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H.739

Introduced by Committee on Corrections and Institutions

Date:

Subject: Capital construction; State bonding; budget adjustment

Statement of purpose of bill as introduced: This bill proposes to adjust the
FY 2022 capital construction budget.

An act relating to capital construction and State bonding budget adjustment

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

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

Sec. 1. LEGISLATIVE INTENT

(a) It is the intent of the General Assembly that of the \$127,378,694.00
authorized in this act, not more than ~~\$70,074,988.00~~ \$69,549,988.00 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 the 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	(17) Statewide, three-acre parcel, stormwater planning, design and	
2	implementation:	\$600,000.00
3	(18) Statewide, correctional facilities, door control system replacements:	
4		\$670,000.00
5	<u>(18) Burlington, 108 Cherry Street, parking garage repairs:</u>	
6		<u>\$2,000,000.00</u>
7	<u>(19) Springfield, Southern State Correctional Facility, door control</u>	
8	<u>system replacement:</u>	<u>\$750,000.00</u>
9	<u>(20) Windsor, former Southeast State Correctional Facility, necessary</u>	
10	<u>demolition, salvage, dismantling, and improvements to facilitate future use of</u>	
11	<u>the facility:</u>	<u>\$400,000.00</u>
12	<u>(21) 133 State Street, renovations for the Office of Legislative</u>	
13	<u>Information Technology and shared common spaces:</u>	<u>\$1,400,000.00</u>
14	Appropriation – FY 2022	\$19,316,774.00
15	Appropriation – FY 2023	\$24,800,442.00 <u>\$28,968,000.00</u>
16	Total Appropriation – Section 2	\$44,117,216.00 <u>\$48,284,774.00</u>

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

18 Sec. 3. HUMAN SERVICES

19 * * *

1 (b) The following sums are appropriated in FY 2023 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) Women’s correctional facilities, replacement: \$1,000,000.00

5 (2) Statewide, correctional facility, life safety and security needs and
6 enhancements: \$200,000.00

7 (3) Secure Residential Recovery Facility, design and construction:
8 \$3,200,000.00

9 (4) Statewide, correctional facilities, accessibility improvements,
10 Americans with Disabilities Act (ADA) compliance: \$1,200,000.00

11 (5) Statewide, correctional facilities, HVAC, programming, schematic
12 design, and design documents: \$1,000,000.00

13 (6) Nursing school programs, capital grants, renovation or expansion of
14 simulation laboratories: \$4,000,000.00

15 * * *

16 (e) For the amount appropriated in subdivision (b)(6) of this section, the
17 Agency of Human Services shall provide capital grants to nursing school
18 programs to enable them to renovate or expand their simulation laboratories, or
19 both, in order to enable them to increase student enrollment. The amount of
20 the grant funds shall be divided among the nursing schools in Vermont based

1 on each school's projected nursing student enrollment following completion of
2 the renovation or expansion.

3 * * *

4 Appropriation – FY 2022 \$12,350,000.00

5 Appropriation – FY 2023 ~~\$1,200,000.00~~ \$10,600,000.00

6 Total Appropriation – Section 3 ~~\$13,550,000.00~~ \$22,950,000.00

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

8 Sec. 4. COMMERCE AND COMMUNITY DEVELOPMENT

9 * * *

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

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

14 \$683,000.00

15 * * *

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

20 Appropriation – FY 2022 \$473,000.00

21 Appropriation – FY 2023 \$733,000.00

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~~ \$9,620,000.00

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. 17c is added to read:

16 Sec. 17c. FY 2023; AMERICAN RESCUE PLAN ACT; CAPITAL
17 PROJECTS FUND; APPROPRIATIONS

18 (a) Intent. To the extent permitted by federal law and guidance, it is the
19 intent of the General Assembly to appropriate in this act federal funds from the
20 Coronavirus Capital Projects Fund provided to the State by the American
21 Rescue Plan Act of 2021, Pub. L. 117-2 to carry out critical capital projects for

1 the State to directly enable work, education, and health monitoring in response
2 to the public health emergency with respect to the Coronavirus Disease
3 (COVID-19).

4 (b) Appropriations. The following sums are appropriated from the
5 Coronavirus Capital Projects Fund for the projects described below:

6 (1) the amount of \$1,530,816.00 to the Department of Forests, Parks and
7 Recreation for the Parks Connectivity Project to improve reliability,
8 performance, and support Internet connectivity services to all State parks;

9 (2) the amount of \$15,900,000.00 to the Department of Libraries for the
10 Libraries Capital Project for capital improvements to libraries, including
11 Americans with Disabilities Act compliance, space renovations for improved
12 Internet access for telehealth appointments and job interviews, and general
13 building renovations;

14 (3) the amount of \$25,619,184.00 to the Department of Public Service in
15 order to support and accelerate the State's goal of achieving universal access to
16 reliable, high-quality, affordable broadband. This appropriation shall be
17 transferred to the Vermont Community Broadband Fund to make grants
18 through the Broadband Construction Program;

19 (4) the amount of \$21,500,000.00 to the Department of Public Service
20 for the critical communications expansion program to support mapping, data

1 collection, and the deployment of new mobile wireless installations to improve
2 service along State highways and in population centers; and

3 (5) the amount of \$50,000.00 to the Mount Ascutney Regional
4 Commission to hire a consultant to facilitate community discussions on the use
5 of the former Southeast State Correctional Facility property in Windsor to
6 enable work, education, and health monitoring; to create base maps; and to
7 conduct a legal analysis.

