

**From:** [Pallas, Karen](#)  
**To:** [CopelandHanzas, Sarah](#); [Hibbert, S. Lauren](#); [Pieciak, Mike](#); [Boyles, Gavin](#); [Clark, Charity](#); [McDougall, Robert](#); [Hoffer, Doug](#); [custicke@leg.state.vt.us](mailto:custicke@leg.state.vt.us); [Corliss, Louise](#); [Campbell, John](#); [Valerio, Matthew](#); [Doyon, Ashlynn](#); [sdevoid@vsea.org](mailto:sdevoid@vsea.org); [showard@vsea.org](mailto:showard@vsea.org); [vincentilluzzi](#); [Hohman, Stacey L. \(LNG-SA2\)](#); [Grutchfield, Merrick](#); [Karen Horn](#); [Jennifer Carbee](#); [Michael O'Grady](#); [SOS - VSARA Statutory Filings](#); [Reinold, Anna](#); [alexandra.cervantes@lexisnexis.com](mailto:alexandra.cervantes@lexisnexis.com); [jonathan.hernandez@lexisnexis.com](mailto:jonathan.hernandez@lexisnexis.com); [Zonay, Thomas](#); [Jandl, Lauren](#); [Corsones, Therese](#); [Lueders-Dumont, Timothy](#); [Gwynn Zakov](#)  
**Subject:** Action taken by Governor - June 5, 2023  
**Date:** Monday, June 5, 2023 4:41:59 PM  
**Attachments:** [image001.gif](#)  
[image002.gif](#)  
[image003.gif](#)

---

The Governor has informed the Senate that on the 5<sup>th</sup> day of June, 2023, he signed bills originating in the Senate of the following titles:

- S.33 An act relating to miscellaneous judiciary procedures
- S.100 An act relating to housing opportunities made for everyone

**To view a complete list of action on bills passed during the 2023 legislative session, [click here.](#)**

---

### Karen Pallas

Office of Governor Phil Scott



### State of Vermont

Main Line: 802-828-3333 | State House Office 802-828-6422

[Karen.pallas@vermont.gov](mailto:Karen.pallas@vermont.gov) | [Governor.Vermont.Gov](http://Governor.Vermont.Gov)



*Governor Scott is committed to making the most of the once-in-a-lifetime opportunity for a stronger, brighter future across Vermont. Learn more about his proposals, what is at risk, and how to get involved by visiting [governor.vermont.gov/FY24Budget](http://governor.vermont.gov/FY24Budget).*

**From:** [Judith Newman](#)  
**To:** [Ellen Czajkowski](#); [Christopher Bray](#); [Kolber, Justin](#); [Smith, Hannah](#); [Michael O"Grady](#); [Mark MacDonald](#); [Richard McCormack](#); [Anne Watson](#); [Rebecca White](#)  
**Subject:** Agenda for SNRE Friday, 03-17-2023 starts at 9AM  
**Date:** Thursday, March 16, 2023 2:17:30 PM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

<https://legislature.vermont.gov/committee/agenda/2024/964>

Judith Newman  
Office of Legislative Operations  
Committee Assistant-Senate Natural Resources and Energy  
Room 8  
802-828-2296

**From:** [Murphy, Laura](#)  
**To:** [rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)  
**Cc:** [efitzpatrick@leg.state.vt.us](mailto:efitzpatrick@leg.state.vt.us); [mogradys@leg.state.vt.us](mailto:mogradys@leg.state.vt.us); [Kolber, Justin](#); [Jandl, Lauren](#)  
**Subject:** Proposed Language-Environmental Contamination Claims  
**Date:** Friday, March 10, 2023 11:28:00 AM  
**Attachments:** [20230310 Proposed Language \(AGO\).docx](#)

---

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,  
Laura

***Laura B. Murphy***

Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)  
Pronouns: she/her/hers

\* \* \* Accrual of Environmental Contamination Claims \* \* \*

Sec. [X]. 10 V.S.A. § 8222 is added to read:

- (a) A common-law or statutory claim based on environmental contamination shall accrue each day the contamination remains on or in an affected property or natural resource.
- (b) As used in this section:
  - 1) “Environmental contamination” means any hazardous material or hazardous waste as defined in 10 V.S.A. § 6602, or other substance or material that has the potential to adversely affect human health or the environment (A) on or in an affected property, including in buildings or other structures, or (B) on or in a natural resource.
  - 2) “Natural resource” has the same meaning as in 10 V.S.A. § 6615d(a)(8).
- (c) Nothing in this section shall shorten or otherwise limit any later accrual date that may apply under other source of law.

Sec. [X]. Notwithstanding 1 V.S.A. § 214 or any other law, Section [X-above section] shall apply to (a) any action or proceeding commenced on or after the effective date, and (b) any action or proceeding that is pending on the effective date. Section [X-above section] shall not revive claims subject to a final, non-appealable judgment rendered prior to the effective date.

Sec. [X]. 10 V.S.A. § 8015 is amended to read:

Notwithstanding any other provision of law, actions brought under this chapter or chapter 211 of this title shall be commenced within the later of:

- (1) six years from the date the violation is or reasonably should have been discovered; ~~or~~
- (2) six years from the date a continuing violation ceases; or
- (3) six years from the date of accrual under 10 V.S.A. § 8222.

**From:** [Peninah Hodin](#)  
**To:** [Kolber, Justin](#)  
**Subject:** RE: House Judiciary- start time for S.33 hearing  
**Date:** Thursday, April 27, 2023 11:11:17 AM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

The committee is finishing up with the witness before you, so we should be ready for you to join.

---

**From:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Sent:** Thursday, April 27, 2023 9:33 AM  
**To:** Peninah Hodin <[PHodin@leg.state.vt.us](mailto:PHodin@leg.state.vt.us)>  
**Subject:** Re: House Judiciary- start time for S.33 hearing

Thank you

---

**From:** Peninah Hodin <[PHodin@leg.state.vt.us](mailto:PHodin@leg.state.vt.us)>  
**Sent:** Thursday, April 27, 2023 9:29:57 AM  
**To:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Subject:** RE: House Judiciary- start time for S.33 hearing

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Yes, I can do that.

---

**From:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Sent:** Thursday, April 27, 2023 9:29 AM  
**To:** Peninah Hodin <[PHodin@leg.state.vt.us](mailto:PHodin@leg.state.vt.us)>  
**Subject:** Re: House Judiciary- start time for S.33 hearing

Fine for me. I see I'm last on the schedule. Would you mind emailing me whenever the Committee wants me to join, and I'll be ready to immediately join the Zoom link.

Thanks,  
Justin

---

**From:** Peninah Hodin <[PHodin@leg.state.vt.us](mailto:PHodin@leg.state.vt.us)>  
**Sent:** Thursday, April 27, 2023 9:26:36 AM  
**To:** Pahl, Marshall <[Marshall.Pahl@vermont.gov](mailto:Marshall.Pahl@vermont.gov)>; Lueders-Dumont, Timothy <[Timothy.Lueders-Dumont@vermont.gov](mailto:Timothy.Lueders-Dumont@vermont.gov)>; Gardella, William <[William.Gardella@vermont.gov](mailto:William.Gardella@vermont.gov)>; AHS - DCF Legislative <[AHS.DCFLegislative@vermont.gov](mailto:AHS.DCFLegislative@vermont.gov)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Boudreau, Lindy <[Lindy.Boudreau@vermont.gov](mailto:Lindy.Boudreau@vermont.gov)>  
**Cc:** Puls, Gina <[Gina.Puls@vermont.gov](mailto:Gina.Puls@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** House Judiciary- start time for S.33 hearing

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the**

**sender.**

Good morning everyone,

I apologize, but the House Judiciary committee is running behind schedule and they will now need to start their hearing on S.33 at **10:00**, rather than 9:30. Please let me know if this will cause any time conflicts for you.

Many thanks,  
Peninah

**Peninah Hodin** (she/her)  
Committee Assistant  
[House Committee on Judiciary](#) – Room 30  
Office of Legislative Operations  
Vermont General Assembly  
[phodin@leg.state.vt.us](mailto:phodin@leg.state.vt.us)

**From:** [Peninah Hodin](#)  
**To:** [Pahl, Marshall](#); [Lueders-Dumont, Timothy](#); [Gardella, William](#); [AHS - DCF Legislative](#); [Kolber, Justin](#); [Boudreau, Lindy](#)  
**Cc:** [Puls, Gina](#); [Jandl, Lauren](#)  
**Subject:** RE: House Judiciary- start time for S.33 hearing  
**Date:** Thursday, April 27, 2023 9:52:16 AM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

The start time for the hearing is looking more like 10:15 at the earliest. Again, my apologies and please let me know if you need to reschedule your testimony at this point.

**Peninah Hodin** (she/her)  
Committee Assistant  
[House Committee on Judiciary](#) – Room 30  
Office of Legislative Operations  
Vermont General Assembly  
[phodin@leg.state.vt.us](mailto:phodin@leg.state.vt.us)

---

**From:** Peninah Hodin  
**Sent:** Thursday, April 27, 2023 9:27 AM  
**To:** Marshall Pahl <[marshall.pahl@vermont.gov](mailto:marshall.pahl@vermont.gov)>; Lueders-Dumont, Timothy <[Timothy.Lueders-Dumont@vermont.gov](mailto:Timothy.Lueders-Dumont@vermont.gov)>; Gardella, William <[William.Gardella@vermont.gov](mailto:William.Gardella@vermont.gov)>; AHS - DCF Legislative <[AHS.DCFLegislative@vermont.gov](mailto:AHS.DCFLegislative@vermont.gov)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; [lindy.boudreau@vermont.gov](mailto:lindy.boudreau@vermont.gov)  
**Cc:** Puls, Gina <[Gina.Puls@vermont.gov](mailto:Gina.Puls@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** House Judiciary- start time for S.33 hearing

Good morning everyone,

I apologize, but the House Judiciary committee is running behind schedule and they will now need to start their hearing on S.33 at **10:00**, rather than 9:30. Please let me know if this will cause any time conflicts for you.

Many thanks,  
Peninah

**Peninah Hodin** (she/her)  
Committee Assistant  
[House Committee on Judiciary](#) – Room 30  
Office of Legislative Operations  
Vermont General Assembly  
[phodin@leg.state.vt.us](mailto:phodin@leg.state.vt.us)

**From:** [Peggy Delaney](#)  
**To:** [Kolber, Justin](#); [Richard Sears](#); [Murphy, Laura](#)  
**Cc:** [Erik Fitzpatrick](#); [Michael O'Grady](#); [Jandl, Lauren](#)  
**Subject:** RE: Proposed Language-Environmental Contamination Claims  
**Date:** Monday, March 13, 2023 2:19:27 PM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Got it

I will add you to the agenda

Peggy

---

**From:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Sent:** Monday, March 13, 2023 12:04 PM  
**To:** Peggy Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>; Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>; Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

Thank you Penny.

It will be me testifying.

Thanks,  
Justin

Justin Kolber, Assistant Attorney General  
Chief, Environmental and Public Protection Division  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-5620  
[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)  
pronouns: he/him/his

---

**From:** Peggy Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>  
**Sent:** Friday, March 10, 2023 5:53 PM  
**To:** Richard Sears <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>; Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[efitzpatrick@leg.state.vt.us](mailto:efitzpatrick@leg.state.vt.us)>; Michael O'Grady <[mograd@leg.state.vt.us](mailto:mograd@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims



**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Laura

I can add this to the agenda when I get back on Monday

Just let me know if it will be yourself or Justin that will be testifying

I will send the zoom information the day before.

Peggy

---

**From:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Sent:** Friday, March 10, 2023 5:49 PM  
**To:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>; Peggy Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>  
**Subject:** Re: Proposed Language-Environmental Contamination Claims

Thanks Laura,  
Peggy if possible I would like to schedule this for 9am next Thursday to see if we can add it to S.33  
Best

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Sent:** Friday, March 10, 2023 11:28:34 AM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,  
Laura

**Laura B. Murphy**

Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)  
Pronouns: she/her/hers

**From:** [Richard Sears](#)  
**To:** [Murphy, Laura](#)  
**Cc:** [Erik Fitzpatrick](#); [Michael O'Grady](#); [Kolber, Justin](#); [Jandl, Lauren](#); [PDelaney](#)  
**Subject:** Re: Proposed Language-Environmental Contamination Claims  
**Date:** Friday, March 10, 2023 5:49:12 PM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Thanks Laura,  
Peggy if possible I would like to schedule this for 9am next Thursday to see if we can add it to S.33  
Best

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Sent:** Friday, March 10, 2023 11:28:34 AM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,  
Laura

**Laura B. Murphy**  
Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609

(802) 828-1059

[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)

Pronouns: she/her/hers

**From:** [Erik Fitzpatrick](#)  
**To:** [Murphy, Laura](#)  
**Cc:** [Kolber, Justin](#)  
**Subject:** RE: Proposed Language-Environmental Contamination Claims  
**Date:** Tuesday, March 21, 2023 11:13:43 AM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Laura and Justin,

A Senator has a question about how your proposed language interacts with the discovery rule. If the polluter removes the contamination and a person discovers their injury 10 years later, would they be able to bring a claim, or would the new 6 year SOL bar the claim?

Thanks!  
Erik

**Erik FitzPatrick**

Vermont Legislative Counsel  
1 Baldwin St.  
Montpelier, VT  
(802) 828-2231

---

**From:** Murphy, Laura <Laura.Murphy@vermont.gov>  
**Sent:** Friday, March 10, 2023 11:29 AM  
**To:** Richard Sears <RSEARS@leg.state.vt.us>  
**Cc:** Erik Fitzpatrick <EFITZPATRICK@leg.state.vt.us>; Michael O'Grady <MOGrady@leg.state.vt.us>; Kolber, Justin <justin.kolber@vermont.gov>; Jandl, Lauren <Lauren.Jandl@vermont.gov>  
**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,  
Laura

**Laura B. Murphy**

Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office

109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)  
Pronouns: she/her/hers

**From:** [Kolber, Justin](#)  
**To:** [Erik Fitzpatrick](#)  
**Cc:** [Murphy, Laura](#)  
**Subject:** RE: Proposed Language-Environmental Contamination Claims  
**Date:** Tuesday, March 21, 2023 9:21:51 PM

---

Hi Erik,

Thanks for reaching out. Our proposed language doesn't change the applicable statute of limitations period or shorten any other accrual period that might apply – see proposed language at 10 VSA 8222(c) – “Nothing in this section shall shorten or otherwise limit any later accrual date that may apply under other source of law.”

