

ON THE FOLLOWING MEASURE:

H.B. NO. 2656, H.D. 2, RELATING TO A SMALL CRAFT BEER PRODUCER TAX CREDIT.

BEFORE THE:

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM, AND TECHNOLOGY

DATE: Wednesday, March 14, 2018 **TIME:** 1:30 p.m.

LOCATION: State Capitol, Room 414

TESTIFIER(S): Russell A. Suzuki, Acting Attorney General, or

Kristie Cruz Chang Deputy Attorney General

Chair Wakai and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

The purpose of this bill is to establish a tax credit for small craft beer producers to encourage and expand the growth of a local industry. This measure allows small craft beer producers a tax credit equal to forty percent of the qualified expenses incurred by the qualified taxpayer during a taxable year. Qualified expenses are expenses incurred by a qualified taxpayer to manufacture beer in the State. H.D. 2 adds an annual tax credit cap for any individual qualified producer.

H.B. No. 2656, H.D. 2, contains wording that could be subject to challenge as violative of the Commerce Clause of the United States Constitution. Article I, Section 8, Clause 3, of the United States Constitution provides that the Commerce Clause grants Congress power to "regulate Commerce . . . among the several States." "It has long been accepted that the Commerce Clause not only grants Congress the authority to regulate commerce among the States, but also directly limits the power of the States to discriminate against interstate commerce. New Energy Co. of In. v. Limbach, 486 U.S. 269, 273-74, 108 S. Ct. 1803, 1807-08, 100 L. Ed. 2d 302 (1988). "Discrimination against interstate commerce in favor of local business or investment is *per se* invalid,

save in a narrow class of cases in which the municipality can demonstrate, under rigorous scrutiny, that it has no other means to advance a legitimate local interest." C & A Carbone, Inc. v. Town of Clarkstown, N.Y., 511 U.S. 383, 392, 114 S. Ct. 1677, 1683, 128 L. Ed. 2d 399 (1994), citing Maine v. Taylor, 477 U.S. 131, 106 S. Ct. 2440, 91 L. Ed. 2d 110 (1986). The United States Supreme Court stated in a case arising from a Hawaii tax law that the cardinal rule of Commerce Clause jurisprudence is that "[n]o State, consistent with the Commerce Clause, may 'impose a tax which discriminates against interstate commerce . . . by providing a direct commercial advantage to local business." Bacchus Imports Ltd. v. Dias, 468 U.S. 263, 268 (1984), citing Boston Stock Exch. v. State Tax Comm'n, 429 U.S. 318, 329 (1977). In Bacchus, the United States Supreme Court struck down a Hawaii law that provided an exemption from the liquor tax for liquor produced in the State.

In this bill, a tax credit will be provided for qualified expenses, which are expenses incurred by a qualified taxpayer to manufacture beer that are incurred in the State. See page 5, lines 15-17. The bill intends to cap the annual tax credit for any individual qualified producer. A qualified producer "means a domestic corporation producing one hundred percent of its beer products in the State." See page 6, lines 6-7. Thus a taxpayer can claim the credit only if: (1) it is a Hawaii corporation; and (2) one hundred percent of its expenses were incurred in Hawaii. An out-of-state or foreign corporation would not be eligible to claim the credit. These two requirements read together may be subject to challenge under the Commerce Clause.

H.B. No. 2656 is distinguishable from <u>Bacchus</u> in that it provides a tax credit instead of a tax exemption. However, we believe that this bill is subject to a legal challenge under the Commerce Clause because it has "both the purpose and effect of discriminating in favor of local products." <u>Bacchus</u>, 468 U.S. 263, 273. It is "not the formal language of the tax statute but rather its practical effect." <u>Comptroller of Treasury of Md.</u>, 135 S. Ct. 1787, 1795 (2015), *citing* <u>Complete Auto</u>, 430 U.S. 274, 279, 97 S. Ct. 1076 (1977).

Testimony of the Department of the Attorney General Twenty-Ninth Legislature, 2018 Page 3 of 3

The Department of the Attorney General recommends that H.B. No. 2656 be amended to avoid constitutional challenges. The definition of "qualified producer" should be amended to delete "domestic."

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LUIS P. SALAVERIA DIRECTOR

MARY ALICE EVANS DEPUTY DIRECTOR

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Statement of LUIS P. SALAVERIA Director

Department of Business, Economic Development, and Tourism before the

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM, AND TECHNOLOGY

Wednesday, March 14, 2018 1:30 p.m. State Capitol, Conference Room 414

in consideration of

HB 2656, HD2 RELATING TO SMALL CRAFT BEER PRODUCER TAX CREDIT.

Chair Wakai, Vice Chair Taniguchi, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) **appreciates the intent** of HB 2656, HD2, which establishes a tax credit for small craft beer producers, so long as the tax credit does not adversely impact the Administration's revenue and budget priorities. DBEDT offers the following **comments**:

- The cost to implement the process to monitor and certify the tax credit, at a minimum, would cost \$50,000 on a recurring basis; and
- The impact to state tax revenues is unknown.

Thank you for the opportunity to provide these comments.

DEPUTY DIRECTOR

.DOUGLAS S. CHIN LIEUTENANT GOVERNOR



STATE OF HAWAII DEPARTMENT OF TAXATION

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To: The Honorable Glenn Wakai, Chair

and Members of the Senate Committee on Economic Development, Tourism, and

Technology

Date: Wednesday, March 14, 2018

Time: 1:30 P.M.

Place: Conference Room 414, State Capitol

From: Linda Chu Takayama, Director

Department of Taxation

Re: H.B. 2656, H.D. 2, Relating to a Small Craft Beer Producer Tax Credit

The Department of Taxation (Department) appreciates the intent of H.B. 2656, H.D. 2, and offers the following comments for your consideration.

