A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM.

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

1	PART I
2	SECTION 1. The legislature finds that significant
3	investment in clean energy technology and infrastructure will be
4	required to achieve the State's goals of energy self-
5	sufficiency, energy security, and energy diversification.
6	Additional investment is also needed to meet the renewable
7	portfolio and energy efficiency portfolio standards in chapter
8	269, Hawaii Revised Statutes, as well as Hawaii clean energy
9	initiative's target of one hundred sixty-five million gallons of
10	petroleum used per year for ground transportation by 2030. The
11	current aggregate level of green infrastructure investment is in
12	excess of \$15,350,000,000.
13	The legislature also finds that green infrastructure
14	investment supports Hawaii's evolving energy market and provides
15	affordable options for Hawaii's ratepayers. Due to the
16	significant amount of capital required for green infrastructure

- 1 investment, the State must leverage private investment with
- 2 limited public funds. A growth in the clean energy market will
- 3 reduce the cost of clean energy for ratepayers, drive job
- 4 creation, and save billions of taxpayer dollars currently being
- 5 spent on importing petroleum oil.
- 6 The legislature has made various efforts to invest in green
- 7 technology. Act 155, Session Laws of Hawaii 2009, established
- 8 the building energy efficiency revolving loan fund to provide
- 9 low cost financing to eligible public, private, and nonprofit
- 10 borrowers to make energy efficiency improvements to buildings.
- 11 Act 211, Session Laws of Hawaii 2013, established the Hawaii
- 12 green infrastructure authority to make cost-effective green
- 13 infrastructure financing options accessible and affordable to
- 14 customers under the green energy market securitization loan
- 15 program.
- 16 The legislature further finds that a significant barrier to
- 17 clean energy adoption has been the unavailability of flexible
- 18 financing and low-cost capital. Building Hawaii's clean energy
- 19 infrastructure at the lowest possible cost is vital to reach the
- 20 State's goal of one hundred per cent clean energy by 2045.
- 21 Public funds must be used in a sustainable manner to

1 simultaneously spark customer demand for clean energy technology 2 and attract private investment in green technology. It is the 3 State's goal that each public dollar spent will have an 4 investment multiplier effect throughout the green technology 5 industry. 6 The legislature also finds that a variety of financing 7 options must be available to support Hawaii's clean energy 8 investment. Ratepayer-funded programs, such as energy 9 efficiency rebates and the green energy market securitization **10** loan program, have made progress but do not serve all ratepaying 11 customers or the entire clean energy technology market. 12 green energy market securitization loan program has facilitated over \$110,000,000 in solar photovoltaic and energy efficiency 13 projects, but the program is not able to serve all ratepayers 14 15 and focuses only on established technology. The green energy 16 market securitization bond was an innovative use of a rate 17 reduction bond, but due to the time lag between the issuance of 18 the bond and expenditures for improvements, using this bond 19 financing was inefficient compared to using revolving loan 20 funds, which are expended annually and in a more expedient 21 manner.

1 Further, the coronavirus disease 2019 pandemic has had 2 significant negative impacts on Hawaii's tourist industry and 3 economy, resulting in projections of severe state budgetary 4 shortfalls over the next four years. With only a limited number 5 of financing mechanisms available for state agencies to install 6 solar photovoltaic systems, state agencies have historically 7 lowered their energy costs by entering into energy performance 8 contracts and power purchase agreements with private partners to 9 install and own energy retrofits and solar systems on their 10 behalf. While individual results are dependent on the 11 negotiated terms of the consummated energy performance contract 12 or power purchase agreement, many of these arrangements have 13 successfully reduced the cost of energy for the State. 14 Additionally, most agreements include an option for state 15 agencies to purchase the installed equipment during the term of the agreement. Using an actual power purchase agreement between 16 **17** a state agency and an investor executed on September 30, 2016, 18 as an example, over the twenty-year term of the power purchase 19 agreement, the agency is estimated to reduce its energy cost by 20 forty-two per cent. If, however, this state agency had access 21 to financing under the green infrastructure loan program to

