

STAND. COM. REP. NO. 128

Honolulu, Hawaii

Feb 10, 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

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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,

Hermina Morita

HERMINA MORITA, Chair



