
A BILL FOR AN ACT

RELATING TO TAXATION.

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

1 SECTION 1. The legislature finds that assessing a tax on
2 producers and importers of fossil fuels has been successful in
3 countries around the world in reducing the consumption of fossil
4 fuels. The effect of the tax, which is commonly known as a
5 carbon price or carbon tax, has been to reduce the emission of
6 greenhouse gases, leading to a more sustainable environment and
7 reducing local air pollution.

8 Dozens of eminent economists have endorsed a policy that
9 taxes carbon and returns revenues, commonly known as dividends,
10 to households. The University of Hawai'i Economic Research
11 Organization (UHERO) conducted a study on a carbon tax that was
12 released in April 2021 entitled, "Carbon Pricing Assessment for
13 Hawai'i: Economic and Greenhouse Gas Impacts". The study
14 explored how a carbon tax and dividend policy would affect
15 Hawai'i and found that it would substantially reduce the
16 consumption of fossil fuels while financially benefiting most



1 Hawai'i households. Low-income households would experience the
2 greatest financial benefit.

3 As of 2022, a total of 3,623 economists had signed a
4 statement on carbon dividends endorsing a carbon tax, including
5 twenty-eight Nobel Laureate economists, four former Chairs of
6 the Federal Reserve, and fifteen former Chairs of the Council of
7 Economic Advisors. The statement reads, in part: "A carbon tax
8 offers the most cost-effective lever to reduce carbon emissions
9 at the scale and speed that is necessary." The statement goes
10 on to say that the carbon tax should be increased until emission
11 reduction goals are met. It continues by stating: "To maximize
12 the fairness and political viability of a rising carbon tax, all
13 the revenue should be returned directly to U.S. citizens through
14 equal lump-sum rebates. The majority of American families,
15 including the most vulnerable, will benefit financially by
16 receiving more in 'carbon dividends' than they pay in increased
17 energy prices."

18 The legislature additionally finds that more than forty
19 countries have adopted a carbon tax or other carbon pricing
20 policy, and even more are considering it. The World Bank
21 asserts that "carbon pricing is the most effective way to reduce



1 emissions, and all jurisdictions must go further and faster in
2 using carbon pricing policies as part of their climate policy
3 packages." The level of pricing is key, and according to the
4 World Bank, fossil fuels must be priced between \$50 and \$100 per
5 ton of carbon dioxide emissions in the next few years to put the
6 world on the path to achieving the goals of the Paris Agreement.
7 The Group of 20 (G20), which includes the United States, the
8 European Union, China, India, and Russia, representing ninety
9 per cent of the world's economy, encourages the appropriate use
10 of carbon pricing when used among a wide set of tools to control
11 climate change.

12 Carbon pricing bills have been introduced in the State for
13 the past several sessions. Basic economics explains how carbon
14 pricing would reduce the consumption of fossil fuels. Though
15 some have questioned the financial impacts of carbon pricing on
16 Hawai'i's families, particularly on those in the lowest income
17 bracket, this concern was addressed in the UHERO study.

18 Additionally, the UHERO study examined two levels of carbon
19 taxes, a low tax scenario and a high tax scenario. The study
20 also examined two uses of the tax revenue: one with all of the
21 tax revenue used to finance government programs, and the other



1 with most of the tax revenue distributed to Hawai'i's households.
2 The study concluded that the consumption of fossil fuels would
3 be substantially reduced in both tax scenarios. The study also
4 concluded that distributing most of the tax revenue to Hawai'i's
5 households in the low tax scenario would create a net financial
6 benefit to most of Hawai'i's households, with the largest net
7 financial benefit to low-income households.

8 Further, the study found that the dividend makes the carbon
9 tax and dividend model progressive rather than regressive. This
10 model addresses the concerns of those who had questioned the
11 effect of a carbon tax on low-income families. Under this
12 model, in the low tax scenario, low-income households would
13 benefit financially, on average, because their dividend would be
14 larger than their increased spending resulting from the carbon
15 tax. This Act incorporates many of the elements of the low tax
16 scenario of the UHERO study and distributes most of the tax
17 revenue to Hawai'i's households in the form of refundable tax
18 credits. The level of taxation is within the range that the
19 World Bank has determined would achieve the goals of the Paris
20 Agreement.



1 This Act establishes carbon tax rates that are derived from
2 the low tax scenario of the UHERO study. This Act initiates the
3 tax in 2024 (one year earlier than the UHERO date) with a
4 modified tax rate. By 2026, this Act's tax rates will be
5 equivalent to those in the study and the equivalency will
6 continue through 2036. As it is difficult to make accurate
7 projections about revenues and the resulting tax credits for
8 2037 and beyond, this Act charges the office of planning and
9 sustainable development, in consultation with the department of
10 taxation, with recommending future tax rates and credits. To
11 ease implementation, this Act uses the same units of measure as
12 the existing Environmental Response, Energy, and Food Security
13 Tax, commonly known as the barrel tax, specifically: dollars
14 per barrel for crude oil and refined petroleum products and
15 dollars per million British thermal units (Btus) for coal and
16 natural gas.

