

Honolulu, Hawaii

8-127, 2006

RE: H.B. No. 1706
H.D. 3
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1706, H.D. 3, S.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish the Uniform Environmental Covenants Act.

Specifically, this measure:

- (1) Ensures that land use restrictions, environmental monitoring requirements, and common engineering controls designed to control the potential environmental risk of residual contamination are reflected in land records and effectively enforced over time as a real property servitude; and



- (2) Facilitates the transfer of ownership and the re-use of contaminated properties by establishing a procedure that:
 - (A) Creates, modifies, or terminates environmental covenants; and
 - (B) Requires the recording of the foregoing actions in instruments reflected in the title abstract of the property.

Your Committee is aware of the concern raised at public hearing that this measure not impede the ability of a public utility to effectively and efficiently operate and maintain its facilities for the benefit of its customers. However, your Committee believes further language is unnecessary because the proposed Uniform Environmental Covenants Act was never intended to apply to easements owned, operated, or maintained by the utilities or other providers of essential public services.

Your Committee has amended this measure by:

- (1) Amending the purpose clause on page 1, at lines 7-8, to clarify that "there exists no clear authority nor any process for ensuring" that certain controls remain valid and enforceable despite changes in property ownership;
- (2) Adding a short title section to provide that the proposed chapter may be cited as the Uniform Environmental Covenants Act;
- (3) Renumbering the remaining sections of the new chapter consecutively and changing cross references for consistency; and
- (4) Deleting "shall be provided" from section -8 of the proposed chapter to eliminate redundancy.

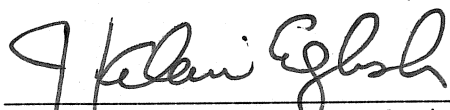
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1706, H.D. 3, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1706, H.D. 3, S.D. 1, C.D. 1.



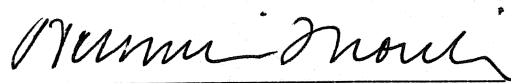
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

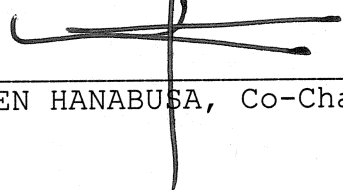
ON THE PART OF THE HOUSE



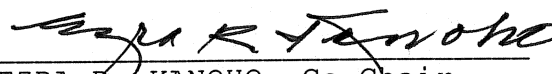
J. KALANI ENGLISH, Chair



HERMINA MORITA, Co-Chair



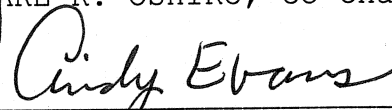
COLLEEN HANABUSA, Co-Chair



EZRA R. KANOHO, Co-Chair



BLAKE K. OSHIRO, Co-Chair



CINDY EVANS, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 1706, HD 3, SD 1	Date/Time: 4-27-2006 1:40p
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
ENGLISH, J. Kalani, Chr.	✓				MORITA, Hermina M., Co-Chr.	✓			
HANABUSA, Colleen, Co-Chr.	✓				KANOHO, Ezra R., Co-Chr.	✓			
WHALEN, Paul				✓	OSHIRO, Blake K., Co-Chr.	✓			
					EVANS, Cindy, Co-Chr.	✓			
					THIELEN, Cynthia	✓			
TOTAL	2	0	0	1	TOTAL	5	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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