STAND. COM. REP. NO. 12 7

Honolulu, Hawaii **Fel 9**, 2011

RE: H.B. No. 874 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 874 entitled:

"A BILL FOR AN ACT RELATING TO SOLID WASTE,"

begs leave to report as follows:

The purpose of this bill is to protect Hawaii's environment and address the issue of illegal dumping by establishing a minimum fine of not less than:

(1) \$2000 for felony disposal of solid waste; and

(2) \$500 for petty misdemeanor disposal of solid waste.

The Department of Health (DOH) and a concerned individual testified in support of this bill.

Hawaii is an island state dependent on its natural beauty as a driving force for its most important industry, tourism. However, its fragile environment is oftentimes severely impacted by illegal solid waste disposal. Establishing minimum fines for illegal disposal of solid waste will provide a stronger means for deterring this illegal conduct and addressing violations.

Still, more can be done. According to DOH, prior to 2005, criminal penalties also existed for the unauthorized operation of solid management waste systems. Unfortunately, it is believed that these provisions were inadvertently omitted when the criminal



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and civil penalties for illegal dumping were reorganized. Reinstituting these criminal provisions would provide DOH with greater strength to enforce regulatory provisions regarding the operation of solid management waste systems.

Accordingly, your Committee has amended this bill by inserting language reinstating the petty misdemeanor offense of unauthorized operation of a solid waste management system and establishing penalties therefor.

Technical, nonsubstantive amendments have also been made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 874, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 874, H.D. 1, and be referred to the Committee on Judiciary.

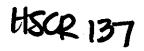
> Respectfully submitted on behalf of the members of the Committee on Energy & Environmental Protection,

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HERMINA MORITA, Chair



State of Hawaii House of Representatives The Twenty-sixth Legislature



Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.:	Committee Referral:	Date:		
HB 874	EEP, JUI	> 2	-3-20	//
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:				
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)			····	
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2. COFFMAN, Denny (VC)				
3. CABANILLA, Rida T.R.				
4 CARROLL Male			, · ·	
4. CARROLL, Mele				
5. CHANG, Jerry L.				
6. CHONG, Pono				
7. HAR, Sharon E.				
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8. HERKES, Robert N.				
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9. ITO, Ken				
10. NAKASHIMA, Mark M.				
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11. RIVIERE, Gil				
12. THIELEN, Cynthia				 I
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TOTAL (12)	8	0	0	4
The recommendation is: Image: Adopted life of the support recommendation of the support recommendation. If joint referral,				
committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				