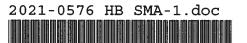
- 1 exercise its purchase option, over the same twenty-year term of
- 2 the power purchase agreement, the agency is projected to reduce
- 3 its energy cost by sixty-one per cent. This sixty-one per cent,
- 4 which includes the loan repayment and ongoing equipment
- 5 maintenance costs, creates a new source of cash flow for the
- 6 agency.
- With the number of energy performance contracts and power
- 8 purchase agreements in existence throughout the State, there is
- 9 a tremendous opportunity for additional energy savings: savings
- 10 that can be utilized to finance the conversion of the State's
- 11 retiring internal combustion fleet to short-term leases on
- 12 electric vehicles as well as install electric vehicle charging
- 13 systems, while remaining budget neutral. Using the example
- 14 above, this agency could install one level three charging system
- 15 and lease seven electric vehicles with its savings.
- 16 The purpose of this part is to strengthen the Hawaii green
- 17 infrastructure authority's ability to support investment in
- 18 clean energy technology, including electric vehicles and
- 19 electric vehicle charging systems and infrastructure by:

1	(1)	creating a clean energy and energy efficiency
2		revolving loan fund to finance a broad range of clean
3		energy technologies;
4	(2)	Repealing the building energy efficiency revolving
5		loan fund;
6	(3)	Expanding the objective of the \$50,000,000 sub-fund to
7		allow state agencies to finance their purchase option
8		under existing energy performance contracts and power
9		purchase agreements to further reduce and stabilize
10		future energy costs, with the option to utilize
11		savings to finance the installation of electric
12		vehicle charging systems and lease or purchase
13		electric vehicles; and
14	(4)	Making an appropriation out of the clean energy and
15		energy efficiency revolving loan fund to provide clean
16		energy investment loans or for other approved uses.
17	SECT	ION 2. Chapter 196, Hawaii Revised Statutes, is
18	amended by	y adding a new section to part IV to be appropriately
19	designate	d and to read as follows:
20	" <u>§19</u>	6- Clean energy and energy efficiency revolving loan
21	fund. (a) There is established in the Hawaii green

1	infrastru	cture special fund established under section 196-65,
2	the clean	energy and energy efficiency revolving loan fund,
3	similar t	o a revolving line of credit, which shall be
4	administe	red by the authority. Funds deposited into the clean
5	energy an	d energy efficiency revolving loan fund shall not be
6	under the	jurisdiction of, nor be subject to approval by, the
7	Hawaii pu	blic utilities commission, and shall include:
8	(1)	Any amounts, up to a total amount not to exceed
9		\$50,000,000, of moneys borrowed by the Hawaii green
10		infrastructure authority, with the approval of the
11		governor, from federal, county, private, or other
12		funding sources, pursuant to part III of chapter 39;
13	(2)	Funds from federal, state, county, private, or other
14		<pre>funding sources;</pre>
15	(3)	Investments from public or private investors;
16	(4)	Moneys received as repayment of loans and interest
17		payments; provided that the repayment of loans and
18		interest payments under this paragraph shall not
19		include repayment of loans and interest collected as a
20		result of funds advanced from proceeds of the green
21		energy market securitization bonds; and

1	(5)	Any fees collected by the authority under this
2		section; provided that moneys collected as a result of
3		the funds advanced from proceeds of the green energy
4		market securitization bonds be kept separate from fees
5		collected as a result of funds advanced from proceeds
6		of this clean energy and energy efficiency loan fund.
7	(b)	Moneys in the clean energy and energy efficiency
8	revolving	loan fund shall be used to provide low-cost loans at
9	below-mar	ket rates or other authorized financial assistance to
10	eligible	public, private, and nonprofit borrowers for clean
11	energy in	vestments or other authorized uses or both, on terms
12	approved	by the authority. Moneys from the fund may be used to
13	cover adm	inistrative and legal costs of fund management and
14	managemen	t associated with individual loans, which include
15	personnel	, services, technical assistance, data collection and
16	reporting	, materials, equipment, and travel for the purposes of
17	this sect	ion.
18	<u>(c)</u>	Appropriations or authorizations from the clean energy
19	and energ	y efficiency revolving loan fund shall be expended by
20	the autho	rity. The authority may contract with other public or
21	private e	ntities for the provision of all or a portion of the

- 1 services necessary for the administration and implementation of
- 2 the loan fund program. The authority may set fees or charges
- 3 for fund management and technical site assistance provided under
- 4 this section. The authority may adopt rules pursuant to chapter
- 5 91 to carry out the purposes of this section.
- 6 (d) All interest earned on the loans, deposits, or
- 7 investments of the moneys in the fund shall become part of the
- 8 fund.
- 9 (e) The authority may establish subaccounts within the
- 10 fund as necessary."
- 11 SECTION 3. Section 196-61, Hawaii Revised Statutes, is
- 12 amended by adding fifteen new definitions to be appropriately
- inserted and to read as follows:
- ""Clean energy investments" means the purchase or
- 15 installation, or both, of clean energy technology, including
- 16 energy efficiency measures, green transportation infrastructure,
- 17 recycling, and renewable energy technology.
- 18 "Electric vehicle" has the same meaning as defined in
- **19** section 291-71.
- 20 "Electric vehicle charging system" has the same meaning as
- 21 defined in section 291-71.



1	"Energy performance contract" has the same meaning as
2	defined in section 36-41.
3	"Green energy money saver on-bill program" means the
4	tariff-based on-bill repayment mechanism approved for the
5	exclusive use of the authority by the public utilities
. 6	commission.
7	"Green infrastructure loan program" means the loan program
8	established under part IV and capitalized by the issuance of the
9	green energy market securitization bonds.
10	"Limited liability company" means a limited liability
11	company formed under chapter 428.
12	"Loan fund program" means the clean energy and energy
13	efficiency revolving loan fund program.
14	"Option to purchase" means a legally binding agreement
15	between a buyer and a seller, which gives the buyer the option,
16	but not the obligation, to purchase the solar system or other
17	installed equipment at an agreed upon price, prior to the
18	maturity date of the power purchase agreement or energy
19	performance contract.
20	"Power purchase agreement" means a contract between two
21	parties, one that generates electricity, or the seller; and one



- 1 that seeks to purchase electricity, or the buyer. The power
- 2 purchase agreement defines all of the commercial terms for the
- 3 sale of electricity between the two parties.
- 4 "Qualified security" shall have the same meaning as defined
- 5 in section 227D-1.
- 6 "Renewable energy" shall have the same meaning as defined
- 7 in section 269-91.
- 8 "Renewable energy technology" means the equipment and
- 9 related accessories required to generate or produce renewable
- 10 energy.
- "Special purpose entity" means a legal entity created to
- 12 fulfill narrow, specific, or temporary objectives and is
- 13 typically used by companies to isolate the firm from financial
- 14 risk.
- "Subaccount" means a fund that is established within, but
- 16 separate from, another fund and is reserved for a specific
- 17 purpose."
- 18 SECTION 4. Section 196-62.5, Hawaii Revised Statutes, is
- 19 amended to read as follows:
- 20 "[+] §196-62.5[+] Financing for state government agencies.
- 21 (a) [With the approval of the governor, a] Any state agency may



- 1 apply for financing, subject to availability under the revolving
- 2 line of credit for fiscal year [2018-2019,] 2021-2022, and
- 3 annually thereafter, from the green infrastructure loan program
- 4 pursuant to section 196-65(b)(2), upon terms and conditions as
- 5 are agreed to between the department or agency and the Hawaii
- 6 green infrastructure authority; provided that the loans shall be
- 7 issued at an interest rate of 3.5 per cent a year; provided
- 8 further that the loans shall not adversely affect the
- 9 sustainability of the sub-fund or Hawaii green infrastructure
- 10 special fund such that the replenishment of funds requires a
- 11 higher interest rate in other financing agreements or an
- 12 appropriation from the general fund.
- (b) [An] As may be applicable, an agency shall consult
- 14 with the public benefits fee administrator of the public
- 15 utilities commission prior to planning an energy-efficiency
- 16 measure subject to this section. The agency's proposed energy-
- 17 efficiency measures shall meet or exceed the public benefits fee
- 18 administrator's enhanced efficiency levels and requirements to
- 19 be eligible for the Hawaii green infrastructure loan program.
- 20 The agency shall coordinate with the public benefits fee
- 21 administrator throughout the entire project cycle to ensure that

