

EXECUTIVE CHAMBERS

HONOLULU

June 24, 2002

COPY

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2723

Honorable Members
Twenty-first 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. 2723, entitled "A Bill for an Act Relating to Counties."

The purpose of this bill is to reduce solid waste in the State by requiring each county to establish a food waste recycling program. The program would require the owners or operators of certain food establishments to arrange and provide for the separate collection of a minimum of fifty percent or more of their food waste. A county may request an exemption from the administration of this bill from the State Department of Health, if the department has determined that the county did not have the recycling capacity to meet the requirements of this bill. The bill would authorize each county to assess an annual food waste recycling surcharge based on the partial costs of food waste recycling to fund the food waste recycling program.

The mayors of the Counties of Hawaii and of Maui have requested that I veto this bill, because the administrative cost to establish and begin a State-mandated food waste recycling program would cause fiscal problems for their counties. Although the bill authorizes each county to assess an annual food waste recycling surcharge, that surcharge can only be assessed after the county programs are implemented and cannot be used to provide the funding to establish and staff the county programs. To that extent, the mayors have expressed concerns that the State-mandated program will be an unfunded mandate contrary to Section 5 of Article VIII of the State Constitution, which provides that "[i]f any new program or increase in the level of service under


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an existing program shall be mandated to any of the political subdivisions by the legislature, it shall provide that the State share in the cost."

I prefer to encourage the counties to continue their food waste recycling efforts, rather than force them to adopt a State-mandated program. The City and County of Honolulu already has a food waste recycling program, but this bill does not provide any exemption from the State-mandated program for a preexisting county program. Furthermore, if the State is to mandate a food waste recycling program, I believe that the State should share in the cost of implementing the program.

For the foregoing reasons, I am returning House Bill No. 2723 without my approval.

Respectfully,


BENJAMIN J. CAYETANO
Governor of Hawaii

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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. 2723, entitled "A Bill for an Act Relating to Counties," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2723 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, BENJAMIN J. CAYETANO, 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. 2723 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 24
day of June, 2002.



BENJAMIN J. CAYETANO
Governor of Hawaii