H.B. 2656, H.D. 2, amends chapter 235, Hawaii Revised Statutes (HRS), by creating a new nonrefundable income tax credit for qualified taxpayers who are small craft beer producers. A summary of the measure's key provisions are as follows:

- Sets the amount of the credit at 40% of the qualified expenses incurred by the qualified taxpayer during a taxable year;
- Adds an unspecified cap on the tax credit for any individual qualified producer;
- Defines "qualified expenses" as expenses incurred by a qualified taxpayer to manufacture beer; not including expenses incurred outside of the State;
- Requires qualified expenses to be calculated in accordance with the uniform capitalization rules of section 263A of the Internal Revenue Code;
- Defines "qualified taxpayer" as a person who:
 - Has a valid class 18 small craft producer pub license as described in section 281-31(r), HRS, and
 - Complies with manufacturing limitations established in section 281-31(r)(1), HRS.
- Species that "qualified producer" means a domestic corporation producing 100% of its beer products in the State;

Department of Taxation Testimony ETT HB 2656 HD2 March 14, 2018 Page 2 of 2

- Directs the Department of Business, Economic Development, and Tourism (DBEDT) to:
 - o Maintain records of the names and addresses of qualified taxpayers claiming the credit and the total amount of their qualified expenses;
 - O Verify the nature and the amount of qualified expenses and calculate the total amount of all qualified and cumulative expenses that it certifies;
 - o Certify the amount of the tax credit for each taxpayer for each taxable year and the cumulative amount of the tax credit; and
 - o Issue a certificate to the taxpayer verifying the above information that the taxpayer will file along with taxpayer's tax return;
- Appropriates an unspecified amount to DBEDT to meet the requirement for monitoring, verification, and certification of small craft beer producer tax credit claims;
- Has a defective effective date of July 1, 2112; and
- Applies to taxable years beginning after December 31, 2017.

First, the Department notes that the House Committee on Finance amended this measure to set the tax credit at 40% of the taxpayer's qualified expenses, to include a definition of "qualified producer," to add an unspecified annual tax credit cap, and to remove the requirement that a qualified taxpayer's class 18 small craft producer pub license be "issued by the liquor commission of the county in which the taxpayers premises is located[.]"

Second, the Department notes that under subsection (c), the distribution and share of the tax credit is determined by rule. The Department recommends subsection (c) be amended so that distribution of the tax credit be done in accordance with Internal Revenue Code Section 704 instead of by rule.

Third, the Department notes that the measure's definition of "qualified expenses" for the credit is quite broad and ambiguous. As currently written, the credit amount may be based on expenses incurred at every step of the beer-making process, with no distinction between equipment, capital, and labor, as long as those expenses were incurred within the State. The Department suggests being more specific as to the expenses that qualify for the credit.

Finally, the Department respectfully requests that the date of applicability be changed to taxable years beginning after December 31, 2018 as the Department is currently in the process of implementing individual income tax into its new computer system.

Thank you for the opportunity to provide comments.



March 11, 2018

Senate Committee on Economic Development, Tourism and Technology Wednesday, March 14th, 2018, 1:30pm State Capitol, Conference Room 414

Re: **HB2656 HD2**, RELATING TO A SMALL CRAFT BEER PRODUCER TAX CREDIT, IN SUPPORT WITH AMENDMENTS

Aloha Chair Wakai, Vice Chair Taniguchi, and Members of the Committee on Economic Development, Tourism and Technology,

My name is Garrett W. Marrero, I live in Kula, HI. My wife and I were selected as the National Small Business Persons of the year in 2017 for our work at Maui Brewing Co. I'm writing on behalf of myself and our local family-operated business in support of **HB2656** which creates a Small Craft Beer Producer Tax Credit to promote the local production of craft beer.

The purpose of this act is to establish a tax credit for small craft producers manufacturing in Hawaii to encourage local production and expand the growth of a local industry. The language in the bill should ensure that it requires beverages be made in Hawaii in order to qualify for the credit and that a "qualified producer" produce 100% of their beverage in Hawaii and that any production outside the State disqualifies the producer.

Maui Brewing Co. is a small, independent craft brewery that began with just 26 on our team in 2005. We are now over 500 strong and Hawaii's largest craft brewery. These employees live in Hawaii, raise their children here, pay taxes, and contribute to the community. We offer jobs with family-level wages, insurance benefits including health (medical, drug, dental, vision and preventative care), life insurance, and 401(k). We currently match contributions to 401(k). We simply would not be where we are without our staff and they deserve the best we can offer.

Maui Brewing Co. supports this legislation with amendments as suggested by the Hawaiian Craft Brewers Guild. The passage of this provision will allow for job creation, reinvestment in our communities, and allow us to be competitive with large breweries from the mainland where costs of production can be almost half as much. In speaking with others in our local beverage alcohol industry we agree that the small producers tax credit would be utilized to invest in new equipment and our people in order to continue growing our companies locally.

Hawaii's local brewers account for less than 5% of beer sold in Hawaii, approximately 60,000 barrels versus the 1,200,000 barrels imported into the State. The establishment of a tax credit for Small Producers is a direct incentive to produce locally, this may also serve to encourage those who have stopped or decreased producing in Hawaii to come back. It rewards the small business in every community in Hawaii for committing to authentic local brewing, winemaking and distilling at very little cost. We view this as an investment in job creation and encouraging Hawaii manufacturing. At the same time, the resulting increases in production volume and removing burden from unemployment will result in a net gain to the State.

In 2005 when we started Maui Brewing Co. we did so with the vision of producing the highest quality ales and lagers available in the State, and doing so with a strong commitment to always brewing in Hawaii. We have stayed true to our vision and have brought attention to craft beer in Hawaii for the first time in history. We are proud that in the craft brewing community around the world the name "Maui Brewing Co." is synonymous with world-class beer of a truly local Hawaiian origin. It has become increasingly difficult to grow and remain competitive with the extremely high cost of production in Hawaii, with costs more than doubling in less than 10 years, relative to our mainland counterparts. This paired with the highest liquor taxes in the Nation result in a disincentive to manufacturing in the State and not just a lack of competitive capability but with odds stacked against. The disincentive of local production has encouraged an outward migration of jobs, taxes, and manufacturing. We should encourage brewing and selling our products in Hawaii, and the support of our government officials with a tax credit rewarding local operations. We believe in a strong Hawaii, this starts with small businesses which are the backbone of any strong community.

