

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 authorized in this act, not more than ~~\$70,074,988.00~~ ~~\$69,549,988.00~~ shall be  
12 appropriated in the first year of the biennium, and the remainder shall be  
13 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. It  
3 is also the intent of the General Assembly that any capital project that is  
4 supported with ARPA funds is authorized in this act.

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

6 Sec. 2. STATE BUILDINGS

7 \* \* \*

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

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

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

11 ~~\$3,747,442.00 [Repealed.]~~

12 \* \* \*

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

15 \* \* \*

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

17 ~~\$2,535,000.00~~ \$6,800,000.00

18 \* \* \*

19 (17) ~~Statewide, three-acre parcel, stormwater planning, design and~~

20 ~~implementation:~~ \$600,000.00

1	<del>(18)</del> Statewide, correctional facilities, door control system replacements:	
2		\$670,000.00
3	<u>(18) Burlington, 108 Cherry Street, parking garage repairs:</u>	
4		<u>\$2,000,000.00</u>
5	<u>(19) Springfield, Southern State Correctional Facility, door control</u>	
6	<u>system replacement:</u>	<u>\$750,000.00</u>
7	<u>(20) Windsor, former Southeast State Correctional Facility, necessary</u>	
8	<u>demolition, salvage, dismantling, and improvements to facilitate future use of</u>	
9	<u>the facility:</u>	<u>\$400,000.00</u>
10	<u>(21) 133 State Street, renovations for the Office of Legislative</u>	
11	<u>Information Technology and shared common spaces:</u>	<u>\$1,400,000.00</u>
12	Appropriation – FY 2022	\$19,316,774.00
13	Appropriation – FY 2023	\$24,800,442.00 \$28,714,521.00
14	Total Appropriation – Section 2	\$44,117,216.00 \$48,031,295.00
15	Sec. 3. 2021 Acts and Resolves No. 50, Sec. 3 is amended to read:	
16	Sec. 3. HUMAN SERVICES	
17	* * *	
18	(b) The following sums are appropriated in FY 2023 to the Department of	
19	Buildings and General Services for the Agency of Human Services for the	
20	following projects described in this subsection:	
21	(1) Women’s correctional facilities, replacement:	\$1,000,000.00



1 Total Appropriation – Section 3 \$13,550,000.00 \$19,450,000.00

2 Sec. 4. 2021 Acts and Resolves No. 50, Sec. 4 is amended to read:

3 Sec. 4. COMMERCE AND COMMUNITY DEVELOPMENT

4 \* \* \*

5 (b) The following sums are appropriated in FY 2023 to the Agency of  
6 Commerce and Community Development for the following projects described  
7 in this subsection:

8 (1) Major maintenance at statewide historic sites: \$350,000.00

9 \$683,000.00

10 \* \* \*

11 (d) The Division of Historic Preservation shall conduct a facilities  
12 condition assessment on all the buildings and structures of the State Historic  
13 Sites within the next five years, with a cyclical update plan. Those buildings  
14 and structures open to the public shall be prioritized for investigation.

15 (e) It is the intent of the General Assembly to encourage the Lake Maritime  
16 Museum to, in addition to the development of a decommissioning plan, explore  
17 all options for the ongoing use of the Schooner Lois McClure.

18 Appropriation – FY 2022 \$473,000.00

19 Appropriation – FY 2023 \$733,000.00

20 Total Appropriation – Section 4 \$1,206,000.00

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

2 Sec. 8. VERMONT STATE COLLEGES

3 \* \* \*

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

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

8 (2) infrastructure transformation planning and space modification:

9 \$100,000.00 \$900,000.00

10 Appropriation – FY 2022 \$2,000,000.00

11 Appropriation – FY 2023 ~~\$2,100,000.00~~ \$2,900,000.00

12 Total Appropriation – Section 8 ~~\$4,100,000.00~~ \$4,900,000.00

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

14 Sec. 9. NATURAL RESOURCES

15 \* \* \*

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

19 \* \* \*

20 (2) ~~Dam safety and hydrology projects~~ High and Significant Hazard

21 Dam, dam safety improvements: ~~\$805,000.00~~ \$3,115,000.00

1 \* \* \*

2 (4) Little Hosmer Dam, rehabilitation: \$190,000.00

3 (5) Infrastructure Investment and Jobs Act, Drinking and Clean Water

4 State Revolving Fund, State match: \$2,833,980.00

5 (f) The following sums are appropriated in FY 2023 to the Agency of  
6 Natural Resources for the Department of Forests, Parks and Recreation for the  
7 following projects:

8 (1) Infrastructure rehabilitation, including statewide small-scale  
9 rehabilitation, **wastewater repairs**, preventive improvements and upgrades  
10 of restrooms and bathhouses, and statewide small-scale road rehabilitation  
11 projects: \$4,476,553.00  
12 \$4,251,553.00

13 (2) Rustic Cabin Construction Program: ~~\$500,000.00~~ \$700,000.00

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

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

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

20 \$50,000.00

21 (h) The following shall apply to the amounts appropriated in this section:





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	<del>\$900,000.00</del> <u>\$1,100,000.00</u>
15	Total Appropriation – Section 11	<del>\$1,800,000.00</del> <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~~ \$9,620,000.00

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           (4) In FY 2023, the Department of Forests, Parks and Recreation is  
2           authorized to make wastewater repairs and water and sewer infrastructure  
3           improvements and upgrades to restrooms and bathhouses at State parks.

4           (5) In FY 2023, in addition to the amount appropriated in Sec.  
5           10(j)(1)(A) of this act, the Vermont Housing and Conservation Board is  
6           authorized to issue grants for water quality improvement projects.

7           (6) In FY 2023, the Vermont Historical Society is authorized to make  
8           upgrades and repairs to the HVAC system at the Vermont History Center in  
9           Barre.

10           (7) The Department of Buildings and General Services is authorized to  
11           begin design and construction for the expansion of the State House in  
12           Montpelier.

13           (8) The Judiciary is authorized to make HVAC improvements to county  
14           courthouses.

15       Sec. 13. 2021 Acts and Resolves No. 50, Sec. 18 is amended to read:

16           Sec. 18. REALLOCATION OF FUNDS; TRANSFER OF FUNDS

17           (a) The following sums are reallocated to the Department of Buildings  
18           and General Services from prior capital appropriations to defray expenditures  
19           authorized in Sec. 2 of this act:

20                                       \* \* \*

1           (4) of the amount appropriated in 2015 Acts and Resolves No. 26,  
2           Sec. 2(b)(5) (major maintenance):                                 \$35,475.94

3           (5) of the amount appropriated in 2015 Acts and Resolves No. 26,  
4           Sec. 2(c)(11) (Southern State Correctional Facility, copper waterline  
5           replacement):   \$82,851.42

6           (6) of the amount appropriated in 2016 Acts and Resolves No. 160,  
7           Sec. 2(c)(15) (Southern State Correctional Facility, steam line replacement):  
8   \$147,068.63

9           (7) of the amount appropriated in 2016 Acts and Resolves No. 160,  
10           Sec. 2(c)(16) (Statewide, ADA projects, State-owned buildings and  
11           courthouses):   \$52,460.30

12           (8) of the amount appropriated in 2016 Acts and Resolves No. 160,  
13           Sec. 2(c)(19) (Waterbury State Office Complex project, true up):     \$11,016.00

14           (9) of the amount appropriated in 2016 Acts and Resolves No. 160,  
15           Sec. 13(c)(2) (Westminster, DPS Facility, project cost adjustment for  
16           unanticipated site conditions and code modifications):                 \$4,522.99

17           (10) of the amount appropriated in 2017 Acts and Resolves No. 84  
18           Sec. 2(b)(2) (Statewide – Major Maintenance):                                 \$53,755.21

19           (11) of the amount appropriated in 2017 Acts and Resolves No. 84,  
20           Sec. 2(b)(6) (Randolph, Agencies of Agriculture, Food and Markets and of  
21           Natural Resources, collaborative laboratory, construction):                 \$156,275.91