Under our proposal, an environmental contamination claim accrues as long as contamination is on the property – meaning, the statute of limitations clock cannot start ticking until the contamination is no longer there. But if the discovery rule provided for a *later* accrual date under the particular circumstances, our proposed language would not affect that. In Vermont, the “discovery rule” is a doctrine that says the clock doesn't start ticking until a plaintiff knows or should know of an injury and its cause: “a cause of action accrues at the time a plaintiff discovers or reasonably should have discovered the basic elements of a cause of action, including the existence of an injury and its causes.” *Gettis v. Green Mountain Econ. Dev. Corp.*, 179 Vt. 117, 125 (2005).

Let us know if you'd like to discuss further.

Thanks,  
Justin

Justin Kolber, Assistant Attorney General  
Chief, Environmental and Public Protection Division  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-5620  
[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)  
pronouns: he/him/his

---

**From:** Erik Fitzpatrick <EFITZPATRICK@leg.state.vt.us>  
**Sent:** Tuesday, March 21, 2023 11:14 AM  
**To:** Murphy, Laura <Laura.Murphy@vermont.gov>  
**Cc:** Kolber, Justin <justin.kolber@vermont.gov>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Laura and Justin,

A Senator has a question about how your proposed language interacts with the discovery rule. If the polluter removes the contamination and a person discovers their injury 10 years later, would they be able to bring a claim, or would the new 6 year SOL bar the claim?

Thanks!  
Erik

**Erik FitzPatrick**

Vermont Legislative Counsel  
1 Baldwin St.  
Montpelier, VT  
(802) 828-2231

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Sent:** Friday, March 10, 2023 11:29 AM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,  
Laura

**Laura B. Murphy**

Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)  
Pronouns: she/her/hers





**From:** [Erik Fitzpatrick](#)  
**To:** [Kolber, Justin](#)  
**Cc:** [Murphy, Laura](#)  
**Subject:** RE: Proposed Language-Environmental Contamination Claims  
**Date:** Tuesday, March 21, 2023 9:55:14 PM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

That's what I conclude as well, Justin, thanks for getting back to me so late in the evening.  
Erik

---

**From:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Sent:** Tuesday, March 21, 2023 9:22 PM  
**To:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>  
**Cc:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

Hi Erik,

Thanks for reaching out. Our proposed language doesn't change the applicable statute of limitations period or shorten any other accrual period that might apply – see proposed language at 10 VSA 8222(c) – “Nothing in this section shall shorten or otherwise limit any later accrual date that may apply under other source of law.”

Under our proposal, an environmental contamination claim accrues as long as contamination is on the property – meaning, the statute of limitations clock cannot start ticking until the contamination is no longer there. But if the discovery rule provided for a *later* accrual date under the particular circumstances, our proposed language would not affect that. In Vermont, the “discovery rule” is a doctrine that says the clock doesn't start ticking until a plaintiff knows or should know of an injury and its cause: “a cause of action accrues at the time a plaintiff discovers or reasonably should have discovered the basic elements of a cause of action, including the existence of an injury and its causes.” *Gettis v. Green Mountain Econ. Dev. Corp.*, 179 Vt. 117, 125 (2005).

Let us know if you'd like to discuss further.

Thanks,  
Justin

Justin Kolber, Assistant Attorney General  
Chief, Environmental and Public Protection Division  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-5620  
[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)  
pronouns: he/him/his

---

**From:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>  
**Sent:** Tuesday, March 21, 2023 11:14 AM  
**To:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Laura and Justin,

A Senator has a question about how your proposed language interacts with the discovery rule. If the polluter removes the contamination and a person discovers their injury 10 years later, would they be able to bring a claim, or would the new 6 year SOL bar the claim?

Thanks!  
Erik

**Erik FitzPatrick**  
Vermont Legislative Counsel  
1 Baldwin St.  
Montpelier, VT  
(802) 828-2231

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Sent:** Friday, March 10, 2023 11:29 AM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,  
Laura

***Laura B. Murphy***

Assistant Attorney General

Director, Environmental Protection Unit

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609

(802) 828-1059

[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)

Pronouns: she/her/hers

**From:** [Kolber, Justin](#)  
**To:** [Erik Fitzpatrick](#)  
**Cc:** [Murphy, Laura](#)  
**Subject:** Re: Proposed Language-Environmental Contamination Claims  
**Date:** Tuesday, March 21, 2023 10:12:17 PM

---

For sure

---

**From:** Erik Fitzpatrick <EFITZPATRICK@leg.state.vt.us>  
**Sent:** Tuesday, March 21, 2023 9:55:05 PM  
**To:** Kolber, Justin <justin.kolber@vermont.gov>  
**Cc:** Murphy, Laura <Laura.Murphy@vermont.gov>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

That's what I conclude as well, Justin, thanks for getting back to me so late in the evening.  
Erik

---

**From:** Kolber, Justin <justin.kolber@vermont.gov>  
**Sent:** Tuesday, March 21, 2023 9:22 PM  
**To:** Erik Fitzpatrick <EFITZPATRICK@leg.state.vt.us>  
**Cc:** Murphy, Laura <Laura.Murphy@vermont.gov>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

Hi Erik,

Thanks for reaching out. Our proposed language doesn't change the applicable statute of limitations period or shorten any other accrual period that might apply – see proposed language at 10 VSA 8222(c) – “Nothing in this section shall shorten or otherwise limit any later accrual date that may apply under other source of law.”

Under our proposal, an environmental contamination claim accrues as long as contamination is on the property – meaning, the statute of limitations clock cannot start ticking until the contamination is no longer there. But if the discovery rule provided for a *later* accrual date under the particular circumstances, our proposed language would not affect that. In Vermont, the “discovery rule” is a doctrine that says the clock doesn't start ticking until a plaintiff knows or should know of an injury and its cause: “a cause of action accrues at the time a plaintiff discovers or reasonably should have discovered the basic elements of a cause of action, including the existence of an injury and its causes.” *Gettis v. Green Mountain Econ. Dev. Corp.*, 179 Vt. 117, 125 (2005).

Let us know if you'd like to discuss further.

Thanks,  
Justin

Justin Kolber, Assistant Attorney General

Chief, Environmental and Public Protection Division  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-5620  
[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)  
pronouns: he/him/his

---

**From:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>  
**Sent:** Tuesday, March 21, 2023 11:14 AM  
**To:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Laura and Justin,

A Senator has a question about how your proposed language interacts with the discovery rule. If the polluter removes the contamination and a person discovers their injury 10 years later, would they be able to bring a claim, or would the new 6 year SOL bar the claim?

Thanks!  
Erik

**Erik FitzPatrick**  
Vermont Legislative Counsel  
1 Baldwin St.  
Montpelier, VT  
(802) 828-2231

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Sent:** Friday, March 10, 2023 11:29 AM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm

attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,  
Laura

***Laura B. Murphy***

Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)  
Pronouns: she/her/hers

**From:** [Peggy Delaney](#)  
**To:** [Richard Sears](#); [Murphy, Laura](#)  
**Cc:** [Erik Fitzpatrick](#); [Michael O'Grady](#); [Kolber, Justin](#); [Jandl, Lauren](#)  
**Subject:** RE: Proposed Language-Environmental Contamination Claims  
**Date:** Friday, March 10, 2023 5:52:37 PM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Laura

I can add this to the agenda when I get back on Monday

Just let me know if it will be yourself or Justin that will be testifying

I will send the zoom information the day before.

Peggy

---

**From:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Sent:** Friday, March 10, 2023 5:49 PM  
**To:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>; Peggy Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>  
**Subject:** Re: Proposed Language-Environmental Contamination Claims

Thanks Laura,

Peggy if possible I would like to schedule this for 9am next Thursday to see if we can add it to S.33  
Best

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Sent:** Friday, March 10, 2023 11:28:34 AM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>;



Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>

**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,

Laura

**Laura B. Murphy**

Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)  
Pronouns: she/her/hers

**From:** [Kolber, Justin](#)  
**To:** [PDelaney](#); [Richard Sears](#); [Murphy, Laura](#)  
**Cc:** [Erik Fitzpatrick](#); [Michael O'Grady](#); [Jandl, Lauren](#)  
**Subject:** RE: Proposed Language-Environmental Contamination Claims  
**Date:** Monday, March 13, 2023 12:03:57 PM

---

Thank you Penny.

It will be me testifying.

Thanks,  
Justin

Justin Kolber, Assistant Attorney General  
Chief, Environmental and Public Protection Division  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-5620  
[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)  
pronouns: he/him/his

---

**From:** Peggy Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>  
**Sent:** Friday, March 10, 2023 5:53 PM  
**To:** Richard Sears <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>; Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[efitzpatrick@leg.state.vt.us](mailto:efitzpatrick@leg.state.vt.us)>; Michael O'Grady <[mogradly@leg.state.vt.us](mailto:mogradly@leg.state.vt.us)>;  
Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Laura

I can add this to the agenda when I get back on Monday

Just let me know if it will be yourself or Justin that will be testifying

I will send the zoom information the day before.

Peggy

---

**From:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Sent:** Friday, March 10, 2023 5:49 PM  
**To:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>;

Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>; Peggy Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>

**Subject:** Re: Proposed Language-Environmental Contamination Claims

Thanks Laura,

Peggy if possible I would like to schedule this for 9am next Thursday to see if we can add it to S.33  
Best

Stay Healthy

Dick

Dick Sears

State Senator Bennington District

Chair Senate Judiciary Committee

Member Senate Appropriations Committee

343 Matteson Rd

North Bennington, VT 05257

[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>

**Sent:** Friday, March 10, 2023 11:28:34 AM

**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>

**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>;  
Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>

**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,

Laura

**Laura B. Murphy**

Assistant Attorney General

Director, Environmental Protection Unit

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609

(802) 828-1059

[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)

Pronouns: she/her/hers

**From:** [Peggy Delaney](#)  
**To:** [Kolber, Justin](#); [Richard Sears](#); [Murphy, Laura](#)  
**Cc:** [Erik Fitzpatrick](#); [Michael O'Grady](#); [Jandl, Lauren](#)  
**Subject:** RE: Proposed Language-Environmental Contamination Claims  
**Date:** Monday, March 13, 2023 2:19:27 PM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Got it

I will add you to the agenda

Peggy

---

**From:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Sent:** Monday, March 13, 2023 12:04 PM  
**To:** Peggy Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>; Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>; Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

Thank you Penny.

It will be me testifying.

Thanks,  
Justin

Justin Kolber, Assistant Attorney General  
Chief, Environmental and Public Protection Division  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-5620  
[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)  
pronouns: he/him/his

---

**From:** Peggy Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>  
**Sent:** Friday, March 10, 2023 5:53 PM  
**To:** Richard Sears <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>; Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[efitzpatrick@leg.state.vt.us](mailto:efitzpatrick@leg.state.vt.us)>; Michael O'Grady <[mograd@leg.state.vt.us](mailto:mograd@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Laura

I can add this to the agenda when I get back on Monday

Just let me know if it will be yourself or Justin that will be testifying

I will send the zoom information the day before.

Peggy

---

**From:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Sent:** Friday, March 10, 2023 5:49 PM  
**To:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>; Peggy Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>  
**Subject:** Re: Proposed Language-Environmental Contamination Claims

Thanks Laura,  
Peggy if possible I would like to schedule this for 9am next Thursday to see if we can add it to S.33  
Best

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Sent:** Friday, March 10, 2023 11:28:34 AM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,  
Laura

**Laura B. Murphy**

Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)  
Pronouns: she/her/hers

**From:** [Kolber, Justin](#)  
**To:** [PDelaney](#); [Murphy, Laura](#)  
**Subject:** RE: Proposed Language-Environmental Contamination Claims  
**Date:** Monday, March 13, 2023 2:19:57 PM

---

Thank you!

---

**From:** Peggy Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>  
**Sent:** Monday, March 13, 2023 2:19 PM  
**To:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Richard Sears <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>; Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[efitzpatrick@leg.state.vt.us](mailto:efitzpatrick@leg.state.vt.us)>; Michael O'Grady <[mograd@leg.state.vt.us](mailto:mograd@leg.state.vt.us)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Got it

I will add you to the agenda

Peggy

---

**From:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Sent:** Monday, March 13, 2023 12:04 PM  
**To:** Peggy Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>; Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>; Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

Thank you Penny.

It will be me testifying.

Thanks,  
Justin

Justin Kolber, Assistant Attorney General  
Chief, Environmental and Public Protection Division  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-5620  
[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)  
pronouns: he/him/his



---

**From:** Peggy Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>  
**Sent:** Friday, March 10, 2023 5:53 PM  
**To:** Richard Sears <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>; Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[efitzpatrick@leg.state.vt.us](mailto:efitzpatrick@leg.state.vt.us)>; Michael O'Grady <[mograd@leg.state.vt.us](mailto:mograd@leg.state.vt.us)>;  
Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Laura

I can add this to the agenda when I get back on Monday

Just let me know if it will be yourself or Justin that will be testifying

I will send the zoom information the day before.

Peggy

---

**From:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Sent:** Friday, March 10, 2023 5:49 PM  
**To:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>;  
Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>; Peggy  
Delaney <[PDelaney@leg.state.vt.us](mailto:PDelaney@leg.state.vt.us)>  
**Subject:** Re: Proposed Language-Environmental Contamination Claims

Thanks Laura,  
Peggy if possible I would like to schedule this for 9am next Thursday to see if we can add it to S.33  
Best

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>

**Sent:** Friday, March 10, 2023 11:28:34 AM

**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>

**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>;  
Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>

**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,

Laura

**Laura B. Murphy**

Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)

Pronouns: she/her/hers

**From:** [Christopher Bray](#)  
**To:** [Richard Sears](#); [Michael O'Grady](#); [Erik Fitzpatrick](#); [Murphy, Laura](#)  
**Cc:** [Anne Watson](#); [Judith Newman](#); [Christopher Bray](#)  
**Subject:** Re: Proposed Language-Environmental Contamination Claims  
**Date:** Tuesday, March 14, 2023 10:06:05 PM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

**Dick,**

Thank you.

