



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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Statement of THEODORE E. LIU Director

Department of Business, Economic Development, and Tourism before the

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

Tuesday, March 11, 2008 2:45 p.m. State Capitol, Conference Room 414

in consideration of

HB3444, HD2 RELATING TO ENERGY.

Chair Menor, Vice Chair Hooser, and Members of the Committee.

HB3444, HD2, Relating to Energy, seeks to provide additional funding for the energy initiatives to carry out Hawaii's long-term energy strategy through the environmental response and energy security tax and energy security special fund to secure a sustainable energy future for Hawaii.

There have been many good ideas introduced this legislative session that support the State's energy and economic development goals. We defer, however, to the Department of Tax and the Department of Budget and Finance on the fiscal impact of this legislation. We have, at the request of the Energy & Environmental Protection Chair in the House, prepared an analysis of the estimated impact on consumers of this measure. That analysis is attached hereto.

Over the last five years, the annual budgeted General Fund appropriation to the State's energy program has averaged about \$1.2 million. I would, however, say this amount of funding is disproportionate compared to the broad role and responsibilities of the energy program. As HB3444HD2 BED 03-11-08 ENE test.doc

you know, over the past several years, legislative measures have increased the scope and breadth of activity in Hawaii's energy sector. Federal funding has supported the state's energy program at a level twice of the annual state general fund funding, via the federal State Energy Program and competitive grant funding. As the result, two-thirds of the state energy program's staff is federally funded. Federal funding sources are diminishing, and are expected to be practically exhausted within the next 3 to 4 years.

The newly created federal partnership with the State of Hawaii, the Clean Energy Initiative, will bring new sources of funding to energy initiatives in Hawaii, but these will be program-focused, and not designed to replace the federal State Energy Program (SEP) funding that is expiring. Moreover, the partnership will require state matching funds to conduct important work in support of the state's goals for energy security. These opportunities will require staff support and may increase the pressure on limited existing resources.

While the structure of the State's energy program is fairly stable and resilient, the resources that the program has existed on to date are coming to an end, and new sources of funding need to be identified.

Thank you for the opportunity to testify.

AN ANALYSIS OF A PER BARREL TAX ON PETROLEUM PRODUCTS AND ITS ESTIMATED IMPACT ON RESIDENT CONSUMERS.

Our analysis is limited here to tax impacts of levies on a per barrel (bbl)¹ basis (15ϕ and 20ϕ) on petroleum products sold to retail dealers or end users, other than a refiner. The assumption is that this tax would be collected from "distributors" (i.e., refiners, wholesalers, importer-resellers/users, and bulk users/purchasers from wholesalers) on petroleum products as defined by \$243-1, Hawaii Revised Statutes. This would add an amount of either \$0.15 per bbl (\$0.0036/gallon) or \$0.20 per bbl (\$0.0048/gallon) to the existing \$0.05 per bbl (\$0.0012/gallon) tax currently levied by the Environmental Response Tax.

Impact of Petroleum Product Tax Increase on Distributors				
Column 1.	Column 2.	Column 3.		
Tax Rates In Dollars (\$) per Gallon	FY 2006 Tax Base Total Fuel in Gallons	Estimated Annual Cost per Resident of Tax Rates in Column 1 ² .		
\$0.0036 (15¢/bbl.)	1,518,653,976	\$3.85		
\$0.0048 (20¢/bbl.)	1,518,653,976	\$5.14		
\$0.00XX Column 1	Gallons Column 2	= Annual \$ (column 1 x column 2) divided by de facto population (1,407,616)		

Gallons (42 U.S. Gallons per bbl) 1,5 Tax/bbl	518,653,976	1,518,653,976
Tax/bbl		
1 422 001	\$0.15	\$0.20
Total bbl x Tax/bbl	\$5,423,764	\$7,231,686
Per Gallon Tax	\$0.0036	\$0.0048

¹ Note: 1 barrel (bbl) = 42 U.S. gallons.

² The estimated annual cost per resident includes tourists, who as a group, consume more energy than the average resident. Therefore, the actual cost per resident could be somewhat lower.

LINDA LINGLE

JAMES R. AIONA, JR.



KURT KAWAFUCHI DIRECTOR OF TAXATION

SANDRA L. YAHIRO DEPUTY DIRECTOR

STATE OF HAWAII **DEPARTMENT OF TAXATION** P.O. BOX 259 HONOLULU, HAWAII 96809

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SENATE COMMITTEE ON ENERGY & ENVIRONMENT

TESTIMONY REGARDING HB 3444 HD 1 RELATING TO ENERGY

TESTIFIER: KURT KAWAFUCHI, DIRECTOR OF TAXATION (OR DESIGNEE)

DATE:

FEBRUARY 25, 2008

TIME:

4:00PM

ROOM:

308

As amended, this bill amends the environmental response tax to include an energy security tax component. This legislation also increases the environmental response and security tax to an unspecified amount.

The Department of Taxation opposes this legislation.

First, this legislation represents a tax increase that will eventually impact the gasoline prices all Hawaii drivers pay. Last legislative session, tempering high gasoline prices was a top priority that led to passage of an alcohol fuel general excise tax exemption. This legislation runs counter to accomplishments in reducing Hawaii's gas prices. In order to effectively minimize the high price of gasoline at the pump, such efforts must be done in ways other than tax increases such as this legislation.

Second, this bill creates an unnecessary special fund. The Department opposes the creation of a special fund that does not meet the mandatory requirements by law.

This legislation will result in no loss to the general fund. However, the tax is expected to generate an unspecified amount of revenue for the various special funds. This amount is indeterminate because of the unspecified tax rate.

TESTIMONY BY GEORGINA K. KAWAMURA DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE STATE OF HAWAII TO THE SENATE COMMITTEES ON ENERGY AND ENVIRONMENT AND TRANSPORTATION AND INTERNATIONAL AFFAIRS ON HOUSE BILL NO. 3444, H.D. 2

March 11, 2008

RELATING TO ENERGY

House Bill No. 3444, H.D. 2, would provide additional financing for the energy program of the Department of Business, Economic Development and Tourism by establishing the Energy Security Special Fund. The Energy Security Special Fund would be used to promote energy self-sufficiency and energy security for the State. The special fund would be funded through legislative appropriations, interest earnings, a portion of the revenues from the environmental response tax that is imposed on each barrel of petroleum product sold by a distributor, and other moneys made available from other sources. The bill appropriates an unspecified amount in general funds in FY 09 to be deposited into the special fund.

As a matter of general policy, this department does not support the creation of any special or revolving fund which does not meet the requirements of Sections 37-52.3 or 37-52.4 of the Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. It is difficult to determine whether the fund will be self-sustaining.

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6 Queen Street, Suite 304	1777 T CGIAD/THOIN OF 1777W/TH Homolulu, Hawaii 900	515 Tel. 530-4567
SUBJECT:	FUEL, Environmental response and energy security tax	
BILL NUMBER:	HB 3444, HD-2	
INTRODUCED BY:	House Committee on Finance	
environmental respo cents collected of provided that water; (2) cent	Amends HRS section 243-3.5 to rename the environmental response onse and energy security tax. Increases the tax from 5 cents to cents on each barrel to be deposited into the environmental response revolved cents of the tax on each barrel shall be used to address concerns related the shall be deposited into the proposed energy security special fund; are energy systems development special fund.	nts with: (1) ing fund; ted to drinking
response tax when the amount that causes	on 128D-2 to repeal the provision discontinuing the imposition of the eather balance in the fund exceeds \$20 million with a provision that provide the balance in the fund to exceed \$20 million shall be deposited into the made to the fund until the balance drops below \$3 million.	des that any
exceed \$10 million for balance in the fund of	to the HRS to create an energy security special fund. When moneys is from all sources delineated, the energy security tax shall cease to be in declines to less than \$5 million, at which time the tax will be reinstated edepartment of business, economic development and tourism for its energy security tax.	posed until the . The fund
Appropriates an uns security special fund	specified amount of general funds for fiscal 2009 to be deposited into td.	the energy
Appropriates an uns purposes of this act.	specified amount out of the energy security special fund for fiscal 2009 t.	for the
EFFECTIVE DATE:	July 1, 2020	
cents and provi	: This measure proposes to increase the environment response tax from the that cents shall be deposited into the energy security special finto the energy systems development special fund.	

