

Honolulu, Hawaii

Feb 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:

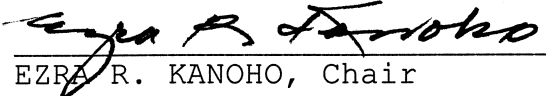
- (1) Removing the contents of the bill and inserting in its  
place the contents of House Bill No. 2382, relating to  
the same Uniform Environmental Covenants Act;



- (2) Adding a section clearly setting forth the purposes for this measure;
- (3) 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;
- (4) 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
- (5) Making technical nonsubstantive changes for purposes of 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,

  
EZRA R. KANOHO, Chair

  
HERMINA MORITA, Chair





