

Sec.-by-Sec. Description of
Fiscal Years 2022–2023 Capital Construction Adjustment Act
H.739
As Passed by the House

Sec. 1. Amends Intent in 2021 Acts and Resolves No. 50, Sec. 1 (Intent).

- Amends amount authorized in the first year of the biennium.
- Adds intent about the authorization and appropriation of ARPA funds in the second year of the biennium to address the impacts of COVID-19 and offset capital projects paid for using bonded dollars.

Sec. 2. Amends Appropriations in 2021 Acts and Resolves No. 50, Sec. 2 (State Buildings).

Appropriates funds in FY 2023 to the Department of Buildings and General Services.

- Deletes the FY 2023 appropriation of BGS engineering and architectural project costs.
- Amends the FY 2023 appropriation for 32 Cherry Street from \$865,000.00 to \$565,000.00
- Amends the FY 2023 appropriation for the State House HVAC renovation from \$2,535,000.00 to \$6,800,000.00.
- Deletes the FY 2023 appropriation for the BGS three-acre parcel, stormwater planning, design, and implementation.
- Appropriates \$2,000,000.00 in FY 2023 for parking garage repairs for 108 Cherry Street in Burlington.
- Appropriates \$750,000.00 in FY 2023 for the door control system replacement at the Southern State Correctional Facility.
- Appropriates \$400,000.00 in FY 2023 for the demolition, salvage, dismantling, and improvements to the former Southeast State Correctional Facility property in Windsor.
- Appropriates \$1,400,000.00 in FY 2023 of for renovations to the Office of Legislative IT and shared common space at 133 State Street.

Sec. 3. Amends Appropriations in 2021 Acts and Resolves No. 50, Sec. 3 (Human Services).

Appropriates funds in FY 2023 to the Agency of Human Services.

- Appropriates \$3,200,000.00 in FY 2023 for design and construction for a secure residential recovery facility.
- Appropriates \$1,200,000.00 in FY 2023 for Statewide correctional facilities for ADA improvements.
- Appropriates \$1,000,000.00 in FY 2023 for Statewide correctional facilities for HVAC programming, schematic design, and design documents.
- Appropriates \$4,000,000.00 in FY 2023 for capital grants for nursing schools for renovation or expansion of simulation laboratories.
 - Adds subsection (e) authorizing the Agency of Human Services to provide capital grants to nursing school programs to renovate or expand laboratories and requires that the funds be divided among the nursing schools in Vermont based on each school's enrollment.

Sec. 4. Amends 2021 Acts and Resolves No. 50, Sec. 4 (Commerce and Community Development). Adds language in FY 2023 for the Agency of Commerce and Community Development.

- Adds language directing the Division of Historic Preservation to conduct a facilities condition assessment on all the buildings and structures of the State Historic Sites within the next five years, including a cyclical update plan and prioritization for buildings and structures open to the public.

Sec. 5. Amends Appropriations in 2021 Acts and Resolves No. 50, Sec. 8 (Vermont State Colleges). Appropriates funds in FY 2023 to the Vermont State Colleges.

- Amends the FY 2023 appropriation for infrastructure planning and space transformation and increasing the amount to \$1,000,000.00.

Sec. 6. Amends Appropriations in 2021 Acts and Resolves No. 50, Sec. 9 (Natural Resources). Appropriates funds in FY 2023 to the Agency of Natural Resources.

- Deletes FY 2023 appropriation for dam safety and hydrology projects and adds new appropriation in FY 2023 of \$3,115,000.00 for improvements to the High and Significant Hazard Dam.
- Adds FY 2023 appropriation of \$190,000.00 for rehabilitation of the Little Hosmer Dam.
- Adds FY 2023 appropriation of \$2,833,980.00 as a State match from the Infrastructure Investment and Jobs Act funds for drinking and clean water revolving funds.
 - Requires that these funds are not released until the federal grant has been received by the State.
- Amends the FY 2023 appropriation to FPR for maintenance from \$4,476,553.00 to \$4,251,553.00 and removes reference to wastewater repairs (see authorization to use ARPA funds for this purpose in Sec. 12).
- Amends the FY 2023 appropriation to FPR for the Rustic Cabin Construction Program from \$500,000.00 to \$700,000.00.
 - Requires that FPR use not more than \$200,000.00 from this appropriation to work with CTEs for assistance with the Program.

Sec. 7. Amends Appropriations in 2021 Acts and Resolves No. 50, Sec. 10 (Clean Water Initiatives). Appropriates funds in FY 2023 for clean water initiatives.

- Deletes the FY 2022 appropriation of \$500,000.00 to ANR for forestry access roads (see authorization to use ARPA funds for this purpose in Sec. 12).
- Deletes the lump sum FY 2023 appropriation of \$11,000,000.00 to ANR for clean water implementation projects and makes allocations to each agency/department in FY 2023.
- Appropriates \$200,000.00 in FY 2023 to the Agency of Agriculture, Food and Markets for water quality grants and contracts.
- Appropriates \$1,548,219.00 in FY 2023 to the Department of Environmental Conservation for the Clean Water State Revolving Fund.
- Appropriates \$2,715,000.00 in FY 2023 to the Department of Environmental Conservation for municipal pollution control grants.
- Appropriates in FY 2023 to the Vermont Housing and Conservation Board:
 - \$200,000.00 for agricultural water quality projects; and
 - \$2,000,000.00 for land conservation and water quality projects.

