

JAN 18 2008

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# 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 support environmental protection and  
3 address concerns related to solid waste. The legislature finds  
4 that moneys to implement and administer this important state  
5 effort should come from the environmental response revolving  
6 fund. As of fiscal year 2006, the fund contained \$5,887,360.

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

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

14 "~~+~~§342H-3~~+~~ **Duties; rules; appointment of hearings**  
15 **officers~~-~~; environmental education program.** (a) In addition  
16 to any other power or duty prescribed by law and in this  
17 chapter, the director shall prevent, control, and abate solid  
18 waste pollution in the State. In the discharge of this duty,  
19 the director may make, amend, and repeal state rules controlling  
20 and prohibiting solid waste. All rules shall be adopted  
21 pursuant to chapter 91. Any person heard at the public hearing



1 shall be given written notice of the action taken by the  
2 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 2008-2009 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, 2008, and  
4 shall be repealed on July 1, 2013; provided that section 342H-3,  
5 Hawaii Revised Statutes, shall be reenacted in the form in which  
6 it read on the day before the approval of this Act.

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**Report Title:**

Environmental Crimes Education Program; Appropriation

**Description:**

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

