

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 1363
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committees on Energy and Environment and Economic Development and Technology, to which was referred S.B. No. 1363 entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION,"

beg leave to report as follows:

The purpose and intent of this measure is to require businesses to collect an offset fee of 25 cents for distribution of every non-reusable checkout bag and provide for the Department of Health to collect seventy-five percent of the offset fees collected to be used for administration and enforcement of the offset fees.

Your Committees received testimony in support of this measure from Robert Barreca, Surfrider Foundation, Oahu Chapter; Robert D. Harris, Sierra Club, Hawai'i Chapter; Bob Loy, The Outdoor Circle; Stuart Coleman, Surfrider Foundation, Hawai'i Chapters; Marjorie Ziegler, Conservation Council for Hawai'i; Lee Brooke Roy, Plastic Free Hawaii; Bob Gutierrez, Times Supermarket; Susan M. Houghton, Safeway; Brad Parsons, Aloha Analytics; Mele Coleman; Noa Ching; Angela Atkins; Rachel Harvey; Nicole Lowen; Joy Leilei Shih; Tara D. Coomans; Scott Higgins; Gopal Butler; Mariya Gold; Renata Bell; Brian Bell; Roxanne Rivero; Aydee Camunas-Zlelke; Ryo Kubota; Cara B. Wilson; Jennifer Milholen; Rosalyn Young; Sandra; Charlie Taylor; Evan Manning; Elik Vodovoz; Ken Sentner; Michael Gach; Jenna Chung; Marjorie Bonar; Danielle Best; Aisha Sayed; and Ben Robinson. Your Committees received testimony in opposition to this measure from Tim Shestek, American Chemistry Council. Your



Committees received comments on this measure from Lauren Zirbel, Hawaii Food Industry Association; Victor Lim, Hawaii Restaurant Association; and Carol Pregill, Retail Merchants of Hawaii.

Your Committees find that the excessive use of non-reusable checkout bags presents an unnecessary hazard to the natural environment and that the State has a compelling interest in protecting its natural environment. This measure will reduce the adverse impact of non-reusable checkout bag waste on Hawaii's natural environment by establishing an offset fee for the distribution of non-reusable checkout bags.

Your Committees have amended this measure by:

- (1) Specifying that the exemption for take-out from restaurants applies to prepared food, for take-out or transport from restaurants;
- (2) Exempting customers who are recipients of food subsidies through the Women, Infants, and Children program (WIC) or the Supplemental Nutrition Assistance Program (SNAP);
- (3) Changing the date upon which the businesses are to remit the fees to the Department of Health from the fifteenth day of the month to the last day of the month;
- (4) Requiring businesses to submit their records of the fees collected to the Department on a quarterly basis or as directed by the Department; provided that the Department may inspect the record at its discretion at any time;
- (5) Deleting the requirement that if a county has a similar ordinance that it must be as stringent in its control or prohibition as this measure;
- (6) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Economic Development and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1363, as amended

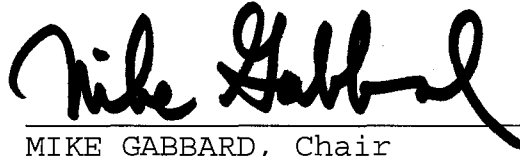


herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1363, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Energy and Environment and Economic Development and Technology,



CAROL FUKUNAGA, Chair



MIKE GABBARD, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

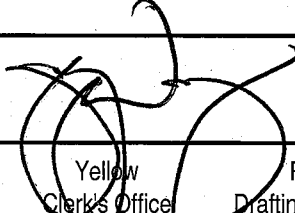
Record of Votes
Committee on Energy and Environment
ENE

Bill / Resolution No.:* SB 1363	Committee Referral: ENE/EOT, WAM	Date: 2/15/11		
<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	/			
IHARA, Jr., Les	/			
SLOM, Sam			/	
TOTAL	3	1	1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Kalani English</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:* SB 1363	Committee Referral: ENE/EDT, WAM	Date: 2/16/11		
<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
FUKUNAGA, Carol (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.		✓		
SOLOMON, Malama		✓		
SLOM, Sam			✓	
TOTAL	2	2	1	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size: 2em;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes