



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

GOV. MSG. NO. 847

July 11, 2006

The Honorable Robert Bunda, President
and Members of the Senate
Twenty-Third State Legislature
State Capitol, Room 003
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

I am transmitting herewith SB3181 SD2 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB3181 SD2 HD2 CD1

A BILL FOR AN ACT RELATING TO SOLID WASTE.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

VETO

THE SENATE
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

S.B. NO.

3181
S.D. 2
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO SOLID WASTE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 342G-101, Hawaii Revised Statutes, is
2 amended by amending the definition of "deposit beverage
3 container" to read as follows:

4 ""Deposit beverage container" means the individual,
5 separate, sealed glass, polyethylene terephthalate, high density
6 polyethylene, or metal container less than or equal to [~~sixty-~~
7 ~~four~~] sixty-eight fluid ounces, used for containing, at the time
8 of sale to the consumer, a deposit beverage intended for use or
9 consumption in this State."

10 SECTION 2. Section 342G-105, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "~~[+]~~§342G-105~~[+]~~ **Deposit beverage container inventory**
13 **report and payment.** (a) Beginning October 1, 2002, payment of
14 the deposit beverage container fee and deposits as described in
15 section 342G-110 shall be made monthly based on inventory
16 reports of the deposit beverage distributors. All deposit
17 beverage distributors shall submit to the department
18 documentation in sufficient detail that identifies~~[+]~~




1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 9. This Act shall take effect upon its approval.

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.


President of the Senate

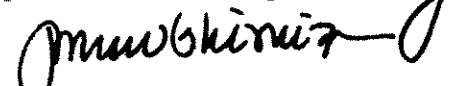

Clerk of the Senate

**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAII**

Date: May 2, 2006
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.


Speaker, House of Representatives


Clerk, House of Representatives

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3181, entitled "A Bill for an Act Relating to Solid Waste," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3181 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3181 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.



LINDA LINGLE
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3181

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3181, entitled "A Bill for an Act Relating to Solid Waste."

The purpose of this bill is to make several changes in Hawaii's deposit beverage container program. Among those changes are including in the program containers with a capacity of up to sixty-eight fluid ounces, allowing consumers to choose to have the refund value of their deposit beverage containers computed by container count for loads of up to 200 containers, and permitting redemption centers to refuse payment for deposit beverage containers that appear to have been previously processed or baled.

This bill is objectionable because the inclusion of sixty-eight-fluid-ounce bottles will make it difficult to recycle these containers; will have little impact on beach or roadside litter; will be difficult, if not impossible, to implement by the bill's effective date; and will have a disproportionate impact on families.

Redeeming the refund value of larger containers will be inconvenient because reverse vending machines do not accommodate containers of this size and they are bulky to haul to recycling centers. These larger containers do not make up a significant portion of beach and roadside litter. The original scope of the beverage container redemption program was single-size servings based on limited data indicting these size containers are a portion, albeit small, of the litter and solid waste stream. This is not true for larger containers up to sixty-eight fluid

ounces in size.

This bill would include the larger containers in the deposit beverage container program as soon as the bill becomes effective. There is no phase-in period, as there was when the original program began, and the industry will not be able to comply with the bill's requirements since the regulation is law at the moment I sign the bill.

Containers this large move off the grocery store shelves more slowly; those currently in stock may take three to five months to sell. New labels take six months to prepare. The combination of a slow-moving product with the required six-month lead time to change labels presents difficult hurdles to implementing this measure that need to be rethought by the Legislature.

It should be noted that containers greater than 1.5 liters are purchased more often by families and those seeking to buy in bulk to conserve funds. Including larger size containers within the fee and deposit requirements of the beverage container program subjects these buyers to the higher costs imposed by this program.

Finally, most of the other changes to the deposit beverage container program included in Senate Bill No. 3181 can be addressed by the Department of Health through the rulemaking process and the Department has signaled its intent to make these changes via administrative rules.

For the foregoing reasons, I am returning Senate Bill No. 3181 without my approval.

Respectfully,



LINDA LINGLE
Governor of Hawaii