Section 1 of this measure states that the energy program within the strategic industries division of the department of business, economic development and tourism (DBEDT) requires additional funding due to its expansion and declining federal funding, and declining oil overcharge fund sources which has resulted in diminished program budgets and reduced staff positions. The measure further states that increased state funding is necessary to support core energy program funding.

HB 3444, HD-2 - Continued

It should be noted that the establishment of the funding mechanisms proposed in this measure to provide additional revenue to allow the energy program of the strategic industries division of DBEDT to operate, sets this program area apart from other state agencies or programs which are funded through the budget and appropriation process. By establishing a specific tax to fund this program area allows this program to bypass the normal budgetary process. If such a program is deemed a priority, then a direct appropriation for this program of work should be directly funded rather than through the back door method as proposed by this measure.

While proponents of the measure may argue that the proposed energy security tax parallels the environmental response tax which also taps each barrel of petroleum product sold, it should be noted that the State Auditor has singled out the environmental response fund as not meeting the criteria established and the Auditor recommended that it be repealed. The Auditor criticized the use of such funds as they hide various sums of money from policymakers as they are not available for any other use and tend to be tacitly acknowledged in the budget process.

It should also be noted that funds deposited into a special fund are not subject to close scrutiny as an assumption is made that such funds are self-sustaining. It should be remembered that earmarking of funds for a specific program represents poor public finance policy as it is difficult to determine the adequacy of the revenue source for the purposes of the program. To the extent that earmarking carves out revenues before policymakers can evaluate the appropriateness of the amount earmarked and spent, it removes the accountability for those funds. There is no reason why such a program should not compete for general funds like all other programs which benefit the community as a whole.

To a large extent this proposal represents the arrogance of lawmakers to merely pass on tax increases to their constituents without the courage to be held accountable for the tax increase by hiding it deep within the production chain so that it is not apparent to the ultimate consumer. Instead the "blame" for the price increase is aimed at the business selling to the final consumer. The hypocrisy of lawmakers decrying the "highest gasoline prices in the nation" while proposing a tax increase on the front end of what eventually will be sold at the gas pump is pitiful.

Rather than perpetuating the problems of the barrel tax, the existing environmental response tax should be repealed and all programs that are funded out of the environmental response fund should be funded through the general fund. At least program managers would then have to justify their need for these funds. By continuing to special fund these programs, it makes a statement that such environmental programs are not a high priority for state government. This sort of proliferation of public programs needs to be checked as it appears to be growing out of hand and at the expense of the taxpayer.

While lawmakers may be concerned about clean water or energy security, what this proposal does say is that they do not care about their taxpaying constituents, for this measure amounts to nothing more than lawmakers saying "let them eat cake!"

Digested 3/8/08



Hawai'i Energy Policy Forum

Mr. Robbie Alm, HECO Ms. Amy Asselbaye, Ofc of US Rep. Neil Abercrombie

Ms. Madeleine Austin. World Business Academy

Ms. Catherine Awakuni, Div. of Consumer Advocacy

Mr. Warren Bollmeier

Hi Renewable Energy Alliance

Mr. Carlito Caliboso, PUC (Observer)

Mr. Albert Chee, Chevron Mr. Kyle Datta, U.S. Biofuels

Sen. Kalani English, Hi State Senate

Mr. Mitch Ewan, UH HNEI

Mr. Carl Freedman Haiku Design and Analysis

Mr. Mark Glick, OHA

Mr. Steve Golden, The Gas Company Dr. Michael Hamnett, RCUH

Ms. Paula Helfrich, EDAH

Mr. William Kaneko, HI Institute for

Public Affairs Mr. Darren Kimura, Energy Industries

Holdings

Mr. Mike Kitamura, Ofc of US Sen. Daniel K. Akaka

Mr. Kal Kobayashi, Maui County Mr. Laurence Lau, DOH

Ms. Yvonne Lau, Ofc of US Rep.

