

EXECUTIVE CHAMBERS

HONOLULU

June 20, 2003

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1456

Honorable Members  
Twenty-Second 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. 1456, entitled "A Bill for an Act Relating to the Deposit Beverage Container Program."

The purpose of this bill is to amend statutes pertaining to the deposit beverage container program, part VIII of chapter 342G, Hawaii Revised Statutes (HRS), the so-called "bottle law," to clarify various ambiguities.

Since enactment of the bottle law, there has been uncertainty and disagreement over the meaning of various provisions, including the effective date of the provision requiring distributors to pay a per-container fee. According to a Report of the Senate Committee on Ways and Means, the Legislature intended that this bill would provide an effective date of January 1, 2005. The bill itself, however, does not do this, at least not clearly. In fact, in one section there is language calling for a retroactive effective date: "Beginning October 1, 2002, payment of the deposit beverage container fee and deposits as described in section 342G-110 shall be made monthly based on sale reports of the deposit beverage distributors."

Another provision of this bill makes it possible for dealers under certain conditions to charge customers for deposits on containers prior to January 1, 2005, but the bill leaves

customers with no way to get back their deposits until after that date. Therefore, this bill would require such customers to bear the cost of the deposit and store the deposit beverage container until it could be redeemed on or after January 1, 2005.

This bill is objectionable because at best it fails to clarify existing confusion over the effective date for the payment of deposits. Such uncertainty invites wasteful litigation. At worst, the bill establishes a retroactive effective date of October 1, 2002, which would be unfair.

I called for repeal of the bottle law this past session, and I intend to do so again next session. I am convinced that the bottle law, once implemented, would be costly and bureaucratic, providing minimal benefit for our environment while hindering the adoption of more effective and efficient alternatives. The bottle law makes little sense under the best of fiscal circumstances. Faced with a projected budget deficit of more than \$230 million, and knowing that there are more effective ways to deal with the litter and landfill problems, it makes no sense to spend millions of dollars creating a new Bottle Division within the Department of Health, and mandating costly and cumbersome regulations.

Beverage containers account for only 7.3 percent of litter in Hawaii, and less than 2 percent of all solid waste. The bottle law ignores all but a tiny percentage of the problem. It would make far more sense to provide funding and other forms of support to community-based litter programs and county efforts to develop curbside and drop-off recycling.

Hawaii's Community Workday Program was thriving and highly successful before being largely dismantled in the mid-1990s. That community-based litter control program involved the public and private sectors plus thousands of volunteers in a campaign of education, anti-litter publicity, volunteer cleanup programs including adopt-a-highway and a litter hotline. At that

time, Hawaii's litter rate was substantially lower than the average in states with bottle laws.

Clearly, bottle laws are not the wave of the future, they are a relic of the past. Actual experience in the 10 states that have bottle laws is telling: overall litter has not been substantially reduced, bottle laws contribute little to overall recycling levels, container return rates are at record low levels, and costs to operate and administer the programs are high. It has been more than 17 years since another state has enacted a bottle law.

One reason for the lack of new bottle laws is the development of infrastructure to provide recycling services to homes and apartments. These comprehensive recycling programs handle many other types of materials in addition to beverage containers. When California passed the last bottle law in 1986, curbside recycling was still a new idea. Today there are nearly 10,000 curbside programs in the US.

Bottle laws compete with these comprehensive programs -- both provide the infrastructure to handle the same containers, but bottle laws pull the most valuable commodities out of the curbside programs, making them less efficient. This conflict spurred the repeal of Columbia, Missouri's deposit ordinance in April 2002 and underlies bottle bill repeal legislation that has been filed and/or heard in Iowa, Connecticut, New York, and Massachusetts.

We in Hawaii have a special pride in our environment, as well as an unusually strong economic incentive to protect it. The bottle law hastily enacted in Hawaii in anticipation of the last elections is a poorly thought-out, unnecessarily expensive, big-government program that would achieve relatively little. A non-bureaucratic, consumer-friendly recycling and litter-control

plan would protect the environment better.

Last session, I proposed that substantial funding be appropriated to restart the Community Workday Program and to assist the counties in developing recycling programs. Both of these proposals were rejected by the Legislature. Next session, I will propose that the bottle law be repealed, and that we make major investments in litter control and recycling efforts. Without doubt, such initiatives would accomplish more for less.

For the foregoing reasons, I am returning House Bill No. 1456 without my approval.

Respectfully,

LINDA LINGLE  
Governor of Hawaii

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, House Bill No. 1456, entitled "A Bill for an Act Relating to the Deposit Beverage Container Program," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1456 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 House Bill No. 1456 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 20th day  
of June, 2003.



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LINDA LINGLE  
Governor of Hawaii