8 (c) Authorizations. The Department of Buildings and General Services is
9 authorized to use monies from the Capital Projects Fund for municipal energy
10 resilience initiatives.

11 (d) Reports.

12 (1) On or before September 15, 2022 and annually thereafter until
13 September 15, 2026, the Commissioner of Finance and Management shall
14 submit a report to the Joint Fiscal Committee, the House Committee on
15 Corrections and Institutions, and the Senate Committee on Institutions on the
16 status of all expenditures made from the Capital Projects Fund provided to the
17 State from the American Rescue Plan Act of 2021, Pub. L. No. 117-2
18 (ARPA). The report shall include updates on project eligibility, obligated
19 funds, actual expenditures, and any compliance or reporting issues.

20 (2) On or before January 15, 2023, the Commissioner of Finance and
21 Management shall provide an update to the September 15, 2022 ARPA report

1 described in subsection (a) of this section to the House and Senate Committees
2 on Institutions, including recommendations, if any, for reallocation of ARPA
3 Capital Projects Fund in the fiscal year 2024 capital construction act.

4 Total Appropriation – Section 17d \$64,600,000.00

5 Sec. 14. 2021 Acts and Resolves No. 50, Sec. 18 is amended to read:

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

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

10 * * *

11 (4) of the amount appropriated in 2015 Acts and Resolves No. 26,

12 Sec. 2(b)(5) (major maintenance): \$35,475.94

13 (5) of the amount appropriated in 2015 Acts and Resolves No. 26,

14 Sec. 2(c)(11) (Southern State Correctional Facility, copper waterline
15 replacement): \$82,851.42

16 (6) of the amount appropriated in 2016 Acts and Resolves No. 160,

17 Sec. 2(c)(15) (Southern State Correctional Facility, steam line replacement):

18 \$147,068.63

19 (7) of the amount appropriated in 2016 Acts and Resolves No. 160,

20 Sec. 2(c)(16) (Statewide, ADA projects, State-owned buildings and
21 courthouses): \$52,460.30

1 Total Revenues – Section 19 \$123,180,000.00 \$140,540,163.00

2 Sec. 16. 2013 Acts and Resolves No. 1, Sec. 100(c), as amended by 2014 Acts
3 and Resolves No. 179, Sec. E.113.1, 2015 Acts and Resolves No. 58,
4 Sec. E.113.1, 2017 Acts and Resolves No. 84, Sec. 29, 2018 Acts and Resolves
5 No. 190, Sec. 18, 2019 Acts and Resolves No. 42, Sec. 25, 2020 Acts and
6 Resolves No. 139, Sec. 19, and 2021 Acts and Resolves No. 50, Sec. 24, is
7 further amended to read:

8 (c) Sec. 97 (general obligation debt financing) shall take effect on ~~July 1,~~
9 2023 June 30, 2022.

10 Sec. 17. 2021 Acts and Resolves No. 50, Sec. 21a is amended to read:

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

12 The Commissioner of Buildings and General Services is authorized to sell
13 the ~~property~~ properties located at 13 and 14-16 Baldwin Street in Montpelier,
14 Vermont, pursuant to the requirements of 29 V.S.A. § 166. The proceeds from
15 the ~~sale~~ sales of 13 and 14-16 Baldwin Street shall be appropriated to future
16 capital construction projects.

17 Sec. 18. 2021 Acts and Resolves No. 50, Sec. 25b is added to read:

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

19 STATE ENERGY MANAGEMENT PROGRAM; INTENT

20 (a) It is the intent of the General Assembly that the Department of

21 Buildings and General Services implement strategies as soon as practicable to

1 reduce carbon intensity in buildings under the jurisdiction of the Department.

2 These strategies may include the use of:

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

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

8 (b) It is also the intent of the General Assembly that the Department of
9 Forests, Parks and Receptions and the Agency of Transportation use the
10 technical assistance of the State Energy Management Program, created in
11 29 V.S.A. § 168, for eligible projects.

12 Sec. 19. 2019 Acts and Resolves No. 42, Sec. 10 is amended to read:

13 Sec. 10. NATURAL RESOURCES

14 * * *

15 (b) The following sums are appropriated in FY 2020 to the Agency of
16 Natural Resources for the Department of Forests, Parks and Recreation for the
17 following projects:

18 * * *

19 (2) Rustic Cabin Construction Program: ~~\$797,586.00~~ \$22,176.75

20 Sec. 20. EFFECTIVE DATE

21 This act shall take effect on passage.