**Michael or Erik,**

Which of you can come to SNRE on Friday at approximately 10:45 to walk us through this language?

**Laura,**

Ditto. Are you available to speak briefly with SNRE about this language on Friday at ~10:45?

**Jude,**

Please schedule folks based on replies to this email.

Thank you all,

-Chris

On Mar 14, 2023, at 2:41 PM, Christopher Bray <[cbray@leg.state.vt.us](mailto:cbray@leg.state.vt.us)> wrote:

Dick,

While I am fine with this change, I do want to be sure the full SNRE committee understands this proposed language before they see it on the floor.

Can you tell me what section(s) you are referring to and who the lawyer is on this, so he/she can walk us through it.

Thank you,

—Chris

On Mar 14, 2023, at 7:32 AM, Christopher Bray  
<[CBray@leg.state.vt.us](mailto:CBray@leg.state.vt.us)> wrote:

Thank you Dick.

Time of discovery makes sense to me. I talked with Charity about this several weeks ago and referred her to you as the better committee to lead on this.

—Chris

Senator Christopher Bray

Addison District  
Chair, Senate Natural Resources and Energy

On Mar 12, 2023, at 16:44, Richard Sears  
<[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)> wrote:

Chris,  
I wanted to make you aware of this language that might be in S.33 the miscellaneous judicial procedures bill. The Judiciary Committee will be looking at this on Thursday morning.  
It deals with a recent VT Supreme Court Decision regarding the statute of limitations for suites which is generally 6 years. The question, as I understand it, is it 6 years from the time it is discovered or 6 years from the time the pollution occurred. This would make clear, as I understand it, that it is from the time it is discovered. If you want to look at it it's fine with me, but I need to get the bill out by Friday.

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Sent:** Friday, March 10, 2023 11:28 AM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,  
Laura

***Laura B. Murphy***

Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)  
Pronouns: she/her/hers

<20230310 Proposed Language (AGO).docx>

**From:** [Erik Fitzpatrick](#)  
**To:** [Christopher Bray](#); [Richard Sears](#); [Michael O'Grady](#); [Murphy, Laura](#)  
**Cc:** [Anne Watson](#); [Judith Newman](#)  
**Subject:** RE: Proposed Language-Environmental Contamination Claims  
**Date:** Tuesday, March 14, 2023 10:09:32 PM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

I am in House Judiciary at that time, sorry.

Erik

---

**From:** Christopher Bray <CBray@leg.state.vt.us>  
**Sent:** Tuesday, March 14, 2023 10:06 PM  
**To:** Richard Sears <RSEARS@leg.state.vt.us>; Michael O'Grady <MOGrady@leg.state.vt.us>; Erik Fitzpatrick <EFITZPATRICK@leg.state.vt.us>; Laura Murphy <Laura.Murphy@vermont.gov>  
**Cc:** Anne Watson <AWatson@leg.state.vt.us>; Judith Newman <JNewman@leg.state.vt.us>; Christopher Bray <CBray@leg.state.vt.us>  
**Subject:** Re: Proposed Language-Environmental Contamination Claims

**Dick,**

Thank you.

**Michael or Erik,**

Which of you can come to SNRE on Friday at approximately 10:45 to walk us through this language?

**Laura,**

Ditto. Are you available to speak briefly with SNRE about this language on Friday at ~10:45?

**Jude,**

Please schedule folks based on replies to this email.

Thank you all,

-Chris

On Mar 14, 2023, at 2:41 PM, Christopher Bray <[cbray@leg.state.vt.us](mailto:cbray@leg.state.vt.us)> wrote:

Dick,

While I am fine with this change, I do want to be sure the full SNRE committee understands this proposed language before they see it on the floor.

Can you tell me what section(s) you are referring to and who the lawyer is on this, so he/she can walk us through it.

Thank you,  
—Chris

On Mar 14, 2023, at 7:32 AM, Christopher Bray <[CBray@leg.state.vt.us](mailto:CBray@leg.state.vt.us)> wrote:

Thank you Dick.

Time of discovery makes sense to me. I talked with Charity about this several weeks ago and referred her to you as the better committee to lead on this.

—Chris

Senator Christopher Bray  
Addison District  
Chair, Senate Natural Resources and Energy

On Mar 12, 2023, at 16:44, Richard Sears  
<[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)> wrote:

Chris,

I wanted to make you aware of this language that might be in S.33 the miscellaneous judicial procedures bill. The Judiciary Committee will be looking at this on Thursday morning.

It deals with a recent VT Supreme Court Decision regarding the statute of limitations for suites which is generally 6 years. The question, as I understand it, is it 6 years from the time it is discovered or 6 years from the time the pollution occurred. This would make clear, as I understand it, that it is from the time it is discovered.

If you want to look at it it's fine with me, but I need to get the bill out by Friday.

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee

343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Sent:** Friday, March 10, 2023 11:28 AM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,  
Laura

**Laura B. Murphy**  
Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)  
Pronouns: she/her/hers

<20230310 Proposed Language (AGO).docx>



**From:** [Michael O'Grady](#)  
**To:** [Erik Fitzpatrick](#); [Christopher Bray](#); [Richard Sears](#); [Murphy, Laura](#)  
**Cc:** [Anne Watson](#); [Judith Newman](#)  
**Subject:** RE: Proposed Language-Environmental Contamination Claims  
**Date:** Wednesday, March 15, 2023 7:55:37 AM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

I can be there at 10:45 Friday.

---

**From:** Erik Fitzpatrick <EFITZPATRICK@leg.state.vt.us>  
**Sent:** Tuesday, March 14, 2023 10:09 PM  
**To:** Christopher Bray <CBray@leg.state.vt.us>; Richard Sears <RSEARS@leg.state.vt.us>; Michael O'Grady <MOGrady@leg.state.vt.us>; Laura Murphy <Laura.Murphy@vermont.gov>  
**Cc:** Anne Watson <AWatson@leg.state.vt.us>; Judith Newman <JNewman@leg.state.vt.us>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

I am in House Judiciary at that time, sorry.  
Erik

---

**From:** Christopher Bray <[CBray@leg.state.vt.us](mailto:CBray@leg.state.vt.us)>  
**Sent:** Tuesday, March 14, 2023 10:06 PM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Laura Murphy <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Anne Watson <[AWatson@leg.state.vt.us](mailto:AWatson@leg.state.vt.us)>; Judith Newman <[JNewman@leg.state.vt.us](mailto:JNewman@leg.state.vt.us)>; Christopher Bray <[CBray@leg.state.vt.us](mailto:CBray@leg.state.vt.us)>  
**Subject:** Re: Proposed Language-Environmental Contamination Claims

**Dick,**  
Thank you.

**Michael or Erik,**  
Which of you can come to SNRE on Friday at approximately 10:45 to walk us through this language?

**Laura,**  
Ditto. Are you available to speak briefly with SNRE about this language on Friday at ~10:45?

**Jude,**  
Please schedule folks based on replies to this email.

Thank you all,  
-Chris

On Mar 14, 2023, at 2:41 PM, Christopher Bray <[cbray@leg.state.vt.us](mailto:cbray@leg.state.vt.us)> wrote:

Dick,

While I am fine with this change, I do want to be sure the full SNRE committee understands this proposed language before they see it on the floor.

Can you tell me what section(s) you are referring to and who the lawyer is on this, so he/she can walk us through it.

Thank you,  
—Chris

On Mar 14, 2023, at 7:32 AM, Christopher Bray <[CBray@leg.state.vt.us](mailto:CBray@leg.state.vt.us)> wrote:

Thank you Dick.

Time of discovery makes sense to me. I talked with Charity about this several weeks ago and referred her to you as the better committee to lead on this.

—Chris

Senator Christopher Bray  
Addison District  
Chair, Senate Natural Resources and Energy

On Mar 12, 2023, at 16:44, Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)> wrote:

Chris,

I wanted to make you aware of this language that might be in S.33 the miscellaneous judicial procedures bill. The Judiciary Committee will be looking at this on Thursday morning.

It deals with a recent VT Supreme Court Decision regarding the statute of limitations for suites which is generally 6 years. The question, as I understand it, is it 6 years from the time it is discovered or 6 years from the time the pollution occurred. This would make clear, as I understand it, that it is from the time it is discovered.

If you want to look at it it's fine with me, but I need to get the bill out by Friday.

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Sent:** Friday, March 10, 2023 11:28 AM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,  
Laura

**Laura B. Murphy**  
Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)

Pronouns: she/her/hers

<20230310 Proposed Language (AGO).docx>

**From:** [Murphy, Laura](#)  
**To:** [Michael O'Grady](#); [Erik Fitzpatrick](#); [Christopher Bray](#); [Richard Sears](#)  
**Cc:** [Anne Watson](#); [Judith Newman](#); [Kolber, Justin](#); [Jandl, Lauren](#)  
**Subject:** RE: Proposed Language-Environmental Contamination Claims  
**Date:** Wednesday, March 15, 2023 4:59:00 PM

---

Good afternoon,

Thank you for reaching out, Senator Bray. We are available Friday morning. Justin Kolber, Chief of our Environmental and Public Protection Division, can provide testimony on the proposed language.

Regards,  
Laura

**Laura B. Murphy**

Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)  
Pronouns: she/her/hers

---

**From:** Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>  
**Sent:** Wednesday, March 15, 2023 7:55 AM  
**To:** Erik Fitzpatrick <[efitzpatrick@leg.state.vt.us](mailto:efitzpatrick@leg.state.vt.us)>; Christopher Bray <[CBray@leg.state.vt.us](mailto:CBray@leg.state.vt.us)>; Richard Sears <[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)>; Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Anne Watson <[AWatson@leg.state.vt.us](mailto:AWatson@leg.state.vt.us)>; Judith Newman <[JNewman@leg.state.vt.us](mailto:JNewman@leg.state.vt.us)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

I can be there at 10:45 Friday.

---

**From:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>  
**Sent:** Tuesday, March 14, 2023 10:09 PM  
**To:** Christopher Bray <[CBray@leg.state.vt.us](mailto:CBray@leg.state.vt.us)>; Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Laura Murphy <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Cc:** Anne Watson <[AWatson@leg.state.vt.us](mailto:AWatson@leg.state.vt.us)>; Judith Newman <[JNewman@leg.state.vt.us](mailto:JNewman@leg.state.vt.us)>  
**Subject:** RE: Proposed Language-Environmental Contamination Claims

I am in House Judiciary at that time, sorry.  
Erik

---

**From:** Christopher Bray <[CBray@leg.state.vt.us](mailto:CBray@leg.state.vt.us)>

**Sent:** Tuesday, March 14, 2023 10:06 PM

**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Laura Murphy <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>

**Cc:** Anne Watson <[AWatson@leg.state.vt.us](mailto:AWatson@leg.state.vt.us)>; Judith Newman <[JNewman@leg.state.vt.us](mailto:JNewman@leg.state.vt.us)>; Christopher Bray <[CBray@leg.state.vt.us](mailto:CBray@leg.state.vt.us)>

**Subject:** Re: Proposed Language-Environmental Contamination Claims

**Dick,**

Thank you.

**Michael or Erik,**

Which of you can come to SNRE on Friday at approximately 10:45 to walk us through this language?

**Laura,**

Ditto. Are you available to speak briefly with SNRE about this language on Friday at ~10:45?

**Jude,**

Please schedule folks based on replies to this email.

Thank you all,

-Chris

On Mar 14, 2023, at 2:41 PM, Christopher Bray <[cbray@leg.state.vt.us](mailto:cbray@leg.state.vt.us)> wrote:

Dick,

While I am fine with this change, I do want to be sure the full SNRE committee understands this proposed language before they see it on the floor.

Can you tell me what section(s) you are referring to and who the lawyer is on this, so he/she can walk us through it.

Thank you,

—Chris

On Mar 14, 2023, at 7:32 AM, Christopher Bray <[CBray@leg.state.vt.us](mailto:CBray@leg.state.vt.us)> wrote:

Thank you Dick.

Time of discovery makes sense to me. I talked with Charity about this several weeks ago and referred her to you as the better committee to

lead on this.

—Chris

Senator Christopher Bray  
Addison District  
Chair, Senate Natural Resources and Energy

On Mar 12, 2023, at 16:44, Richard Sears  
<[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)> wrote:

Chris,

I wanted to make you aware of this language that might be in S.33 the miscellaneous judicial procedures bill. The Judiciary Committee will be looking at this on Thursday morning.

It deals with a recent VT Supreme Court Decision regarding the statute of limitations for suites which is generally 6 years. The question, as I understand it, is it 6 years from the time it is discovered or 6 years from the time the pollution occurred. This would make clear, as I understand it, that it is from the time it is discovered.

If you want to look at it it's fine with me, but I need to get the bill out by Friday.

Stay Healthy  
Dick

Dick Sears  
State Senator Bennington District  
Chair Senate Judiciary Committee  
Member Senate Appropriations Committee  
343 Matteson Rd  
North Bennington, VT 05257  
[rsears@leg.state.vt.us](mailto:rsears@leg.state.vt.us)

---

**From:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Sent:** Friday, March 10, 2023 11:28 AM  
**To:** Richard Sears <[RSEARS@leg.state.vt.us](mailto:RSEARS@leg.state.vt.us)>  
**Cc:** Erik Fitzpatrick <[EFITZPATRICK@leg.state.vt.us](mailto:EFITZPATRICK@leg.state.vt.us)>; Michael O'Grady <[MOGrady@leg.state.vt.us](mailto:MOGrady@leg.state.vt.us)>; Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>

**Subject:** Proposed Language-Environmental Contamination Claims

Dear Senator Sears,

I understand Attorney General Clark spoke with you Wednesday about the recent Vermont Supreme Court decision (*Nesti v. Agency of Transportation*) concerning the continuing tort doctrine. I'm attaching the proposed language she mentioned, and Justin Kolber or I would be the best person to testify on this. Justin is the Chief of the Environmental and Public Protection Division, cc'ed here. We're also happy to speak anytime with Erik or Mike, and have cc'ed them here as well.

