

JAN 19 2007

A BILL FOR AN ACT

RELATING TO AN ENVIRONMENTAL CRIMES EDUCATION PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 212, Session Laws of Hawaii 1989, created a
2 comprehensive scheme to battle waste pollution in Hawaii,
3 including solid waste pollution. The solid waste pollution law
4 prohibits the operation of an open dump and dumping of a certain
5 amount of materials without the approval of the director of
6 health and provides for civil and criminal penalties for
7 violations.

8 Enforcement under the solid waste pollution law has been
9 hampered by both a lack of staff and education aimed at training
10 staff to identify violations. The environmental crimes unit
11 consists of only two deputy attorneys general and two department
12 of health investigators. Further, the department of health has
13 the authority to delegate investigatory powers for solid waste
14 pollution to the counties. The legislature finds that
15 investigators require focused educational opportunities in order
16 to maximize their abilities to locate and identify violations of
17 the solid waste pollution law.



1 Educational programs designed to enhance enforcement of
2 solid waste pollution laws supports environmental protection and
3 addresses concerns related to solid waste. The legislature
4 finds that moneys to implement and administer this important
5 state effort should come from the environmental response
6 revolving fund. As of January 7, 2005, the fund contained
7 \$4,100,000.

8 The purpose of this Act is to create and fund an
9 environmental education program to educate county law
10 enforcement officers and designated county department personnel
11 in carrying out their duties in investigating environmental
12 crime.

13 SECTION 2. Section 342H-3, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[~~f~~]§342H-3[~~}]~~ Duties; rules; appointment of hearings
16 officers. (a) In addition to any other power or duty
17 prescribed by law and in this chapter, the director shall
18 prevent, control, and abate solid waste pollution in the State.
19 In the discharge of this duty, the director may make, amend, and
20 repeal state rules controlling and prohibiting solid waste. All
21 rules shall be adopted pursuant to chapter 91. Any person heard



1 at the public hearing shall be given written notice of the
2 action taken by the department with respect to the rules.

3 (b) In addition to other specific powers provided in this
4 chapter, the director may appoint without regard to chapter 76,
5 hearings officers to conduct public participation activities
6 including public hearings and public informational meetings.

7 (c) There is established an environmental education
8 program whose purpose is to educate county law enforcement
9 officers or designated county personnel on proper and thorough
10 methods of investigating potential violations of this section.
11 Each county shall designate personnel to attend the training and
12 then serve as a county resource for detecting solid waste
13 disposal violations."

14 SECTION 3. There is appropriated out of the environmental
15 response revolving fund the sum of \$, or so much
16 thereof as may be necessary for fiscal year 2007-2008, to create
17 an environmental education program and for staff necessary to
18 carry out the work of this program, including payment for travel
19 expenses.

20 The sum appropriated shall be expended by the department of
21 health for the purposes of this Act.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2007, and
4 shall be repealed on July 1, 2012; provided that section
5 342H-3, Hawaii Revised Statutes, shall be reenacted in the form
6 in which it read on the day before the approval of this Act.

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Report Title:

Environmental Crimes Education Program

Description:

Creates an environmental education program to educate county law enforcement officers and personnel in how to carry out their duties in investigating environmental crime. Makes appropriations.

