

JAN 21 2010

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# A BILL FOR AN ACT

RELATING TO POLLUTION.

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

1           SECTION 1.   In 1997, while sailing from Hawaii to  
2 California, amateur scientist Captain Charles Moore made a  
3 surprising discovery - what he calls a vast "garbage patch" of  
4 plastic debris twice the size of Texas in the middle of the  
5 Pacific Ocean.   The "garbage patch" is a diffuse soup, with bits  
6 dispersed over a large area and doing two roundabouts: in the  
7 eastern Pacific and in the western Pacific.   Together these  
8 gyres form the shape of a dog bone.   The Great Pacific Garbage  
9 Patch, as it has become known, is described as two to three  
10 times the size of Texas, but in fact it might be far larger - as  
11 much as five million square miles, or one and a half times the  
12 size of the United States.   Sailors encounter it within five  
13 hundred miles of the California coast and two hundred miles off  
14 Japan.

15           In recent years, dead seabirds have been washing ashore in  
16 startling numbers, and one animal dissected by Dutch researchers  
17 contained 1,603 pieces of plastic.   The most worrisome plastic



1 pollution are the minuscule pieces of plastic, some barely  
2 visible to the eye, swirling like fish food throughout the  
3 water. All over the globe, there are signs that plastic  
4 pollution is making its way into the food chain, and the  
5 pollution is likely to end up in humans. Scientists are only  
6 beginning to research the long-term ways in which the chemicals  
7 used to make plastic interact with our own biochemistry.

8       The most effective way to reduce the environmental impact  
9 of plastics is source reduction. About twenty per cent of  
10 plastic in our oceans comes from goods lost from boats: i.e.  
11 accidental loss of fishing tackle and other recreational gear,  
12 massive shipping containers carrying millions of plastic items  
13 washed overboard during severe storms, litter from pleasure  
14 boats, or illegal dumping of unwanted goods. Additionally,  
15 plastic is made from petrochemicals; so every plastic item  
16 purchased adds to our dependence on oil.

17       The purpose of this Act is to reduce plastic pollution by:

- 18       (1) Prohibiting the use of plastic objects on commercial  
19             or recreational boats;
- 20       (2) Establishing a working group to expand similar  
21             prohibitions to subsistence fishers; and



1           (3) Providing a tax credit for principal operators of  
2           commercial or recreational boats required to replace  
3           equipment and items used in the operations of those  
4           boats.

5           SECTION 2. Chapter 200, Hawaii Revised Statutes, is  
6           amended by adding a new part to be appropriately designated and  
7           to read as follows:

8                       **"PART . PLASTIC OBJECT PROHIBITION**

9           **§200-A Declaration of policy.** The legislature hereby  
10          finds, determines, and declares that this part is necessary to  
11          promote and attain:

- 12          (1) The full use and enjoyment of the waters of the State;
- 13          (2) A reduction in plastic pollution in the State and its  
14          waters; and
- 15          (3) A clean ocean environment for future generations of  
16          fishers and recreational users of the waters of the  
17          State.

18          **§200-B Definitions.** As used in this part unless the  
19          context otherwise requires:

20          "Article of clothing" includes apparel, dress, garments, or  
21          attire including any type of eyeglasses, jewelry, and shoes.



1 "Plastic object" means any container, sheet, or object  
2 which consists of any material made of polymeric organic  
3 compounds and additives that can be shaped by flow.

4 **§200-C Plastic objects; prohibition; exceptions.** (a) Any  
5 vessel registered and numbered in the State for use or operation  
6 on or in the waters of the State, pursuant to section 200-31,  
7 shall be prohibited from carrying or using any plastic object;  
8 provided that vessels may transport commercial cargo of plastic  
9 objects.

10 (b) Notwithstanding subsection (a), a plastic object may  
11 be carried or used on a vessel if it is:

- 12 (1) Essential for the administration of first aid;
- 13 (2) Used in the carrying or dosing of prescription  
14 medications;
- 15 (3) Integrated into a sanitary napkin or diaper;
- 16 (4) Incorporated into an article of clothing; or
- 17 (5) Part of the vessel, emergency rescue equipment, diving  
18 or snorkel gear, or navigation equipment.

