



GOV. MSG. NO. 1112

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

APR 21 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on **APR 27 2022**, the following bill was signed into law:

SB2998 SD1

RELATING TO RECYCLING.
ACT 012

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO RECYCLING.

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

1 SECTION 1. The legislature finds that the office of the
2 auditor conducts a financial and program audit of the department
3 of health's deposit beverage container program every other year.
4 Time after time, these audits demonstrate the program's failure
5 to develop and execute procedures to verify the accuracy and
6 completeness of data used to support claims of the deposit and
7 container fees paid to the program by the distributors, as well
8 as deposits and handling fees paid to the redemption centers.
9 Without such procedures, the program relies on self-reported
10 data and accepts that cash receipts from the distributors and
11 payments made to redemption centers are accurate and complete.
12 As a result, these audits have found inaccuracies and possible
13 fraudulent reporting in the data used in these calculations. In
14 the auditor's 2019 report to the legislature, one of the
15 recommendations made for the deposit beverage container program
16 management was to develop a risk-based process to select, for



1 periodic audit, certain distributor and redemption center
2 reports submitted to the program.

3 Therefore, the purpose of this Act is to require the
4 department of health to develop a risk-based process to help
5 remedy the flaws in the deposit beverage container program.

6 SECTION 2. Chapter 342G, Hawaii Revised Statutes, is
7 amended by adding a new section to part VIII to be appropriately
8 designated and to read as follows:

9 "§342G- Risk-based selection process; audit. (a) The
10 department shall develop a risk-based process to select, for
11 periodic audit, certain deposit beverage distributor and
12 redemption center reports submitted to the deposit beverage
13 container program. The department may hire personnel or
14 external consultants to perform the audits. In developing a
15 risk-based process to audit certain deposit beverage distributor
16 and redemption center reports, the department shall:

17 (1) Consider a variety of risk factors, including but not
18 limited to the amount of money transacted, prior audit
19 findings, and frequency of the deposit beverage
20 distributor's or redemption center's prior audits;



- 1 (2) Require deposit beverage distributors to send monthly
2 or semi-annual distribution reports and supporting
3 records, such as schedules of invoices, shipping
4 documents, point-of-sale reports, and other
5 documentation as required by the department, to the
6 deposit beverage container program; and
- 7 (3) Ensure that the audit process includes a risk
8 assessment derived from deposit beverage distributor
9 and redemption center data based on the reports
10 submitted, including but not limited to carrying out
11 analytics and trend analyses to target certain deposit
12 beverage distributors and redemption centers having
13 unusual fluctuations.
- 14 (b) The department shall:
- 15 (1) Summarize the results of the deposit beverage
16 distributor and redemption center audits and assess
17 whether enforcement actions should be considered to
18 ensure that the amounts that are being reported are
19 accurate;
- 20 (2) Consider conducting follow-up audits; and
- 21 (3) Consider publicly announcing violations.



- 1 (c) All deposit beverage distributors shall:
2 (1) Develop and submit to the deposit beverage container
3 program for approval an internal control process to
4 ensure that the monthly or semi-annual distribution
5 report forms contain accurate data and that adequate
6 records are maintained; and
7 (2) Obtain independent audits for years ending in an odd
8 number."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 27 day of April , 2022





GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: March 8, 2022
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022.


President of the Senate



Clerk of the Senate

**THE HOUSE OF REPRESENTATIVES
OF THE STATE OF HAWAI'I**

Date: **APR 08 2022**
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2022.


Speaker, House of Representatives


Clerk, House of Representatives