

STAND. COM. REP. NO. 201

Honolulu, Hawaii

Feb 8, 2007

RE: H.B. No. 1485  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 1485 entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish mandatory penalties for illegal dumping of solid waste.

The bill also requires the Department of Health to develop and administer an illegal dumping awareness program, and appropriates money therefor, and requires persons convicted of illegal dumping to attend the program as part of their sentence.

Testimony in support of this bill was received from the Department of the Attorney General, the County of Hawaii, and the Windward Ahupuaa Alliance. The Department of Health opposed this measure.

Your Committee finds that, despite the enactment in recent years of new offenses, illegal dumping continues to be a problem. In addition to the mandatory fines and community service proposed, this bill also requires forfeiture of the vehicle used to commit the offense of illegal dumping. These penalties will improve the deterrent effect of existing law and also disable those who use a vehicle to dump solid waste illegally.

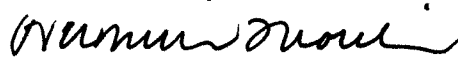


Your Committee has amended this measure by:

- (1) Deleting language creating an illegal dumping awareness program and appropriating funds therefor;
- (2) Clarifying the forfeiture provision by deleting the requirement that law enforcement retain custody of the vehicle pending payment of fines by first offenders;
- (3) Clarifying language to ensure that the mandatory fines and other penalties apply even if the defendant's plea is deferred pursuant to chapter 853, Hawaii Revised Statutes;
- (4) Inserting a savings clause as section 3 and renumbering the remaining sections accordingly;
- (5) Changing the effective date to July 1, 2007; and
- (6) Making technical nonsubstantive changes for clarity 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. 1485, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1485, 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



