

**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

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Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Thursday, February 7, 2013
9:00 a.m.
State Capitol, Conference Room 325

in consideration of
HB 451
RELATING TO FOSSIL FUELS.

Chair Lee, Vice Chair Thielen, and Members of the Committee.

The Department of Business, Economic Development & Tourism (DBEDT) provides comments on HB 451, which expands the Environmental Response, Energy, and Food Security Tax ("barrel tax") to all liquid and gaseous fossil fuels, including liquefied natural gas, and changes the unit being taxed from "barrels" to "British Thermal Units." We believe it is prudent to maintain the unit of taxation as "barrel" for petroleum products already being taxed for clarity.

DBEDT is proposing a suggested amendment for Section 2 to clarify the intent of HB 451 to maintain existing implementation of the barrel tax on petroleum products, and add a new paragraph for the taxation of liquefied natural gas or gaseous fossil fuels.

DBEDT defers to the Department of Taxation on the administration of the tax.

Thank you for the opportunity to offer these comments and suggested amendment on HB 451.

SECTION 2

PROPOSED AMENDMENT LANGUAGE

HB 451

SECTION 2. Section 243-3.5, Hawaii Revised Statutes, is amended as follows:

"§243-3.5 Environmental response, energy, and food security tax; uses. (a) In addition to any other taxes provided by law, subject to the exemptions set forth in section 243-7, there is hereby imposed a state environmental response, energy, and food security tax on each barrel or fractional part of a barrel of [~~petroleum~~] fossil fuel product sold by a distributor to any retail dealer or end user of [~~petroleum~~] fossil fuel product, other than a refiner. The fossil fuel products to be taxed are as follows:

- (1) petroleum product; and
- (2) liquefied natural gas or gaseous fossil fuel, provided that each barrel is equivalent to 5.8 million british thermal units.

(b) The tax shall be \$1.05 on each barrel or fractional part of a barrel of [~~petroleum~~] fossil fuel product that is not aviation fuel; provided that of the tax collected pursuant to this subsection:

- (1) 5 cents of the tax on each barrel shall be deposited into the environmental response revolving fund established under section 128D-2;

- (2) 15 cents of the tax on each barrel shall be deposited into the energy security special fund established under section 201-12.8;
- (3) 10 cents of the tax on each barrel shall be deposited into the energy systems development special fund established under section 304A-2169; and
- (4) 15 cents of the tax on each barrel shall be deposited into the agricultural development and food security special fund established under section 141-10.

The tax imposed by this subsection shall be paid by the distributor of the [~~petroleum~~] fossil fuel product.

~~[(b)]~~ (c) Each distributor subject to the tax imposed by subsection (a), on or before the last day of each calendar month, shall file with the director, on forms prescribed, prepared, and furnished by the director, a return statement of the tax under this section for which the distributor is liable for the preceding month. The form and payment of the tax shall be transmitted to the department of taxation in the appropriate district.

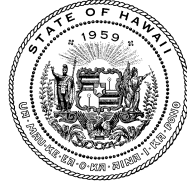
~~[(e)]~~ (d) Notwithstanding section 248-8 to the contrary, the environmental response, energy, and food security tax

collected under this section shall be paid over to the director of finance for deposit as provided in subsection (a).

~~[(d)]~~ (e) Every distributor shall keep in the State and preserve for five years a record in such form as the department of taxation shall prescribe showing the total number of barrels and the fractional part of barrels of ~~[petroleum]~~ fossil fuel product sold by the distributor during any calendar month. The record shall show such other data and figures relevant to the enforcement and administration of this chapter as the department may require."

NEIL ABERCROMBIE
GOVERNOR

SHAN TSUTSUI
LT. GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TAXATION
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FREDERICK D. PABLO
DIRECTOR OF TAXATION

JOSHUA WISCH
DEPUTY DIRECTOR

To: The Honorable Chris Lee, Chair
and Members of the House Committee on Energy and Environmental Protection

Date: Thursday, February 7, 2013
Time: 9:00 A.M.
Place: Conference Room 325, State Capitol

From: Frederick D. Pablo, Director
Department of Taxation

Re: H.B. 451, Relating to Fossil Fuels

The Department appreciates the intent of H.B.451 and provides the following information and comments for your consideration.

H.B. 451 amends the environmental response, energy, and food security tax such that it would apply to "liquid or gaseous fossil fuels" rather than to "petroleum products."