17 To convert from dollars per metric ton of carbon dioxide
18 equivalent (CO₂e) to dollars per unit of fuel, this Act uses the
19 U.S. Environmental Protection Agency's Emission Factors for
20 Greenhouse Gas Inventories (modified April 1, 2021). For
21 petroleum and refined petroleum products, this Act utilizes the



1 metric tons of emissions for carbon dioxide, methane, and
2 nitrous oxide per gallon of fuel. For coal and natural gas,
3 this Act utilizes the metric tons of emissions for carbon
4 dioxide, methane, and nitrous oxide per MMBtu of fuel. The
5 emissions of carbon dioxide, methane, and nitrous oxide can be
6 combined into emissions of carbon dioxide equivalent (CO₂e) by
7 multiplying the amount of carbon dioxide, methane, and nitrous
8 oxide by their one hundred-year global warming potential (GWP).
9 The GWPs for carbon dioxide, methane, and nitrous oxide are one,
10 twenty-five, and two hundred ninety-eight, respectively. Then
11 to arrive at the tax rate, the CO₂e emissions factor is
12 multiplied by the carbon tax. The emissions factors for
13 gasoline, for example, for carbon dioxide, methane, and nitrous
14 oxide are 8.78 kg CO₂/gallon, 0.38 g CH₄/gallon, and 0.08 g
15 N₂O/gallon, respectively so its CO₂e emissions rate is:
16 $(8.78/1000 + 0.38*25/1000 + 0.08*298/1000) = 8.81$ kg
17 CO₂e/gallon. There are forty-two gallons in each barrel of
18 crude oil (bbl). Multiplying by forty-two gallons/bbl and
19 dividing by one thousand to convert from kilograms to metric
20 tons (MT) yields a rate of 0.37 MT CO₂e/bbl.



1 The legislature also finds that this same methodology can
2 be used to derive the CO₂e emissions rate for all fossil fuels.
3 These emission rates can then be used to convert carbon tax
4 rates to tax rates in more familiar units. Again, using
5 gasoline as an example, the per barrel tax rate for a \$59/MT of
6 CO₂ tax rate is computed as follows (converting from dollars
7 based in year 2012 to dollars based in year 2023): \$59/MT of
8 CO₂e * 0.37 MT of CO₂e/bbl = \$21.84/bbl. Therefore, this Act
9 adds to the existing barrel tax so the final barrel tax on non-
10 aviation petroleum based fuels includes an additional \$1.05/bbl,
11 and for gas and coal, an additional \$0.19/MMBtu is included. So
12 the final per barrel tax corresponding to a \$50/MT of CO₂ is:
13 \$21.84 + 1.05 = \$22.89/bbl.

14 In Hawai'i, a carbon tax would very likely have the effect
15 of raising the selling prices of fossil fuels. Such an increase
16 would move fossil fuel prices closer to their true unsubsidized
17 prices as the fossil fuel industry receives both direct and
18 indirect subsidies. Fossil fuel prices do not include the
19 social cost of degradation of the environment that results from
20 the burning of fossil fuels and the resulting damage to human
21 health and welfare. A recent report by the International



1 Monetary Fund estimates total U.S. fossil fuel subsidies and
2 social costs to be \$649 billion a year.

3 This Act distributes an amount equivalent to most of the
4 tax revenue to individuals who file Hawai'i income tax in the
5 form of refundable tax credits. The refundable tax credit is
6 the same amount for each category of taxpayer. For example, all
7 taxpayers filing as single or married filing separately are
8 eligible for the same amount. This methodology is consistent
9 with the UHERO study in distributing most of the tax revenue to
10 Hawai'i's households.

11 Interest in a carbon tax is growing in the United States at
12 all levels of government because it is effective and because it
13 can be used with other efforts to control carbon emissions.
14 Recently, for example, United States Secretary of the Treasury
15 Janet Yellen signed a commitment to the Group of 7 (G7) to meet
16 net zero goals and environmental objectives by making "the
17 optimal use of the range of policy levers to price carbon."
18 Secretary Yellen emphasized its positive effect on jobs, growth,
19 competitiveness and fairness.

20 Accordingly, the purpose of this Act is to establish the
21 carbon cashback program, which sets a carbon tax on fossil fuels



1 and returns an equivalent amount of the money generated by the
2 carbon tax, less administrative costs, to Hawai'i residents in
3 the form of a refundable tax credit or cash payment.

4 SECTION 2. Chapter 235, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§235- Tax credit; carbon emissions tax. (a) There
8 shall be allowed to each qualified taxpayer subject to the tax
9 imposed under this chapter, a refundable income tax credit that
10 shall be deductible from the taxpayer's net income tax
11 liability, if any, imposed by this chapter for the taxable year
12 in which the credit is properly claimed.

13 (b) The amount of the tax credit shall be equal to the sum
14 of the following:

15 (1) \$65 for 2024
16 \$210 for 2025
17 \$360 for 2026
18 \$380 for 2027
19 \$420 for 2028
20 \$440 for 2029
21 \$440 for 2030



1 \$440 for 2031
2 \$440 for 2032
3 \$450 for 2033
4 \$460 for 2034
5 \$470 for 2035
6 \$480 for 2036
7 for taxpayers filing as single or married filing
8 separately;
9 (2) \$65 for 2024
10 \$210 for 2025
11 \$360 for 2026
12 \$380 for 2027
13 \$420 for 2028
14 \$440 for 2029
15 \$440 for 2030
16 \$440 for 2031
17 \$440 for 2032
18 \$450 for 2033
19 \$460 for 2034
20 \$470 for 2035
21 \$480 for 2036



1 for taxpayers filing as a head of household; or
2 (3) \$130 for 2024
3 \$420 for 2025
4 \$720 for 2026
5 \$760 for 2027
6 \$850 for 2028
7 \$880 for 2029
8 \$880 for 2030
9 \$880 for 2031
10 \$880 for 2032
11 \$900 for 2033
12 \$920 for 2034
13 \$940 for 2035
14 \$960 for 2036
15 for taxpayers filing a joint return or as a surviving
16 spouse; and
17 (4) \$30 for 2024
18 \$100 for 2025
19 \$180 for 2026
20 \$190 for 2027
21 \$201 for 2028



1 \$220 for 2029

2 \$220 for 2030

3 \$220 for 2031

4 \$220 for 2032

5 \$220 for 2033

6 \$230 for 2034

7 \$230 for 2035

8 \$240 for 2036

9 per qualifying dependent who is a minor.

10 (c) If the tax credit claimed by the taxpayer under this
11 section exceeds the amount of the income tax payments due from
12 the taxpayer, the excess of credit over payments due shall be
13 refunded to the taxpayer; provided that the tax credit properly
14 claimed by a taxpayer who has no income tax liability shall be
15 paid to the taxpayer; provided further that no refunds or
16 payments on account of the tax credit allowed by this section
17 shall be made for amounts less than \$1.

18 All claims for the tax credit under this section, including
19 amended claims, shall be filed on or before the end of the
20 twelfth month following the close of the taxable year for which
21 the credit may be claimed. Failure to comply with the foregoing



1 provision shall constitute a waiver of the right to claim the
2 credit.

3 (d) The director of taxation:

4 (1) Shall prepare any forms that may be necessary to claim
5 a tax credit under this section;

6 (2) May require the taxpayer to furnish reasonable
7 information to ascertain the validity of the claim for
8 the tax credit made under this section; and

9 (3) May adopt rules under chapter 91 as may be necessary
10 to effectuate the purposes of this section.

11 (e) All of the provisions relating to assessments and
12 refunds under this chapter and under section 231-23(c)(1) shall
13 apply to the tax credit under this section.

14 (f) As used in this section:

15 "Qualified taxpayer" means a resident taxpayer who files an
16 individual income tax return, whether as a single taxpayer, a
17 head of household, a married individual filing a separate
18 return, a married couple filing a joint return, or a surviving
19 spouse.

20 "Qualifying dependent" means a minor who:

21 (1) Resides with the qualified taxpayer; and



1 (2) Is claimed as a dependent by the qualified taxpayer."

2 SECTION 3. Section 128D-2, Hawaii Revised Statutes, is
3 amended by amending subsection (a) to read as follows:

4 "(a) There is created within the state treasury an
5 environmental response revolving fund, which shall consist of
6 moneys appropriated to the fund by the legislature, moneys paid
7 to the fund as a result of departmental compliance proceedings,
8 moneys paid to the fund pursuant to court-ordered awards or
9 judgments, moneys paid to the fund in court-approved or out-of-
10 court settlements, all interest attributable to investment of
11 money deposited in the fund, moneys deposited in the fund from
12 the environmental response, energy, carbon emissions, and food
13 security tax pursuant to section 243-3.5, and moneys allotted to
14 the fund from other sources."