Mazie Hirono

Mr. Allyn Lee, C&C of HNL Mr. Aaron Leong, Ofc of US Senator

Daniel K. Inouye Dr. Stephen Meder, AIA-Honolulu

Sen. Ron Menor, Hi State Senate

Mr. Jeff Mikulina, Sierra Club Dr. Bruce Miller, UH Ofc of

Sustainability Dr. Sharon Miyashiro, Social

Sciences Public Policy Ctr. Rep. Hermina Morita, HI State

House of Representatives Mr. Tim O'Connell, USDA/Rural Development

Mr. Richard Paglinawan Pa Ku'i A Lua

Ms. Melissa Pavlicek, Western States Petroleum Assn

Mr. Randy Perreira, HI State AFL-CIO

Mr. Rick Reed, Inter-Island Solar Supply

Dr. Rick Rocheleau, UH HNEI

Mr. Peter Rosegg, HECO

Mr. Steven Rymsha, KIUC Mr. Riley Saito, PowerLight Corp

Mr. Glenn Sato, Kauai County OED

Ms. Carilyn Shon, DBEDT Mr. Bill Short, BIA of Hawaii

Mr. Ray Starling, HI Energy Grp

Mr. Lance Tanaka, Tesoro HI Corp Dr. Don Thomas, UH Center for the

Study of Active Volcanoes

Mr. Murray Towill, Hawai'i Hotel Assn

Ms. Joan White, Hon Community Action Program

Testimony of Warren Bollmeier

Co-Chair – Renewable Energy Working Group Hawai'i Energy Policy Forum

Senate Committee on Energy and Environment Tuesday, March 11, 2008 2:45 pm Conference Room 414

IN GENERAL SUPPORT OF HB 3444, HD 2 - Relating to Energy

I am Warren Bollmeier, Co-Chair of the Renewable Energy Working Group of the Hawaii Energy Policy Forum ("Forum"). The Forum is comprised of 46 representatives from the electric utilities, oil and natural gas suppliers, environmental and community groups, renewable energy industry, and federal, state and local government, including representatives from the neighbor islands. We have been meeting since 2002 and have adopted a common vision and mission, and a comprehensive "10 Point Action Plan," which serves as a framework and guide for meeting our preferred energy vision and goals. The Forum generally supports the passage of HB 3444, HD 2 as it helps achieve many goals of the Forum.

HB 3444, HD 2 establishes the Energy Security Special Fund into which the renamed Environmental Response and Energy Security tax will be deposited. This bill would provide a dedicated source of funding for DBEDT's energy program.

The number of energy related programs under DBEDT's purview has dramatically increased in recent years due to the Legislature's passage of numerous measures that will enable Hawaii to have a secure energy future. Currently, two-thirds of DBEDT's energy staff is funded by federal funding, which, at the current rate of expenditure will disappear in approximately 3-4 years. The Forum strongly supports funding for DBEDT's energy staff and while the Forum is reluctant to support an increase in taxes, we believe that if state general funds or federal funds are not available, then an increase in the environmental response tax is needed to ensure continuity of the state's energy programs. The proposed tax increase will have enormous benefits that will save money in the long run and ensure that Hawaii's future remains energy secure.

While the Forum supports this increase to provide a dedicated source of funding for DBEDT's energy programs, we strongly urge that no funds be diverted or diminished from the current allocation of the environmental response tax towards oil spill planning, prevention, preparedness, education, research, training, removal, and remediation, and to support environmental protection and natural resource protection programs.

Thank you for this opportunity to testify.

This testimony reflects the position of the Forum as a whole and not necessarily of the individual Forum members or their companies or organization

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John Crouch Sunpower

Herbert M. (Monty) Richards Kahua Ranch Ltd.

