for these projects in the FY 2023 Annual Appropriations Act.

8 (c) Authorizations. In fiscal years 2022 and 2023, the following capital
9 projects are authorized to be undertaken with funds appropriated in the
10 FY 2023 Annual Appropriations Act:

11 (1) In FY 2022 and FY 2023, the Department of Forests, Parks and
12 Recreation is authorized to upgrade forestry access roads, recreation access
13 roads, and make water quality improvements to these roads.

14 (2) In FY 2023, in addition to the amounts appropriated in Sec. 10(e) of
15 this act, the Agency of Agriculture, Food and Markets is authorized to issue
16 water quality grants and contracts.

17 (3) In FY 2023, in addition to the amounts appropriated in Sec. 10(i)(2)
18 of this act, the Department of Environmental Conservation is authorized to
19 issue municipal pollution control grants.

1 (19) of the amount appropriated in 2018 Acts and Resolves No. 190,
2 Sec. 11(e)(1)(B) (phosphorous removal equipment): \$58,890.00
3 (20) of the amount appropriated in 2018 Acts and Resolves No. 190,
4 Sec. 16(c)(a) (NEK fiber network): \$209,291.36
5 (21) of the amount appropriated in 2019 Acts and Resolves No. 42,
6 Sec. 2(b)(6) (120 State Street): \$800,000.00
7 (22) of the amount appropriated in 2019 Acts and Resolves No. 42,
8 Sec. 10(b)(2) rustic cabin construction): \$775,409.25
9 (23) of the amount appropriated in 2019 Acts and Resolves No. 42,
10 Sec. 17(a)(1) (stand-alone digital public address system): \$147,177.00
11 (24) of the amount appropriated in 2019 Acts and Resolves No. 42,
12 Sec. 17(b) (stand-alone digital public address system): \$174,888.00
13 (25) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec.
14 3(c)(5), as added by 2020 Acts and Resolves No. 139, Sec. 2 (Windsor and St.
15 Johnsbury, site preparation, relocation, and rebuild of a greenhouse at the
16 Caledonia County Workcamp from the former Southeast State Correctional
17 Facility): \$162,872.00
18 * * *
19 Total Reallocations and Transfers – Section 18 \$4,198,694.44 \$7,737,808.64

1 Resolves No. 139, Sec. 19, and 2021 Acts and Resolves No. 50, Sec. 24, is
2 further amended to read:

3 (c) Sec. 97 (general obligation debt financing) shall take effect on ~~July 1,~~
4 2023 June 30, 2022.

5 Sec. 16. 2021 Acts and Resolves No. 50, Sec. 21a is amended to read:

6 Sec. 21a. ~~13 BALDWIN STREET; SALE OF PROPERTY~~ PROPERTIES

7 (a) The Commissioner of Buildings and General Services is authorized to
8 sell the property located at 13 Baldwin Street in Montpelier, Vermont, pursuant
9 to the requirements of 29 V.S.A. § 166. ~~The~~ To the extent that there are
10 sufficient proceeds from the sale shall be appropriated to future capital
11 construction projects, the Department of Buildings and General Services is
12 authorized to use up to \$300,000.00 in FY 2023 for the project described in
13 Sec. 2(c)(1) of this act.

14 (b) The Commissioner of Buildings and General Services is authorized to
15 sell the property located at 14–16 Baldwin Street in Montpelier, Vermont,
16 pursuant to the requirements of 29 V.S.A. § 166. The proceeds of the sale of
17 14–16 Baldwin Street shall be appropriated to future capital construction
18 projects.

19 (c) The Commissioner of Buildings and General Services is authorized to
20 sell the property located at 9 Baldwin Street in Montpelier, Vermont,
21 contingent upon the completed relocation of the Office of Legislative

1 Information Technology to 133 State Street. The proceeds from the sale shall
2 be appropriated to future capital construction projects.

3 Sec. 17. 2021 Acts and Resolves No. 50, Sec. 25b is added to read:

4 Sec. 25b. REDUCING CARBON INTENSITY; STATE BUILDINGS;

5 STATE ENERGY MANAGEMENT PROGRAM; INTENT

6 (a) It is the intent of the General Assembly that the Department of
7 Buildings and General Services implement strategies as soon as practicable to
8 reduce carbon intensity in buildings under the jurisdiction of the Department.

9 These strategies may include the use of:

10 (1) non-fossil-fuel alternatives when installing or replacing any space
11 conditioning or water heating systems; and

12 (2) carbon-storing and least-embodied-carbon materials, as evidenced
13 by appropriate documentation from contractors and suppliers, when
14 constructing, renovating, or substantially repairing a building or facility.

15 (b) It is also the intent of the General Assembly that the Department of
16 Forests, Parks and Recreations and the Agency of Transportation use the
17 technical assistance of the State Energy Management Program, created in
18 29 V.S.A. § 168, for eligible projects.