- 1 energy efficiency is maximized. All supporting documentation
- 2 required by the public benefits fee administrator shall be
- 3 provided by the agency to ensure compliance with the State's
- 4 energy-efficiency portfolio standard under section 269-96.
- 5 (c) An agency shall submit an expenditure plan to the
- 6 executive director of the Hawaii green infrastructure authority,
- 7 who shall serve as the fiscal administrator for the loans issued
- 8 pursuant to subsection (a) and shall make payment on behalf of
- 9 the agency, as appropriate, upon submission of requests for
- 10 payment from the agency.
- 11 (d) Beginning with fiscal year [2018-2019,] 2021-2022, and
- 12 annually thereafter, an agency shall repay a loan issued
- 13 pursuant to subsection (a) using general revenue savings that
- 14 result from reduced [utility] energy costs due to
- 15 [implementation of] financing the purchase of solar systems or
- 16 other clean energy equipment, implementing energy-efficient
- 17 lighting and other energy-efficiency measures [-], as well as
- 18 operational and fuel cost savings achieved by the conversion of
- 19 internal combustion vehicles to electric vehicles."
- 20 SECTION 5. Section 196-64, Hawaii Revised Statutes, is
- 21 amended to read as follows:



1	" [+]	§196-64[] Functions, powers, and duties of the
2	authority	. (a) In the performance of, and with respect to the
3	functions	, powers, and duties vested in the authority by this
4	part, the	authority, as directed by the director and in
5	accordance	e with a green infrastructure loan program order or
6	orders un	der section 269-171 or an annual plan submitted by the
7	authority	pursuant to this section, as approved by the public
8	utilities	commission, for the green energy market securitization
9	loan prog	ram, may:
10	(1)	Make loans and expend funds to finance the purchase or
11		installation of green infrastructure equipment for
12		clean energy technology, demand response technology,
13		and energy use reduction and demand side management
14		infrastructure, programs, and services;
15	(2)	Hold and invest moneys in the green infrastructure
16		special fund in investments as permitted by law and in
17		accordance with approved investment guidelines
18		established in one or more orders issued by the public
19		utilities commission pursuant to section 269-171;
20	(3)	Hire employees necessary to perform its duties,
21		including an executive director. The executive

1		director shall be appointed by the authority, and the
2		employees' positions, including the executive
3		director's position, shall be exempt from chapter 76;
4	(4)	Enter into contracts for the service of consultants
5		for rendering professional and technical assistance
6		and advice, and any other contracts that are necessary
7		and proper for the implementation of the loan program;
8	(5)	Enter into contracts for the administration of the
9		loan program, without the necessity of complying with
10		chapter 103D;
11	(6)	Establish loan program guidelines to be approved in
12		one or more orders issued by the public utilities
13		commission pursuant to section 269-171 to carry out
14		the purposes of this part;
15	(7)	Be audited at least annually by a firm of independent
16		certified public accountants selected by the
17		authority, and provide the results of this audit to
18		the department and the public utilities commission;
19		and
20	(8)	Perform all functions necessary to effectuate the
21		purposes of this part.

1	(b)	The authority shall submit to the public utilities
2	commissio	n an annual plan for the green energy market
3	securitiz	ation loan program for review and approval no later
4	than nine	ty days prior to the start of each fiscal year. The
5	annual pl	an submitted by the authority shall include the
6	authority	's projected operational budget for the succeeding
7	fiscal ye	ar.
8	(c)	In the performance of the functions, powers, and
9	duties ve	sted in the authority by this part, the authority shall
10	administe	r the clean energy and energy efficiency revolving loan
11	fund purs	uant to section 196- , and may:
12	(1)	Make loans and expend funds to finance the purchase or
13		installation of clean energy technology and services;
14	(2)	Implement and administer loan programs on behalf of
15		other state departments or agencies through a
16		memorandum of agreement and expend funds appropriated
17		to the department or agency for purposes authorized by
18		the legislature;
19	(3)	Utilize all repayment mechanisms, including the green
20		energy money saver on-bill program, financing tools,