Hawaiian producers operate under the highest cost conditions of any State. One look at the store shelves will show you that true Hawaiian beers are the most expensive beers on the shelf, this leads to lower volume and velocity of sales. This in itself has served to limit the availability of true, locally produced selections and give rise to a host of "faux-hawaiian" products. As a State, we must invest in local manufacturing, these are jobs with good wages and benefits that can provide careers for our residents. Further if Hawaii is to continue to compete on the international forum for tourism it is incumbent upon us to deliver an authentic Hawaiian experience in our products. How can we do that if we instead serve beers, wine and spirits bearing Hawaiian names but made across the world except in Hawaii?

We are the #5 purchaser of cans from a local Ball Corporation plant in Kapolei further supporting local labor. Many breweries here buy cardboard trays and boxes from Rengo, a local manufacturer in Kapolei. This is directly related to the growth of industry in Hawaii, more beer brewed here means more jobs for the economy. The Craft Brewing industry has proven a direct correlation of lower taxation and an increase in jobs and economic activity. States such as CA, CO, WA, OR, and NY have a thriving craft beverage industry due to the supportive nature of the tax structures established whether that be lower rates for small producers or tax credits to produce in the State. This bill provides a way to immediately support the growing industry.

Hawaii's breweries are also large supporters of agriculture brewing with many different agricultural products. Most breweries in the State have strong ties to farmers on their island as the brewers give farmers spent grain for feed and compost, and the brewers buy fruits, spices and etc to brew unique styles. Supporting brewers means supporting farmers.

This year Maui Brewing Co. will begin adding natural craft sodas, distilled spirits, cider and canned cocktails to our distributed lineup. These additional local beverage lines will add to not only our employment base but that of our wholesaler partners. Additional wages and taxes will be paid based on growth. It is imperative to have the support of the State when working to increase manufacturing within the State.

Thank you for the opportunity to offer these comments. We urge you to support the passage of HB2656.

Sincerely,

Garrett W. Marrero CEO/Founder

Handcrafted Ales & Lagers Brewed with Aloha 605 Lipoa Parkway, Kihei, HI 96753 808.213.3002

Kauai Beer Company

James Guerber

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March 11, 2018

Senate Committee on Economic Development, Tourism and Technology

Wednesday, March 14th, 2018, 1:30pm State Capitol, Conference Room 414

Re: HB2656 HD2, RELATING TO A SMALL CRAFT BEER PRODUCER TAX CREDIT, IN SUPPORT WITH AMENDMENTS

Aloha Chair Wakai, Vice Chair Taniguchi, and Members of the Committee on Economic Development, Tourism and Technology,

Position: Support

My name is Jim Guerber and I am the President of the Kauai Beer Company, located in downtown Lihue, Kauai on Rice Street. We have been in business here since 2006 and began formally serving beer in September 2013, with only three employees. We have been instrumental in the effort to revitalize our downtown and are widely recognized for our contribution in that regard. We are in the process of renovating an adjacent space, which will dramatically enhance our ability to serve a larger customer base, increase production and increase our personnel, which is presently 34 full and part-time personnel.

<u>The Kauai Beer Company</u> supports HB 2656 H.D.2 with amendments as suggested by the Hawaiian Craft Brewers Guild because:

Hawaii's craft breweries are growing and incentives such as the small craft producers tax credit help spur that growth. Only 5% of the beer sold in Hawaii is produced in Hawaii, leaving room for increased local production and growth of our craft beer sector. Small craft producers are making high quality craft beer brewed in the State of Hawaii, providing opportunities to reach additional customers and expand the volume of local production.

Production costs are high for Hawaii's craft brewers. A craft producer tax credit helps Hawaii's breweries stay competitive with mainland manufacturers able to produce at about half the cost of our local operations and ship to Hawaii. This hits home with a visit to the store finding beers manufactured in Hawaii amongst the most expensive on the shelf. The purpose of this bill is to establish a tax credit that supports small craft producers manufacturing in Hawaii, allowing local production to expand and growth of the industry.

Brewery businesses are benefiting the business community and helping to stimulate local labor and economies. Hawaii's craft beer producers support the local economy with jobs that offer careers, allowing our employees to live and raise families here on Kauai. We use locally grown ingredients in our beer such as a variety of citrus fruits, Guava, Lilikoi and others. We are presently exploring the possibility of having hops grown here, a boon for the local ag economy. Purchasing cans, packaging and other supplies made in state supports the growth of other local businesses

As more beer is brewed in Hawaii more jobs are created with greater contributions to the local economy.

The Kauai Beer Company supports HB2656 H.D.2 because the small craft producer tax credit will result in reinvestment in our economy and communities. Mahalo for your consideration of testimony in support.

Sincerely,

Jim Guerber President Kauai Beer Company



March 12, 2018

HB 2656 H.D.2 Relating to Small Craft Producer Tax Credit

Senate Committee on Economic Development, Tourism and Technology Weds, March 14, 2018 at 1:30 p.m. Conference Room 414

Chair Glenn Wakai, Vice Chair Brian Taniguchi, and members of the Senate Committee on Economic Development, Tourism and Technology

Position: Support

My name is Geoffrey Seideman, I live in Hawaii Kai, Oahu, and I am the Owner and Brewer of Honolulu BeerWorks brewery in Kaka'ako. Mahalo for the opportunity to submit testimony, I apologize that I could not be there in person as my growing business needs me present. I am writing on behalf of our local family-operated business, Honolulu Beerworks, in support of **HB2656 H.D.2.** Our Brewery began business in 2014 with 18 initial employees. We now provide 36 jobs in Hawaii with plans for more job opportunities in the near future.

Honolulu Beerworks is in support HB 2656 H.D.2 because Hawaii's craft breweries are growing and incentives such as the small craft beer producers income tax credit help spur that growth. Our costs of production are high, with ingredients, equipment, and brewery modernization all contributing to higher production costs. For example each bag of grain that we bring in to the state costs an extra \$10 a bag. Although a small amount by itself, with the amount of grain we use during brewing this becomes significant amount. With this increase and the high cost of utilities, etc.. it is very hard to keep our price to consumer at a reasonable level that they will support their local brewery. Also with each expansion that we do, shipping in equipment sometimes costs as much or even more than the equipment itself.