TESTIMONY OF WARREN BOLLMEIER ON BEHALF OF THE HAWAII RENEWABLE ENERGY ALLIANCE BEFORE THE SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

HB 3444 HD2, RELATING TO ENERGY

March 11, 2008

Chair Menor, Vice-Chair Hooser and members of the Committee I am Warren Bollmeier, testifying on behalf of the Hawaii Renewable Energy Alliance (HREA). HREA is a nonprofit corporation in Hawaii, established in 1995 by a group of individuals and organizations concerned about the energy future of Hawaii. HREA's mission is to support, through education and advocacy, the use of renewables for a sustainable, energy-efficient, environmentally-friendly, economically-sound future for Hawaii. One of HREA's goals is to support appropriate policy changes in state and local government, the Public Utilities Commission and the electric utilities to encourage increased use of renewables in Hawaii.

The purposes of HB 3444 HD2 are to: (1) establish the energy security special fund, (2) rename the environmental response tax the "environmental response and energy security tax" and increases the tax to 20 cents per barrel, (3) amend the uses of tax revenue to include deposits to the energy security special fund and the energy systems development special fund, (4) amend uses of the environmental response revolving fund by deleting energy conservation and alternative energy development uses, and (5) appropriates moneys. HREA strongly supports this bill with the following comments:

- Support of DBEDT-Energy Office. A long-term source of funding for DBEDT's Energy Office is needed. The proposed energy security special fund could provide certainty for funding of the Energy Office, assuming that the fund matched or exceeded the requirements of the Energy Office;
- Source of Funding. HREA believes it is appropriate to place a tax on imported fossil energy to fund the proposed energy security special fund. We recommend that the tax be placed now only on importation of crude oil, but also refined petroleum products and coal; and
- Energy Security Special Fund Security. HREA highly recommends that language be added to the bill to ensure that the energy security special fund can only be used for the stated purposes, i.e., it cannot be raided for other purposes.

Thank you for this opportunity to testify.



SENATE COMMITTEE ON ENERGY AND ENVIRONMENT

March 11th, 2008, 2:45 P.M.

(Testimony is 2 pages long)

TESTIMONY IN STRONG SUPPORT OF HB 3444 HD2

Chair Menor and members of the Committee:

The Sierra Club, Hawai`i Chapter, with 5500 dues paying members statewide, strongly supports HB 3444 HD2, providing needed funding for clean energy and global warming initiatives through an increase in the oil barrel surcharge. The bill is smart tax-shifting policy to foster greater energy independence by tapping into the source of our problem to fund our preferred future. We ask that this committee amend this measure to contain the fee and allocation levels specified in the House Draft 1 of HB 3444.

The concept behind HB 3444 is to help "internalize" the external costs of certain activities; in this case, charge a fee for products that are damaging to the environment and use that money to help mitigate the damage. The link is quite clear between the use of petroleum products and corresponding impacts on our fragile island environments—not only in oil spills, which was the original impetus for the environmental response tax, but also in runoff from the roads our cars drive on, in degraded air quality, and in greenhouse gas emissions and climate change. Currently, the Department of Health is desperately under-funded and lacks the resources to adequately deal with these environmental impacts. Most critically, the newly established Greenhouse Gas Emissions Reduction Task Force—the group charged with developing the roadmap to achieve dramatic reductions in statewide greenhouse gas emissions—needs resources and staffing to complete their work. This measure would provide additional funds for their efforts.

The House Draft 1 of this measure creatively allocates the funds to various needs:

- 1. The original intent of the Environmental Response Fund, such as environmental programs and responding to emergency oil spills (25%);
- 2. Energy security projects and development to increase Hawaii's energy self-sufficiency (62.5%); and
- 3. Energy systems development for renewable energy and energy efficiency technology projects that will reduce Hawaii's dependence on fossil fuel, managed by the Hawaii' natural energy institute (12.5%).

Such a "clean energy" surcharge on a barrel of oil of \$0.20 is approximately the same as a carbon tax of \$0.41 per ton of CO_2 (23 lbs CO_2 produced per gallon oil, 42 gallons per barrel). It would have a marginal impact on petroleum users, yet significantly increase the Department's ability to protect Hawaii's environment that is adversely impacted by petroleum

use. A \$0.41 "carbon fee" is nominal. Many European countries have carbon taxes that exceed \$10.00 per ton. Two weeks ago, the Canadian province of British Columbia enacted a carbon fee that starts at approximately \$8.00 per ton (English) in July, 2008, and increases to \$24 per ton by 2012.

The impact of CO₂ emissions alone from one barrel oil is much greater than the proposed tax. The Gas Company, in their Integrated Resource Plan, attempted to quantify the externalities (impacts not reflected in the market costs of an activity) per ton of pollutant. They examined environmental, energy security, macroeconomic and employment, and social and cultural externalities. Their results are shoking: the low estimate was \$10/ton CO₂, the mid-range was \$27/ton CO₂, and the high was \$77/ton CO₂ (The Gas Company, 1999. *The Gas Company Integrated Resource Plan Report*, Jan 28, 1999 Draft, Honolulu.). Again, the approximate carbon tax equivalent of this measure is \$0.41.

While we all likely agree that we need to aggressively increase our clean energy use in Hawai'i and decrease our reliance on imported crude, we cannot do it with funding for research, development, and policy implementation. House Bill 3444 HD2 wisely taps the source of our problem—imported oil—to fund clean energy programs.

House Bill 3444 HD2 is smart tax-shifting policy that encourages resource conservation and increases our ability to protect Hawaii's environment by making the "polluter pay." As we dramatically expand our clean energy capacity in Hawai'i, the real economic benefits of this carbon surcharge will far outweigh the additional burden it may present. This common sense policy will foster greater energy independence by tapping into the source of our problem to fund our preferred future.

Please amend this measure to contain the fee and allocation levels specified in the House Draft 1 of HB 3444.

Thank you for the opportunity to testify.



Hawaii Solar Energy Association

Serving Hawaii Since 1977

TESTIMONY OF THE HAWAII SOLAR ENERGY ASSOCIATON IN REGARD TO H.B. 3444, H.D. 2 RELATING TO ENERGY BEFORE THE SENATE COMMITTEE ON ENERGY & ENVIRONMENT ON TUESDAY, MARCH 11, 2008

Chair Menor, Vice-Chair Hooser and members of the committee, my name is Ron Richmond and I represent the Hawaii Solar Energy Assn (HSEA) The HSEA is a professional trade association established in 1977, and affiliated with the Solar Energy Industries Association (SEIA) in Washington, D.C. HSEA represents manufacturers, distributors, contractors, financiers, and utility companies active in the solar energy industry in Hawaii. We strongly support the passage of H.B. 3444, H.D. 2.

Leading U.S. economists, including Greg Mankiw former Bush Administration Chairman of the Council of Economic Advisors and Nobel laureate Gary S. Becker, believe that a tax levied to correct the negative externalities of a market activity, in this case the profligate purchase and combustion of oil, is warranted. Both, in fact, would argue that a .50 cent - \$1 per gallon tax is long overdue on the federal level and that we are missing a golden opportunity to protect the environment, reduce road congestion, produce a lasting reduction in miles driven, help balance the budget, ultimately make the federal tax code more favorable to growth, and enhance our national security.

H.B. 3444, H.D. 2 proposes a modest 15 cent increase in taxes now levied on a barrel of oil in Hawaii. Among other things, this tax increase will provide much needed funding to staff DBEDT's Energy Division. Most of DBEDT's staff are now on federal funds that will be depleted over the next four years. Much more will be expected of the Energy Division going forward and adequate staffing is the prerequisite to enhanced capability and performance.

Pursuant to Act 253, Session Laws of Hawaii 2007, this measure also will fund the Hawaii Natural Energy Institute's task of developing an integrated approach to managing renewable energy and energy efficiency projects in Hawaii. This is also necessary and important work that deserves to be funded.

Thank you for the opportunity to testify.