

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.

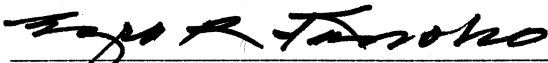
Your Committees have amended this measure by:

- (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,


EZRA R. KANOHO, Chair


HERMINA MORITA, Chair