Hawaii's craft breweries are growing and incentives such as the small craft producers income tax credit help spur that growth. Only 5% of the beer sold in Hawaii is actually produced in Hawaii, leaving a great deal of room for growth of our craft beer sector.

Legislation that provides tax credits help Hawaii's breweries stay competitive with mainland manufacturers that ship their craft beer to Hawaii at price points that are often lower than our craft beer produced in Hawaii. Most of these mainland breweries do not pay inflated amounts for the ingredients or the shipping. Also the physical locations that the breweries occupy, and operating utilities, are often a lot cheaper for rent and lease. This enables them to produce more beer for cheaper.

Hawaii's craft beer producers support the local economy with jobs that offer careers that allow our employees to live and raise families in Hawaii. We use locally grown ingredients in our beer such as tropical fruits, herbs and spices, and coffee which supports our local Hawaii farmers. We use local oranges , lemons, limes, tangerines, lemongrass, honey, coconut, guava, pineapple, coffee and more in a lot of our beers. In most of the new beers that we look to do one of the first questions is are we able to incorporate local products somehow. We also use local companies for our cans, and our case trays for all of our packaged products that we offer in stores.

Expanding the craft beer we offer to customers is one of our goals. We have just recently completed our third brewery expansion which will allow us to go from 1800 barrels a year to 5400. With the expansion we have installed a canning line, which enables to to offer four of our core styles to the retail market. Although a big jump in production, we will be at capacity shortly. This will require us to look for another space for a production brewery, so we can keep up with demand. The small craft beer producers income tax credit will help us achieve that growth and allow us to grow locally and continue to brew on Oahu.

<u>Honolulu Beerworks</u> supports HB2656 H.D.2 with amendments, including the addition of class 14 brewpub as a "qualified taxpayer." Mahalo for your consideration. We urge you to pass this bill.

Thank you for the opportunity to provide testimony in support of HB 2656 H.D.2.

Sincerely,

Geoffrey Seideman Owner/Brewer PEAL a gastropub

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March 12, 2018

Senate Committee on Economic Development, Tourism and Technology Weds, March 14, 2018 at 1:30 p.m. Conference Room 414

HB 2656 H.D.2 Relating to Small Craft Producer Tax Credit Senate Committee on Economic Development, Tourism and Technology Weds, March 14, 2018 at 1:30 p.m. Conference Room 414

Chair Glenn Wakai, Vice Chair Brian Taniguchi, and members of the Senate Committee on Economic Development, Tourism and Technology

Position: **Support**

I'm writing on behalf of our small, local family-operated business, REAL a gastropub / Bent Tail Brewing Company in Kakaako on Oahu. We support **HB2656 H.D.2** which creates a Small Craft Beer Producer Tax Credit in order to promote the local production of craft beer.

REAL a gastropub / Bent Tail Brewing Company supports this legislation with amendments. The amendments we propose are as follows:

Change the title to read "Relating to a Small Craft Producer Credit". This would then allow us to include wine and spirits producers while falling in line with the Class 18 producer license. This also brings parity to the beverage alcohol industry allowing wineries, distilleries and breweries to grow together creating more local options and delivering an authentic Hawaiian experience in our products to visitors and residents alike.

Section 1 regarding Purpose. Suggest changing to "The purpose of this act is to establish a tax credit for small craft producers manufacturing in Hawaii to encourage local production and expand the growth of a local industry"

Page 1, lines 13-15, We look forward to working with the legislature to find a reasonable credit amount that works for the industry and the State together.

Page 2, lines 9 – 11, I would ask for this to be removed. The PV credits don't have a basis reduction by the credit, and I don't think that this qualified equipment should either. The goal is to encourage manufacturing, so I think it's a reasonable ask, especially with the extensive certification requirements.

Page 5 lines 14-16. We look forward to working with the legislature to create a firm definition for what "Qualified Expenses" encompasses.

Page 5 line 17, we should incorporate all the types of liquor producers; Class 1 Manufacturers, Class 14 Brewpubs, Class 16 Wineries and Class 18 Small Craft Producers. This section should add language that further requires the beverages be made in Hawaii to qualify for the credit. I would ask, personally and on behalf of the guild that the language be firm enough that if ANY portion of a company's beer is produced outside the State that they are not a "Qualified" producer.

A passage of this bill will create more jobs, pay more wages, create new products, allow breweries to grow not only in numbers but in volume, and ultimately reinvest in our communities growing the overall industry of locally made beverages. While we recognize that this credit results in a net loss of revenue to the State at an initial look, there is significant opportunity to have a net gain in revenue due to the growth of the overall industry.

Hawaiian producers operate under the highest cost conditions of any State. This has served to limit the availability of true, locally produced selections and give rise to a host of "faux-Hawaiian" products. As an isolated State we must invest in local manufacturing, these are jobs with good wages and benefits that can provide careers for our residents. Further if Hawaii is to continue to compete on the international forum for tourism it is important for us to deliver an authentic Hawaiian experience in our products. How can we do that if we instead serve beers, wine and spirits bearing Hawaiian names but are made across the world and not necessarily made in Hawaii?

REAL a gastropub was founded initially in 2012 with 18 original employees as a community gathering place serving local cuisine and hand-crafted beers. We are relocating, rebuilding our flagship and incorporating a 7BBL brewery named Bent Tail Brewing Company into our new location at Keauhou Lane in Kakaako. We will be able to grow into a team of 40 Honolulu residents that sells award winning beers throughout Oahu and with a focus on using local sources for our food as we have since our opening and now add this principal to our beer. We have done this in the face of significant challenges to growth at all levels; financial, shipping, taxation, legislative and more. Changes like this bill can help us continue our success and help others to do the same. We appreciate the on-going support of all individuals and legislators who support issues which enable local manufacturers and businesses to thrive in Hawaii.

Mahalo for your consideration, We support HB2656 H.D.2 with amendments, including the addition of class 14 brewpub as a "qualified taxpayer." The small craft producer tax credit will result in reinvestment in our economy and communities. Mahalo for your consideration of testimony in support of HB2656 H.D.2.