Regards,  
Laura

**Laura B. Murphy**

Assistant Attorney General  
Director, Environmental Protection Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-1059  
[laura.murphy@vermont.gov](mailto:laura.murphy@vermont.gov)  
Pronouns: she/her/hers

<20230310 Proposed Language (AGO).docx>



**From:** [Christopher Bray](#)  
**To:** [Murphy, Laura](#)  
**Cc:** [Michael O'Grady](#); [Erik Fitzpatrick](#); [Richard Sears](#); [Anne Watson](#); [Judith Newman](#); [Kolber, Justin](#); [Jandl, Lauren](#)  
**Subject:** Re: Proposed Language-Environmental Contamination Claims  
**Date:** Wednesday, March 15, 2023 8:36:04 PM

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Laura,

Thank you for your note.

Senate Natural will not be taking possession of the bill, but given the subject matter, I want to be sure that all committee members are informed about the language and its consequences.

Best,  
—Chris

On Mar 15, 2023, at 4:59 PM, Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)> wrote:

Good afternoon,

Thank you for reaching out, Senator Bray. We are available Friday morning. Justin Kolber, Chief of our Environmental and Public Protection Division, can provide testimony on the proposed language.

Regards,  
Laura

**From:** [Kolber, Justin](#)  
**To:** [Joseph Andriano](#); [Martin LaLonde](#); [Erik Fitzpatrick](#)  
**Cc:** [Jandl, Lauren](#)  
**Subject:** Re: S.33 AGO follow-up  
**Date:** Wednesday, May 3, 2023 1:27:33 PM

---

Of course, happy to follow up any time.

Thanks,  
Justin

---

**From:** Joseph Andriano <JAndriano@leg.state.vt.us>  
**Sent:** Tuesday, May 2, 2023 7:18:57 PM  
**To:** Kolber, Justin <justin.kolber@vermont.gov>; Martin LaLonde <mlalonde@leg.state.vt.us>; Erik Fitzpatrick <efitzpatrick@leg.state.vt.us>  
**Cc:** Jandl, Lauren <Lauren.Jandl@vermont.gov>  
**Subject:** Re: S.33 AGO follow-up

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Justin,

Thank you so much for following up with me. I apologize that I was unable to get back to you via phone this morning.

Thank you for the detailed explanation, it was very helpful in better understanding why the legislation needs to be crafted this way. I appreciate your help!

Joe

---

Rep. Joe Andriano  
Addison-Rutland District  
Vermont House of Representatives

---

**From:** Kolber, Justin <justin.kolber@vermont.gov>  
**Sent:** Tuesday, May 2, 2023 5:06:15 PM  
**To:** Martin LaLonde <MLaLonde@leg.state.vt.us>; Joseph Andriano <JAndriano@leg.state.vt.us>; Erik Fitzpatrick <EFITZPATRICK@leg.state.vt.us>  
**Cc:** Jandl, Lauren <Lauren.Jandl@vermont.gov>  
**Subject:** Re: S.33 AGO follow-up

Sending an update:

1. Copying Erik for Leg Counsel.
2. Asking you to please disregard the \*bottom\* thread. I am on vacation and working from my phone. The top message is correct, and the rest can be ignored.

Thank you all for understanding.  
Best,  
Justin

---

**From:** Kolber, Justin <justin.kolber@vermont.gov>  
**Sent:** Tuesday, May 2, 2023, 4:43 PM  
**To:** Martin LaLonde <mlalonde@leg.state.vt.us>; jandriano@leg.state.vt.us  
<jandriano@leg.state.vt.us>  
**Cc:** Jandl, Lauren <Lauren.Jandl@vermont.gov>  
**Subject:** S.33 AGO follow-up

Dear Chair LaLonde and Representative Andriano,

Thank you again for the opportunity to testify about S.33 last week, and for the Committee discussion. I'm writing to follow-up on the questions that were raised by Representative Andriano. I had left a voicemail with Representative Andriano and was hoping to connect by phone, and would be happy to talk with either of you about the below response.

We've considered the questions and think it would be best not to add new language to the bill. We think there are already well-established concepts of liability to address the "faultless farmhouse owner" example. As mentioned, our proposed accrual provision does not alter those concepts of liability (**who** should be responsible) – it only affects the timing of when relief can be sought from those responsible parties. For these reasons, we think that adding language is unnecessary and could be confusing and, as Chair LaLonde noted, could raise questions about scenarios that aren't mentioned.

Under the statute we discussed last week (10 VSA 6615), current owners of contaminated sites already are liable under section 6615(a)(1) regardless of how long ago the contamination occurred. So, in the example from last week, the current owner of the contaminated farmhouse property already would be liable under existing law. Our accrual date proposal would not subject the farmhouse owner to 6615 liability that the owner is not already subject to. Of course, in either scenario the farmhouse owner would be able to pursue any applicable defenses, which might include what's known as the "innocent purchaser" defense under section 6615(e).

Outside the 6615 context, liability typically depends on fault. That is, who caused the contamination (whether intentionally, knowingly, or through negligence or the like, for example). As I mentioned last week, this might be a manufacturer, or it might be an individual or a facility or some other type of entity. It's difficult to imagine a scenario in which the faultless farmhouse owner from the example would be liable outside the 6615 context that we discussed. If the farmhouse owner **were** to be liable, it would be based on some type of fault – and we wouldn't want to alter that with this accrual provision. Rather, the accrual provision only clarifies the time during which parties harmed by the farmhouse owner's fault can seek relief – consistent with the version of the continuing tort doctrine that I discussed.

Thank you,  
Justin

---

**From:** Kolber, Justin <justin.kolber@vermont.gov>  
**Sent:** Tuesday, May 2, 2023 4:40:16 PM  
**To:** Kolber, Justin <justin.kolber@vermont.gov>  
**Subject:** Updated S.33 Email

Dear Chair LaLonde and Representative Andriano,

Thank you again for the opportunity to testify about S.33 last week, and for the Committee discussion. I'm writing to follow-up on the questions that were raised by Representative Andriano. **We appreciate those questions, and I was able to chat with Representative Andriano just now. I mentioned I'd follow up with a more detailed email.**

We've considered the questions and think it would be best not to add new language to the bill. We think there are already well-established concepts of liability to address the "faultless farmhouse owner" example. As mentioned, our proposed accrual provision does not alter those concepts of liability (**who** should be responsible) – it only affects the timing of when relief can be sought from those responsible parties. For these reasons, we think that adding language is unnecessary and could be confusing and, as Chair LaLonde noted, could raise questions about scenarios that aren't mentioned.

Under the statute we discussed last week (10 VSA 6615), current owners of contaminated sites already are liable under section 6615(a)(1) regardless of how long ago the contamination occurred. So, in the example from last week, the current owner of the contaminated farmhouse property already would be liable under existing law. Our accrual date proposal would not subject the farmhouse owner to 6615 liability that the owner is not already subject to. Of course, in either scenario the farmhouse owner would be able to pursue any applicable defenses, which might include what's known as the "innocent purchaser" defense under section 6615(e).

Outside the 6615 context, liability typically depends on fault. That is, who caused the contamination (whether intentionally, knowingly, or through negligence or the like, for example). As I mentioned last week, this might be a manufacturer, or it might be an individual or a facility or some other type of entity. It's difficult to imagine a scenario in which the faultless farmhouse owner from the example would be liable outside the 6615 context that we discussed. If the farmhouse owner **were** to be liable, it would be based on some type of fault – and we wouldn't want to alter that with this accrual provision. Rather, the accrual provision only clarifies the time during which parties harmed by the farmhouse owner's fault can seek relief – consistent with the version of the continuing tort doctrine that I discussed.

Thank you,  
Justin

---

**From:** Murphy, Laura <Laura.Murphy@vermont.gov>  
**Sent:** Monday, May 1, 2023 5:42:52 PM

**To:** Kolber, Justin <justin.kolber@vermont.gov>

**Subject:** Updated S.33 Email

Hey Justin, the highlighted language is something along the lines of what you might add after speaking w/Rep Andriano though you may have better language based on your conversation. This version also incorporates Lauren's change to "faultless farmhouse owner."

-----

Dear Chair LaLonde and Representative Andriano,

Thank you again for the opportunity to testify about S.33 last week, and for the Committee discussion. I'm writing to follow-up on the questions that were raised by Representative Andriano. **We appreciate those questions, and I was able to chat with Representative Andriano just now. I mentioned I'd follow up with a more detailed email.**

We've considered the questions and think it would be best not to add new language to the bill. We think there are already well-established concepts of liability to address the "faultless farmhouse owner" example. As mentioned, our proposed accrual provision does not alter those concepts of liability (**who** should be responsible) – it only affects the timing of when relief can be sought from those responsible parties. For these reasons, we think that adding language is unnecessary and could be confusing and, as Chair LaLonde noted, could raise questions about scenarios that aren't mentioned.

Under the statute we discussed last week (10 VSA 6615), current owners of contaminated sites already are liable under section 6615(a)(1) regardless of how long ago the contamination occurred. So, in the example from last week, the current owner of the contaminated farmhouse property already would be liable under existing law. Our accrual date proposal would not subject the farmhouse owner to 6615 liability that the owner is not already subject to. Of course, in either scenario the farmhouse owner would be able to pursue any applicable defenses, which might include what's known as the "innocent purchaser" defense under section 6615(e).

Outside the 6615 context, liability typically depends on fault. That is, who caused the contamination (whether intentionally, knowingly, or through negligence or the like, for example). As I mentioned last week, this might be a manufacturer, or it might be an individual or a facility or some other type of entity. It's difficult to imagine a scenario in which the faultless farmhouse owner from the example would be liable outside the 6615 context that we discussed. If the farmhouse owner **were** to be liable, it would be based on some type of fault – and we wouldn't want to alter that with this accrual provision. Rather, the accrual provision only clarifies the time during which parties harmed by the farmhouse owner's fault can seek relief – consistent with the version of the continuing tort doctrine that I discussed.

Thank you,  
Justin



**From:** [Kolber, Justin](#)  
**To:** [Martin LaLonde](#); [jandriano@leg.state.vt.us](mailto:jandriano@leg.state.vt.us); [Erik Fitzpatrick](#)  
**Cc:** [Jandl, Lauren](#)  
**Subject:** Re: S.33 AGO follow-up  
**Date:** Tuesday, May 2, 2023 5:06:16 PM

---

Sending an update:

1. Copying Erik for Leg Counsel.
2. Asking you to please disregard the \*bottom\* thread. I am on vacation and working from my phone. The top message is correct, and the rest can be ignored.

Thank you all for understanding.  
Best,  
Justin

---

**From:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Sent:** Tuesday, May 2, 2023, 4:43 PM  
**To:** Martin LaLonde <[mlalonde@leg.state.vt.us](mailto:mlalonde@leg.state.vt.us)>; [jandriano@leg.state.vt.us](mailto:jandriano@leg.state.vt.us)  
<[jandriano@leg.state.vt.us](mailto:jandriano@leg.state.vt.us)>  
**Cc:** Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>  
**Subject:** S.33 AGO follow-up

Dear Chair LaLonde and Representative Andriano,

Thank you again for the opportunity to testify about S.33 last week, and for the Committee discussion. I'm writing to follow-up on the questions that were raised by Representative Andriano. I had left a voicemail with Representative Andriano and was hoping to connect by phone, and would be happy to talk with either of you about the below response.

We've considered the questions and think it would be best not to add new language to the bill. We think there are already well-established concepts of liability to address the "faultless farmhouse owner" example. As mentioned, our proposed accrual provision does not alter those concepts of liability (**who** should be responsible) – it only affects the timing of when relief can be sought from those responsible parties. For these reasons, we think that adding language is unnecessary and could be confusing and, as Chair LaLonde noted, could raise questions about scenarios that aren't mentioned.

Under the statute we discussed last week (10 VSA 6615), current owners of contaminated sites already are liable under section 6615(a)(1) regardless of how long ago the contamination occurred. So, in the example from last week, the current owner of the contaminated farmhouse property already would be liable under existing law. Our accrual date proposal would not subject the farmhouse owner to 6615 liability that the owner is not already subject to. Of course, in either scenario the farmhouse owner would be able to pursue any applicable defenses, which might include what's known as the "innocent purchaser" defense under section 6615(e).

Outside the 6615 context, liability typically depends on fault. That is, who caused the contamination (whether intentionally, knowingly, or through negligence or the like, for example). As I mentioned last week, this might be a manufacturer, or it might be an individual or a facility or some other type of entity. It's difficult to imagine a scenario in which the faultless farmhouse owner from the example would be liable outside the 6615 context that we discussed. If the farmhouse owner **were** to be liable, it would be based on some type of fault – and we wouldn't want to alter that with this accrual provision. Rather, the accrual provision only clarifies the time during which parties harmed by the farmhouse owner's fault can seek relief – consistent with the version of the continuing tort doctrine that I discussed.

Thank you,  
Justin

---

**From:** Kolber, Justin <justin.kolber@vermont.gov>  
**Sent:** Tuesday, May 2, 2023 4:40:16 PM  
**To:** Kolber, Justin <justin.kolber@vermont.gov>  
**Subject:** Updated S.33 Email

Dear Chair LaLonde and Representative Andriano,

Thank you again for the opportunity to testify about S.33 last week, and for the Committee discussion. I'm writing to follow-up on the questions that were raised by Representative Andriano. **We appreciate those questions, and I was able to chat with Representative Andriano just now. I mentioned I'd follow up with a more detailed email.**

We've considered the questions and think it would be best not to add new language to the bill. We think there are already well-established concepts of liability to address the "faultless farmhouse owner" example. As mentioned, our proposed accrual provision does not alter those concepts of liability (**who** should be responsible) – it only affects the timing of when relief can be sought from those responsible parties. For these reasons, we think that adding language is unnecessary and could be confusing and, as Chair LaLonde noted, could raise questions about scenarios that aren't mentioned.

