

Honolulu, Hawaii

February 16, 2018

RE: H.B. No. 2095
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred H.B. No. 2095, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,"

begs leave to report as follows:

The purpose of this measure is to authorize the Agribusiness Development Corporation ("ADC") to enter into contracts with private businesses to remove select municipal solid waste, glass, and food and green waste from the waste stream for use in other business sectors, including agriculture, construction, and energy production.

The Department of Agriculture, Agribusiness Development Corporation, Hawaii Cattlemen's Council, Inc., Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, and a few concerned individuals testified in support of this measure. The Department of Environmental Services of the City and County of Honolulu provided comments to this measure.

Your Committee notes that the Department of Environmental Services of the City and County of Honolulu ("Department") submitted written comments stating its concerns with the provisions of this measure. The Department commented that by authorizing the ADC to enter into contracts with private businesses to remove select municipal solid waste, glass, and food



and green waste from the waste stream for use in other business sectors, this measure would give the ADC the authority to interfere with the City's ability to regulate "flow control" of municipal solid waste.

The Department additionally commented that under section 163D, Hawaii Revised Statutes, the ADC's powers are limited to the areas of agriculture and agricultural enterprises. Allowing the ADC to enter into such contracts with private businesses, in sectors outside of agriculture and agricultural enterprises, may exceed the scope of the ADC's authority.

Accordingly, the Department recommended that this measure be amended to limit the ADC's authority to enter into contracts with private businesses to remove "agricultural solid waste" from the waste stream, which is defined as solid waste that results from the rearing of animals and the harvesting of crops, under section 340A-1, Hawaii Revised Statutes. The Department recommended that this measure also be amended to preserve the ability of the City and County of Honolulu to control the disposition of non-agricultural solid waste.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2095, H.D. 1, and recommends that it be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture,


RICHARD P. CREAGAN, Chair