Sincerely,

Troy Terorotua

Troy Terorotua
Founder & Owner
REAL a gastropub / Bent Tail Brewing Co
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3/12/2018

RE: HB 2656 HD2 relating to a small craft beer producer tax credit in support with amendments.

Aloha Chair Wakai, Vice Chair Taniguchi, and members of the Committee on Economic Development, Tourism and Technology.

Lanikai Brewing Company is a locally owned and operated Craft Brewery here on Oahu in Kailua and we are in support of HB2656 HD2.

My name is Steve Haumschild and I live in Kailua, HI. Only about 5% of the beer consumed in Hawaii is locally made. The local craft beer industry is experiencing historical growth despite all of the economic factors we face. Our cost of production are high, taxes are some of the highest in the country, shipping costs for our geographical isolation, are some of those factors making it about 40-50% more expensive to produce in Hawaii verses elsewhere. This bill helps to encourage local manufacturing and incentivizes keeping the manufacturing local. This allows us to produce more, hire more employees that in turn pay more local wage taxes and further supports the local economy. Further, the growth of companies like mine further supports the growth of local farmers, vendors, producers drivers, retailers, coffee growers and all of the business we work with as we grow.

Thank you for the opportunity to send testimony. This bill will absolutely create new jobs here in Hawaii, strengthen our Made in Hawaii brand value for locals and visitors, as well as allow the industry to flourish and expand. Further, due to the costs of manufacturing here locally, this would allow us small business owners to be more competitive on the national scale furthering growth of jobs here in Hawaii.

Lanikai Brewing Company is an Island Inspired® authentic Hawaiian craft beer company making 100% of our brews here in Hawaii. We take our cues from premium, local, rare, and exotic ingredients grown by local farmers and foraged across the Pacific to bring you bold and flavorful beers that you will find nowhere else utilizing Hawaiian terroir. **Please note that variances in growing season conditions can impact batch-to-batch flavor and aroma profiles.

'Ōkole Maluna.

Steven R Haumschild

Steve Haumschild, MBA CEO & Brewmaster Certified Cicerone® Lanikai Brewing Company, Island Inspired™ Craft Beer



March 12, 2018

HB 2656 H.D.2 Relating to Small Craft Producer Tax Credit Senate Committee on Economic Development, Tourism and Technology Weds, March 14, 2018 at 1:30 p.m. Conference Room 414

Chair Glenn Wakai, Vice Chair Brian Taniguchi, and members of the Senate Committee on Economic Development, Tourism and Technology

My name is Bret Larson and I am the owner of Kauai Island Brewing Company doing business in Eleele, Kauai. Our business began in 2012 with and started with 12 employees. We now provide 35 jobs in Hawaii. I'm writing on behalf of myself and our local family-operated business **in support of HB2656 HD2** which creates a Small Craft Beer Producer Tax Credit to promote the local production of craft beer.

We are in the process of expanding our existing brewery and adding additional cold storage space. By way of example, we recently purchased a large walk-in cooler for \$11,200, it cost over \$9,000 to have it shipped out to our location on Kauai; this same walk-in cooler would have cost us less the \$1000 to have it shipped to almost anywhere on the Mainland. These are real costs associated with all aspects of our cost of goods - from grain, to hops. Our costs of doing business in Hawaii are almost double that of most business on the mainland.

Our company supports this legislation with amendments as suggested by the Hawaiian Craft Brewers Guild. The passage of this provision will allow for job creation, reinvestment in our communities, and allow us to be competitive with large breweries from the mainland where costs of production can be almost half as much. In speaking with others in our local beverage alcohol industry we agree that the small producer's tax credit would be utilized to invest in new equipment and our people in order to continue growing our companies locally.

Hawaii's craft breweries are growing and incentives such as the small craft producers tax credit help spur that growth. Only 5% of the beer sold in Hawaii is produced in Hawaii, leaving room for increased local production and growth of our craft beer sector. Small craft producers are making high quality craft beer brewed in the State of Hawaii, providing opportunities to reach additional customers and expand the volume of local production.

Production costs are high for Hawaii's craft brewers. A craft producer tax credit helps Hawaii's breweries stay competitive with mainland manufacturers able to produce at about half the cost of our local operations and ship to Hawaii. This hits home with a visit to the store finding beers manufactured in Hawaii amongst the most expensive on the shelf. The purpose of this bill is to establish a tax credit

that supports small craft producers manufacturing in Hawaii, allowing local production to expand and growth of the industry.

Purchasing cans, packaging and other supplies made in state supports the growth of other local businesses. We see Hawaii's breweries supporting local agriculture through their use of locally grown fruits, spices, herbs, coffee and other agricultural products. As more beer is brewed in Hawaii more jobs are created with greater contributions to the local economy.

Kauai Island Brewing Company supports HB2656 HD2 because the small craft producer tax credit will result in reinvestment in our economy and communities.

Mahalo for your consideration of testimony in support.

Sincerely,

Bret Larson

Owner, President, Kauai Island Brewing Company, LLC.

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HB 2656 H.D.2 Relating to Small Craft Producer Tax Credit

Senate Committee on Economic Development, Tourism and Technology Weds, March 14, 2018 at 1:30 p.m. Conference Room 414

Chair Glenn Wakai, Vice Chair Brian Taniguchi, and members of the Senate Committee on Economic Development, Tourism and Technology

Position: **Support**

My name is Derek Taguchi I live in Honolulu, Oahu and I am the CFO at the Beer Lab HI brewery doing business in Honolulu, Oahu. Our brewery began in 2016 with 3 employees. We now provide 12 jobs in Hawaii.

We support HB 2656 H.D.2 because the tax credit available to us will allow us to further expand our local company and provide more jobs to the local economy.

Expanding the craft beer we offer to customers is one of our goals. A small craft producer tax credit will encourage local production and help us achieve growth in our business here in Hawaii.