1		servicing and other arrangements, and sources of
2		capital available to the authority;
3	(4)	Exercise powers to organize and establish special
4		purpose entities as limited liability companies under
5		the laws of the State;
6	<u>(5)</u>	Acquire, hold, and sell qualified securities;
7	<u>(6)</u>	Pledge unencumbered net assets, loan receivable,
8		assigned agreements, and security interests over
9		equipment financed, as collateral for the authority's
10		borrowings from federal, county, or private lenders or
11		agencies;
12	(7)	Utilize the employees of the authority, including the
13		executive director;
14	(8)	Enter into contracts for the service of consultants
15		for rendering professional and technical assistance
16		and advice, and any other contracts that are necessary
17		and proper for the implementation of the loan fund
18		program;
19	(9)	Enter into contracts for the administration of the
20		loan fund program, without the necessity of complying
21		with chapter 103D;



1	(10)	Establish loan fund program guidelines;
2	(11)	Be audited at least annually by a firm of independent
3		certified public accountants selected by the
4		authority, and provide the results of this audit to
5		the department and the legislature; and
6	(12)	Perform all functions necessary to effectuate the
7		purposes of this part.
8	<u>(d)</u>	The authority shall submit an annual report for the
9	clean ene	rgy and energy efficiency revolving loan fund to the
10	legislatu	re no later than twenty days prior to the convening of
11	each regu	lar session describing the projects funded and the
12	projected	energy impacts."
13	SECT	ION 6. Section 196-65, Hawaii Revised Statutes, is
14	amended by	y amending subsection (b) to read as follows:
15	"(b)	Moneys in the Hawaii green infrastructure special
16	fund may	be used, subject to the approval of the public
17	utilities	commission, for the purposes of:
18	(1)	Making green infrastructure loans, including for
19		installation costs for energy-efficient lighting and
20		other energy-efficiency measures[+], to finance the
21		option to purchase solar systems and other clean

1		energy equipment under existing power purchase
2		agreements and energy performance contracts, finance
3		the purchase or lease of electric vehicles, and to
4		install electric vehicle charging systems;
5	(2)	Creating a \$50,000,000 sub-fund, as a revolving line
6		of credit within the Hawaii green infrastructure
7		special fund, for any state agency to obtain financing
8		to implement cost-effective energy-efficiency
9		measures[+], finance the option to purchase solar
10		systems and other clean energy equipment under
11		existing power purchase agreements and energy
12		performance contracts, finance the purchase or lease
13		of electric vehicles, and to install electric vehicle
14		charging systems;
15	(3)	Paying administrative costs of the Hawaii green
16		infrastructure loan program;
17	(4)	Paying any other costs related to the Hawaii green
18		infrastructure loan program; or
19	(5)	Paying financing costs, as defined in section 269-161,
20		to the extent permitted by the public utilities



1		commission in a financing order issued pursuant to
2		section 269-163."
3	SECT	ION 7. Section 201-12.8, Hawaii Revised Statutes, is
4	amended by	amending subsection (b) to read as follows:
5	"(b)	Subject to legislative appropriation, moneys from the
6	fund may h	be expended by the Hawaii state energy office for the
7	following	purposes and used for no other purposes, except for
8	those set	forth in this section:
9	(1)	To support the Hawaii clean energy initiative program
10		and projects that promote and advance dependable and
11		affordable energy, renewable energy, energy
12		efficiency, energy self-sufficiency, and greater
13		energy security and resiliency for the State and
14		<pre>public facilities;</pre>
15	(2)	To fund, to the extent possible, the climate change
16		mitigation and adaptation commission and the
17		greenhouse gas sequestration task force;
18	(3)	To support achieving the zero emissions clean economy
19		target set forth in section 225P-5;
20	[(4)	To fund the building energy efficiency revolving loan
21		fund established in section 201-20;



1	$\frac{(5)}{(4)}$ To fund projects and incentives to promote the
2	adoption of clean transportation technologies, develop
3	clean vehicle charging infrastructure, and upgrade
4	infrastructure to support the development of clean
5	vehicle charging infrastructure; and
6	$[\frac{(6)}{(5)}]$ To fund, to the extent possible, the duties of
7	the state building code council in section 107-24, as
8	they relate to the development of energy conservation
9	codes."
10	SECTION 8. Section 201-20, Hawaii Revised Statutes, is
11	repealed.
12	["[\$201-20] Building energy efficiency revolving loan
13	fund. (a) There is established in the state treasury the
14	building energy efficiency revolving loan fund which shall be
15	administered by the department, and into which shall be
16	deposited:
17	(1) Funds from federal, state, county, private, or other
18	<pre>funding sources;</pre>
19	(2) Moneys received as repayment of loans and interest
20	payments; and



