

Sec.-by-Sec. Description of  
Fiscal Years 2022-2023 Capital Construction Budget Adjustment Bill  
H.438  
As Passed by House Corrections and Institutions

**Sec. 1. *Legislative Intent.*** Sets out the two-year capital budgeting process

- Appropriates no more than \$70,074,988.00 in the first year of biennium, and the rest of \$127,378,694.00 of funds authorized is appropriated in the second year of the biennium.
- Sets out that there will be a Capital Budget Adjustment bill in FY 2023.
- FY 2023 appropriations are subject to budget adjustment unless otherwise indicated.

**Secs. 2–17. *Appropriations.*** Appropriates funds for capital construction projects. Specific appropriations are shown in the accompanying spreadsheet.

- Sec. 2. (State Buildings)
  - Appropriates \$44,167,216.00 over FY 22 and 23 to the Department of Buildings and General Services (BGS) to repair and upgrade State buildings.
  - Appropriates approximately \$4,000,000.00 over FY 22 and 23 for parking garage repairs in Burlington.
  - Appropriates approximately \$1,000,000.00 over FY 22 and 23 for replacement of the Newport courthouse, and \$1,500,000.00 in FY 22 for renovation of the White River Junction courthouse.
  - Appropriates approximately \$3,500,000.00 over FY 22 and 23 for door control replacement systems at statewide correctional facilities.
  - Appropriates \$1,000,000.00 in FY 22 for a roof replacement to the historic core of the Waterbury State Office Complex.
  - Appropriates \$2,535,000.00 in FY 22 to the State House for HVAC renovations.
- Sec. 3. (Human Services)
  - Appropriates \$11,600,000.00 to BGS for the Agency of Human Services for design and construction for a Physically Secure Recovery Residence in FY 22
  - Appropriates \$1,500,000.00 to BGS for the Agency of Human Services for replacement of women’s correctional facilities over FY 22 and 23
  - Appropriates \$500,000.00 to BGS for the Agency of Human Services for various corrections projects.
    - *Related Sections:*
      - Sec. 27 adds intent to language that any proposal offered by the Department of Mental health to expand size or capacity at a State-owned or -operated facility in Vermont’s mental health system has to identify resources to support the State’s community mental health system.
      - Sec. 28 directs the Department of Mental Health to issue a request for information by August 1, 2021 from designated and specialized service agencies and peer-run agencies for developing and

- implementing programming for unlocked community residences for transitional support for individuals being discharged from inpatient psychiatric care or for intervention to prevent inpatient care. Also directs the Department of Mental Health to convene a steering group to review the responses to the RFI.
- Requires the Department of Mental Health to submit a report to the committees of jurisdiction by December 15, 2021 with a review of the responses, a beds needs assessment, and a summary of input from the steering group.
- Sec. 4. (Commerce and Community Development)
    - Appropriates \$700,000.00 over FY 22 and 23 to perform major maintenance at State historic sites.
    - Appropriates \$60,000.00 over FY 22 and 23 to preserve underwater historic sites, provided that not more than \$10,000.00 is used in FY 22 and not more than 3 new sites are opened in FY 22.
    - Appropriates \$50,000.00 over FY 22 and FY 23 for roadside historic markers.
    - Appropriates \$63,000.00 in FY 22 for the Unmarked Burial Fund
    - Directs the Agency of Commerce and Community Development to not authorize the reefing of the M/V *Adirondack*.
  - Sec. 5. (Grant Programs) appropriates \$4,200,000.00 over FY 22 and 23 to the Building Communities Grants Programs.
  - Sec. 6. (Education) appropriates \$100,000.00 over FY 22 and 23 to the Agency of Education for emergency projects.
  - Sec. 7. (University of Vermont) appropriates \$3,000,000.00 over FY 22 and FY 23 for construction, renovation, and major maintenance at any facility owned or operated in the State by UVM.
  - Sec. 8. (Vermont State Colleges)
    - Appropriates \$4,000,000.00 over FY 22 and 23 for construction, renovation, and major maintenance.
    - Appropriates \$100,000.00 in FY 23 for infrastructure transformation planning.
  - Sec. 9. (Natural Resources) appropriates \$21,258,478.00 over FY 22 and 23 to the Agency of Natural Resources for projects, including the Drinking Water State Revolving Fund, dam maintenance, the Contaminants of Emerging Concern Special Fund, infrastructure rehabilitation at State parks, and general infrastructure projects the Department of Fish and Wildlife.
  - Sec. 10. (Clean Water Initiatives)
    - Appropriates to the Agency of Agriculture, Food and Markets \$3,436,109.00 in FY 22 for water quality grants and contracts.

