

STAND. COM. REP. NO.

1266

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 36
H.D. 1
S.D. 2

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

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 36, H.D. 1, S.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 permitted user of the environmental health education fund.

Specifically, this measure:

- (1) Changes the name of the environmental health education fund to the environmental health special fund; and
- (2) Expands the type of activities for which moneys in the special fund may be expended to include permitting, inspections, other monitoring, and enforcement.

Your Committee received nine written comments on this measure. The written comments may be reviewed on the Legislature's website.

Your Committee finds that the majority of the fees deposited into the environmental health education fund are collected by the sanitation branch of the department of health's environmental health services division. This division administers programs and collects fees for food safety, the regulation of various professions, and enforcing sanitation requirements at hospital and



medical facilities. The fees deposited into the environmental health education fund, however, do not appear to serve an educational purpose and appear to be contrary to the "nexus" requirement for special and revolving funds.

To clarify the nexus between the purpose of the fund and the users who pay fees into the fund, this measure changes the name of the environmental health education fund to the environmental health special fund. Your Committee believes that this measure will ensure that the fees collected more directly benefit the fee payers and thus will satisfy the nexus requirement for special and revolving funds.

Upon further consideration, your Committee has amended this measure to change the effective date to July 1, 2050, to facilitate further discussion.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 36, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 36, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,


DONNA MERCADO KIM, Chair



