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# A BILL FOR AN ACT

RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM.

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

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PART I

SECTION 1. The legislature finds the Act 176, Session Laws of Hawaii 2002, established the deposit beverage container program "to expand participation in recycling programs and to minimize costs to those participating and to government." The legislature notes that many of the State's kupuna must physically deposit recyclable beverage containers at redemption centers on a regular basis. The legislature believes that over time, this physical toll will increasingly impact the health and well-being of these kupuna.

Further, the legislature recognizes that county efforts to expand participation in recycling have made a statewide deposit beverage container program obsolete. Therefore, the legislature believes that it would be more appropriate for the counties to administer deposit beverage container programs as the counties deem necessary.





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- 1           (3) Special funds of the University of Hawaii;
- 2           (4) State educational facilities improvement special fund;
- 3           (5) Convention center enterprise special fund under
- 4                 section 201B-8;
- 5           (6) Special funds established by section 206E-6;
- 6           (7) Aloha Tower fund created by section 206J-17;
- 7           (8) Funds of the employees' retirement system created by
- 8                 section 88-109;
- 9           (9) Hawaii hurricane relief fund established under chapter
- 10                431P;
- 11          (10) Hawaii health systems corporation special funds and
- 12                the subaccounts of its regional system boards;
- 13          (11) Tourism special fund established under section
- 14                201B-11;
- 15          (12) Universal service fund established under section
- 16                269-42;
- 17          (13) Emergency and budget reserve fund under section
- 18                328L-3;
- 19          (14) Public schools special fees and charges fund under
- 20                section 302A-1130;
- 21          (15) Sport fish special fund under section 187A-9.5;



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- 1    [+] (16) [+]     Neurotrauma special fund under section 321H-4;
- 2    [+] (17) [+]     Glass advance disposal fee established by section
- 3                    342G-82;
- 4    [+] (18) [+]     Center for nursing special fund under section
- 5                    304A-2163;
- 6    [+] (19) [+]     Passenger facility charge special fund
- 7                    established by section 261-5.5;
- 8    [+] (20) [+]     Solicitation of funds for charitable purposes
- 9                    special fund established by section 467B-15;
- 10   [+] (21) [+]     Land conservation fund established by section
- 11                   173A-5;
- 12   [+] (22) [+]     Court interpreting services revolving fund under
- 13                   section 607-1.5;
- 14   [+] (23) [+]     Trauma system special fund under section
- 15                   321-22.5;
- 16   [+] (24) [+]     Hawaii cancer research special fund;
- 17   [+] (25) [+]     Community health centers special fund;
- 18   [+] (26) [+]     Emergency medical services special fund;
- 19   [+] (27) [+]     Rental motor vehicle customer facility charge
- 20                   special fund established under section 261-5.6;



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1    [+] (28) [+]       Shared services technology special fund under  
2                    section 27-43;

3    [+] (29) [+]       Automated victim information and notification  
4                    system special fund established under section 353-136;  
5    ~~[+(30)] Deposit beverage container deposit special fund under~~  
6                    ~~section 342G-104;~~

7    ~~+(31)+~~ (30) Hospital sustainability program special fund under  
8                    [+]section 346G-4 [+];

9    ~~+(32)+~~ (31) Nursing facility sustainability program special  
10                   fund under [+]section 346F-4 [+];

11   ~~+(33)+~~ (32) Hawaii 3R's school improvement fund under section  
12                   302A-1502.4;

13   ~~+(34)+~~ (33) After-school plus program revolving fund under  
14                   section 302A-1149.5; and

15   ~~+(35)+~~ (34) Civil monetary penalty special fund under section  
16                   321-30.2,

17 shall deduct five per cent of all receipts of all other special  
18 funds, which deduction shall be transferred to the general fund  
19 of the State and become general realizations of the State. All  
20 officers of the State and other persons having power to allocate  
21 or disburse any special funds shall cooperate with the director



1 in effecting these transfers. To determine the proper revenue  
2 base upon which the central service assessment is to be  
3 calculated, the director shall adopt rules pursuant to chapter  
4 91 for the purpose of suspending or limiting the application of  
5 the central service assessment of any fund. No later than  
6 twenty days prior to the convening of each regular session of  
7 the legislature, the director shall report all central service  
8 assessments made during the preceding fiscal year."

9 SECTION 5. Section 445-231, Hawaii Revised Statutes, is  
10 amended by amending the definition of "beer keg" to read as  
11 follows:

12 "Beer keg" means a metal container used to hold five  
13 gallons or more of liquid that is stamped, engraved, stenciled,  
14 or otherwise marked with the name of a brewery manufacturer[  
15 ~~provided that a deposit beverage container, as defined under~~  
16 ~~section 342G-101, shall not be considered a beer keg]."~~

17 SECTION 6. Section 708-835.8, Hawaii Revised Statutes, is  
18 amended by amending subsection (2) to read as follows:

19 "(2) For the purposes of this section, "beer keg" means a  
20 metal container used to hold five gallons or more of liquid that  
21 is stamped, engraved, stenciled, or otherwise marked with the



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1 name of a brewery manufacturer[; ~~provided that a deposit~~  
2 ~~beverage container, as defined under section 342G-101, shall not~~  
3 ~~be considered a beer keg]."~~

4 SECTION 7. Section 235-18, Hawaii Revised Statutes, is  
5 repealed.

6 [~~"[§235-18] Deposit beverage container deposit exemption.~~  
7 ~~This chapter shall not apply to amounts received as a deposit~~  
8 ~~beverage container deposit collected under part VIII of chapter~~  
9 ~~342G."~~]

10 SECTION 8. Act 285, Session Laws of Hawaii 2007, is  
11 amended by repealing sections 11 and 12.

12 [~~"SECTION 11. The department of health shall phase in all~~  
13 ~~requirements affecting the redemption of sixty eight fluid ounce~~  
14 ~~containers, beginning December 1, 2007, as follows; provided~~  
15 ~~that the phase in shall be completed by March 1, 2008:~~

16 (1) ~~From December 1, 2007, distributors of deposit~~  
17 ~~beverage containers may begin marking sixty eight~~  
18 ~~fluid ounce deposit beverage containers as required~~  
19 ~~under section 342-112(a)<sup>2</sup>, Hawaii Revised Statutes;~~

20 (2) ~~From December 1, 2007, until March 1, 2008, a sixty~~  
21 ~~eight fluid ounce deposit beverage container may be~~



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1           ~~redeemed under the deposit beverage container program,~~  
2           ~~without regard to whether the container bears the~~  
3           ~~refund value of the container and the word "Hawaii" or~~  
4           ~~the letter "HI", required by section 342G-112(a),~~  
5           ~~Hawaii Revised Statutes,~~

6           ~~(3) Beginning March 1, 2008, every deposit beverage~~  
7           ~~container holding up to sixty eight fluid ounces and~~  
8           ~~sold in the state shall be marked as required under~~  
9           ~~section 342G-112(a), Hawaii Revised Statutes; and~~

10          ~~(4) Beginning March 1, 2008, only deposit beverage~~  
11          ~~containers meeting the requirements of section~~  
12          ~~342G-112(a), Hawaii Revised Statutes, shall be~~  
13          ~~eligible for redemption.~~

14          ~~SECTION 12. (a) The legislature finds that the public~~  
15          ~~interest in protecting the environment takes precedence over the~~  
16          ~~delay in implementation of redemption of sixty eight fluid ounce~~  
17          ~~beverage containers under this Act. The legislature finds that~~  
18          ~~the redemption rate is below the balance of the deposit beverage~~  
19          ~~container deposit special fund.~~

20          ~~(b) The department of health shall reimburse a redemption~~  
21          ~~center, from the deposit beverage container deposit special~~





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1 ~~fund, the refund values paid to a redeemer, as defined in~~  
 2 ~~section 342C-101, Hawaii Revised Statutes, for sixty-eight~~  
 3 ~~fluid ounce containers redeemed between December 1, 2007, and~~  
 4 ~~March 1, 2008, pursuant to section 11 of this Act; provided that~~  
 5 ~~a redemption center shall provide collection reports under~~  
 6 ~~section 342C-119, Hawaii Revised Statutes, for the sixty-eight~~  
 7 ~~fluid ounce beverage containers." ]~~

PART IV

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

11 SECTION 10. This Act shall take effect on January 1, 2021.

INTRODUCED BY:

*T. Fale*

*Lindeschinger*

JAN 09 2020



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**Report Title:**

Deposit Beverage Container Program; Deposit Beverage Container  
Deposit Special Fund; Recycling; Repeal

**Description:**

Repeals the deposit beverage container program. Makes  
conforming statutory amendments relating to the deposit beverage  
container program and deposit beverage container deposit special  
fund. Effective 1/1/2021.

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

