

**HB-705**

Submitted on: 1/29/2019 7:45:49 PM

Testimony for EEP on 1/31/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

**HB-705**

Submitted on: 1/29/2019 8:04:36 PM

Testimony for EEP on 1/31/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
joseph simpliciano	Individual	Support	No

Comments:

It been proven time and time again that there is also companies that conduct illegal dumping to include dumping of hazardous waste. I think Hawaii should take a firm stand and make an example out of a company or person who conduct themselves in such a shady manner. I fully support HB705

**HB-705**

Submitted on: 1/30/2019 6:08:46 AM

Testimony for EEP on 1/31/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sara Perry	Individual	Support	No

Comments:

I strongly support this bill. Illegal dumping is a huge issue and if there are funds to address it, those funds need to be utilized better.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2019**

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**LATE**

**ON THE FOLLOWING MEASURE:**

H.B. NO. 705, RELATING TO DISPOSAL OF SOLID WASTE.

**BEFORE THE:**

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**DATE:** Thursday, January 31, 2019      **TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Kathleen Ho and Lance Goto, Deputy Attorneys General

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Chair Lowen and Members of the Committee:

The Department of the Attorney General submits comments.

The purpose of this bill is to add, as an alternative punishment, impounding of a vehicle used in the commission of the offense for the felony and petty misdemeanor offenses of disposal of solid waste, as set forth in sections 342H-37 and 342H-39, Hawaii Revised Statutes (HRS, respectively).

The Department considers violators of environmental laws serious offenders whose actions threaten the health of Hawaii's people as well as our precious environment. The Department appreciates the intent of the bill, but shares these comments.

The provisions allowing for the impounding of any vehicle used in the commission of the offense, as an alternative punishment, are vague. For example it is not clear what the parameters of the impoundment process are, when the impounding may take place, who will be responsible for impounding the vehicle, storing it, and maintaining it and what is to become of the impounded vehicle.

Alternatively, forfeiture as provided in chapter 712A, HRS, might be more appropriate. If so, we recommend amending section 712A-4 to include felony disposal of solid waste as an offense for which forfeiture is available.

Lastly, it should be clarified that the proposed amendments are in addition to Class C sentencing options.

We are available to work with the Committee in drafting any proposed amendments. Thank you for the opportunity to testify.