



GOV. MSG. NO. 664

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 6, 2010

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB2644 HD2 SD2 CD1, without my approval, and with the statement of objections relating to the measure.

HB2644 HD2 SD2 CD1

A BILL FOR AN ACT  
RELATING TO SOLID WASTE.

Sincerely,

  
LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2644

Honorable Members  
Twenty-Fifth 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, House Bill No. 2644, entitled "A Bill for an Act Relating to Solid Waste."

The purpose of this bill is to amend section 342G-62, Hawaii Revised Statutes, to require the solid waste disposal surcharge of 35 cents per ton to apply, in addition to all solid waste disposal facilities, to solid waste that is disposed of out-of-state.

This bill is objectionable because Hawaii should continue to encourage responsible, environmentally appropriate options for disposing of solid waste including the shipment of this waste to out-of-state facilities. The shipment of solid waste out-of-state is one approach to addressing cost and space issues related to Hawaii's landfills. Imposing a fee on the movement of refuse that leaves Hawaii sends a signal that the State may want to discourage this option. It is inappropriate to do so at a time when these programs are still in their inception.

Additionally, expanding the existing surcharge is contrary to my Administration's general policy against creating or expanding fees during difficult economic periods.

STATEMENT OF OBJECTIONS  
HOUSE BILL NO. 2644  
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For the foregoing reason, I am returning House Bill No.  
2644 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE  
Governor of Hawaii

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## A BILL FOR AN ACT

RELATING TO SOLID WASTE.

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

1           SECTION 1. The purpose of this Act is to clarify that the  
2 solid waste management surcharge applies to all solid waste  
3 disposal facilities that receive solid waste for ultimate  
4 disposal through landfilling, incineration, or through a waste-  
5 to-energy facility whether in-state or out-of-state that are  
6 regulated by the office of solid waste management.

7           SECTION 2. Section 342G-62, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9           "(a) There is established a solid waste management  
10 surcharge. The solid waste management surcharge shall be 35  
11 cents per ton of solid waste either disposed of within the  
12 [~~State~~] state at permitted or unpermitted solid waste disposal  
13 facilities[-] and waste-to-energy facilities, or transferred to  
14 solid waste reduction facilities within the state that collect  
15 solid waste for transport to an out-of-state landfill,  
16 incineration facility, or waste-to-energy facility.

17           The surcharge shall be paid by the person or entity doing  
18 the disposal[-] or the person or entity responsible for the



1 preparation for the out-of-state transfer of collected solid  
2 waste. The owner or operator of the facility shall transfer all  
3 moneys collected from the surcharge to the department through a  
4 quarterly reporting and payment schedule. Estimates of  
5 quarterly solid waste disposal shall be submitted prior to the  
6 first day of each quarter and the transfer of moneys collected  
7 shall occur within thirty days of the end of each quarter."

8 SECTION 3. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2010.

