

Honolulu, Hawaii

APR 05 2012

RE: H.B. No. 2483
H.D. 1
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Energy and Environment and Ways and Means, to which was referred H.B. No. 2483, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to amend the Hawaii State Planning Act to add climate change adaptation as one of the major areas of statewide concern and establish climate change adaptation priority guidelines to plan for the impacts of climate change and avoid, minimize, or mitigate loss of life, land, and property for future generations.

Prior to holding a public hearing on this measure, a proposed S.D. 1 was prepared and made available for public review. The proposed S.D. 1 deletes the contents of the measure and inserts:

- (1) The contents of S.B. No. 2511, S.D. 2, which establishes an offset fee, beginning January 1, 2013, for the distribution of single-use checkout bags and directs that fee revenues be used in part to fund programs to protect watersheds and increase resilience to climate change;
- (2) Language that amends the dietary supplement exemption from the deposit beverage container program, pursuant to section 342G-101, Hawaii Revised Statutes, so that deposit beverages that contain caffeine or carbonated



water are included in the deposit beverage container program;

- (3) An effective date of July 1, 2012, for the single-use checkout bag fee provisions and January 1, 2013, for the amendment to the deposit beverage container program; and
- (4) Technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees received testimony in support of the proposed S.D. 1 from the Governor's Office; Department of Land and Natural Resources; Sierra Club; Maui Invasive Species Committee; Conservation Council for Hawai'i; Pacific Resource Partnership; Three Mountain Alliance Watershed Partnership; West Maui Mountains Watershed Partnership; Sustainable Coastlines; Coordinating Group on Alien Pest Species; The Trust for Public Land; The Nature Conservancy; Hawaii Food Industry Association; Retail Merchants of Hawaii; Hawaii Green Growth Initiative; Ocean Devotion Hawaii; Surfrider Foundation; Times Supermarket; Safeway; Ferraro Choi and Associates, Ltd.; and eighteen individuals. Your Committees received testimony in opposition to the proposed S.D. 1 from two individuals. Your Committees received comments on the proposed S.D. 1 from the Department of Health, Department of Taxation, Tax Foundation of Hawaii, and Hawaii Foodbank.

Your Committees find that a critical aspect of the proposed S.D. 1 is the investment of fees collected from the single-use checkout bag fee program into the natural area reserve fund, established to implement the purposes of chapter 195, Hawaii Revised Statutes, regarding the protection and management of Hawaii's natural area reserves. This fund has been spread increasingly thin over recent years to the point where watershed protection has been compromised. To protect land in Hawaii and all that depends on it, the Department of Land and Natural Resources has developed an action plan to double the amount of protected priority watershed areas within the next ten years. This plan, called *The Rain Follows the Forest*, will help stabilize water resources in Hawaii by providing for the necessary stewardship of water resources.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the measure by:



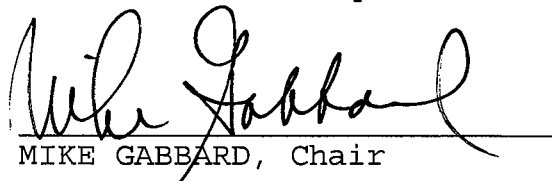
- (1) Excluding food donation organizations from the definition of "business" under the single-use checkout bag fee program;
- (2) Beginning January 1, 2014, requiring eighty percent of the fees collected to continue to be deposited into the special account in the environmental management special fund to fund programs to protect watersheds and increase resilience to climate change but also requiring ten percent of the fees collected under the single-use checkout bag fee program to be deposited in specified funds administered by each county in amounts that are proportionate to the ratio of the county's population to the State's population as a whole, and only if a county has appropriated to its respective island-based invasive species committee at least fifty percent of the amount deposited in the specified county fund during the previous calendar year; and
- (3) Inserting an \$800,000 appropriation from the general fund for fiscal year 2012-2013 for administration of the single-use checkout bag fee program, to be expended by the Department of Health.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2483, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2483, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Energy and
Environment and Ways and Means,



DAVID Y. IGE, Chair



MIKE GABBARD, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:* HB 2483 HD1	Committee Referral: ENE/WAM	Date: 3 April 2012		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	✓			
ENGLISH, J. Kalani (VC)	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les	✓			
SLOM, Sam			✓	
TOTAL	4		1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>J. Kalani English</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB2483 HDI	Committee Referral: EVE/WAM	Date: 4-3-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	/			
KIDANI, Michelle N. (VC)		/		
CHUN OAKLAND, Suzanne				/
DELA CRUZ, Donovan M.	/			
ENGLISH, J. Kalani	/			
ESPERO, Will		/		
FUKUNAGA, Carol				/
KIM, Donna Mercado				/
KAHELE, Gilbert	/			
KOUCHI, Ronald D.	/			
RYAN, Pohai	/			
TOKUDA, Jill N.	/			
WAKAI, Glenn		/		
SLOM, Sam			/	
TOTAL	7	3	1	3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
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