Hawaii's craft breweries are growing and incentives such as the small craft producers income tax credit help spur that growth. Only 5% of the beer sold in Hawaii is actually produced in Hawaii, leaving a great deal of room for growth of our craft beer sector. Our costs of production are high, approximately 40 to 50% higher than similar production costs on the mainland, with ingredients, equipment, and brewery modernization all contributing.

A craft producer tax credit helps Hawaii's breweries stay competitive with mainland manufacturers able to produce with lower costs and ship their craft beer to Hawaii.

Hawaii's craft beer producers support the local economy with jobs that offer careers and living wages for employees and their families. Passage of HB2656 H.D.2 will stimulate the craft brewing sector, and in turn reinvestment in our communities. We use locally grown ingredients in our beer such as tropical fruits, herbs and spices, and coffee which supports our local Hawaii farmers. Additionally, we strive to have 100% of our spent grain waste products utilized by local pig farmers as feed. Craft beer producers making

100% of their beer in Hawaii are contributing to the economic growth of other local manufacturers and suppliers with the purchase of cans and packaging.

Beer Lab HI_supports HB2656 H.D.2 with amendments, including the addition of class 14 brewpub as a "qualified taxpayer." Mahalo for your consideration. We urge you to pass this bill.

Thank you for the opportunity to provide testimony in support of HB 2656 H.D.2.



64-1066 Mamalahoa Highway Kamuela, Hawaii, 96743

T 808-887-1717 F 808-885-0653 BiglslandBrewHaus@Yahoo.Com

BigIslandBrewHaus.Com

March 13, 2018

HB 2656, H.D.2 Relating to Small Craft Beer Producer Tax Credit Senate Committee on Economic Development, Tourism and Technology Weds, March 14, 2018 at 1:30 p.m. Conference Room 414

Chair Glenn Wakai, Vice Chair Brian Taniguchi, and members of the Senate Committee on Economic Development, Tourism and Technology

I'm writing on behalf of our small, local family-operated business, Big Island Brewhaus in Kamuela on the Big Island. We support HB 2656, H.D.2 which creates a Small Craft Beer Producer Tax Credit in order to promote the local production of craft beer.

The majority of Hawaii craft beer producers hold class 14 brewpub licenses. A few have or are applying for class 18 small craft producer pub licenses. The Big Island Brewhaus strongly supports HB2656 H.D.2, and would encourage the inclusion of class 14 brewpub as well as class 18 small craft producer in the definition of "qualified taxpayer".

Hawaii's local brewers account for less than 5% of all beer sold in Hawaii, approximately 60,0000 barrels versus the 1,200,000 total barrels imported into the State from outside producers. The establishment of a tax credit for Hawaiian Small Producers is a direct incentive to produce locally; this may also serve to encourage those producers who have stopped or decreased producing in Hawaii to come back. It rewards small businesses in Hawaii for committing to authentic local brewing, winemaking, and distilling at very little cost. We view this as an investment in skilled job creation and encouraging Hawaii manufacturing.

A passage of this bill will create more jobs, pay more wages, create new products, allow businesses to grow not only in numbers but in volume, and ultimately reinvest in our communities growing the overall industry of locally made beverages. While we recognize that this credit results in a net loss of revenue to the State at an initial look, there is significant opportunity to have a net gain in revenue due to the growth of the overall industry.

Hawaiian manufacturing and producers operate under the highest cost conditions of any State. This has served to limit the availability of true, locally produced selections and give rise to a host of "faux-Hawaiian" products. As an isolated State we must invest in local manufacturing, these are jobs with good wages and benefits that can provide careers for our residents. Further if Hawaii is to continue to compete on the international forum for tourism it is important for us to

deliver an authentic Hawaiian experience in our products. This could help the growth of authentic Hawaiian made craft beverages.

Big Island Brewhaus was founded initially in 2008 with 9 original employees as a community gathering place serving local cuisine and hand-crafted beers. We have grown into a team of 40 Big Island residents that sells award winning beers throughout Hawaii and is focused on using local sources for our food and beer. We have done this in the face of significant challenges to growth at all levels; financial, shipping, taxation, legislative and more. Incentives like this bill can help us continue our success and help others to do the same. We appreciate the ongoing support of all individuals and legislators who support issues which enable local manufacturers and businesses to thrive in Hawaii.

Mahalo for your consideration, We urge you pass this bill. Thank-you for the opportunity to provide testimony in support of HB2656 H.D.2.

Sincerely,
Thomas D. Kerns
Thomas Kerns
Founder & Brewer
Big Island Brewhaus
64-1066 Mamalahoa Highway
Kamuela, HI, 96743
BigIslandBrewhaus@yahoo.com
Cell# 808-276-3301



Regarding Bill Number: **HB2656**

Measure Title: Relating to Small Craft Beer Producer Tax Credit

Position: Oppose

Aloha Chair Wakai and the Members of the Senate Committee on ETT,

My name is <u>Richard Collins</u> and I live in <u>Kula</u>, Hawaii and I'm the Chairperson for the Hawai'i Alcohol Policy Alliance, a group of concerned citizens for responsible alcohol policy in Hawai'i.

Mahalo for the opportunity to submit testimony as I am unable to be there in-person at this time. I strongly **oppose** this bill for a number of reasons.

Providing alcohol tax credits to beer producers will increase underage drinking rates for Hawai'i's youth.

The National Institutes of Health and the peer-reviewed journal, Preventive Medicine, show direct correlation to alcohol availability and underage drinking rates¹. The more alcohol is available in a community, the more underage youth access and consume alcohol, the more alcohol-related problems occur within the community. The bottom line is that tax credits for beer produces means **increased underage drinking and alcohol-related harms for our youth.**

Increased alcohol availability is associated with higher levels of disease burden, violent crimes, child abuse, and homicides.

According to the World Health Organization, alcohol is the leading risk factor for disease burden in the Western Pacific and the United States². A tax credit for beer producers will increase alcohol production and increase drinking rates for the general population. When the general public consumes more alcohol, there are more alcohol-related harms. A number of studies have linked greater alcohol availability with higher rates of violent crimes³, child maltreatment and physical abuse⁴, and homicides⁵. It's clear that approving this tax credit would increase alcohol-related harms in our community and ignore the prevention science that warns against this irresponsible policy.

health. http://www.who.int/substance abuse/publications/global alcohol report/en/

¹ National Institutes of Health, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3707296/#

² World Health Organization (2011) Global status report on alcohol and

³ Gorman DM (2001) Spatial dynamics of alcohol availability, neighborhood structure and violent crime. Journal of Studies on Alcohol 62: 628.

