STAND. COM. REP. NO. Jabb

Honolulu, Hawaii

APR 0 9 2009

RE: H.B. No. 36

H.D. 1 S.D. 2

Honorable Colleen Hanabusa President of the Senate Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 36, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to clarify the permitted user of the environmental health education fund.

Specifically, this measure:

- (1) Changes the name of the environmental health education fund to the environmental health special fund; and
- (2) Expands the type of activities for which moneys in the special fund may be expended to include permitting, inspections, other monitoring, and enforcement.

Your Committee received nine written comments on this measure. The written comments may be reviewed on the Legislature's website.

Your Committee finds that the majority of the fees deposited into the environmental health education fund are collected by the sanitation branch of the department of health's environmental health services division. This division administers programs and collects fees for food safety, the regulation of various professions, and enforcing sanitation requirements at hospital and

medical facilities. The fees deposited into the environmental health education fund, however, do not appear to serve an educational purpose and appear to be contrary to the "nexus" requirement for special and revolving funds.

To clarify the nexus between the purpose of the fund and the users who pay fees into the fund, this measure changes the name of the environmental health education fund to the environmental health special fund. Your Committee believes that this measure will ensure that the fees collected more directly benefit the fee payers and thus will satisfy the nexus requirement for special and revolving funds.

Upon further consideration, your Committee has amended this measure to change the effective date to July 1, 2050, to facilitate further discussion.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 36, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 36, H.D. 1, S.D. 2.

Respectfully submitted on behalf of the members of the Committee on Ways and Means,

DONNA MERCADO KIM, Chair

The Senate Twenty-Fifth Legislature State of Hawaii

Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:*	No.:* Committee Refe		'.	ite:	
HB 36 HOISDI	ENE , WAM		1 a	PRIL 3	2009
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)		/			
TSUTSUI, Shan S. (VC)		/			
CHUN OAKLAND, Suzanne					
ENGLISH, J. Kalani			wateli		
FUKUNAGA, Carol		/			
GALUTERIA, Brickwood					
HEE, Clayton				A Torricon (4 an indicated blanches with administration	
HOOSER, Gary L.					
KIDANI, Michelle N.					
KOKUBUN, Russell S.					
TOKUDA, Jill N. HEMMINGS, Fred					
TEMMINGS, FIEU					
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TOTAL		9			3
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod					
File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes