

A Bill for an Act Relating to the Establishment of an Environmental Health Program Enhancement and Education Fund.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that the programs of the environmental health services division of the department of health are essential for improving the quality of life and maintaining the public health through the monitoring, investigation, and enforcement of unsanitary conditions, food quality and contamination issues, prescription and nonprescription drug sales, community noise issues, radiological devices for medical and dental facilities, ionizing radiation sources, and vectors.

The legislature finds that these essential environmental health programs are hard-pressed to provide continuing educational opportunities for their staffs, which are necessary to maintain technical competency and enhance the ability to provide adequate public outreach, because of the lack of state general funds to support these vital training and educational activities. The legislature also finds that these programs receive limited federal funds from the United States Environmental Protection Agency and therefore are not recipients of federal training and program resources. The legislature further finds that these programs, by statute, have the ability to collect fees for permits, licenses, inspections, various certificates, variances, investigations, and reviews; and that these fees, if collected, could easily support vital training and educational activities.

The purpose of this Act is to allow environmental health programs to divert the fees they are authorized to collect into a special fund for staff training and public outreach purposes.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**"§321- Environmental health program enhancement and education fund.** (a) There is established within the department of health an environmental health program enhancement and education fund into which shall be deposited all moneys collected from fees for permits, licenses, inspections, various certificates, variances, investigations, and reviews, pursuant to sections 321-11.5, 321-15, 342F-14, 466J-4, and 466J-5.

(b) Moneys in the fund shall be expended by the department for the purpose of enhancing the capacity of environmental health programs to:

- (1) Improve public outreach efforts;
- (2) Educate the public and staff;
- (3) Plan for future growth and expansion to meet emerging needs; and
- (4) Provide training opportunities to ensure the maintenance of professional competence among environmental health staff and administrators.

Not more than \$90,000 of the fund may be utilized during any fiscal year for fund administration, including the hiring of not more than two full-time equivalent personnel, and the purchase of office and electronic equipment.

(c) Any amount in the fund in excess of \$300,000 on June 30 of each year shall be deposited into the general fund.

(d) The department of health shall submit a report to the legislature concerning the status of the environmental health program enhancement and

education fund, including, but not limited to, the amount of moneys taken in by and expended from the fund, and the sources of receipts and uses of expenditures, not less than twenty days prior to the convening of each regular session.”

SECTION 3. Section 321-11.5, Hawaii Revised Statutes, is amended to read as follows:

“**[§321-11.5] Establishment of fees.** The department of health, by rules adopted pursuant to chapter 91, may establish reasonable fees for the issuance or renewal of licenses, permits, variances, and various certificates required by law or by the department’s rules[, and such]. The fees may include the cost of related examinations, inspections, investigations, and reviews. All fees paid and collected under this section and sections 321-15, 342F-14, 466J-4, and 466J-5 shall be deposited into the environmental health program enhancement and education fund established under section 321-\_\_\_\_\_.”

SECTION 4. Section 321-15, Hawaii Revised Statutes, is amended to read as follows:

“**§321-15 Annual registration; fees, failure to register.** Every person holding a license to practice any occupation specified in section 321-13(a)(1) shall reregister with the department of health, in accordance with the rules of the department, [on or] before [January 31] February 1 of each year and shall pay a reregistration fee. The failure, neglect, or refusal of any person holding such a license to reregister or [to] pay the reregistration fee, after thirty days of delinquency, shall constitute a forfeiture of the person’s license; provided that the license shall be restored upon written application therefor together with a payment of all delinquent fees and an additional late reregistration fee that may be established by the director of health. All fees collected pursuant to this section shall be deposited into the environmental health program enhancement and education fund established under section 321-\_\_\_\_\_.”

SECTION 5. Section 342F-14, Hawaii Revised Statutes, is amended to read as follows:

“**[§342F-14] Fees.** The director may establish reasonable fees for the issuance of permits and variances to cover the cost of issuance thereof and for the implementation and enforcement of the terms and conditions of permits and variances (not including court costs or other costs associated with any formal enforcement action). [The] All fees collected pursuant to this section shall be deposited [to the credit of the general fund.] into the environmental health program enhancement and education fund established under section 321-\_\_\_\_\_.”

SECTION 6. Section 466J-4, Hawaii Revised Statutes, is amended to read as follows:

“**§466J-4 Licenses required.** (a) No person shall practice or offer to practice as a radiographer or as a radiation therapy technologist without an appropriate license previously obtained and maintained in good standing in compliance with this chapter and the rules of the board. [After July 1, 1974, it] It shall be unlawful for any person not appropriately licensed under this chapter to practice or offer to practice radiologic technology.

(b) Every person licensed as a radiographer or as a radiation therapy technologist shall be subject to an annual license fee (initial and renewal) of \$10. The annual period shall commence on July 1 of each year, and the failure of any licensee to pay the licensee's fee shall be grounds for revocation of the licensee's license. All fees collected by the board pursuant to this section shall be deposited into the [general fund.] environmental health program enhancement and education fund established under section 321-\_\_\_\_\_."

SECTION 7. Section 466J-5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) The applicant applying for a license to practice as a radiographer or as a radiation therapy technologist shall pay a nonrefundable fee of \$10 to the department, plus the cost of an examination. All fees received by the department [and moneys collected under this chapter] pursuant to this section shall be deposited [with the director of finance to the credit of the general fund.] into the environmental health program enhancement and education fund established under section 321-\_\_\_\_\_ ; provided that any other moneys collected pursuant to this chapter shall be deposited with the director of finance to the credit of the general fund, unless otherwise provided by law."

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 9. This Act shall take effect on July 1, 1994 and shall be repealed on July 1, 1996; provided that:

- (1) Sections 321-11.5, 321-15, 342F-14, 466J-4,<sup>2</sup> and 466J-5,<sup>2</sup> Hawaii Revised Statutes, shall be reenacted in the form in which they read on June 30, 1994; and
- (2) The director of health shall transfer to the credit of the state general fund, all unexpended or unencumbered balances remaining in the environmental health program enhancement and education fund, prior to June 30, 1996.

(Approved June 21, 1994.)

#### Notes

1. Edited pursuant to HRS §23G-16.5.

2. "466J-4" and "466J-5" substituted for "446J-4" and "446J-5", respectively.