⁴ Freisthler B, Needell B, Gruenewald PJ (2005) Is the physical availability of alcohol and illicit drugs related to neighborhood rates of child maltreatment? Child abuse & neglect 29: 1049–1060.

⁵ Scribner R (1999) Alcohol availability and homicide in New Orleans: conceptual considerations for small area analysis of the effect of alcohol outlet density. Journal of studies on alcohol 60: 310.



I implore you to **oppose HB2656** for the benefit of the people of Hawai'i. To concede your vote to the wishes of the commercial interests will only be to the detriment of your constituents. You do not want to be responsible for a bill that would see more underage drinking and associated harms, more violence in our communities, and more deaths related to alcohol in our state.

Mahalo for your time and attention to this urgent matter.	
Sincerely,	

Chair, Hawai'i Alcohol Policy Alliance



Cindy Goldstein Executive Director Hawaiian Craft Brewers Guild 98-814 C Kaonohi Street Aiea, HI 96701

HB 2656, H.D.2 Relating to Small Craft Beer Producer Tax Credit

Senate Committee on Economic Development, Tourism and Technology Weds, March 14, 2018 at 1:30 p.m. Conference Room 414

Chair Glenn Wakai, Vice Chair Brian Taniguchi, and members of the Senate Committee on Economic Development, Tourism and Technology

Position: Support

The Hawaiian Craft Brewers Guild is a non-profit Hawaii trade organization that promotes and encourages production of independent craft beer in Hawaii. The number of independent craft breweries in Hawaii continues to grow, with construction of new breweries and recent expansion by several breweries. The Hawaiian Craft Brewers Guild is united in our pursuit to promote economic activity for Hawaii's beer manufacturers and enhance opportunities in our communities. Our members represent the majority of the craft beer producers in Hawaii, with members producing 100% of their beer in Hawaii.

The majority of Hawaii craft beer producers hold class 14 brewpub licenses. A few have or are applying for class 18 small craft producer pub licenses. The Hawaiian Craft Brewers Guild strongly supports HB2656 H.D.2, and would encourage the inclusion of class 14 brewpub as well as class 18 small craft producer in the definition of "qualified taxpayer".

Hawaii's craft breweries are growing and incentives such as a small craft producer tax credit can help continue to spur that growth. The number of breweries in Hawaii has increased from eight in 2013 to 15 at the end of 2017. Even given that rate of growth, only 5% of the beer sold in Hawaii is currently produced in Hawaii, providing opportunities to reach additional customers and increase the volume of local craft production.

Legislation that provides tax credits will stimulate the growth of Hawaii's small craft producers that have built their businesses across the state. The small producer credit would be used to invest in new equipment and increased opportunity for employees, to continue growing our companies locally. As a State, we must invest in local manufacturing, these are jobs with good wages and benefits that can provide careers for

our residents. The language in HB2656 H.D.2 should ensure that the tax credit requires beverages be made in Hawaii in order to qualify for the credit, and that a "qualified producer" produce 100% of their beverages in Hawaii. Including this provision will allow for job creation and reinvestment here in Hawaii, in local our communities.

Cost of production is high in Hawaii, with an estimated 40% or higher cost of production compared to the continental United States. Basic cost of goods for ingredients, equipment, and brewery modernization all contribute. The proposed bill and amendments help our local breweries remain successful and competitive with mainland manufacturers.

Hawaii's craft beer producers provide good jobs that boost the local economy and support the growth of other businesses. Stimulating the craft producer sector multiplies economic growth across their local communities. Additional wages and taxes will be paid as craft producers experience increased success. Purchasing cans, packaging and other supplies made in state supports the growth of other local businesses. Craft producers use locally grown ingredients such as tropical fruits, herbs and spices, and coffee which supports our local Hawaii farmers. A small number of tour operators offer experiences to visit Hawaii's craft breweries, with their expansion of tours tied to the growth of our Hawaii craft beer producers.

Mahalo for considering our Hawaiian Craft Brewers Guild testimony in support of HB2656 H.D.2.

Testimony to the Senate Committee on Economic Development, Tourism and Technology Wednesday, March 14, 2018 at 1:30 P.M. Conference Room 414, State Capitol

RE: HOUSE BILL 2656 HD2 RELATING TO SMALL CRAFT BEER PRODUCTION TAX CREDIT

Chair Wakai, Vice Chair Taniguchi, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **supports** HB 2656 HD2, which establishes an income tax credit for small craft beer producers to encourage and expand the growth of a local industry.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber is very supportive of bills that work to improve the small business climate in Hawaii. This tax credit would help to enable small craft brewers to grow and expand their small businesses operations, and work to remain competitive with much larger, mainland brewers.

Thank you for the opportunity to testify.

Kauai Island Brewing Co.

4350 Waialo Road Eleele, Hi 96705 808-335-0006 Kauaibrewmaster@gmail.com

> HB 2656 H.D.2 Relating to Small Craft Producer Tax Credit Senate Committee on Economic Development, Tourism and Technology

Chair Glenn Wakai, Vice Chair Brian Taniguchi, and members of the Senate Committee on Economic Development, Tourism and Technology

Position: **Support**

My name is Dave Curry, I live in Kalaheo, on the Island of Kauai. I'm Co-owner of Kauai Island Brewing Co, which does business in Eleele, Hi. We currently employ 34 members of our community.

Kauai Island Brewing Company supports HB 2656 H.D.2

Expanding the craft beer we offer to customers is one of our goals. A small craft producer tax credit will encourage local production and help us achieve growth in our business here in Hawaii.

We are currently taking steps to expand our distribution. We have invested in larger equipment and intend to serve our beer on tap to restaurants and hotels around Kauai. In addition to creating more jobs at our facility, selling more local beer is good for our economy. More restaurant and bar owners will be spending their money in Hawaii-helping stimulate our economy, instead of buying beer from the mainland.