The Department notes that the environmental response, energy, and food security tax currently applies to "petroleum products" as that term is defined in Section 243-2, Hawaii Revised Statutes. The current definition of "petroleum products" includes only products of the processing of crude oil that are liquids at standard temperature and pressure, and would not apply to liquid natural gas or other fuels that may be utilized within the State. The change suggested by H.B. 451 would cause the environmental response, energy, and food security tax to apply to a broader range of fuels.

H.B. 451 applies the environmental response, energy, and food security tax to "liquid or gaseous fossil fuels," a term which is not defined in Chapter 243, Hawaii Revised Statutes. The Department suggests that the term "fossil fuels" be defined such that forms of fuel the tax is applied to are clear from a reading of the statute, which will ease administration of the tax.

The Department also notes that the environmental response, energy, and food security tax currently applies to products of petroleum refining, is levied on a per-barrel basis, and is well-understood by taxpayers. The department suggests that extension of the tax to other forms of fuel be done in a different paragraph. Separating "petroleum products" and "liquid and gaseous fossil fuels" into different paragraphs would allow taxpayers to continue paying the tax on petroleum products without confusion regarding the energy content of those fuels while also applying the tax to liquid and gaseous fossil fuels based on the energy content of those fuels.

Thank you for the opportunity to provide comments.



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

February 7, 2013, 9:00 A.M.
(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF HB 451

Aloha Chair Lee and Members of the Committee:

The Sierra Club, Hawaii Chapter, with over 10,000 dues paying members and supporters statewide, respectfully *supports* HB 451. This measure ensure fairness by applying the barrel tax to other forms of liquid fossil fuels, rather than simply taxing one fuel source: oil. The bill is a smart and needed improvement to Hawaii's historic carbon tax and ensures we don't favor one fossil fuel over another.

This bill could be improved. We suggest including language to impose a proportionate fee on coal imported into the state. As coal provides approximately 10-15% of power in Hawaii, this change would increase the funding available to invest in commonsense measures to advance clean energy, phase out life-threatening oil and coal, clean up Hawaii's air and water, protect our families, and create new jobs. By making such a change, dirty coal could pave the way for a clean and prosperous future for Hawaii.

Mahalo for the opportunity to testify.



HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

February 7, 2013, 9:00 A.M.

Room 325

(Testimony is 3 pages long)

TESTIMONY IN STRONG SUPPORT OF HB 451

Chair Lee and members of the Energy & Environmental Protection Committee:

The Blue Planet Foundation strongly supports HB 451, ensuring that the environmental response, energy, and food security tax (the “barrel tax”) on petroleum imports will also be levied on liquid and gaseous fossil fuels. Blue Planet **requests one amendment** to the bill, because we believe it would be equitable and responsible to extend the barrel tax to liquid, gaseous, and solid fossil fuels such as coal.

Hawaii’s barrel tax law is keystone clean energy policy that provides for dedicated investment in clean energy, funding the critical planning, development, and implementation of clean energy programs that will foster energy security for Hawaii. Blue Planet believes the best way to provide investment funds is by tapping the source of our problem—imported fossil fuel. We have also found, through three separate surveys commissioned by Blue Planet, that Hawaii residents strongly support this taxing policy.

As drafted, the legislative intent of HB 451 is to ensure that if Hawai‘i chooses to import industrial liquefied methane (i.e. natural gas, or “LNG”) barrel tax revenues will not be detrimentally impacted. This is sensible and responsible. The petroleum products currently covered by the barrel tax are fossil fuels, just like LNG. The environmental response, energy, and food security issues addressed by the barrel tax are no less threatened by LNG imports than by any other fossil fuel

Indeed, the myth that LNG is a “clean energy” resource has been scientifically debunked. LNG is comprised primarily of methane (CH₄). Methane is a potent greenhouse gas – more potent than CO₂. On January 3, 2013 the highly respected scientific journal Nature reported on findings presented by NOAA scientists who measured methane leakage rates from LNG wells. The title of that report is “Methane leaks erode green credentials of natural gas.” Among other things, the report notes that the NOAA scientists measured methane leakage from LNG wells in Utah

equating to 9% of well production. This is approximately three times higher than “the 3.2% threshold beyond which gas becomes worse for the climate than coal.” Studies of other well fields and natural gas systems have similarly reported methane leakage exceeding the 3.2% threshold. According to the EPA, “Direct methane emissions released to the atmosphere (without burning) are about 21 times more powerful than CO₂ in terms of their warming effect on the atmosphere.”

It would be unfair, and make little analytical sense, to exempt LNG and other liquid/gaseous fossil fuels from the barrel tax.

The approach taken in HB 451—basing the fossil tax on energy content—is the optimal approach. By taxing all fossil fuels based on their *energy content* (using an approximation of 5.8 Mbtu per barrel of petroleum as the benchmark), the various fuels are rewarded for efficient end-use. For example, if a fuel’s energy content is more efficiently converted to power, the total barrel tax revenues from that fuel source will be lower (because less of the fuel will be imported to produce a given amount of power). Similarly, if a fuel’s energy content is not converted efficiently, then the barrel tax revenues for that fuel will be higher (because more fuel must be imported to make a given amount of power). Thus, the approach outlined in HB 451, based on energy content, is fair, sensible, and rationally related to the environmental and energy purposes of the barrel tax.

Units and rates:

Oil: Barrel (1 barrel = 5.8 Mmbtu). \$1.05/barrel

Gas: Mcf (one thousand cubic feet) (1 Mcf = 1.028 Mmbtu = 0.18 barrel). \$0.19/Mcf

Coal: Short ton (1 st = 22.2 Mmbtu = 3.83 barrel). \$4.02/st

Blue Planet Requests One Amendment:

In their current form, Haw. Rev. Stat. § 243-3.5 and HB 451 essentially provide a “free pass” to coal imports to Hawai‘i. Those coal imports are substantial; Hawai‘i burns more than 700,000 tons per year.¹

To address the free pass currently provided to hundreds of thousands of tons of coal, we propose the following amendment to HB 451. This would bolster the equity of the barrel tax, by levying the exact same charge on each BTU (or barrel equivalent) of oil, gas, or coal burned in Hawai‘i.

(a) In addition to any other taxes provided by law, subject to the exemptions set forth in section 243-7, there is hereby imposed a state

¹ See Energy Information Administration, *available at* <http://www.eia.gov/beta/state/data.cfm?sid=HI#Consumption>.

environmental response, energy, and food security tax on each barrel equivalent of liquid, solid, or gaseous fossil fuels having an energy content of 5,800,000 British Thermal Units sold by a distributor to any retail dealer or end user of fossil fuels, other than a refiner. The tax shall be \$1.05 on each barrel equivalent of liquid, solid, or gaseous fossil fuels having an energy content of 5,800,000 British Thermal Units or fractional part of a barrel equivalent of liquid, solid, or gaseous fossil fuels that is not aviation fuel; provided that of the tax collected pursuant to this subsection:

(1) 5 cents of the tax on each barrel equivalent shall be deposited into the environmental response revolving fund established under section 128D-2;

(2) 15 cents of the tax on each barrel equivalent shall be deposited into the energy security special fund established under section 201-12.8;

(3) 10 cents of the tax on each barrel equivalent shall be deposited into the energy systems development special fund established under section 304A-2169; and

(4) 15 cents of the tax on each barrel equivalent shall be deposited into the agricultural development and food security special fund established under section 141- 10.

The tax imposed by this subsection shall be paid by the distributor of the fossil fuel.

. . .

(d) Every distributor shall keep in the State and preserve for five years a record in such form as the department of taxation shall prescribe showing the total amount of British Thermal Units of liquid, solid, or gaseous fossil fuels by type of liquid, solid, or gaseous fossil fuels sold by the distributor during any calendar month. The record shall show such other data and figures relevant to the enforcement and administration of this chapter as the department may require.

Please forward HB 451 with this proposed amendment.

Thank you for the opportunity to testify.

TAXBILLSERVICE

126 Queen Street, Suite 304

TAX FOUNDATION OF HAWAII

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: FUEL, Environmental response, energy and food security tax on liquid or gaseous fossil fuels

BILL NUMBER: SB 17; HB 451 (Identical)

INTRODUCED BY: SB by Gabbard and 2 Democrats; HB by Lee

BRIEF SUMMARY: Amends HRS section 243-3.5(a) to provide that the environmental response, energy and food security tax shall be imposed on liquid or gaseous fossil fuel that have an energy content of 5,800,000 BTUs.

This act shall be repealed on June 30, 2015 and HRS 243-3.5 shall be reenacted in the form in which it read on June 30, 2010.

EFFECTIVE DATE: July 1, 2013

STAFF COMMENTS: The legislature by Act 300, SLH 1993, enacted an environmental response tax of 5 cents per barrel on petroleum products sold by a distributor to any retail dealer or end user. The legislature by Act 73, SLH 2010, increased the amount of the tax to \$1.05 per barrel and provided that 5 cents of the tax shall be deposited into the environmental response revolving fund; 15 cents shall be deposited into the energy security special fund, 10 cents shall be deposited into the energy systems development special fund; 15 cents shall be deposited into the agricultural development and food security special fund; and the residual of 60 cents shall be deposited into the general fund between 7/1/10 and 6/30/15. This measure would add liquid or gaseous fossil fuel to petroleum products imported into the state as the liquid gas alternative is being explored as a replacement for petroleum. As such, this proposal is nothing more than another attempt to generate more funds for the state or in other words, a tax increase.

