

JAN 18 2008

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# A BILL FOR AN ACT

RELATING TO INTEGRATED SOLID WASTE MANAGEMENT.

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

1           SECTION 1. The legislature finds that counties are facing  
2 serious challenges to manage solid waste and reduce waste to  
3 landfills. Landfills are not sustainable options for waste  
4 management in island communities. Alternative solutions,  
5 including material recycling, energy recycling, and composting  
6 can be far more beneficial but require significant resources to  
7 develop. All of the counties need to make recycling easier and  
8 more accessible to the public, but limited funds are hampering  
9 their efforts to be more aggressive. There is currently an  
10 excess of approximately \$20,000,000 in the state deposit  
11 beverage container deposit special fund, which is the result of  
12 unclaimed and unutilized deposits that have accumulated since  
13 the beginning of the program in January 2005.

14           The legislature further finds that the counties can  
15 increase the amount of deposit beverage containers, or HI-5  
16 containers, that are recycled through the deposit beverage  
17 container program, and the amount of other materials that are  
18 recycled, by promoting the use of community recycling bins,



1 implementing curbside collection programs, providing assistance  
2 to multi-family complexes, providing assistance to businesses,  
3 and establishing public recycling receptacles.

4 The purpose of this Act is to permit the department of  
5 health to distribute excess moneys in the deposit beverage  
6 container deposit special fund to the counties to support the  
7 establishment and maintenance of recycling programs.

8 SECTION 2. Section 342G-104, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§342G-104 Deposit into deposit beverage container deposit**  
11 **special fund; use of funds.** (a) There is established in the  
12 state treasury the deposit beverage container deposit special  
13 fund, into which shall be deposited:

14 (1) All revenues generated from the deposit beverage  
15 container fee as described under sections 342G-102 and  
16 342G-105;

17 (2) All revenues generated from the deposit beverage  
18 container deposit as described under sections 342G-105  
19 and 342G-110; and

20 (3) All accrued interest from the fund.

21 (b) Moneys in the deposit beverage container deposit  
22 special fund shall be used to reimburse refund values, pay



1 handling fees to redemption centers, fund the reverse vending  
2 machine rebate program under section 342G-102.5, and fund the  
3 redemption center and recycling infrastructure improvement  
4 program established pursuant to section 342G-114.5. The  
5 department may also use the money to:

- 6 (1) Fund administrative, audit, and compliance activities  
7 associated with collection and payment of the deposits  
8 and handling fees of the deposit beverage container  
9 program;
- 10 (2) Conduct recycling education and demonstration  
11 projects;
- 12 (3) Promote recyclable market development activities;
- 13 (4) Support the handling and transportation of the deposit  
14 beverage containers to end-markets;
- 15 (5) Hire personnel to oversee the implementation of the  
16 deposit beverage container program, including  
17 permitting and enforcement activities; ~~and~~
- 18 (6) Support the implementation and operation of county-run  
19 recycling programs; and
- 20 ~~[(6)]~~ (7) Fund associated office expenses.

21 (c) Any funds that accumulate in the deposit beverage  
22 container deposit special fund shall be retained in the fund



1 unless determined by the auditor to be in excess, after  
2 adjustments to the deposit beverage fee, pursuant to the  
3 management and financial audits conducted in accordance with  
4 section 342G-107.

5 (d) Any funds determined by the auditor to be excess  
6 pursuant to subsection (c) shall constitute abandoned deposits  
7 and shall be allocated to the counties pursuant to subsections  
8 (e) and (f), to be used to support the implementation and  
9 operation of county-run recycling programs; provided that in  
10 determining the amount of funds to be dispersed to a county, the  
11 department shall prorate the abandoned deposits based on the  
12 amount of deposit beverage container deposits collected in that  
13 county.

14 (e) At the end of fiscal year 2008, fifty per cent of any  
15 funds that remain in the deposit beverage container deposit  
16 special fund and that are determined by the auditor to be excess  
17 pursuant to subsection (c) shall be allocated by the department  
18 to the counties on a prorated basis, as set forth in subsection  
19 (d).

20 (f) At the end of fiscal year 2009 and each fiscal year  
21 thereafter, one hundred per cent of any funds that remain in the  
22 deposit beverage container deposit special fund and that are



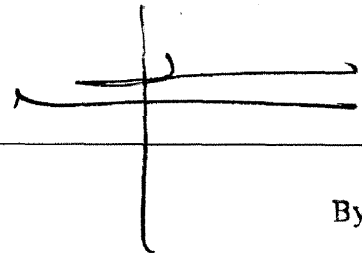
1 determined by the auditor to be excess shall be allocated by the  
2 department to the counties on a prorated basis, as set forth in  
3 subsection (d)."

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval;  
7 provided that the amendments made to section 342G-104, Hawaii  
8 Revised Statutes, by section 2 of this Act shall not be repealed  
9 on June 30, 2009, pursuant to section 6 of Act 228, Session Laws  
10 of Hawaii 2005, as amended by section 2 of Act 231, Session Laws  
11 of Hawaii 2006.

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INTRODUCED BY: \_\_\_\_\_



By Request



**Report Title:**

Integrate Solid Waste Management; Recycling

**Description:**

Permit the department of health to distribute excess moneys in the deposit beverage container deposit special fund to the counties to support the establishment and maintenance of recycling programs.

