Honolulu, Hawaii

Fely 7, 2006

RE: H.B. No. 1706 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. 1706 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT,"

beg leave to report as follows:

The purpose of this measure is to adopt the Uniform Environmental Covenants Act. This Act would ensure that lands that have been exposed to contaminants and have not had the contaminants removed to unrestricted levels because the removal or remediation is not feasible, practical, or necessary:

- (1) Will remain subject to land use restrictions, monitoring, or other engineering controls designed to control the environmental risk; and
- (2) Which requirements shall be reflected in land records and enforced as valid real property servitudes.

Your Committee has amended this measure by:

(1) Removing the contents of the bill and inserting in its place the contents of House Bill No. 2382, relating to the same Uniform Environmental Covenants Act;

- Adding a section clearly setting forth the purposes for (2) this measure;
- Adding a provision that excludes an unrecorded interest in real property owned, operated, or maintained by a public utility or provider of essential public service that is in existence at the time the environmental covenant was created, unless the public utility or provider of the essential public service was the grantor or a holder of the covenant;
- Adding a provision requiring the Department of Health to maintain a registry of all recorded environmental covenants on its web-site or at another appropriate place; and
- Making technical nonsubstantive changes for purposes of (5) clarity and consistency.

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. 1706, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1706, 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,

HERMINA MORITA, Chair

State of Hawaii House of Representatives The Twenty-third Legislature

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.:	706	Date:	1/31/06				
Committee Referral: EEP/WLO	JUD 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)							
2. EVANS, Cindy (VC)							
3. BERG, Lyla B., Ph.D.							
4. CARROLL, Mele	911 10 C C S 10 C C C C C C C C C C C C C C C C C C	<u> </u>		-	NA		
5. HARBIN, Bev					i de la companya de l		
6. KANOHO, Ezra R.					•		
7. SCHATZ, Brian							
8. WATERS, Tommy		_/_			0/-6		
9. PINE, Kymberly		/			- Capacia		
10. THIELEN, Cynthia							
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TOTAL		9			X1		
The recommendation is:	Adopted						
·	□ Not Adopted						
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	If joint referral,	did not support recommendation.					
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Vice Chair's or designee's signature: Rep Cindy Evan							
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office							

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:							
HB 1706 1/31/06								
HB 1706 Committee Referral: 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)	V							
3. BERG, Lyla B., Ph.D.								
4. CARROLL, Mele								
5. EVANS, Cindy								
6. HARBIN, Bev								
7. MORITA, Hermina M.	1							
8. WATERS, Tommy	V		·					
9. MEYER, Colleen Rose								
10. THIELEN, Cynthia								
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TOTAL	4			\mathcal{L}				
The recommendation is:				**************************************				
☐ Not Adopted								
If joint referral,		did not suppo	rt recommendation					
committee acronym(s)								
Vice Chair's or designee's signature:								
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office								