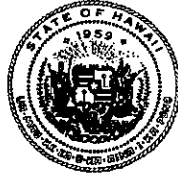


LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

## HOUSE COMMITTEE ON JUDICIARY

### S.B. 2081, S.D. 2, H.D. 1, RELATING TO LITTER CONTROL

Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health

March 16, 2010  
2:15 P.M.

1 **Department's Position:** The Department respectfully opposes this bill.

2 **Fiscal Implications:** Insufficient funds; requires expenditure of the Environmental  
3 Management Special Fund to support a litter control and enforcement program that has not been funded  
4 for years, with funding only coming from state-collected litter penalties.

5 **Purpose and Justification:** This bill proposes to increase the maximum litter penalty from \$500 to  
6 \$1000, deposit the state-collected fines into the Department of Health's Environmental Management  
7 Special Funds (EMSF), deposit county-collected fines to county general funds, and requires this EMSF  
8 account to fund any state or county litter control and enforcement programs.

9 The Department opposes this measure on two funding issues. First, counties should be required  
10 to fund their own litter control programs, as they will be receiving the fines they collect through any  
11 county enforcement action. Second, there are insufficient funds in the Environmental Management  
12 Special Fund to support a state and/or county litter control and enforcement program. Although the fund  
13 may receive penalties collected from the enforcement of litter control laws, it would require the  
14 collection of over 100 citations at the maximum penalty to support just one inspector on one island.  
15 Given that the act of littering would have to be observed in order to allow for the issuance of the citation

1 and possible collection of penalty, we believe that the expenditures to operate the program will exceed  
2 the penalties collected. The rest of the EMSF cannot cover the likely shortfall. In fact, with a solid  
3 waste surcharge of only 35 cents per ton (lowest in the nation), there are insufficient funds in the  
4 account to support all of the other State programs currently listed in HRS 342G-63. Use of this fund for  
5 additional purposes will exacerbate the decline of the state's solid waste regulatory program.

6 Therefore, we request that you defer this measure.

7 Thank you for the opportunity to testify on this measure.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24