It should be remembered that when the environmental response tax was initially adopted, it was established for the purpose of setting up a reserve should an oil spill occur on the ocean waters that would affect Hawaii's shoreline. The nexus was between the oil importers and the possibility that a spill might occur as the oil product was being imported into the state. While this measure would impose the environmental response tax on all liquid and gaseous fossil fuels beginning on July 1, 2013, the remedial action due to a "gas leak" is no where as hazardous to the environment as other fossil fuels, it is questionable why they would be subject to same tax rate.

Now that the fund has become a cash cow, lawmakers have placed other responsibilities on the fund, including environmental protection and natural resource protection programs, such as energy conservation and alternative energy development, to address concerns related to air quality, global warming, clean water, polluted runoff, solid and hazardous waste, drinking water, and underground storage tanks, including support for the underground storage tank program of the department of health.

It should be noted that the enactment of the barrel tax for the environmental response revolving fund is the classic effort of getting one's foot in the door as it was initially enacted with a palatable and acceptable tax rate of 5 cents and subsequently increasing the tax rate once it was enacted which is what it has morphed into as evidenced by the \$1.05 tax rate. Because the tax is imposed at the front end of the product chain, the final consumer does not know that the higher cost of the product is due to the tax. Thus, there is little, if any, accountability between the lawmakers who enacted the tax and the vast majority of the public that ends up paying the tax albeit indirectly. Proponents ought to be ashamed that they are promoting a less than transparent tax increase in the burden on families all in the name of environmental protection and food security.

It should be remembered that the State Auditor has singled out the environmental response revolving fund as not meeting the criteria established and 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. More importantly, it should be recognized that it is not only the users of petroleum products who benefit from a cleaner environment, but it is the public who benefits. If this point can be accepted, then the public, as a whole, should be asked to pay for the clean up and preservation of the environment.

Funds deposited into a revolving 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 programs should not compete for general funds like all other programs which benefit the community as a whole.

Rather than perpetuating the problems of the barrel tax, it 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 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. Again, this proposal is nothing more than another effort to expand state government at the expense of the taxpayer and the economy.

Digested 1/30/13



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
House Committee on Energy & Environmental Protection
Thursday, February 7, 2013 at 9:00 am

by

Richard Rocheleau, Director
Hawai'i Natural Energy Institute
School of Ocean and Earth Science and Technology
University of Hawai'i at Mānoa

HB 451 – RELATING TO FOSSIL FUELS

Chair Lee, Vice-Chair Thielen, and members of the committee:

My name is Richard Rocheleau, Director of the Hawai'i Natural Energy Institute at the University of Hawai'i at Mānoa. We support HB 451 which proposes to amend section 243-3.5, HRS to redefine the products on which the state environmental response, energy, and food security tax is levied as “each barrel equivalent of liquid or gaseous fossil fuels”.

The portion of the barrel tax that is devoted to energy is crucial in advancing policy initiatives and new efficient and economic energy technologies and will help ensure that Hawai'i continues to move forward to meet its clean energy goals. Amending the law to define the taxed product as “each barrel equivalent of liquid or gaseous fossil fuels” will ensure the intent of the law is not averted, and the revenue stream it provides will not be diminished should liquefied natural gas, or other fossil fuel products not covered by the current law, be imported to the state and displace a portion of our use of petroleum products.



Thursday, February 7, 2013 9:00 A.M.
State Capitol, Conference Room 325
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Testimony in Opposition with proposed amendments of HB 451

Chair Lee, Vice Chair Thielen, Members of the House Committee on Energy & Environmental Protection, my name is Joe Boivin and I am the Senior Vice President for Public Affairs and Communications at HAWAII'IGAS testifying in opposition, with proposed amendments to HB 451. HAWAII'IGAS is the only franchised gas utility in the state of Hawai'i, providing gas service to over 70,000 utility and tank and bottled gas customers throughout the state. We currently make most of our gas on O'ahu by refining naphtha supplied by the Tesoro Refinery into synthetic natural gas. With the pending shut down of the Tesoro Refinery, HAWAII'IGAS is moving forward with a plan to bring liquefied natural gas ("LNG") from the Continental United States to Hawai'i within the next several months. LNG will first be used as backup for our existing customers in the event of a supply disruption. We plan to eventually expand the use of LNG to further reduce our reliance on naphtha and serve the needs of specialized customers on Oahu and neighbor islands.

