STAND. COM. REP. NO. 128

Honolulu, Hawaii

Fe410, 2009

RE: H.B. No. 428 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 428 entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL RESPONSE,"

begs leave to report as follows:

The purpose of this bill is to promote the cleanup and reuse of contaminated properties by protecting bona fide prospective purchasers and contiguous landowners from liability under the Environmental Response Law.

The Department of Health and the Sierra Club submitted testimony in opposition to this bill.

Your Committee has amended this measure by replacing its contents with the contents of H.B. No. 1117. Both this bill and H.B. No. 1117 attempt to correct inconsistencies between state and federal brownfields liability protections to promote the safe and successful redevelopment of contaminated properties in Hawaii. Your Committee finds that the language in H.B. No. 1117 more consistently and accurately addresses these inconsistencies to further the bill's intended purpose. Technical, nonsubstantive amendments have been made to the inserted language for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 428, as amended herein, and recommends that it

HB428 HD1 HSCR EEP HMS 2009-1770

pass Second Reading in the form attached hereto as H.B. No. 428, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Energy & Environmental Protection,

Nemma morte

HERMINA MORITA, Chair

## State of Hawaii House of Representatives The Twenty-fifth Legislature

## HSCR 128

## Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.:	Committee Referral:		Date:	
HB 428	EEP, JUD		2/3/09	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is) Pass, with amendments (HD)  Hold				
☐ Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)				
2. COFFMAN, Denny (VC)				
3. CABANILLA, Rida				
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4. CHANG, Jerry L.				Thus yes
5. CHONG, Pono				
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6. HAR, Sharon E.				
7. HERKES, Robert N.				
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8. ITO, Ken				
			1 - Marie - 1 - Ma	
9. LEE, Chris				
10. LUKE, Sylvia	1000			
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11. SAGUM, Roland D., III	**************************************			
The state of the s				
12. CHING, Corinne W.L.	V			
13. THIELEN, Cynthia				
TOTAL (13)	11			2
The recommendation is: Adopted				
If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature: Denny Coffee				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				