19 (c) Any vessel not in compliance with this part shall not  
20 be registered or numbered pursuant to section 200-31.

21 (d) The department shall adopt rules pursuant to chapter  
22 91 necessary for the purposes of this part.



1           §200-D Subsistence fishing working group; established.

2       (a) There is established within the department for  
3 administrative purposes a subsistence fishing working group.

4       (b) The working group shall include:

5           (1) The chairperson, or the chairperson's designee;

6           (2) The administrator of the office of Hawaiian affairs,  
7 or the administrator's designee; and

8           (3) Three persons who practice subsistence fishing, to be  
9 designated by the governor.

10       (c) The working group shall examine the feasibility of  
11 prohibiting plastic objects in subsistence fishing practices and  
12 make recommendations for rules to the department in conformance  
13 therewith.

14       (d) The members of the working group shall serve without  
15 compensation but shall be reimbursed for expenses, including  
16 travel expenses, necessary for the performance of their duties.

17       (e) The department shall adopt rules recommended by the  
18 working group pursuant to chapter 91.

19       (f) For the purposes of this section, "subsistence" means  
20 the customary and traditional native Hawaiian uses of renewable  
21 ocean resources for direct personal or family consumption or  
22 sharing."



1 SECTION 3. Chapter 235, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§235- Plastic object replacement tax credit. (a) Each  
5 principal operator of a fishing or recreational vessel who files  
6 an individual or corporate net income tax return for a taxable  
7 year may claim an income tax credit under this section against  
8 the Hawaii state individual or corporate net income tax.

9 (b) The tax credit shall be an amount equal to the amount  
10 paid by the principal operator during the taxable year for  
11 equipment and items necessarily purchased to comply with chapter  
12 200, part .

13 (c) The tax credit claimed under this section by the  
14 principal operator shall be deductible from the principal  
15 operator's individual or corporate income tax liability, if any,  
16 for the tax year in which the credit is properly claimed;  
17 provided that a husband and wife filing separate returns for a  
18 taxable year for which a joint return could have been made by  
19 them shall claim only the tax credit to which they would have  
20 been entitled had a joint return been filed. If the tax credit  
21 claimed by the principal operator under this section exceeds the  
22 amount of the income tax payments due from the principal



1 operator, the excess of credit over payments due shall be  
2 refunded to the principal operator; provided that the tax credit  
3 properly claimed by a principal operator who has no income tax  
4 liability shall be paid to the principal operator; and provided  
5 further that no refunds or payments on account of the tax credit  
6 allowed by this section shall be made for amounts less than \$1.

7 (d) The director of taxation shall prepare such forms as  
8 may be necessary to claim a credit under this section, may  
9 require proof of the claim for the tax credit, and may adopt  
10 rules pursuant to chapter 91.

11 (e) All of the provisions relating to assessments and  
12 refunds under this chapter and under section 231-23(c)(1) shall  
13 apply to the tax credit under this section.

14 (f) Claims for the tax credit under this section,  
15 including any amended claims thereof, shall be filed on or  
16 before the end of the twelfth month following the taxable year  
17 for which the credit may be claimed.

18 (g) As used in this section:

19 "Fishing or recreational vessel" means any vessel  
20 registered and numbered in the State for use or operation on or  
21 in the waters of the State pursuant to section 200-31.



1        "Principal operator" means any individual or corporate  
2 resident taxpayer who registers a fishing or recreational vessel  
3 in the State pursuant to section 200-31."

4        SECTION 4. New statutory material is underscored.

5        SECTION 5. This Act shall take effect upon its approval;  
6 provided that section 3 shall apply to taxable years beginning  
7 after December 31, 2009.

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INTRODUCED BY:





**Report Title:**

Plastic Prohibition; Tax Credit; Boating

**Description:**

Prohibits the use of plastic objects on any boat registered in the State; establishes a working group to develop rules for subsistence fishing; provides a tax credit for items purchased to comply with the prohibition.