Sec. 8. Amends Appropriations in 2021 Acts and Resolves No. 50, Sec. 11 (Military) Appropriates funds in FY 2023 to the Department of Military.

- Amends the FY 2023 appropriation to the Department of Military for maintenance and renovations at State armories from \$900,000.00 to \$1,100,000.00.

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Sec. 9. Amends Appropriations in 2021 Acts and Resolves No. 50, Sec. 12 (Public Safety).

Appropriates funds in FY 2023 to the Department of Public Safety.

- Appropriates \$3,500,000.00 in FY 2023 for construction of the Williston Public Safety Field Station.

Sec. 10. Amends 2021 Acts and Resolves No. 50, Sec. 13 (Agency of Agriculture).

Appropriates funds in FY 2023 to the Agency of Agriculture, Food and Markets.

- Amends the appropriation in FY 2023 to the Agency of Agriculture, Food and Markets for the maintenance of the Vermont Building at the Eastern States Exposition from \$350,000.00 to \$1,400,000.00 and adds “modernization planning and design.”

Sec. 11. Adds 2021 Acts and Resolves No. 50, Sec. 17a (Sergeant at Arms).

Appropriates funds in FY 2023 to the Sergeant at Arms.

- Adds the appropriation of \$185,000.00 in FY 2023 for upgrades to 2 Aiken Street.

Sec. 12. Adds 2021 Acts and Resolves No. 50, Sec. 17b (ARPA State and Local Fiscal Recovery Fund).

- Adds findings regarding the use of ARPA state and local fiscal recovery funds to offset capital projects funded in FY 2022 and FY 2023.
- Adds intent that certain capital projects that are eligible for ARPA funds receive the authorization in the capital bill but are appropriated funds in the FY 2023 Appropriations Act.
- Authorizes projects in FY 2022 and FY 2023 to be undertaken with funds appropriated in the FY 2023 Appropriations Act.

Sec. 13. Adds 2021 Acts and Resolves No. 50, Sec. 17c (FY 23; ARPA Capital Projects Fund).

- Adds intent to appropriate from the ARPA Capital Projects Fund to carry out critical capital projects to the extent permissible by federal law and guidance.
- Appropriates ARPA capital projects funds in FY 2023 to the following:
 - \$1,530,816.00 to the Department of Forests, Parks and Recreation for the Parks Connectivity Project;
 - \$15,900,000.00 to the Department of Libraries for the Libraries Capital Project;
 - \$25,619,184.00 to the Department of Public Service for broadband initiatives;
 - \$21,500,000.00 to the Department of Public Service for the Critical Communications; Infrastructure Program; and
 - \$50,000.00 to the Mount Ascutney Regional Commission to hire a consultant to facilitate community discussions on the use of the former Southeast State Correctional Facility.
- Requires the Commissioner of Finance and Management to submit a report to the JFC, the House Committee on Corrections and Institutions, and the Senate Committee on Institutions, on or after September 15 each year until 2026, on the status of expenditures made from the Capital Projects Fund. Also requires an update in January 2023 with any recommendations for reallocation of monies from the ARPA Capital Project Funds.

Sec. 14. Amends Appropriations 2021 Acts and Resolves No. 50, in Sec. 18 (Reallocations).

- Reallocates in FY 2022 and FY 2023 the amount of \$7,737,808.25 of funds that were authorized in former capital bills but never spent.

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Sec. 15. Amends Sec. 19 (General Obligation Bonds and Appropriations).

- Authorizes the State Treasurer to issue additional general obligation bonds in the amount of \$140,540,163.00 that were authorized in 2021 but never issued.

Sec. 16. Amends 2021 Acts and Resolves No. 50, Sec. 24 (Engineering Costs).

- Amends the sunset date to move the funding of engineering costs from the capital bill to the Big Bill to June 30, 2022.

Sec. 17. Amends 2021 Acts and Resolves No. 50, Sec. 21a (Baldwin Street; Sale of Properties).

- Authorizes BGS to sell the property at 14-16 Baldwin Street in addition to 13 Baldwin Street.

Sec. 18. Adds 2021 Acts and Resolves No. 50, Sec. 25b (Reducing Carbon Intensity; State Buildings; State Energy Management Program).

- Sets forth intent that BGS implement strategies to reduce carbon intensity in buildings under its jurisdiction, including use of non-fossil fuel alternatives when installing or replacing any space conditioning or water-heating systems and use of carbon-storing and least-embodied-carbon materials.
- Also sets forth intent that the Department of Forests, Parks and Recreation and the Agency of Transportation use the State Energy Management Program.

Sec. 19. Amends 2019 Acts and Resolves No. 42, Sec. 10 (2019 Rustic Cabin Construction Program Appropriation).

- Reallocates the FY 2020 appropriation for the Rustic Cabin Construction Program (\$200,000.00 to Sec. 6 of this bill and the remaining amounts reallocated to the bottom line via Sec. 14).

Sec. 20. Adding 2021 Acts and Resolves No. 50, Sec. 34a (Critical Communications Infrastructure Program).

- Creates the Critical Communications Infrastructure Program within the Department of Public Service to improve availability of commercial mobile wireless voice services (CMRS) in areas where those services are currently unavailable.

Sec. 21. Effective Date.

- The act takes effect on passage.