1	(3) Any fees collected by the department under this
2	section.
3	(b) Moneys in the building energy efficiency revolving
4	loan fund shall be used to provide low or no interest loans or
5	other authorized financial assistance to eligible public,
6	private, and nonprofit borrowers to make energy efficiency
7	improvements in buildings. Moneys from the fund may be used to
8	cover administrative and legal costs of fund management and
9	management associated with individual loans, to include
10	personnel, services, technical assistance, data collection and
11	reporting, materials, equipment, and travel for the purposes of
12	this section.
13	(c) Appropriations or authorizations from the fund shall
14	be expended by the department. The department may contract with
15	other public or private entities for the provision of all or a
16	portion of the services necessary for the administration and
17	implementation of the loan fund program. The department may set
18	fees or charges for fund management and technical site
19	assistance provided under this section. The department may
20	adopt rules pursuant to chapter 91 to carry out the purposes of
21	this section.

1	(d) All interest earned on the deposit or investment of
2	the moneys in the fund shall become a part of the fund.
3	(e) The department may establish subaccounts within the
4	fund as necessary."]
5	SECTION 9. There is appropriated out of the clean energy
6	and energy efficiency revolving loan fund the sum of \$50,000,000
7	or so much thereof as may be necessary for fiscal year 2021-2022
8	to provide loans or other financial assistance to eligible
9	borrowers for clean energy investments or other authorized uses.
10	The sum appropriated shall be expended by the Hawaii green
11	infrastructure authority for the purposes of this Act.
12	PART II
13	SECTION 10. The legislature finds that the Hawaii green
14	infrastructure authority has better financial expertise than the
15	Hawaii film office to evaluate the paperwork submitted for the
16	motion picture, digital media, and film production income tax
17	credit.
18	Accordingly, the purpose of this part is to make the Hawaii
19	green infrastructure authority, instead of the department of
20	business, economic development, and tourism, the administering

1	agency for the motion picture, digital media, and film
2	production income tax credit.
3,	SECTION 11. Section 196-64, Hawaii Revised Statutes, is
4	amended by amending subsection (a) to read as follows:
5	"(a) In the performance of, and with respect to the
6	functions, powers, and duties vested in the authority by this
7	part, the authority, as directed by the director and in
8	accordance with a green infrastructure loan program order or
9	orders under section 269-171 or an annual plan submitted by the
10	authority pursuant to this section, as approved by the public
11	utilities commission may:
12	(1) Make loans and expend funds to finance the purchase or
13	installation of green infrastructure equipment for
14	clean energy technology, demand response technology,
15	and energy use reduction and demand side management
16	infrastructure, programs, and services;
17	(2) Hold and invest moneys in the green infrastructure
18	special fund in investments as permitted by law and in
19	accordance with approved investment guidelines
20	established in one or more orders issued by the public

utilities commission pursuant to section 269-171;

21

•	(3)	Hire employees necessary to perform its duties,
2		including an executive director. The executive
3		director shall be appointed by the authority, and the
4		employees' positions, including the executive
5		director's position, shall be exempt from chapter 76;
6	(4)	Enter into contracts for the service of consultants
7		for rendering professional and technical assistance
8		and advice, and any other contracts that are necessary
9		and proper for the implementation of the loan program;
10	(5)	Enter into contracts for the administration of the
11		loan program, without the necessity of complying with
12		chapter 103D;
13	(6)	Establish loan program guidelines to be approved in
14		one or more orders issued by the public utilities
15		commission pursuant to section 269-171 to carry out
16		the purposes of this part;
17	(7)	Be audited at least annually by a firm of independent
18		certified public accountants selected by the
19		authority, and provide the results of this audit to
20		the department and the public utilities commission;
21		[and]

