

STAND. COM. REP. NO.

1056

Honolulu, Hawaii

MAR 27 2009

RE: H.B. No. 36
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Energy and Environment, to which was referred H.B. No. 36, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose of this measure is to clarify the nexus between the benefits sought and charges made on users and beneficiaries of the Environmental Health Education Fund (Fund) by:

- (1) Changing the name of the Fund to the "Sanitation and Environmental Health Special Fund"; and
- (2) Allowing the use of the Sanitation and Environmental Health Special Fund for sanitation program activities.

Testimony in support of this measure, with suggested amendments, was submitted by one individual. Testimony in opposition to the measure was submitted by one state department. Testimony with concerns regarding the measure, with suggested amendments, was submitted by the Department of Health (DOH). Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure seeks to increase resources for the DOH Sanitation Branch's program operations, in part by increasing the amount of money the Fund may retain, and by amending the purposes for which the Fund may be used. The premise



of the measure is that the majority of fees for the Fund are collected by the DOH's sanitation program and, therefore, these fees should be spent on sanitation measures and programs.

Your Committee finds, however, that some clarification in the measure is required, as the overall purpose of the Fund is to enhance and improve programs within the Environmental Health Services Division, which includes not only the Sanitation Branch, but three other branches. To properly improve these programs, the authorized uses of the Fund should be expanded to include operating costs of program activities and functions, such as permitting, monitoring, investigations, and enforcement, rather than being limited to education, training, and outreach activities. The DOH also recommended an additional amendment to the measure in order to clarify that inspectors of food establishments do not need to be "registered", because section 321-13, Hawaii Revised Statutes, no longer requires sanitarians to be licensed by the DOH.

Accordingly, your Committee has amended this measure by:

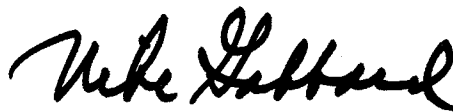
- (1) Changing the name of the Fund to the "Environmental Health Special Fund", in order to reach the other branches within the Environmental Health Services Division;
- (2) Expanding the type of activities for which Fund moneys may be expended to include permitting, inspections, other monitoring, and enforcement;
- (3) Restoring the \$300,000 cap on the Fund;
- (4) Deleting the registration requirement for food establishment inspectors;
- (5) Changing its effective date from July 1, 2020, to July 1, 2009; and
- (6) Making nonsubstantive, technical changes for style and clarity, and to correctly reflect the language in the Hawaii Revised Statutes.

As affirmed by the record of votes of the members of your Committee on Energy and Environment that is attached to this report, your Committee is in accord with the intent and purpose of



H.B. No. 36, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 36, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Energy and
Environment,



MIKE GABBARD, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 36 HD1</i>	<i>ENE, WAM</i>	<i>3/24/09</i>		
<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	✓			
HOOSER, Gary L.				✓
IHARA, Jr., Les	✓			
KOKUBUN, Russell S.	✓			
HEMMINGS, Fred	✓			
TOTAL	<i>5</i>	<i>0</i>	<i>0</i>	<i>2</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
<i>[Signature]</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes