

STAND. COM. REP. NO. 1104

Honolulu, Hawaii

March 23, 2009

RE: S.B. No. 1259
S.D. 2
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 Committees on Energy & Environmental Protection and Water, Land, & Ocean Resources, to which was referred S.B. No. 1259, S.D. 2, entitled:

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

beg leave to report as follows:

The purpose of this measure is to provide consistency between state and federal environmental liability laws regarding the liability of bona fide prospective purchasers and contiguous property owners of contaminated real property.

The Department of Health provided written testimony in support of this measure.

Your Committees find that this measure sets forth conditions under which innocent contiguous property owners or "bona fide prospective purchasers" are not held liable for damages or costs related to contamination of real property not caused by either party. This measure also successfully reflects the results of extensive stakeholder involvement led by the Department of Health over a two-year period and responds to the needs identified, discussed, and endorsed by the community.

Your Committees also find that consistency between state and federal environmental liability laws will ensure that the

SB1259 HD1 HSCR LRB 09-3020.doc



conforming provisions in this measure will not conflict with federal law and cause confusion or misapplication of state law.

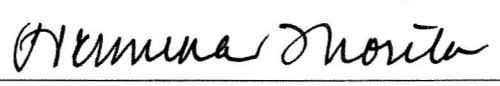
Your Committees have amended the measure by clarifying references to federal law and by making technical, nonsubstantive amendments for the purpose of consistency, clarity, and style.

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 S.B. No. 1259, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1259, S.D. 2, 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,



KEN ITO, Chair



HERMINA MORITA, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: SB 1259, SD2	Committee Referral: EEP / WLO, JUD	Date: 3-17-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> 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				✓
4. CHANG, Jerry L.	✓			
5. CHONG, Pono	✓			
6. HAR, Sharon E.				✓
7. HERKES, Robert N.				✓
8. ITO, Ken	✓			
9. LEE, Chris	✓			
10. LUKE, Sylvia	✓			
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.	✓			
13. THIELEN, Cynthia	✓			
TOTAL (13)	10	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Denny Coff</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