- Appropriates approximately \$4,800,000.00 in FY to the Department of Environmental Conservation for clean water initiatives, including the State match for clean water, ecosystem restoration and protection, and municipal pollution control grants.
  - *Related Sections:*
    - Subsection (f) directs the Department to prioritize the initial \$1,732,747.00 of the amount appropriated for municipal pollution control grants for legacy projects.
    - Subsection (g) requires the Clean Water Fund Board to make recommendations for the clean water implementation programs funded in FY 23 by December 1, 2021.
    - Subsection (h) requires the Treasurer ensure all projects funded from this section are capital eligible.
    - Sec. 30 amends 24 V.S.A. § 4764 to limit the percentage of awards to municipalities for engineer planning to be used to evaluate land use implications of facilities, and allows a municipality to contract with a regional planning commission to administer and manage a planning advance.
- Appropriates \$500,000.00 in FY 22 to the Agency of Natural Resources for forestry access roads, recreation access roads, and water quality improvements.
- Appropriates \$2,100,000.00 over FY 22 and 23 to the Vermont Housing and Conservation Board for statewide water quality improvement projects or other conservation projects and water quality farm improvement grants or fee purchase projects.
- Appropriates \$11,000,000.00 to the Agency of Natural Resources for the Department of Environmental Conservation in FY 22 for clean water implementation projects.
- Sec. 11. (Military)
  - Appropriates \$1,800,000.00 over FY 22 and 23 for maintenance and renovations at State armories, including ADA compliance.
- Sec. 12. (Public Safety)
  - Appropriates \$5,620,000.00 in FY 22 to the Department of Buildings and General Services for construction of the Williston Public Safety Field Station.
  - Appropriates \$500,000.00 in FY 22 to the Department of Buildings and General Services in FY 22 for renovation of the Middlesex Field Station.
  - Appropriates \$50,000.00 in FY 23 to the Department of Public Safety for a feasibility study for the Vermont Police Academy.
- Sec. 13. (Agriculture, Food and Markets) appropriates \$610,000.00 over FY 22 and 23 for major maintenance at the Vermont building of the Eastern States Exposition.

- Sec. 14. (Vermont Rural Fire Protection) appropriates \$200,000.00 over FY 22 and 23 to the Department of Public Safety for the dry hydrant program.
- Sec. 15. (Department of Labor) appropriates \$1,500,000.00 to the Department of Buildings and General Services for the Department of Labor over FY 22 and FY 23 for upgrades of mechanical systems and HVAC, life safety needs, and minor interior renovations at 5 Green Mountain Drive in Montpelier.
- Sec. 16. (Vermont Housing and Conservation Board) appropriates \$3,600,000.00 over FY 22 and 23 to the Vermont Housing Conservation Board for housing and conservation projects.
- Sec. 17. (Agency of Digital Services) appropriates \$250,000.00 over FY 22 and 23 to the Agency of Digital Services for digital orthophotography mapping.

**Sec. 18. *Reallocations.*** Reallocates \$4,198,694.44 in funds that were authorized in former capital bills but never spent.

**Sec. 19. *General Obligation Bonds and Appropriations.*** Authorizes the State Treasurer to issue general obligation bonds in the amount of \$123,180,000.00 for FY 22 and 23 as recommended by the Capital Debt Affordability Advisory Committee.

**Sec. 20. *Use of Former Southeast State Correctional Facility; Windsor; Study Committee; Report.*** Creates the Former Southeast State Correctional Facility Use Study Committee to review and recommend potential uses for the property located at 546 State Farm Road in Windsor. The Committee is directed to submit a report to the House Committee on Corrections and Institutions and the Senate Committee on Institutions on or before December 15, 2021.