HAWAII'IGAS opposes HB451 as written because it does not fairly treat natural gas as a clean energy resource. According to the Environmental Protection Agency¹, natural gas emits 33% less carbon dioxide, four (4) times less nitrogen oxide, a thousand (1,000) time less sulfur dioxide and ten (10) times less particulates when burned as compared to oil or coal. Placing an environmental tax on fuel sources based on their energy content of \$1.05 per 5.8 million British

¹ See Environmental Protection Agency website Calculations and References at <http://www.epa.gov/cleanenergy/energy-resources/refs.html>

Thermal Units does not adequately reflect the different environmental impacts of each resource. Nor does the tax consider the environmental impacts of burning coal, which is a primary source of fossil fuel energy in Hawai'i.

HAWAI'IGAS therefore proposes HB 451 be amended to tax the potential carbon dioxide emissions from coal, petroleum and other liquid and gaseous fuels at a rate of \$2.44 per metric ton. This amount is equivalent to the \$1.05 per 5.8 million British Thermal Units for oil and would therefore yield the same amount of revenue from oil. In this way, energy sources with the highest carbon emissions are also the taxed the most to drive Hawaii to cleaner fuels.

Thank you.

relating to fossil fuels.

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

SECTION 1. The legislature finds that there are significant benefits to importing natural gas as a fuel source, including greenhouse gas reduction and cost savings for energy customers. Coal and petroleum fossil fuel products currently used in Hawai`i emit far more pollutants such as carbon dioxide, sulfur oxide, nitrogen oxide and particulate matter than gaseous fuels. However, the importation of liquid natural gas will decrease the revenue derived from the environmental response, energy, and food security tax on petroleum products. The purpose of this Act is to levy the environmental response, energy, and food security tax on all imported energy sources, including coal and petroleum fossil fuels and clean natural gas, based on their carbon dioxide content to help drive Hawaii to cleaner energy future.

SECTION 2. Section 243-3.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) In addition to any other taxes provided by law, subject to the exemptions set forth in section 243-7, there is hereby imposed a state environmental response, energy, and food security tax on [each barrel or fractional part of a barrel of petroleum product] fossil fuels based on their respective amount of potential emission of carbon dioxide sold by a distributor to any retail dealer or end user of [petroleum product,] fossil fuels, other than a refiner. The tax shall be \$2.44 per metric ton of potential emission of carbon dioxide or fractional part thereof [on each barrel or fractional part of a barrel] of [petroleum product] fossil fuels that is not aviation fuel; provided that of the tax collected pursuant to this subsection:

(1) 4.76% [5 cents] of the tax [on each barrel] shall be deposited into the environmental response revolving fund established under section 128D-2;

(2) 14.28% [15 cents] of the tax [on each barrel] shall be deposited into the energy security special fund established under section 201-12.8;

(3) 9.52% [10 cents] of the tax on [each barrel] shall be deposited into the energy systems development special fund established under section 304A-2169; and

(4) 14.28% [15 cents] of the tax [on each barrel] shall be deposited into the agricultural development and food security special fund established under section 141-10.

The tax imposed by this subsection shall be paid by the distributor of the [petroleum product.] fossil fuel."

2. By amending subsection (d) to read:

"(d) Every distributor shall keep in the State and preserve for five years a record in such form as the department of taxation shall prescribe showing the total [number of barrels and the fractional part of barrels of petroleum product] number of units of fossil fuel sold by the distributor during any calendar month. The record shall show such other data and figures relevant to the enforcement and administration of this chapter as the department may require."

3. By adding a new subsection (e) to read:

"(e) The tax for each fossil fuel shall be administered pursuant to this subsection:

(1) \$1.05 per barrel of petroleum products;

(2) \$6.25 per metric ton of coal; and

(3) \$0.12 per thousand cubic feet of gaseous fuel.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2013, and shall be repealed on June 30, 2015; provided that section 243-3.5, Hawaii Revised Statutes, shall be reenacted in the form in which it read on June 30, 2010.

thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 04, 2013 5:28 PM
To: EEPtestimony
Cc: mz@conservehi.org
Subject: *Submitted testimony for HB451 on Feb 7, 2013 09:00AM*

HB451

Submitted on: 2/4/2013

Testimony for EEP on Feb 7, 2013 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Marjorie Ziegler		Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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thielen3 - Charles

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 05, 2013 9:25 AM
To: EEPtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB451 on Feb 7, 2013 09:00AM*

HB451

Submitted on: 2/5/2013

Testimony for EEP on Feb 7, 2013 09:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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