1	<u>(12) of the amount appropriated in 2017 Acts and Resolves No. 84,</u>	
2	<u>Sec. 2(b)(7) (Springfield, Southern State Correctional Facility, completion of</u>	
3	<u>the steamline replacement):</u>	<u>\$36,382.55</u>
4	<u>(13) of the amount appropriated in 2017 Acts and Resolves No. 84</u>	
5	<u>Sec. 2(b)(9) (Newport, Northern State Correctional Facility Door Control</u>	
6	<u>replacement:</u>	<u>\$72,287.54</u>
7	<u>(14) of the amount appropriated in 2018 Acts and Resolves No. 190,</u>	
8	<u>Sec. 2(c)(2) (Statewide, major maintenance):</u>	<u>\$26,921.21</u>
9	<u>(15) of the amount appropriated in 2018 Acts and Resolves No. 190,</u>	
10	<u>Sec. 2(c)(18) (Rutland, Marble Valley Regional Correctional Facility):</u>	
11		<u>\$2,850.00</u>
12	<u>(16) of the amount appropriated in 2018 Acts and Resolves No. 190,</u>	
13	<u>Sec. 2(c)(8) (Waterbury State Office Complex, Weeks building renovation and</u>	
14	<u>fit-up):</u>	<u>\$224,387.21</u>
15	<u>(17) of the amount appropriated in 2018 Acts and Resolves No. 190,</u>	
16	<u>Sec. 2(c)(17) (Waterbury State Office Complex, Stanley and Wasson,</u>	
17	<u>demolition of Stanley Hall, and programming, schematic design, and design</u>	
18	<u>development for Wasson Hall):</u>	<u>\$265,247.20</u>
19	<u>(18) of the amount appropriated in 2018 Acts and Resolves No. 190,</u>	
20	<u>Sec. 6(a)(9) (E-911 compliance grants):</u>	<u>\$39,156.48</u>



1	<u>(19) of the amount appropriated in 2018 Acts and Resolves No. 190,</u>	
2	<u>Sec. 11(e)(1)(B) (phosphorous removal equipment):</u>	<u>\$58,890.00</u>
3	<u>(20) of the amount appropriated in 2018 Acts and Resolves No. 190,</u>	
4	<u>Sec. 16(c)(a) (NEK fiber network):</u>	<u>\$209,219.00</u>
5	<u>(21) of the amount appropriated in 2019 Acts and Resolves No. 42,</u>	
6	<u>Sec. 2(b)(6) (120 State Street):</u>	<u>\$800,000.00</u>
7	<u>(22) of the amount appropriated in 2019 Acts and Resolves No. 42,</u>	
8	<u>Sec. 10(b)(2) rustic cabin construction):</u>	<u>\$775,409.25</u>
9	<u>(23) of the amount appropriated in 2019 Acts and Resolves No. 42,</u>	
10	<u>Sec. 17(a)(1) (stand-alone digital public address system):</u>	<u>\$147,177.00</u>
11	<u>(24) of the amount appropriated in 2019 Acts and Resolves No. 42,</u>	
12	<u>Sec. 17(b) (stand-alone digital public address system):</u>	<u>\$174,888.00</u>
13	<u>(25) of the amount appropriated in 2019 Acts and Resolves No. 42, Sec.</u>	
14	<u>3(c)(5), as added by 2020 Acts and Resolves No. 139, Sec. 2 (Windsor and St.</u>	
15	<u>Johnsbury, site preparation, relocation, and rebuild of a greenhouse at the</u>	
16	<u>Caledonia County Workcamp from the former Southeast State Correctional</u>	
17	<u>Facility):</u>	<u>\$162,872.00</u>
18	* * *	
19	Total Reallocations and Transfers – Section 18	\$4,198,694.44 <u>\$7,737,808.25</u>



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. ~~43 BALDWIN STREET; SALE OF PROPERTY~~ PROPERTIES

7 (a) The Commissioner of Buildings and General Services is authorized to  
8 sell the ~~property~~ properties located at 13 ~~and 14–16~~ Baldwin Street in  
9 Montpelier, Vermont, pursuant to the requirements of 29 V.S.A. § 166. The  
10 proceeds from the sale of 13 Baldwin Street shall be transferred to the  
11 Department of Buildings and General Services for the project described in Sec.  
12 2(c)(1) of this act, and the proceeds of the sale of 14–16 Baldwin Street shall  
13 be appropriated to future capital construction projects.

14 (b) The Commissioner of Buildings and General Services is authorized to  
15 sell the property located at 9 Baldwin Street contingent upon the completed  
16 relocation of the Office of Legislative Information Technology to 133 State  
17 Street. The proceeds from the sale shall be appropriated to future capital  
18 construction projects.

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

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

3 STATE ENERGY MANAGEMENT PROGRAM; INTENT

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

7 These strategies may include the use of:

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

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

13 (b) It is also the intent of the General Assembly that the Department of  
14 Forests, Parks and Recreations and the Agency of Transportation use the  
15 technical assistance of the State Energy Management Program, created in

16 29 V.S.A. § 168, for eligible projects.

