

1 H.595

2 Senators Rodgers and Flory move that the Senate propose to the House that
3 the bill be amended as follows:

4 First: By striking out Secs. 9 and 10 in their entirety and inserting in lieu
5 thereof the following:

6 Sec. 9. AGENCY OF NATURAL RESOURCES WORKING GROUP ON
7 RECOVERY OF NATURAL RESOURCE DAMAGES

8 (a) Formation. On or before July 1, 2016, the Secretary of Natural
9 Resources (Secretary) shall establish a Natural Resource Damages Working
10 Group (Working Group) to develop proposed legislation that authorizes the
11 Secretary to recover for natural resource damages (NRDs) when there is a
12 release of hazardous materials into the environment that causes injury,
13 destruction, or the loss of natural resources for which the State is the trustee.
14 The Working Group shall consist of interested stakeholders and include
15 individuals or groups with expertise in the subject matter of NRDs,
16 environmental liability, or economic analyses or modeling. The working
17 group shall consider, at a minimum, the following information in the
18 development of its recommendations:

- 19 (1) the existing authorization of the Secretary under the federal
20 Comprehensive Environmental Response, Compensation, and Liability Act
21 (CERCLA) and Oil Pollution Act (OPA) for the recovery of NRDs as a trustee

1 of the State and the Secretary's historic and current use of federal authority in
2 the recovery of NRDs on behalf of the State;

3 (2) the existing statutory and regulatory authority of the Secretary under
4 Vermont law to recover NRDs, and the Secretary's use of State authority to
5 recover NRDs on behalf of the State,

6 (3) existing regulations promulgated by the U.S. Department of Interior
7 and the National Oceanic and Atmospheric Administration that govern
8 NRD assessment and damage claims pursuant to CERCLA and OPA
9 respectively; and

10 (4) existing law from other states that have specific authority to recover
11 NRDs separate and apart from their participation in CERCLA and OPA as
12 trustees for the state and how other states utilize such authority.

13 (b) Report. On or before January 15, 2017, the Secretary shall report to the
14 Senate and House Committee on Natural Resources and Energy and the
15 House Committee on Fish, Wildlife and Water Resources with the findings and
16 recommendations of the Working Group. The report shall include.

17 (1) the information evaluated by the Working Group.

18 (2) a summary of the Working Group's recommendations, including
19 the rationale or basis for any proposed findings and legislative
20 recommendations; and

1 (3) if legislative changes are recommended, draft legislation
2 implementing the recommendations.

3 Sec. 10. [Deleted.]

4 Second: In Sec. 13 (effective dates), in subsection (a), after “8 (ANR
5 information requests),” and before “, 11 (ANR enforcement)” by striking out
6 “9-1 O (natural resources damages)” and inserting in lieu thereof 9 (Natural
7 Resource Damage Working Group)