Under the statute we discussed last week (10 VSA 6615), current owners of contaminated sites already are liable under section 6615(a)(1) regardless of how long ago the contamination occurred. So, in the example from last week, the current owner of the contaminated farmhouse property already would be liable under existing law. Our accrual date proposal would not subject the farmhouse owner to 6615 liability that the owner is not already subject to. Of course, in either scenario the farmhouse owner would be able to pursue any applicable defenses, which might include what's known as the "innocent purchaser" defense under section 6615(e).

Outside the 6615 context, liability typically depends on fault. That is, who caused the contamination (whether intentionally, knowingly, or through negligence or the like, for example). As I mentioned last week, this might be a manufacturer, or it might be an individual or a facility or some other type of entity. It's difficult to imagine a scenario in which the faultless farmhouse owner from the



example would be liable outside the 6615 context that we discussed. If the farmhouse owner **were** to be liable, it would be based on some type of fault – and we wouldn't want to alter that with this accrual provision. Rather, the accrual provision only clarifies the time during which parties harmed by the farmhouse owner's fault can seek relief – consistent with the version of the continuing tort doctrine that I discussed.

Thank you,  
Justin

---

**From:** Murphy, Laura <Laura.Murphy@vermont.gov>

**Sent:** Monday, May 1, 2023 5:42:52 PM

**To:** Kolber, Justin <justin.kolber@vermont.gov>

**Subject:** Updated S.33 Email

Hey Justin, the highlighted language is something along the lines of what you might add after speaking w/Rep Andriano though you may have better language based on your conversation. This version also incorporates Lauren's change to "faultless farmhouse owner."

-----

Dear Chair LaLonde and Representative Andriano,

Thank you again for the opportunity to testify about S.33 last week, and for the Committee discussion. I'm writing to follow-up on the questions that were raised by Representative Andriano.

**We appreciate those questions, and I was able to chat with Representative Andriano just now. I mentioned I'd follow up with a more detailed email.**

We've considered the questions and think it would be best not to add new language to the bill. We think there are already well-established concepts of liability to address the "faultless farmhouse owner" example. As mentioned, our proposed accrual provision does not alter those concepts of liability (**who** should be responsible) – it only affects the timing of when relief can be sought from those responsible parties. For these reasons, we think that adding language is unnecessary and could be confusing and, as Chair LaLonde noted, could raise questions about scenarios that aren't mentioned.

Under the statute we discussed last week (10 VSA 6615), current owners of contaminated sites already are liable under section 6615(a)(1) regardless of how long ago the contamination occurred. So, in the example from last week, the current owner of the contaminated farmhouse property already would be liable under existing law. Our accrual date proposal would not subject the farmhouse owner to 6615 liability that the owner is not already subject to. Of course, in either scenario the farmhouse owner would be able to pursue any applicable defenses, which might include what's known as the "innocent purchaser" defense under section 6615(e).

Outside the 6615 context, liability typically depends on fault. That is, who caused the contamination

(whether intentionally, knowingly, or through negligence or the like, for example). As I mentioned last week, this might be a manufacturer, or it might be an individual or a facility or some other type of entity. It's difficult to imagine a scenario in which the faultless farmhouse owner from the example would be liable outside the 6615 context that we discussed. If the farmhouse owner **were** to be liable, it would be based on some type of fault – and we wouldn't want to alter that with this accrual provision. Rather, the accrual provision only clarifies the time during which parties harmed by the farmhouse owner's fault can seek relief – consistent with the version of the continuing tort doctrine that I discussed.

Thank you,  
Justin

**From:** [Peggy Delaney](#)  
**To:** [Conti, Trisha](#); [Gardella, William](#); [Kolber, Justin](#); [Lueders-Dumont, Timothy](#); [Pahl, Marshall](#); [Puls, Gina](#); [Valerio, Matthew](#); [Radke, Aryka](#); [Smith, Michael](#); [Zonay, Thomas](#); [Grutchfield, Merrick](#)  
**Subject:** RE: S.33 House Changes  
**Date:** Friday, May 5, 2023 9:02:24 AM  
**Attachments:** [image001.jpg](#)

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Below is the link for this morning We are continuing with S.33

<https://legislature-vermont-gov.zoom.us/j/6581963976?pwd=enN4OGpFYTFIKzJldnhmTkNxbWcrZz09>

### **Peggy Delaney**

Committee Services Supervisor  
Senate Judiciary Committee Assistant  
Office of Legislative Operations



State House  
115 State Street  
Montpelier, VT 05633-5301  
[pdelaney@leg.state.vt.us](mailto:pdelaney@leg.state.vt.us)

---

**From:** Peggy Delaney  
**Sent:** Wednesday, May 3, 2023 4:29 PM  
**To:** Conti, Trisha <Trisha.Conti@vermont.gov>; Gardella, William <William.Gardella@vermont.gov>; Kolber, Justin <justin.kolber@vermont.gov>; Lueders-Dumont, Timothy <Timothy.Lueders-Dumont@vermont.gov>; Pahl, Marshall <marshall.pahl@vermont.gov>; Puls, Gina <Gina.Puls@vermont.gov>; Valerio, Matthew <matthew.valerio@vermont.gov>; 'Aryka Radke' <aryka.radke@vermont.gov>; Smith, Michael <Michael.Smith@vermont.gov>; Thomas Zonay <thomas.zonay@vermont.gov>; Merrick Grutchfield - Chief Justice's Office (Merrick.Grutchfield@vermont.gov) <merrick.grutchfield@vermont.gov>  
**Subject:** S.33 House Changes

Good Evening

We will be looking at House Changes to S.33 tomorrow in Senate Judiciary at 9:00 AM

[https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20Judiciary/Bills/S.33/Drafts,%20Amendments,%20and%20Legal%20Documents/S.33~Erik%20Fitzpatrick~House%20Committee%20on%20Judiciary%20Committee%20Report%20\(10-0-1\)~5-3-2023.pdf](https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20Judiciary/Bills/S.33/Drafts,%20Amendments,%20and%20Legal%20Documents/S.33~Erik%20Fitzpatrick~House%20Committee%20on%20Judiciary%20Committee%20Report%20(10-0-1)~5-3-2023.pdf)

Below is the zoom info if you would like to join in case the committee has any questions

Please remember to mute yourself and turn off your video unless the Chair calls on you to speak

Thank you

Peggy

Peggy Delaney is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://legislature-vermont-gov.zoom.us/j/95095423995?pwd=ODBTc1RjQVhWN1VqZlRHZEEx2RmhBQT09>

Meeting ID: 950 9542 3995

Passcode: 925784

**Peggy Delaney**

Committee Services Supervisor

Senate Judiciary Committee Assistant

Office of Legislative Operations



State House

115 State Street

Montpelier, VT 05633-5301

[pdelaney@leg.state.vt.us](mailto:pdelaney@leg.state.vt.us)

**From:** [Kolber, Justin](#)  
**To:** [Martin LaLonde](#); [jandriano@leg.state.vt.us](mailto:jandriano@leg.state.vt.us)  
**Cc:** [Jandl, Lauren](#)  
**Subject:** S.33 AGO follow-up  
**Date:** Tuesday, May 2, 2023 4:43:54 PM

---

Dear Chair LaLonde and Representative Andriano,

Thank you again for the opportunity to testify about S.33 last week, and for the Committee discussion. I'm writing to follow-up on the questions that were raised by Representative Andriano. I had left a voicemail with Representative Andriano and was hoping to connect by phone, and would be happy to talk with either of you about the below response.

We've considered the questions and think it would be best not to add new language to the bill. We think there are already well-established concepts of liability to address the "faultless farmhouse owner" example. As mentioned, our proposed accrual provision does not alter those concepts of liability (**who** should be responsible) – it only affects the timing of when relief can be sought from those responsible parties. For these reasons, we think that adding language is unnecessary and could be confusing and, as Chair LaLonde noted, could raise questions about scenarios that aren't mentioned.

Under the statute we discussed last week (10 VSA 6615), current owners of contaminated sites already are liable under section 6615(a)(1) regardless of how long ago the contamination occurred. So, in the example from last week, the current owner of the contaminated farmhouse property already would be liable under existing law. Our accrual date proposal would not subject the farmhouse owner to 6615 liability that the owner is not already subject to. Of course, in either scenario the farmhouse owner would be able to pursue any applicable defenses, which might include what's known as the "innocent purchaser" defense under section 6615(e).

Outside the 6615 context, liability typically depends on fault. That is, who caused the contamination (whether intentionally, knowingly, or through negligence or the like, for example). As I mentioned last week, this might be a manufacturer, or it might be an individual or a facility or some other type of entity. It's difficult to imagine a scenario in which the faultless farmhouse owner from the example would be liable outside the 6615 context that we discussed. If the farmhouse owner **were** to be liable, it would be based on some type of fault – and we wouldn't want to alter that with this accrual provision. Rather, the accrual provision only clarifies the time during which parties harmed by the farmhouse owner's fault can seek relief – consistent with the version of the continuing tort doctrine that I discussed.

Thank you,  
Justin

---

**From:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Sent:** Tuesday, May 2, 2023 4:40:16 PM  
**To:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Subject:** Updated S.33 Email

Dear Chair LaLonde and Representative Andriano,

Thank you again for the opportunity to testify about S.33 last week, and for the Committee discussion. I'm writing to follow-up on the questions that were raised by Representative Andriano. **We appreciate those questions, and I was able to chat with Representative Andriano just now. I mentioned I'd follow up with a more detailed email.**

We've considered the questions and think it would be best not to add new language to the bill. We think there are already well-established concepts of liability to address the "faultless farmhouse owner" example. As mentioned, our proposed accrual provision does not alter those concepts of liability (**who** should be responsible) – it only affects the timing of when relief can be sought from those responsible parties. For these reasons, we think that adding language is unnecessary and could be confusing and, as Chair LaLonde noted, could raise questions about scenarios that aren't mentioned.

Under the statute we discussed last week (10 VSA 6615), current owners of contaminated sites already are liable under section 6615(a)(1) regardless of how long ago the contamination occurred. So, in the example from last week, the current owner of the contaminated farmhouse property already would be liable under existing law. Our accrual date proposal would not subject the farmhouse owner to 6615 liability that the owner is not already subject to. Of course, in either scenario the farmhouse owner would be able to pursue any applicable defenses, which might include what's known as the "innocent purchaser" defense under section 6615(e).

Outside the 6615 context, liability typically depends on fault. That is, who caused the contamination (whether intentionally, knowingly, or through negligence or the like, for example). As I mentioned last week, this might be a manufacturer, or it might be an individual or a facility or some other type of entity. It's difficult to imagine a scenario in which the faultless farmhouse owner from the example would be liable outside the 6615 context that we discussed. If the farmhouse owner **were** to be liable, it would be based on some type of fault – and we wouldn't want to alter that with this accrual provision. Rather, the accrual provision only clarifies the time during which parties harmed by the farmhouse owner's fault can seek relief – consistent with the version of the continuing tort doctrine that I discussed.

Thank you,  
Justin

---

**From:** Murphy, Laura <Laura.Murphy@vermont.gov>  
**Sent:** Monday, May 1, 2023 5:42:52 PM  
**To:** Kolber, Justin <justin.kolber@vermont.gov>  
**Subject:** Updated S.33 Email

Hey Justin, the highlighted language is something along the lines of what you might add after speaking w/Rep Andriano though you may have better language based on your conversation. This

version also incorporates Lauren’s change to “faultless farmhouse owner.”

-----

Dear Chair LaLonde and Representative Andriano,

Thank you again for the opportunity to testify about S.33 last week, and for the Committee discussion. I’m writing to follow-up on the questions that were raised by Representative Andriano. We appreciate those questions, and I was able to chat with Representative Andriano just now. I mentioned I’d follow up with a more detailed email.

We’ve considered the questions and think it would be best not to add new language to the bill. We think there are already well-established concepts of liability to address the “faultless farmhouse owner” example. As mentioned, our proposed accrual provision does not alter those concepts of liability (**who** should be responsible) – it only affects the timing of when relief can be sought from those responsible parties. For these reasons, we think that adding language is unnecessary and could be confusing and, as Chair LaLonde noted, could raise questions about scenarios that aren’t mentioned.

Under the statute we discussed last week (10 VSA 6615), current owners of contaminated sites already are liable under section 6615(a)(1) regardless of how long ago the contamination occurred. So, in the example from last week, the current owner of the contaminated farmhouse property already would be liable under existing law. Our accrual date proposal would not subject the farmhouse owner to 6615 liability that the owner is not already subject to. Of course, in either scenario the farmhouse owner would be able to pursue any applicable defenses, which might include what’s known as the “innocent purchaser” defense under section 6615(e).

Outside the 6615 context, liability typically depends on fault. That is, who caused the contamination (whether intentionally, knowingly, or through negligence or the like, for example). As I mentioned last week, this might be a manufacturer, or it might be an individual or a facility or some other type of entity. It’s difficult to imagine a scenario in which the faultless farmhouse owner from the example would be liable outside the 6615 context that we discussed. If the farmhouse owner **were** to be liable, it would be based on some type of fault – and we wouldn’t want to alter that with this accrual provision. Rather, the accrual provision only clarifies the time during which parties harmed by the farmhouse owner’s fault can seek relief – consistent with the version of the continuing tort doctrine that I discussed.