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1
         (8) Administer the motion picture, digital media, and film
2
              production tax credit pursuant to section 235-17; and
3
        [\frac{(8)}{(9)}] (9) Perform all functions necessary to effectuate the
4
              purposes of this part."
5
         SECTION 12. Section 235-17, Hawaii Revised Statutes, is
6
    amended as follows:
7
         1. By amending subsection (f) to read:
8
               To receive the tax credit, the taxpayer shall first
9
    prequalify the production for the credit by registering with the
10
    [department of business, economic development, and tourism]
11
    Hawaii green infrastructure authority during the development or
12
    preproduction stage."
13
         2. By amending subsections (h) and (i) to read:
14
         "(h) Every taxpayer claiming a tax credit under this
15
    section for a qualified production shall, no later than ninety
16
    days following the end of each taxable year in which qualified
17
    production costs were expended, submit a written, sworn
18
    statement to the [department of business, economic development,
    and tourism, ] Hawaii green infrastructure authority, together
19
20
    with a verification review by a qualified certified public
21
    accountant using procedures prescribed by the [department of
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1	business,	economic development, and tourism, Hawaii green
2	infrastru	cture authority, identifying:
3	(1)	All qualified production costs as provided by
4		subsection (a), if any, incurred in the previous
5		taxable year;
6	(2)	The amount of tax credits claimed pursuant to this
7		section, if any, in the previous taxable year; and
8	(3)	The number of total hires versus the number of local
9		hires by category and by county.
10	This info	rmation may be reported from the department of
11	business,	economic development, and tourism to the legislature
12	in redact	ed form pursuant to subsection (i)(4).
13	(i)	The [department of business, economic development, and
14	tourism]	Hawaii green infrastructure authority shall:
15	(1)	Maintain records of the names of the taxpayers and
16		qualified productions thereof claiming the tax credits
17		under subsection (a);
18	(2)	Obtain and total the aggregate amounts of all
19		qualified production costs per qualified production
20		and per qualified production per taxable year;

1	(3)	Provide a letter to the director of taxation
2		specifying the amount of the tax credit per qualified
3		production for each taxable year that a tax credit is
4		claimed and the cumulative amount of the tax credit
5		for all years claimed; and
6	(4)	Submit a report to the legislature no later than
7		twenty days prior to the convening of each regular
8		session detailing the non-aggregated qualified
9		production costs that form the basis of the tax credit
10		claims and expenditures, itemized by taxpayer, in a
11		redacted format to preserve the confidentiality of the
12		taxpayers claiming the credit.
13	Upon	each determination required under this subsection, the
14	[departme	nt of business, economic development, and tourism]
15	Hawaii gr	een infrastructure authority shall issue a letter to
16	the taxpay	yer, regarding the qualified production, specifying the
17	qualified	production costs and the tax credit amount qualified
18	for in eac	ch taxable year a tax credit is claimed. The taxpayer
19	for each	qualified production shall file the letter with the
20	taxpayer':	s tax return for the qualified production to the
21	department	t of taxation. Notwithstanding the authority of the

1 [department of business, economic development, and tourism] 2 Hawaii green infrastructure authority under this section, the director of taxation may audit and adjust the tax credit amount 3 4 to conform to the information filed by the taxpayer." 5 PART III 6 SECTION 13. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored. 7 8 SECTION 14. This Act shall take effect on July 1, 2021. 9 INTRODUCED BY: JAN 2 6 2021

Report Title:

Clean Energy and Energy Efficiency Revolving Fund; Building Energy Efficiency Revolving Loan Fund; Energy Financing for State Agencies; Hawaii Green Infrastructure Authority; Appropriation

Description:

Part I: Establishes the clean energy and energy efficiency revolving loan fund. Repeals the building energy efficiency revolving loan fund. Authorizes moneys in the green infrastructure special fund to be used to finance the option to purchase solar systems and other clean energy equipment, including the purchase or lease of electric vehicles. Appropriates funds out of the clean energy and energy efficiency revolving loan fund. Part II: Replaces the Department of Business, Economic Development, and Tourism with the Hawaii Green Infrastructure Authority as the administering agency for the motion picture, digital media, and film production income tax credit.

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