**Sec. 21. *New Haven Depot Building; Relocation.*** Authorizes the Secretary of Transportation and the Director of the Division for Historic Preservation to determine how to best preserve the New Haven Depot Building by relocating it to another parcel. Also authorizes the Commissioner of Buildings and General Services to execute a quit claim deed to transfer any interest in the Building subject to a preservation easement to be held by the Division for Historic Preservation. Finally, authorizes the decommissioning of the Building and delisting of it from the National Register of Historic Places if it is not physically or financially practicable to relocate it.

**Sec. 22. *Amends 2018 Acts and Resolves No. 84, Sec. 2.*** Makes a technical change to a 2018 appropriation to renovate 133 State Street that the Agency of Digital Services is not located in that building.

**Sec. 23. *Amends 2019 Acts and Resolves No. 42, Sec. 24 (Capitol Complex Security Advisory Committee).*** Extends the sunset date for the Committee until June 30, 2023.

**Sec. 24. *Amends 2013 Acts and Resolves No. 1, Sec. 100(c), as amended by 2014 Acts and Resolves No. 179, Sec. E.113.1 and 2015 Acts and Resolves No. 58, Sec. E.113.1, 2017 Acts and Resolves No. 84, Sec. 29, 2018 Acts and Resolves No. 190, Sec. 18, 2019 Acts and Resolves No. 42, Sec. 25, and 2020 Acts and Resolves No. 139, Sec. 19.***

Extends the sunset date for transferring engineering costs from the capital bill to the General Fund to July 1, 2023.

**Sec. 25. *Process for Use of Federal Funds; FY 2022 and FY 2023; Water and Sewer Infrastructure.*** Authorizes the Commissioner of Finance and Management to offset any FY 22 appropriations for water and sewer infrastructure with federal funds from the American Rescue Plan, if permitted by federal guidance, in an amount up to \$30 million. Also directs the Commissioner to review and recommend projects to be funded in FY 23 from federal funds and submit a report to the Chairs of the House Committee on Corrections and Institutions and the Senate Committee on Institutions and to the Governor for the FY 22–23 capital budget adjustment process.

**Sec. 26. *Federal Funds; Capital Projects.*** Sets forth designated uses for FY 22 of federal funds from the Coronavirus Capital Projects Funds for necessary projects. Directs the Commissioner of Finance and Management to submit recommendations on the uses for the Executive Branch in the Governor’s FY 22–23 capital budget report and the JLMC and Court Administrator to submit recommendations to the Institutions Committees by January 15, 2022.

**Sec. 27. *Spending on Mental Health System of Care; Legislative Intent.*** Adds intent to language that any proposal offered by the Department of Mental health to expand size or capacity at a State-owned or -operated facility in Vermont’s mental health system has to identify resources to support the State’s community mental health system.

**Sec. 28. *Residential Beds for Individuals Discharged from Inpatient Psychiatric Care.*** Directs the Department of Mental Health to issue a request for information by August 1, 2021 from designated and specialized service agencies and peer-run agencies for developing and implementing programming for unlocked community residences for transitional support for individuals being discharged from inpatient psychiatric care or for intervention to prevent inpatient care. Also directs the Department of Mental Health to convene a steering group to review the responses to the RFI. Finally, requires the Department of Mental Health to submit a report to the committees of jurisdiction by December 15, 2021 with a review of the responses, a beds needs assessment, and a summary of input from the steering group.

**Sec. 29. *Repeal.*** Repeals 2019 Acts and Resolves No. 42, Sec. 31, as amended by 2020 Acts and Resolves No. 129, Sec. 28, relating to a requirement that DAIL adopt rules on involuntary emergency procedures.

**Sec. 30. *24 V.S.A. § 4764 (Engineering Planning Advances).*** Limits to 25 percent the amount of a grant award to a municipality for engineer planning that may be used to

evaluate land use implications of facilities and allows a municipality to contract with a regional planning commission to administer and manage a planning advance.

**Sec. 31. *Effective Date.*** The act is effective on passage.