Hawaii's craft breweries are growing and incentives such as the small craft producers income tax credit help spur that growth. Only 5% of the beer sold in Hawaii is actually produced in Hawaii, leaving a great deal of room for growth of our craft beer sector. Taking into consideration the cost of shipping, utilities, real estate and wages, our costs of production are high, approximately 40 to 50% higher than similar production costs on the mainland.

A craft producer tax credit helps Hawaii's breweries stay competitive with mainland manufacturers able to produce with lower costs and ship their craft beer to Hawaii.

Hawaii's craft beer producers support the local economy with jobs that offer careers and living wages for employees and their families. Passage of HB2656 H.D.2 will stimulate the craft brewing sector, and in turn reinvestment in our communities. At our brewpub, we strive to server fresh, locally sourced products. We use locally baked breads, locally raised beef and locally grown produce. Whenever possible we buy from our local

fishermen. Our Brewpub does more than just employ 34 individuals from our community. We actively support other local businesses. I support HB2656 H.D.2 with amendments, including the addition of class 14 brewpub as a "qualified taxpayer." Mahalo for your consideration. We urge you to pass this bill.

Thank you for the opportunity to provide testimony in support of HB 2656 H.D.2.

Dave Curry Brewer/ Co-owner Kauai Island Brewing Co. Regarding Bill Number: **HB2656**

Measure Title: Relating to Small Craft Beer Producer Tax Credit

Position: **Oppose**

Aloha Chair Wakai and the Members of the Senate Committee on ETT, My name is Cynthia Okazaki and I live in Kaneohe, Hawaii. Mahalo for the opportunity to submit testimony.

I strongly **oppose** this bill for the following reasons:

Providing alcohol tax credits to beer producers will increase underage drinking rates for Hawai'i's youth.

The National Institutes of Health and the peer-reviewed journal, Preventive Medicine, show direct correlation to alcohol availability and underage drinking rates¹. The more alcohol is available in a community, the more underage youth have access and consume alcohol, the more alcohol-related problems occur within the community. The bottom line is that tax credits for beer produces means **increased underage drinking and alcohol-related harms for our youth.**

Increased alcohol availability is associated with higher levels of disease burden, violent crimes, child abuse, and homicides.

According to the World Health Organization, alcohol is the leading risk factor for disease burden in the Western Pacific and the United States². A tax credit for beer producers will increase alcohol production and increase drinking rates for the general population. When the general public consumes more alcohol, there are more alcohol-related harms. A number of studies have linked greater alcohol availability with higher rates of violent crimes³, child maltreatment and physical abuse⁴, and homicides⁵. It's clear that approving this tax credit would increase alcohol-related harms in our community and ignore the prevention science that warns against this irresponsible policy.

I implore you to **oppose HB2656** for the benefit of the people of Hawaii, I especially the youth. To concede your vote to the wishes of the commercial interests will only be to the detriment of families and youth. You do not want to be responsible for a bill that would see more underage drinking and associated harms, more violence in our communities, and more deaths related to alcohol in our state.

Mahalo for your time and attention to this urgent matter. Sincerely,
Cynthia Okazaki
Member, Hawai'i Alcohol Policy Alliance

health. http://www.who.int/substance-abuse/publications/global-alcohol-report/en/

¹ National Institutes of Health, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3707296/#

² World Health Organization (2011) Global status report on alcohol and

³ Gorman DM (2001) Spatial dynamics of alcohol availability, neighborhood structure and violent crime. Journal of Studies on Alcohol 62: 628.

⁴ Freisthler B, Needell B, Gruenewald PJ (2005) Is the physical availability of alcohol and illicit drugs related to neighborhood rates of child maltreatment? Child abuse & neglect 29: 1049–1060.

⁵ Scribner R (1999) Alcohol availability and homicide in New Orleans: conceptual considerations for small area analysis of the effect of alcohol outlet density. Journal of studies on alcohol 60: 310.



WAIKIKI BREWING COMPANY

Joe P. Lorenzen, Partner/Brewmaster 831 Queen St. Honolulu, HI 96813 808-591-0387 brewmaster@waikikibrewing.com

HB 2656 H.D.2 Relating to Small Craft Producer Tax Credit

Senate Committee on Economic Development, Tourism and Technology

Weds, March 14, 2018 at 1:30 p.m. Conference Room 414

Chair Glenn Wakai, Vice Chair Brian Taniguchi, and members of the Senate Committee on Economic Development, Tourism and Technology

Position: **Support**

My name is Joe Lorenzen. I live in Honolulu, on the island of Oahu, and I am a partner in and Brewmaster of Waikiki Brewing Company with business locations in Waikiki and in Kaka'ako. Our brewery began with 15 employees in 2015, and now employs a staff of 45.

Waikiki Brewing Company supports HB 2656 H.D.2 because as a local manufacturer of craft beer, we face much higher costs of production than brewers who import their products to the state of Hawaii. This bill will serve to help even the playing field with the mainland companies while supporting local job creation and manufacturing.

Not only does or business directly create local jobs, but as a local manufacturer, we purchase ingredients and materials from other local producers, further having a positive impact on the local economy and job market.

Only 5% of the beer sold in Hawaii is actually produced in Hawaii, leaving a great deal of room for growth of our craft beer sector. Our costs of production are high, with ingredients, equipment, and brewery modernization all contributing.

A craft producer tax credit helps Hawaii's breweries stay competitive with mainland manufacturers able to produce with lower costs and ship their craft beer to Hawaii.

Hawaii's craft beer producers support the local economy with jobs that offer careers and living wages for employees and their families. Passage of HB2656 H.D.2 will stimulate the craft brewing sector, and in turn reinvestment in our communities.

Waikiki Brewing Company_supports HB2656 H.D.2 with amendments. Mahalo for your consideration. We urge you to pass this bill.

<u>HB-2656-HD-2</u> Submitted on: 3/13/2018 1:23:19 PM

Testimony for ETT on 3/14/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments: