

1 TO THE HONORABLE SENATE:

2 The Committee on Appropriations to which was referred House Bill No.
3 231 entitled “An act relating to technical corrections to fish and wildlife
4 statutes” respectfully reports that it has considered the same and recommends
5 that the proposal of the Committee on Natural Resources and Energy be
6 amended by striking out Sec. 20, effective dates, in its entirety and inserting in
7 lieu thereof six new sections to be Secs. 20–25 to read as follows:

8 Sec. 20. 10 V.S.A. § 599a is amended to read:

9 § 599a. REPORTS; RULEMAKING

10 (a) On or before January 15, 2025, the Agency, in consultation with the
11 State Treasurer, shall submit a report to the General Assembly detailing the
12 feasibility and progress of carrying out the requirements of this chapter,
13 including any recommendations for improving the administration of the
14 Program.

15 (b) The Agency shall adopt rules necessary to implement the requirements
16 of this chapter, including:

17 (1) adopting methodologies using available science and publicly
18 available data to identify responsible parties and determine their applicable
19 share of covered greenhouse gas emissions; and

20 (2) requirements for registering entities that are responsible parties and
21 issuing notices of cost recovery demands under the Program; ~~and~~

- 1 ~~(3) the Resilience Implementation Strategy, which shall include:~~
- 2 ~~(A) practices utilizing nature-based solutions intended to stabilize~~
- 3 ~~floodplains, riparian zones, lake shoreland, wetlands, and similar lands;~~
- 4 ~~(B) practices to adapt infrastructure to the impacts of climate change;~~
- 5 ~~(C) practices needed to build out early warning mechanisms and~~
- 6 ~~support fast, effective response to climate-related threats;~~
- 7 ~~(D) practices that support economic and environmental sustainability~~
- 8 ~~in the face of changing climate conditions; and~~
- 9 ~~(E) criteria and procedures for prioritizing climate change adaptation~~
- 10 ~~projects eligible to receive monies from the Climate Superfund Cost Recovery~~
- 11 ~~Program.~~
- 12 (c) On or before September 15, 2025, the Secretary shall submit to the
- 13 House Committee on Environment and the Senate Committee on Natural
- 14 Resources and Energy a report summarizing the Agency of Natural Resources’
- 15 adoption of the Resilience Implementation Strategy. The Strategy shall
- 16 include:
- 17 (1) practices utilizing nature-based solutions intended to stabilize
- 18 floodplains, riparian zones, lake shoreland, wetlands, and similar lands;
- 19 (2) practices to adapt infrastructure to the impacts of climate change;
- 20 (3) practices needed to build out early warning mechanisms and support
- 21 fast, effective response to climate-related threats;

1 (4) practices that support economic and environmental sustainability in
2 the face of changing climate conditions; and

3 (5) criteria and procedures for prioritizing climate change adaptation
4 projects eligible to receive monies from the Climate Superfund Cost Recovery
5 Program.

6 (d) In adopting the Strategy, the Agency shall:

7 (1) consult with the Environmental Justice Advisory Council;

8 (2) in consultation with other State agencies and departments, including
9 the Department of Public Safety’s Division of Vermont Emergency
10 Management, assess the adaptation needs and vulnerabilities of various areas
11 vital to the State’s economy, normal functioning, and the health and well-being
12 of Vermonters;

13 (3) identify major potential, proposed, and ongoing climate change
14 adaptation projects throughout the State;

15 (4) identify opportunities for alignment with existing federal, State, and
16 local funding streams;

17 (5) consult with stakeholders, including local governments, businesses,
18 environmental advocates, relevant subject area experts, and representatives of
19 environmental justice focus populations;

1 (6) consider components of the Vermont Climate Action Plan required
2 under section 592 of this title that are related to adaptation or resilience, as
3 defined in section 590 of this title; and

4 (7) conduct public engagement in areas and communities that have the
5 most significant exposure to the impacts of climate change, including
6 disadvantaged, low-income, and rural communities and areas.

7 ~~(d)~~(e) Nothing in this section shall be construed to limit the existing
8 authority of a State agency, department, or entity to regulate greenhouse gas
9 emissions or establish strategies or adopt rules to mitigate climate risk and
10 build resilience to climate change.

11 Sec. 21. 2024 Acts and Resolves No. 122, Sec. 3 is amended to read:

12 Sec. 3. IMPLEMENTATION

13 (a) ~~On or before July 1, 2025, the Agency of Natural Resources pursuant to~~
14 ~~3 V.S.A. § 837 shall file with the Interagency Committee on Administrative~~
15 ~~Rules the proposed rule for the adoption of the Resilience Implementation~~
16 ~~Strategy required pursuant to 10 V.S.A. § 599a(b)(3). On or before January 1,~~
17 ~~2026, the Agency of Natural Resources shall adopt the final rule establishing~~
18 ~~the Resilience Implementation Strategy required pursuant to 10 V.S.A.~~
19 ~~§ 599a(b)(3). [Repealed.]~~

20 (b) On or before July 1, ~~2026~~ 2027, the Agency of Natural Resources
21 pursuant to 3 V.S.A. § 837 shall file with the Interagency Committee on

Administrative Rules the proposed rules required pursuant to 10 V.S.A. § 599a(b)(1) and (b)(2). On or before January 1, ~~2027~~ 2028, the Agency of Natural Resources shall adopt the final rule rules required pursuant to 10 V.S.A. § 599a(b)(1) and (b)(2).

Sec. 22. 10 V.S.A. § 596 is amended to read:

§ 596. DEFINITIONS

As used in this chapter:

* * *

(7) “Covered greenhouse gas emissions” means the total quantity of greenhouse gases released into the atmosphere ~~during the covered period~~, expressed in metric tons of carbon dioxide equivalent, resulting from the use of fossil fuels extracted or refined by an entity during the covered period.

* * *

(22) “Responsible party” means any entity or a successor in interest to an entity that during any part of the covered period was engaged in the trade or business of extracting fossil fuel or refining crude oil and is determined by the Agency attributable to for more than one billion metric tons of covered greenhouse gas emissions ~~during the covered period~~. The term responsible party does not include any person who lacks sufficient connection with the State to satisfy the nexus requirements of the U.S. Constitution.

* * *

1 Sec. 23. 10 V.S.A. § 598(b) is amended to read:

2 (b) With respect to each responsible party, the cost recovery demand shall
3 be equal to an amount that bears the same ratio to the cost to the State of
4 Vermont and its residents, as calculated by the State Treasurer pursuant to
5 section 599c of this title, from ~~the emission of covered greenhouse gases~~
6 ~~during the covered period~~ gas emissions as the responsible party's applicable
7 share of covered greenhouse gas emissions bears to the aggregate applicable
8 shares of covered greenhouse gas emissions ~~resulting from the use of fossil~~
9 ~~fuels extracted or refined during the covered period.~~

10 Sec. 24. 10 V.S.A. § 599c is amended to read:

11 § 599c. STATE TREASURER REPORT ON THE COST TO VERMONT OF
12 COVERED GREENHOUSE GAS EMISSIONS

13 On or before January 15, ~~2026~~ 2027, the State Treasurer, after consultation
14 with the Interagency Advisory Board to the Climate Action Office, and with
15 any other person or entity whom the State Treasurer decides to consult for the
16 purpose of obtaining and utilizing credible data or methodologies that the State
17 Treasurer determines may aid the State Treasurer in making the assessments
18 and estimates required by this section, shall submit to the Senate Committees
19 on Appropriations, on Finance, on Agriculture, and on Natural Resources and
20 Energy and the House Committees on Appropriations; on Ways and Means; on
21 Agriculture, Food Resiliency, and Forestry; and on Environment ~~and Energy~~

1 an assessment of the cost to the State of Vermont and its residents ~~of the~~
2 ~~emission~~ of covered greenhouse gases ~~for the period that began on January 1,~~
3 ~~1995 and ended on December 31, 2024~~ gas emissions. The assessment shall
4 include:

5 * * *

6 (3) a categorized calculation of the costs that have been incurred and are
7 projected to be incurred in the future within the State of Vermont to abate the
8 effects of covered greenhouse gas emissions ~~from between January 1, 1995~~
9 ~~and December 31, 2024~~ on the State of Vermont and its residents.

10 Sec. 25. EFFECTIVE DATES

11 (a) This section and Secs. 20–24 (climate superfund act) shall take effect
12 on passage.

13 (b) All other sections shall take effect on July 1, 2025, except that:

14 (1) Sec. 7 (free fishing license; person with developmental disabilities)
15 shall take effect on January 1, 2026; and

16 (2) in Sec. 13, 10 V.S.A. § 4085(a) (related to the taking of reptiles and
17 amphibians) shall take effect on January 1, 2027.

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2

3 (Committee vote: _____)

4

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Senator _____

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FOR THE COMMITTEE