Thank you,  
Justin

**From:** [Peggy Delaney](#)  
**To:** [Conti, Trisha](#); [Gardella, William](#); [Kolber, Justin](#); [Lueders-Dumont, Timothy](#); [Pahl, Marshall](#); [Puls, Gina](#); [Valerio, Matthew](#); [Radke, Aryka](#); [Smith, Michael](#); [Zonay, Thomas](#); [Grutchfield, Merrick](#)  
**Subject:** S.33 House Changes  
**Date:** Wednesday, May 3, 2023 4:29:50 PM  
**Attachments:** [image001.jpg](#)

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Good Evening

We will be looking at House Changes to S.33 tomorrow in Senate Judiciary at 9:00 AM

[https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20Judiciary/Bills/S.33/Drafts,%20Amendments,%20and%20Legal%20Documents/S.33~Erik%20Fitzpatrick~House%20Committee%20on%20Judiciary%20Committee%20Report%20\(10-0-1\)~5-3-2023.pdf](https://legislature.vermont.gov/Documents/2024/WorkGroups/House%20Judiciary/Bills/S.33/Drafts,%20Amendments,%20and%20Legal%20Documents/S.33~Erik%20Fitzpatrick~House%20Committee%20on%20Judiciary%20Committee%20Report%20(10-0-1)~5-3-2023.pdf)

Below is the zoom info if you would like to join in case the committee has any questions

Please remember to mute yourself and turn off your video unless the Chair calls on you to speak

Thank you

Peggy

Peggy Delaney is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://legislature-vermont-gov.zoom.us/j/95095423995?pwd=ODBTc1RjQVhWN1VqZlRHZEEx2RmhBQT09>

Meeting ID: 950 9542 3995

Passcode: 925784

**Peggy Delaney**

Committee Services Supervisor

Senate Judiciary Committee Assistant

Office of Legislative Operations



State House



115 State Street  
Montpelier, VT 05633-5301  
[pdelaney@leg.state.vt.us](mailto:pdelaney@leg.state.vt.us)

**From:** [Kolber, Justin](#)  
**To:** [Martin LaLonde](#)  
**Cc:** [Erik Fitzpatrick](#); [Murphy, Laura](#)  
**Subject:** S.33  
**Date:** Monday, April 24, 2023 1:52:00 PM  
**Attachments:** [S.33 Revision.docx](#)

---

Hi, Chair LaLonde,

Our office wanted to check on S.33. We had one minor wordsmithing tweak and one change about not applying to criminal matters. Attached is a proposed revision. I had discussed this with Erik.

Please let us know if you have any questions. We'd be happy to discuss.

Thank you,  
Justin

Justin Kolber, Assistant Attorney General  
Chief, Environmental and Public Protection Division  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-5620  
[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)  
pronouns: he/him

Sec. 26. 10 V.S.A. § 8222 is added to read:

§ 8222. ACCRUAL OF ENVIRONMENTAL CONTAMINATION CLAIMS

(a) A common-law or statutory claim based on environmental contamination shall accrue so long as the contamination remains on or in an affected property or natural resource.

(b) As used in this section:

(1) "Environmental contamination" means any hazardous material or hazardous waste as defined in 10 V.S.A. § 6602, or other substance or material that has the potential to adversely affect human health or the environment

(A) on or in an affected property, including in buildings or other structures, or

(B) on or in a natural resource.

(2) "Natural resource" has the same meaning as in 10 V.S.A. 13 § 6615d(a)(8).

(c) Nothing in this section shall shorten or otherwise limit any later accrual date that may apply under other source of law.

(d)(1) Except as provided herein, notwithstanding 1 V.S.A. §§ 213-214 or any other provision of law to the contrary, this section shall apply to:

(A) any action or proceeding commenced on or after the effective date of this act; and

(B) any action or proceeding that is pending on the effective date of this act.

(2) This section shall not revive claims subject to a final, nonappealable judgment rendered prior to the effective date.

(3) This section shall not apply to a criminal claim whose limitations period expired prior to the effective date.

Sec. 27. 10 V.S.A. § 8015 is amended to read:

§ 8015. STATUTE OF LIMITATIONS

Notwithstanding any other provision of law, actions brought under this chapter or chapter 211 of this title shall be commenced within the later of:

(1) six years from the date the violation is or reasonably should have been discovered; ~~or~~

(2) six years from the date a continuing violation ceases; or

(3) six years from the date of accrual under section 8222 of this title.

**From:** [Kolber, Justin](#)  
**To:** [Richard Sears](#)  
**Cc:** [nhashim](#); [pbaruth](#); [tyhovsky@leg.state.vt.us](mailto:tyhovsky@leg.state.vt.us); [rnorris](#); [PDeLANEY](#); [Murphy, Laura](#)  
**Subject:** S33 - Justin Kolber Follow-up  
**Date:** Thursday, March 16, 2023 11:29:16 AM

---

Dear Senator Sears and Committee,

Thank you again for the opportunity to testify this morning. I'm following up to confirm that we think the language change from "each day" to "**so long as**" would be fine, and would not change the meaning.

The purpose of our proposal is to make it clear that the statute of limitations begins to run anew each day contamination remains on or in the property or natural resource – that is, the statute of limitations "accrues" each day contamination remains. So each day contamination remains, the 6-year statute of limitations clock starts again. We think "so long as" is consistent with that meaning; the 6-year statute of limitations would still be calculated based on days as the standard unit of measure.

Sincerely,  
Justin

Justin Kolber, Assistant Attorney General  
Chief, Environmental and Public Protection Division  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609  
(802) 828-5620  
[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)  
pronouns: he/him/his

**From:** [Judith Newman](#)  
**To:** [Darren Springer](#); [Kolber, Justin](#); [Smith, Hannah](#)  
**Subject:** Senate Natural Resources and Energy zoom

---

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Jude Newman is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://legislature-vermont-gov.zoom.us/j/97899173082?pwd=bFZtZStrV1didTZnSkIYQ2lLYThXZz09>

Meeting ID: 978 9917 3082

Passcode: 582923

One tap mobile

+13017158592,,97899173082#,,,,\*582923# US (Washington DC)

+13052241968,,97899173082#,,,,\*582923# US

**From:** [Peggy Delaney](#)  
**To:** [Gardella, William](#); [Pahl, Marshall](#); [Radke, Aryka](#); [Smith, Michael](#); [Valerio, Matthew](#); [Puls, Gina](#); [Johnson, Harriet](#); [Minoli, Wanda](#); [Kolber, Justin](#); [Zonay, Thomas](#); [Grutchfield, Merrick](#)  
**Subject:** Starting now on this  
**Date:** Friday, March 17, 2023 9:31:54 AM  
**Attachments:** [image001.jpg](#)

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

**Peggy Delaney**

Committee Services Supervisor  
Senate Judiciary Committee Assistant  
Office of Legislative Operations



State House  
115 State Street  
Montpelier, VT 05633-5301  
[pdelaney@leg.state.vt.us](mailto:pdelaney@leg.state.vt.us)

---

**From:** Peggy Delaney  
**Sent:** Thursday, March 16, 2023 2:32 PM  
**To:** Gardella, William <William.Gardella@vermont.gov>; Pahl, Marshall <marshall.pahl@vermont.gov>; 'Aryka Radke' <aryka.radke@vermont.gov>; Smith, Michael <Michael.Smith@vermont.gov>; Valerio, Matthew <matthew.valerio@vermont.gov>; Puls, Gina <Gina.Puls@vermont.gov>; Johnson, Harriet <Harriet.Johnson@vermont.gov>; Minoli, Wanda <Wanda.Minoli@vermont.gov>; Kolber, Justin <justin.kolber@vermont.gov>; Thomas Zonay <thomas.zonay@vermont.gov>; Merrick Grutchfield - Chief Justice's Office (Merrick.Grutchfield@vermont.gov) <merrick.grutchfield@vermont.gov>  
**Subject:** Zoom Info for Tomorrow/S.33 Mark up

Good Afternoon

Below is the zoom info for tomorrow if you would like to join for Final Mark-Up and Vote on S.33

I have also attached the agenda as we had to switch around some times.

Please remember to keep your video off and mute yourself unless the Chair calls on you to speak

Thank you

Peggy

Peggy Delaney is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

[https://legislature-vermont-gov.zoom.us/j/92821847827?  
pwd=RVhGRXFdNXVHZkVrM1FiaHZMN21lZz09](https://legislature-vermont-gov.zoom.us/j/92821847827?pwd=RVhGRXFdNXVHZkVrM1FiaHZMN21lZz09)

Meeting ID: 928 2184 7827

Passcode: 555170

---

**From:** Peggy Delaney

**Sent:** Wednesday, March 15, 2023 3:48 PM

**To:** Gardella, William <[William.Gardella@vermont.gov](mailto:William.Gardella@vermont.gov)>; Pahl, Marshall <[marshall.pahl@vermont.gov](mailto:marshall.pahl@vermont.gov)>; 'Aryka Radke' <[aryka.radke@vermont.gov](mailto:aryka.radke@vermont.gov)>; Smith, Michael <[Michael.Smith@vermont.gov](mailto:Michael.Smith@vermont.gov)>; Valerio, Matthew <[matthew.valerio@vermont.gov](mailto:matthew.valerio@vermont.gov)>; Puls, Gina <[Gina.Puls@vermont.gov](mailto:Gina.Puls@vermont.gov)>; Johnson, Harriet <[Harriet.Johnson@vermont.gov](mailto:Harriet.Johnson@vermont.gov)>

**Subject:** GENERAL-#367938-v1-S.33; Judiciary miscellaneous SJ strikeall amendment.DOCX

Good Afternoon

We will be Marking up S.33 at 9:00 tomorrow morning in Senate Judiciary

Below is the zoom info if you would like to join in case the committee has any questions Please don't share with anyone

I have attached the latest version of the bill.

Please remember to mute yourself and shut your video unless the Chair calls on you to speak.

Thank you

Peggy

Peggy Delaney is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

[https://legislature-vermont-gov.zoom.us/j/98317643164?  
pwd=T0JZd1V5ZnprMSsyVjV2bm85OGlwUT09](https://legislature-vermont-gov.zoom.us/j/98317643164?pwd=T0JZd1V5ZnprMSsyVjV2bm85OGlwUT09)

Meeting ID: 983 1764 3164

Passcode: 320407

**Peggy Delaney**

Committee Services Supervisor  
Senate Judiciary Committee Assistant  
Office of Legislative Operations



State House  
115 State Street  
Montpelier, VT 05633-5301  
[pdelaney@leg.state.vt.us](mailto:pdelaney@leg.state.vt.us)



**From:** [Peggy Delaney](#)  
**To:** [Kolber, Justin](#); [Zonay, Thomas](#); [Grutchfield, Merrick](#); [Bianchi, Jared](#); [Lueders-Dumont, Timothy](#); [Jandl, Lauren](#); [McCullough, Jack](#); [Barber, Karen](#)  
**Subject:** Zoom info  
**Date:** Wednesday, March 15, 2023 2:19:24 PM  
**Attachments:** [image001.jpg](#)

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Peggy Delaney is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

[https://legislature-vermont-gov.zoom.us/j/98317643164?](https://legislature-vermont-gov.zoom.us/j/98317643164?pwd=T0JZd1V5ZnprMSsyVjV2bm85OGlwUT09)

[pwd=T0JZd1V5ZnprMSsyVjV2bm85OGlwUT09](https://legislature-vermont-gov.zoom.us/j/98317643164?pwd=T0JZd1V5ZnprMSsyVjV2bm85OGlwUT09)

Meeting ID: 983 1764 3164

Passcode: 320407

---

**From:** Peggy Delaney

**Sent:** Wednesday, March 15, 2023 2:19 PM

**To:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>; Thomas Zonay <[thomas.zonay@vermont.gov](mailto:thomas.zonay@vermont.gov)>; Merrick Grutchfield - Chief Justice's Office ([Merrick.Grutchfield@vermont.gov](mailto:Merrick.Grutchfield@vermont.gov)) <[merrick.grutchfield@vermont.gov](mailto:merrick.grutchfield@vermont.gov)>; Bianchi, Jared <[Jared.Bianchi@vermont.gov](mailto:Jared.Bianchi@vermont.gov)>; Lueders-Dumont, Timothy <[Timothy.Lueders-Dumont@vermont.gov](mailto:Timothy.Lueders-Dumont@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>; Jack McCullough <[jmccullough@vtlegalaid.org](mailto:jmccullough@vtlegalaid.org)>; Barber, Karen <[Karen.Barber@vermont.gov](mailto:Karen.Barber@vermont.gov)>

**Subject:** Zoom info for tomorrow

Good Afternoon

Below is the zoom information for tomorrow's Senate Judiciary meeting , should you need it.

If you have any handouts, please get them to me by the end of the day today, if at all possible and plan on sharing your screen.

Also, remember to mute yourself and shut off video until it is your time to testify

Thank you

Peggy

**Peggy Delaney**

Committee Services Supervisor

Senate Judiciary Committee Assistant

Office of Legislative Operations



State House

115 State Street

Montpelier, VT 05633-5301

[pdelaney@leg.state.vt.us](mailto:pdelaney@leg.state.vt.us)

**From:** [Peggy Delaney](#)  
**To:** [Kolber, Justin](#); [Zonay, Thomas](#); [Grutchfield, Merrick](#); [Bianchi, Jared](#); [Lueders-Dumont, Timothy](#); [Jandl, Lauren](#); [McCullough, Jack](#); [Barber, Karen](#)  
**Subject:** Zoom info for tomorrow  
**Date:** Wednesday, March 15, 2023 2:19:18 PM  
**Attachments:** [image001.jpg](#)  
[Senate Committee on Judiciary Agenda 03-17-23.docx](#)

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Good Afternoon

Below is the zoom information for tomorrow's Senate Judiciary meeting , should you need it.

If you have any handouts, please get them to me by the end of the day today, if at all possible and plan on sharing your screen.

Also, remember to mute yourself and shut off video until it is your time to testify

Thank you

Peggy

**Peggy Delaney**

Committee Services Supervisor  
Senate Judiciary Committee Assistant  
Office of Legislative Operations



State House  
115 State Street  
Montpelier, VT 05633-5301  
[pdelaney@leg.state.vt.us](mailto:pdelaney@leg.state.vt.us)



STATE OF VERMONT  
Senate Chamber

**Senate Committee on Judiciary**

**AGENDA**

**Room 1 and Zoom**

**March 14, 2023 - March 17, 2023**

*Last Updated 3/15/2023 2:03 PM*

**Thursday, March 16, 2023**

**9:00 AM**

**S. 33 - An act relating to miscellaneous judiciary procedures**

*Mark-Up and Possible Vote*

Justin Kolber, Chief of Environmental and Public Protection  
Division, Attorney General's Office

Judge Thomas Zonay, Chief Superior Judge, Vermont Judiciary

Erik FitzPatrick, Legislative Counsel, Office of Legislative Counsel

**9:30 AM**

**S. 91 - An act relating to competency to stand trial and insanity as a defense**

*Walk -Through*

Erik FitzPatrick, Legislative Counsel, Office of Legislative Counsel

**10:15 AM**

**Break**

**10:30 AM**

**S. 91 - An act relating to competency to stand trial and insanity as a defense**

Jared Bianchi, Deputy State's Attorney, Bennington County

Matthew Valerio, Defender General, Defender General's Office

Judge Thomas Zonay, Chief Superior Judge, Vermont Judiciary

Elizabeth Anderson, Assistant Attorney General, Criminal Division

Jack McCullough, Director of Mental Health Law Project, Vermont  
Legal Aid

**12:00 PM**

**Adjourn**

ATTENTION WITNESSES

Please email handouts to the committee assistant at least **24 hours** before your scheduled meeting time. With few exceptions, any documents you send to a committee assistant are open to the public and may be posted to the committee's web page.

