STAND. COM. REP. NO. 327 -06

Honolulu, Hawaii

Feb 15, 2006

RE: H.B. No. 2174 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources, to which was referred H.B. No. 2174 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

beg leave to report as follows:

The purpose of this measure is to establish a groundwater protection program to develop strategies to protect groundwater from chemical contamination associated with the use of chemicals on land development projects.

Your Committees received testimony on a proposed H.D. 1 of this measure. The purpose of the proposed H.D. 1 is to more effectively enforce the use of environmental covenants in our State by:

- (1) Authorizing the Director of Health to enter into environmental covenants and issue orders compelling compliance with environmental covenants;
- (2) Establishing an administrative penalty for violation of environmental covenants; and
- (3) Authorizing state-instituted civil actions to recover penalties that are not paid.

The Department of Health testified in support of the proposed H.D. 1. The Land Use Research Foundation of Hawaii and two concerned citizens submitted testimony in opposition to the proposed H.D. 1.

Your Committees have amended this measure by:

- (1) Replacing its contents with the language of the proposed H.D. 1 relating to environmental covenants; and
- (2) Clarifying that the contested case hearing process and penalty proposed by the bill are administrative in nature.

Your Committees also note that the issue of civil and administrative penalties for violations of environmental covenants merits further examination and discussion by subsequent committees.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2174, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2174, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources,

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EZRAR. KANOHO, Chair

HERMINA MORITA, Chair

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State of Hawaii House of Representatives The Twenty-third Legislature

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB2174	Date:	Date: 2-10-06				
Committee Referral: EEP/WLO, FIN		☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended		Pass, with amendments				
☐ Hold	☐ Recommit					
EEP Members	Ayes	Ayes (WR)	Nays	Excused		
1. MORITA, Hermina M. (C)	V					
2. EVANS, Cindy (VC)	~			<u> Ministration de la constitution de la constitutio</u>		
3. BERG, Lyla B., Ph.D.				~		
4. CARROLL, Mele				~		
5. HARBIN, Bev						
6. KANOHO, Ezra R.	~					
7. SCHATZ, Brian	<u> </u>					
8. WATERS, Tommy	V			<u>سورود در بده بالتاريخ درين احتاد ما تنظیم.</u> د.		
9. PINE, Kymberly						
10. THIELEN, Cynthia	~					
TOTAL	7			3		
The recommendation is: Adopted Not Adopted If joint referral, did not support recommendation. committee acronym(s)						
Vice Chair's or designee's signature: Lep Curoly Evano						
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office						

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State of Hawaii House of Representatives The Twenty-third Legislature

Record of Votes of the Committee on Water, Land, & Ocean Resources

Bill/Resolution No.:	Date:		10.0			
HB 2174 HD 1	Peb 10/06					
Committee Referral: EEP/WLO, FIN	The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended	Pass, with amendments					
□ Hold □ Recommit						
WLO Members	Ayes	Ayes (WR)	Nays	Excused		
1. KANOHO, Ezra R. (C)	V					
2. SCHATZ, Brian (VC)	✓					
3. BERG, Lyla B., Ph.D.						
4. CARROLL, Mele				V		
5. EVANS, Cindy	\checkmark					
6. HARBIN, Bev	\checkmark					
7. MORITA, Hermina M.						
8. WATERS, Tommy	\checkmark					
9. MEYER, Colleen Rose		V				
10. THIELEN, Cynthia						
TOTAL	7	1		ス		
The recommendation is: Adopted Not Adopted If joint referral, did not support recommendation. Committee acronym(s)						
Vice Chair's or designee's signature: Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office						