
A BILL FOR AN ACT

RELATING TO SOLID WASTE POLLUTION.

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

1 SECTION 1. The legislature finds that communities in which
2 are located landfills and other disposal sites bear a
3 disproportionately heavy burden in meeting community needs. The
4 legislature further finds that violators of environmental health
5 laws need to be responsible to help those communities they harm
6 by paying an additional penalty.

7 The purpose of this Act is to create a community giveback
8 fee to be distributed to high schools in the area of the
9 landfill and to the environmental response revolving fund.

10 SECTION 2. Chapter 342H, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§342H- Community giveback fee; disposition. (a) There
14 shall be assessed a community giveback fee on any person who is
15 penalized for a violation of any provision of this chapter, in
16 addition to any other penalties that may be assessed for a
17 violation of this chapter. The community giveback fee shall be
18 not more than \$ _____ per penalty; provided that twenty-five



1 per cent of the amount of the penalty shall be deposited into a
2 separate account of the general fund for distribution by the
3 department of education in equal amounts to every high school
4 within a ten mile radius of the landfill which incurred the
5 penalty; and the remaining fees collected shall be deposited
6 into the environmental response revolving fund."

7 SECTION 3. Section 342H-10.5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§342H-10.5 Disposition of collected fines and penalties.**

10 Except as otherwise provided in this section[7] and section
11 342H- , fines, fees, and penalties collected under sections
12 342H-9 [and], 342H-10, and 342H- shall be deposited into the
13 environmental response revolving fund established by section
14 128D-2. Where a county individually, or the State and a county
15 jointly, initiates and conducts an investigation resulting in
16 the imposition and collection of a fine or penalty, pursuant to
17 section 342H-30(c), the fine or penalty shall be distributed as
18 follows:

19 (1) One half to the department of the county whose
20 officers or employees initiated and conducted the
21 investigation; and



1 (2) One half to the environmental response revolving fund
2 established in section 128D-2."

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

5 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Health; Counties; Community Giveback Fee

Description:

Creates a community giveback fee to be assessed against solid waste violators. Requires State to distribute the fee into the environmental response revolving fund after deducting twenty-five per cent for distribution to high schools within a ten mile radius of the penalized landfill. (SD1)

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