*If you have any questions or comments, please contact  
Peggy Delaney at [pdelaney@leg.state.vt.us](mailto:pdelaney@leg.state.vt.us)*

**From:** [Peggy Delaney](#)  
**To:** [Gardella, William](#); [Pahl, Marshall](#); [Radke, Aryka](#); [Smith, Michael](#); [Valerio, Matthew](#); [Puls, Gina](#); [Johnson, Harriet](#); [Minoli, Wanda](#); [Kolber, Justin](#); [Zonay, Thomas](#); [Grutchfield, Merrick](#)  
**Subject:** Zoom Info for Tomorrow/S.33 Mark up  
**Date:** Thursday, March 16, 2023 2:32:31 PM  
**Attachments:** [image001.jpg](#)  
[Senate Committee on Judiciary Agenda 03-17-23.docx](#)

---

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Good Afternoon

Below is the zoom info for tomorrow if you would like to join for Final Mark-Up and Vote on S.33

I have also attached the agenda as we had to switch around some times.

Please remember to keep your video off and mute yourself unless the Chair calls on you to speak

Thank you

Peggy

Peggy Delaney is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

[https://legislature-vermont-gov.zoom.us/j/92821847827?  
pwd=RVhGRXFDNXVHZkVrM1FiaHZMN21lZz09](https://legislature-vermont-gov.zoom.us/j/92821847827?pwd=RVhGRXFDNXVHZkVrM1FiaHZMN21lZz09)

Meeting ID: 928 2184 7827

Passcode: 555170

---

**From:** Peggy Delaney  
**Sent:** Wednesday, March 15, 2023 3:48 PM  
**To:** Gardella, William <William.Gardella@vermont.gov>; Pahl, Marshall <marshall.pahl@vermont.gov>; 'Aryka Radke' <aryka.radke@vermont.gov>; Smith, Michael <Michael.Smith@vermont.gov>; Valerio, Matthew <matthew.valerio@vermont.gov>; Puls, Gina <Gina.Puls@vermont.gov>; Johnson, Harriet <Harriet.Johnson@vermont.gov>  
**Subject:** GENERAL-#367938-v1-S.33; Judiciary miscellaneous SJ strikeall amendment.DOCX

Good Afternoon

We will be Marking up S.33 at 9:00 tomorrow morning in Senate Judiciary

Below is the zoom info if you would like to join in case the committee has any questions Please don't share with anyone

I have attached the latest version of the bill.

Please remember to mute yourself and shut your video unless the Chair calls on you to speak.

Thank you

Peggy

Peggy Delaney is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

[https://legislature-vermont-gov.zoom.us/j/98317643164?  
pwd=T0JZd1V5ZnprMSsyVjV2bm85OGlwUT09](https://legislature-vermont-gov.zoom.us/j/98317643164?pwd=T0JZd1V5ZnprMSsyVjV2bm85OGlwUT09)

Meeting ID: 983 1764 3164

Passcode: 320407

**Peggy Delaney**

Committee Services Supervisor

Senate Judiciary Committee Assistant

Office of Legislative Operations



State House

115 State Street

Montpelier, VT 05633-5301

[pdelaney@leg.state.vt.us](mailto:pdelaney@leg.state.vt.us)



**STATE OF VERMONT**  
Senate Chamber

**Senate Committee on Judiciary**

**AGENDA**

**Room 1 and Zoom**

**March 14, 2023 - March 17, 2023**

*Last Updated 3/16/2023 2:20 PM*

**Friday, March 17, 2023**

- 8:45 AM**                      **S. 89 - An act relating to establishing a forensic facility**  
*Mark up and Vote*  
Katie McLinn, Legislative Counsel, Office of Legislative Counsel
- 9:30 AM**                      **S. 27 - An act relating to reducing the imposition of cash bail**  
*Mark-up and Vote*  
Michele Childs, Legislative Counsel, Office of Legislative Counsel
- 10:15 AM**                     **S. 33 - An act relating to miscellaneous judiciary procedures**  
*Mark-up and Vote*  
Erik FitzPatrick, Legislative Counsel, Office of Legislative Counsel
- 10:30 AM**                     **Break**
- 10:45 AM**                     **S. 91 - An act relating to competency to stand trial and insanity as a defense**  
Karen Barber, General Counsel, Department of Mental Health
- 11:15 AM**                     **Adjourn**
- 11:30 AM**                     **Senate Floor**



## ATTENTION WITNESSES

Please email handouts to the committee assistant at least **24 hours** before your scheduled meeting time. With few exceptions, any documents you send to a committee assistant are open to the public and may be posted to the committee's web page.

*If you have any questions or comments, please contact*

*Peggy Delaney at [pdelaney@leg.state.vt.us](mailto:pdelaney@leg.state.vt.us)*

**From:** [Jandl, Lauren](#)  
**To:** [Jacobsen, Erin](#); [Murphy, Laura](#); [Kolber, Justin](#)  
**Cc:** [McDougall, Robert](#)  
**Subject:** FW: Action taken by Governor - June 5, 2023  
**Date:** Monday, June 5, 2023 4:43:30 PM  
**Attachments:** [image001.gif](#)  
[image002.gif](#)  
[image003.gif](#)

---

See below re: S. 33

---

**From:** Pallas, Karen <Karen.Pallas@vermont.gov>  
**Sent:** Monday, June 5, 2023 4:42 PM  
**To:** CopelandHanzas, Sarah <Sarah.CopelandHanzas@vermont.gov>; Hibbert, S. Lauren <Lauren.Hibbert@vermont.gov>; Pieciak, Mike <Mike.Pieciak@vermont.gov>; Boyles, Gavin <Gavin.Boyles@vermont.gov>; Clark, Charity <Charity.R.Clark@vermont.gov>; McDougall, Robert <robert.mcdougall@vermont.gov>; Hoffer, Doug <Doug.Hoffer@vermont.gov>; custicke@leg.state.vt.us; Corliss, Louise <louise.corliss@vermont.gov>; Campbell, John <John.Campbell@vermont.gov>; Valerio, Matthew <Matthew.Valerio@vermont.gov>; Doyon, Ashlynn <Ashlynn.Doyon@vermont.gov>; svoid@vsea.org; showard@vsea.org; vincentilluzzi <vincentilluzzi@hotmail.com>; Hohman, Stacey L. (LNG-SA2) <stacey.hohman@lexisnexis.com>; Grutchfield, Merrick <Merrick.Grutchfield@vermont.gov>; Karen Horn <khorn@vlct.org>; Jennifer Carbee <jcarbee@leg.state.vt.us>; Michael O'Grady <mogrady@leg.state.vt.us>; SOS - VSARA Statutory Filings <SOS.StatutoryFilings@vermont.gov>; Reinold, Anna <Anna.Reinold@vermont.gov>; alexandra.cervantes@lexisnexis.com; jonathan.hernandez@lexisnexis.com; Zonay, Thomas <Thomas.Zonay@vermont.gov>; Jandl, Lauren <Lauren.Jandl@vermont.gov>; Corsones, Therese <Therese.Corsones@vermont.gov>; Lueders-Dumont, Timothy <Timothy.Lueders-Dumont@vermont.gov>; Gwynn Zakov <gzakov@vlct.org>  
**Subject:** Action taken by Governor - June 5, 2023

The Governor has informed the Senate that on the 5<sup>th</sup> day of June, 2023, he signed bills originating in the Senate of the following titles:

- S.33 An act relating to miscellaneous judiciary procedures
- S.100 An act relating to housing opportunities made for everyone

**To view a complete list of action on bills passed during the 2023 legislative session, [click here.](#)**

---

### Karen Pallas

Office of Governor Phil Scott



## **State of Vermont**

Main Line: 802-828-3333 | State House Office 802-828-6422

[Karen.pallas@vermont.gov](mailto:Karen.pallas@vermont.gov) | [Governor.Vermont.Gov](http://Governor.Vermont.Gov)



*Governor Scott is committed to making the most of the once-in-a-lifetime opportunity for a stronger, brighter future across Vermont. Learn more about his proposals, what is at risk, and how to get involved by visiting [governor.vermont.gov/FY24Budget](http://governor.vermont.gov/FY24Budget).*

**From:** [Kolber, Justin](#)  
**To:** [McNamara, Ed](#); [Valcour, Simonne](#)  
**Cc:** [Murphy, Laura](#)  
**Subject:** FW: Action taken by Governor - June 5, 2023  
**Date:** Tuesday, June 6, 2023 9:08:50 AM  
**Attachments:** [image001.gif](#)  
[image002.gif](#)  
[image003.gif](#)

---

See below re: S. 33

---

**From:** Pallas, Karen <[Karen.Pallas@vermont.gov](mailto:Karen.Pallas@vermont.gov)>  
**Sent:** Monday, June 5, 2023 4:42 PM  
**To:** CopelandHanzas, Sarah <[Sarah.CopelandHanzas@vermont.gov](mailto:Sarah.CopelandHanzas@vermont.gov)>; Hibbert, S. Lauren <[Lauren.Hibbert@vermont.gov](mailto:Lauren.Hibbert@vermont.gov)>; Pieciak, Mike <[Mike.Pieciak@vermont.gov](mailto:Mike.Pieciak@vermont.gov)>; Boyles, Gavin <[Gavin.Boyles@vermont.gov](mailto:Gavin.Boyles@vermont.gov)>; Clark, Charity <[Charity.R.Clark@vermont.gov](mailto:Charity.R.Clark@vermont.gov)>; McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>; Hoffer, Doug <[Doug.Hoffer@vermont.gov](mailto:Doug.Hoffer@vermont.gov)>; [custicke@leg.state.vt.us](mailto:custicke@leg.state.vt.us); Corliss, Louise <[louise.corliss@vermont.gov](mailto:louise.corliss@vermont.gov)>; Campbell, John <[John.Campbell@vermont.gov](mailto:John.Campbell@vermont.gov)>; Valerio, Matthew <[Matthew.Valerio@vermont.gov](mailto:Matthew.Valerio@vermont.gov)>; Doyon, Ashlynn <[Ashlynn.Doyon@vermont.gov](mailto:Ashlynn.Doyon@vermont.gov)>; [sdevoid@vsea.org](mailto:sdevoid@vsea.org); [showard@vsea.org](mailto:showard@vsea.org); [vincentilluzzi@hotmail.com](mailto:vincentilluzzi@hotmail.com); Hohman, Stacey L. (LNG-SA2) <[stacey.hohman@lexisnexis.com](mailto:stacey.hohman@lexisnexis.com)>; Grutchfield, Merrick <[Merrick.Grutchfield@vermont.gov](mailto:Merrick.Grutchfield@vermont.gov)>; Karen Horn <[khorn@vlct.org](mailto:khorn@vlct.org)>; Jennifer Carbee <[jcarbee@leg.state.vt.us](mailto:jcarbee@leg.state.vt.us)>; Michael O'Grady <[mogradys@leg.state.vt.us](mailto:mogradys@leg.state.vt.us)>; SOS - VSARA Statutory Filings <[SOS.StatutoryFilings@vermont.gov](mailto:SOS.StatutoryFilings@vermont.gov)>; Reinold, Anna <[Anna.Reinold@vermont.gov](mailto:Anna.Reinold@vermont.gov)>; [alexandra.cervantes@lexisnexis.com](mailto:alexandra.cervantes@lexisnexis.com); [jonathan.hernandez@lexisnexis.com](mailto:jonathan.hernandez@lexisnexis.com); Zonay, Thomas <[Thomas.Zonay@vermont.gov](mailto:Thomas.Zonay@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>; Corsones, Therese <[Therese.Corsones@vermont.gov](mailto:Therese.Corsones@vermont.gov)>; Lueders-Dumont, Timothy <[Timothy.Lueders-Dumont@vermont.gov](mailto:Timothy.Lueders-Dumont@vermont.gov)>; Gwynn Zakov <[gzakov@vlct.org](mailto:gzakov@vlct.org)>  
**Subject:** Action taken by Governor - June 5, 2023

The Governor has informed the Senate that on the 5<sup>th</sup> day of June, 2023, he signed bills originating in the Senate of the following titles:

- S.33 An act relating to miscellaneous judiciary procedures
- S.100 An act relating to housing opportunities made for everyone

**To view a complete list of action on bills passed during the 2023 legislative session, [click here.](#)**

---

**Karen Pallas**

Office of Governor Phil Scott



**State of Vermont**

Main Line: 802-828-3333 | State House Office 802-828-6422

[Karen.pallas@vermont.gov](mailto:Karen.pallas@vermont.gov) | [Governor.Vermont.Gov](http://Governor.Vermont.Gov)



*Governor Scott is committed to making the most of the once-in-a-lifetime opportunity for a stronger, brighter future across Vermont. Learn more about his proposals, what is at risk, and how to get involved by visiting [governor.vermont.gov/FY24Budget](http://governor.vermont.gov/FY24Budget).*

**From:** [Kolber, Justin](#)  
**To:** [Murphy, Laura](#)  
**Subject:** Fwd: S.33 AGO follow-up  
**Date:** Wednesday, May 3, 2023 1:26:41 PM

---

---

**From:** Joseph Andriano <JAndriano@leg.state.vt.us>  
**Sent:** Tuesday, May 2, 2023 7:18:57 PM  
**To:** Kolber, Justin <justin.kolber@vermont.gov>; Martin LaLonde <mlalonde@leg.state.vt.us>; Erik Fitzpatrick <efitzpatrick@leg.state.vt.us>  
**Cc:** Jandl, Lauren <Lauren.Jandl@vermont.gov>  
**Subject:** Re: S.33 AGO follow-up

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hi Justin,

Thank you so much for following up with me. I apologize that I was unable to get back to you via phone this morning.

Thank you for the detailed explanation, it was very helpful in better understanding why the legislation needs to be crafted this way. I appreciate your help!

Joe

---

Rep. Joe Andriano  
Addison-Rutland District  
Vermont House of Representatives

---

**From:** Kolber, Justin <justin.kolber@vermont.gov>  
**Sent:** Tuesday, May 2, 2023 5:06:15 PM  
**To:** Martin LaLonde <MLaLonde@leg.state.vt.us>; Joseph Andriano <JAndriano@leg.state.vt.us>; Erik Fitzpatrick <EFITZPATRICK@leg.state.vt.us>  
**Cc:** Jandl, Lauren <Lauren.Jandl@vermont.gov>  
**Subject:** Re: S.33 AGO follow-up

Sending an update:

1. Copying Erik for Leg Counsel.
2. Asking you to please disregard the \*bottom\* thread. I am on vacation and working from my phone. The top message is correct, and the rest can be ignored.

Thank you all for understanding.

Best,  
Justin

---

**From:** Kolber, Justin <justin.kolber@vermont.gov>  
**Sent:** Tuesday, May 2, 2023, 4:43 PM  
**To:** Martin LaLonde <mlalonde@leg.state.vt.us>; jandriano@leg.state.vt.us  
<jandriano@leg.state.vt.us>  
**Cc:** Jandl, Lauren <Lauren.Jandl@vermont.gov>  
**Subject:** S.33 AGO follow-up

Dear Chair LaLonde and Representative Andriano,

Thank you again for the opportunity to testify about S.33 last week, and for the Committee discussion. I'm writing to follow-up on the questions that were raised by Representative Andriano. I had left a voicemail with Representative Andriano and was hoping to connect by phone, and would be happy to talk with either of you about the below response.

We've considered the questions and think it would be best not to add new language to the bill. We think there are already well-established concepts of liability to address the "faultless farmhouse owner" example. As mentioned, our proposed accrual provision does not alter those concepts of liability (**who** should be responsible) – it only affects the timing of when relief can be sought from those responsible parties. For these reasons, we think that adding language is unnecessary and could be confusing and, as Chair LaLonde noted, could raise questions about scenarios that aren't mentioned.

Under the statute we discussed last week (10 VSA 6615), current owners of contaminated sites already are liable under section 6615(a)(1) regardless of how long ago the contamination occurred. So, in the example from last week, the current owner of the contaminated farmhouse property already would be liable under existing law. Our accrual date proposal would not subject the farmhouse owner to 6615 liability that the owner is not already subject to. Of course, in either scenario the farmhouse owner would be able to pursue any applicable defenses, which might include what's known as the "innocent purchaser" defense under section 6615(e).

Outside the 6615 context, liability typically depends on fault. That is, who caused the contamination (whether intentionally, knowingly, or through negligence or the like, for example). As I mentioned last week, this might be a manufacturer, or it might be an individual or a facility or some other type of entity. It's difficult to imagine a scenario in which the faultless farmhouse owner from the example would be liable outside the 6615 context that we discussed. If the farmhouse owner **were** to be liable, it would be based on some type of fault – and we wouldn't want to alter that with this accrual provision. Rather, the accrual provision only clarifies the time during which parties harmed by the farmhouse owner's fault can seek relief – consistent with the version of the continuing tort doctrine that I discussed.

Thank you,  
Justin

---

**From:** Kolber, Justin <justin.kolber@vermont.gov>  
**Sent:** Tuesday, May 2, 2023 4:40:16 PM  
**To:** Kolber, Justin <justin.kolber@vermont.gov>

**Subject:** Updated S.33 Email

Dear Chair LaLonde and Representative Andriano,

Thank you again for the opportunity to testify about S.33 last week, and for the Committee discussion. I'm writing to follow-up on the questions that were raised by Representative Andriano. We appreciate those questions, and I was able to chat with Representative Andriano just now. I mentioned I'd follow up with a more detailed email.

We've considered the questions and think it would be best not to add new language to the bill. We think there are already well-established concepts of liability to address the "faultless farmhouse owner" example. As mentioned, our proposed accrual provision does not alter those concepts of liability (**who** should be responsible) – it only affects the timing of when relief can be sought from those responsible parties. For these reasons, we think that adding language is unnecessary and could be confusing and, as Chair LaLonde noted, could raise questions about scenarios that aren't mentioned.

Under the statute we discussed last week (10 VSA 6615), current owners of contaminated sites already are liable under section 6615(a)(1) regardless of how long ago the contamination occurred. So, in the example from last week, the current owner of the contaminated farmhouse property already would be liable under existing law. Our accrual date proposal would not subject the farmhouse owner to 6615 liability that the owner is not already subject to. Of course, in either scenario the farmhouse owner would be able to pursue any applicable defenses, which might include what's known as the "innocent purchaser" defense under section 6615(e).

Outside the 6615 context, liability typically depends on fault. That is, who caused the contamination (whether intentionally, knowingly, or through negligence or the like, for example). As I mentioned last week, this might be a manufacturer, or it might be an individual or a facility or some other type of entity. It's difficult to imagine a scenario in which the faultless farmhouse owner from the example would be liable outside the 6615 context that we discussed. If the farmhouse owner **were** to be liable, it would be based on some type of fault – and we wouldn't want to alter that with this accrual provision. Rather, the accrual provision only clarifies the time during which parties harmed by the farmhouse owner's fault can seek relief – consistent with the version of the continuing tort doctrine that I discussed.

Thank you,  
Justin

---

**From:** Murphy, Laura <Laura.Murphy@vermont.gov>  
**Sent:** Monday, May 1, 2023 5:42:52 PM  
**To:** Kolber, Justin <justin.kolber@vermont.gov>  
**Subject:** Updated S.33 Email

Hey Justin, the highlighted language is something along the lines of what you might add after



speaking w/Rep Andriano though you may have better language based on your conversation. This version also incorporates Lauren's change to "faultless farmhouse owner."

-----

Dear Chair LaLonde and Representative Andriano,

Thank you again for the opportunity to testify about S.33 last week, and for the Committee discussion. I'm writing to follow-up on the questions that were raised by Representative Andriano. We appreciate those questions, and I was able to chat with Representative Andriano just now. I mentioned I'd follow up with a more detailed email.

We've considered the questions and think it would be best not to add new language to the bill. We think there are already well-established concepts of liability to address the "faultless farmhouse owner" example. As mentioned, our proposed accrual provision does not alter those concepts of liability (**who** should be responsible) – it only affects the timing of when relief can be sought from those responsible parties. For these reasons, we think that adding language is unnecessary and could be confusing and, as Chair LaLonde noted, could raise questions about scenarios that aren't mentioned.

Under the statute we discussed last week (10 VSA 6615), current owners of contaminated sites already are liable under section 6615(a)(1) regardless of how long ago the contamination occurred. So, in the example from last week, the current owner of the contaminated farmhouse property already would be liable under existing law. Our accrual date proposal would not subject the farmhouse owner to 6615 liability that the owner is not already subject to. Of course, in either scenario the farmhouse owner would be able to pursue any applicable defenses, which might include what's known as the "innocent purchaser" defense under section 6615(e).

Outside the 6615 context, liability typically depends on fault. That is, who caused the contamination (whether intentionally, knowingly, or through negligence or the like, for example). As I mentioned last week, this might be a manufacturer, or it might be an individual or a facility or some other type of entity. It's difficult to imagine a scenario in which the faultless farmhouse owner from the example would be liable outside the 6615 context that we discussed. If the farmhouse owner **were** to be liable, it would be based on some type of fault – and we wouldn't want to alter that with this accrual provision. Rather, the accrual provision only clarifies the time during which parties harmed by the farmhouse owner's fault can seek relief – consistent with the version of the continuing tort doctrine that I discussed.

Thank you,  
Justin

**From:** [Murphy, Laura](#)  
**To:** [Kolber, Justin](#)  
**Subject:** Judiciary Agenda  
**Date:** Friday, March 17, 2023 9:02:00 AM

---

Hi – it looks like S.33 got pushed until later (10:15) but right now they are discussing revising the agenda so maybe it will get changed again and be earlier.

Laura

**From:** [Valcour, Simonne](#)  
**To:** [Kolber, Justin](#); [McNamara, Ed](#)  
**Cc:** [Murphy, Laura](#)  
**Subject:** RE: Action taken by Governor - June 5, 2023  
**Date:** Tuesday, June 6, 2023 9:45:24 AM  
**Attachments:** [image001.gif](#)  
[image002.gif](#)  
[image003.gif](#)

---

Thanks Justin!

---

**From:** Kolber, Justin <[justin.kolber@vermont.gov](mailto:justin.kolber@vermont.gov)>  
**Sent:** Tuesday, June 6, 2023 9:09 AM  
**To:** McNamara, Ed <[Ed.McNamara@vermont.gov](mailto:Ed.McNamara@vermont.gov)>; Valcour, Simonne <[Simonne.Valcour@vermont.gov](mailto:Simonne.Valcour@vermont.gov)>  
**Cc:** Murphy, Laura <[Laura.Murphy@vermont.gov](mailto:Laura.Murphy@vermont.gov)>  
**Subject:** FW: Action taken by Governor - June 5, 2023

See below re: S. 33

---

**From:** Pallas, Karen <[Karen.Pallas@vermont.gov](mailto:Karen.Pallas@vermont.gov)>  
**Sent:** Monday, June 5, 2023 4:42 PM  
**To:** CopelandHanzas, Sarah <[Sarah.CopelandHanzas@vermont.gov](mailto:Sarah.CopelandHanzas@vermont.gov)>; Hibbert, S. Lauren <[Lauren.Hibbert@vermont.gov](mailto:Lauren.Hibbert@vermont.gov)>; Pieciak, Mike <[Mike.Pieciak@vermont.gov](mailto:Mike.Pieciak@vermont.gov)>; Boyles, Gavin <[Gavin.Boyles@vermont.gov](mailto:Gavin.Boyles@vermont.gov)>; Clark, Charity <[Charity.R.Clark@vermont.gov](mailto:Charity.R.Clark@vermont.gov)>; McDougall, Robert <[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)>; Hoffer, Doug <[Doug.Hoffer@vermont.gov](mailto:Doug.Hoffer@vermont.gov)>; [custicke@leg.state.vt.us](mailto:custicke@leg.state.vt.us); Corliss, Louise <[louise.corliss@vermont.gov](mailto:louise.corliss@vermont.gov)>; Campbell, John <[John.Campbell@vermont.gov](mailto:John.Campbell@vermont.gov)>; Valerio, Matthew <[Matthew.Valerio@vermont.gov](mailto:Matthew.Valerio@vermont.gov)>; Doyon, Ashlynn <[Ashlynn.Doyon@vermont.gov](mailto:Ashlynn.Doyon@vermont.gov)>; [sdevoid@vsea.org](mailto:sdevoid@vsea.org); [showard@vsea.org](mailto:showard@vsea.org); [vincentilluzzi@hotmail.com](mailto:vincentilluzzi@hotmail.com); Hohman, Stacey L. (LNG-SA2) <[stacey.hohman@lexisnexis.com](mailto:stacey.hohman@lexisnexis.com)>; Grutchfield, Merrick <[Merrick.Grutchfield@vermont.gov](mailto:Merrick.Grutchfield@vermont.gov)>; Karen Horn <[khorn@vlct.org](mailto:khorn@vlct.org)>; Jennifer Carbee <[jcarbee@leg.state.vt.us](mailto:jcarbee@leg.state.vt.us)>; Michael O'Grady <[mograd@leg.state.vt.us](mailto:mograd@leg.state.vt.us)>; SOS - VSARA Statutory Filings <[SOS.StatutoryFilings@vermont.gov](mailto:SOS.StatutoryFilings@vermont.gov)>; Reinold, Anna <[Anna.Reinold@vermont.gov](mailto:Anna.Reinold@vermont.gov)>; [alexandra.cervantes@lexisnexis.com](mailto:alexandra.cervantes@lexisnexis.com); [jonathan.hernandez@lexisnexis.com](mailto:jonathan.hernandez@lexisnexis.com); Zonay, Thomas <[Thomas.Zonay@vermont.gov](mailto:Thomas.Zonay@vermont.gov)>; Jandl, Lauren <[Lauren.Jandl@vermont.gov](mailto:Lauren.Jandl@vermont.gov)>; Corsones, Therese <[Therese.Corsones@vermont.gov](mailto:Therese.Corsones@vermont.gov)>; Lueders-Dumont, Timothy <[Timothy.Lueders-Dumont@vermont.gov](mailto:Timothy.Lueders-Dumont@vermont.gov)>; Gwynn Zakov <[gzakov@vlct.org](mailto:gzakov@vlct.org)>  
**Subject:** Action taken by Governor - June 5, 2023

The Governor has informed the Senate that on the 5<sup>th</sup> day of June, 2023, he signed bills originating in the Senate of the following titles:

- S.33 An act relating to miscellaneous judiciary procedures
- S.100 An act relating to housing opportunities made for everyone

To view a complete list of action on bills passed during the 2023 legislative session, [click here](#).

---

**Karen Pallas**

Office of Governor Phil Scott

**State of Vermont**

Main Line: 802-828-3333 | State House Office 802-828-6422

[Karen.pallas@vermont.gov](mailto:Karen.pallas@vermont.gov) | [Governor.Vermont.Gov](http://Governor.Vermont.Gov)



*Governor Scott is committed to making the most of the once-in-a-lifetime opportunity for a stronger, brighter future across Vermont. Learn more about his proposals, what is at risk, and how to get involved by visiting [governor.vermont.gov/FY24Budget](http://governor.vermont.gov/FY24Budget).*