15 SECTION 4. Section 201-12.8, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) There is created within the state treasury an energy
18 security special fund, which shall consist of:

19 (1) The portion of the environmental response, energy,
20 carbon emissions, and food security tax specified
21 under section 243-3.5;



- 1 (2) Moneys appropriated to the fund by the legislature;
- 2 (3) All interest attributable to investment of money
- 3 deposited in the fund; and
- 4 (4) Moneys allotted to the fund from other sources,
- 5 including under section 196-6.5."

6 SECTION 5. Section 243-3.5, Hawaii Revised Statutes, is
 7 amended to read as follows:

8 "§243-3.5 Environmental response, energy, carbon
 9 emissions, and food security tax; uses. (a) In addition to any
 10 other taxes provided by law, subject to the exemptions set forth
 11 in section 243-7, there is hereby imposed a state environmental
 12 response, energy, carbon emissions, and food security tax on
 13 each barrel or fractional part of a barrel of petroleum product
 14 sold by a distributor to any retail dealer or end user of
 15 petroleum product, other than a refiner. The tax [~~shall be~~
 16 ~~\$1.05~~] on each barrel or fractional part of a barrel of
 17 petroleum product [~~that is not aviation fuel; provided that of~~
 18 ~~the tax collected pursuant to this subsection:] shall be in the
 19 amounts provided in the following table:~~

20	<u>Product</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
21	<u>Butane</u>	<u>\$4.26</u>	<u>\$10.86</u>	<u>\$17.73</u>	<u>\$18.40</u>



1	<u>Propane</u>	<u>\$3.80</u>	<u>\$ 9.46</u>	<u>\$15.35</u>	<u>\$15.93</u>
2	<u>Gasoline</u>	<u>\$5.27</u>	<u>\$13.96</u>	<u>\$23.00</u>	<u>\$23.89</u>
3	<u>Diesel</u>	<u>\$5.95</u>	<u>\$16.06</u>	<u>\$26.57</u>	<u>\$27.60</u>
4	<u>Kerosene</u>	<u>\$5.93</u>	<u>\$15.97</u>	<u>\$26.42</u>	<u>\$27.44</u>
5	<u>Aviation gas</u>	<u>\$3.99</u>	<u>\$12.22</u>	<u>\$20.77</u>	<u>\$21.61</u>
6	<u>Jet Fuel</u>	<u>\$4.68</u>	<u>\$14.33</u>	<u>\$24.37</u>	<u>\$25.35</u>
7	<u>No. 6 Fuel Oil</u>	<u>\$6.46</u>	<u>\$17.62</u>	<u>\$29.22</u>	<u>\$30.35</u>
8	<u>LPG</u>	<u>\$3.78</u>	<u>\$ 9.41</u>	<u>\$15.26</u>	<u>\$15.83</u>
9	<u>Other</u>	<u>\$5.99</u>	<u>\$16.18</u>	<u>\$26.76</u>	<u>\$27.80</u>
10					
11	<u>Product</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>	<u>2031</u>
12	<u>Butane</u>	<u>\$19.09</u>	<u>\$19.81</u>	<u>\$20.55</u>	<u>\$21.30</u>
13	<u>Propane</u>	<u>\$16.52</u>	<u>\$17.14</u>	<u>\$17.77</u>	<u>\$18.42</u>
14	<u>Gasoline</u>	<u>\$24.80</u>	<u>\$25.74</u>	<u>\$26.71</u>	<u>\$27.71</u>
15	<u>Diesel</u>	<u>\$28.66</u>	<u>\$29.75</u>	<u>\$30.88</u>	<u>\$32.04</u>
16	<u>Kerosene</u>	<u>\$28.50</u>	<u>\$29.58</u>	<u>\$30.70</u>	<u>\$31.86</u>
17	<u>Aviation gas</u>	<u>\$22.48</u>	<u>\$23.37</u>	<u>\$24.28</u>	<u>\$25.23</u>
18	<u>Jet Fuel</u>	<u>\$26.37</u>	<u>\$27.41</u>	<u>\$28.49</u>	<u>\$29.60</u>
19	<u>No. 6 Fuel Oil</u>	<u>\$31.53</u>	<u>\$32.73</u>	<u>\$33.98</u>	<u>\$35.26</u>
20	<u>LPG</u>	<u>\$16.42</u>	<u>\$17.03</u>	<u>\$17.66</u>	<u>\$18.31</u>
21	<u>Other</u>	<u>\$28.87</u>	<u>\$29.98</u>	<u>\$31.11</u>	<u>\$32.28</u>



1					
2	<u>Product</u>	<u>2032</u>	<u>2033</u>	<u>2034</u>	<u>2035</u>
3	<u>Butane</u>	<u>\$22.08</u>	<u>\$22.89</u>	<u>\$23.72</u>	<u>\$24.57</u>
4	<u>Propane</u>	<u>\$19.09</u>	<u>\$19.78</u>	<u>\$20.49</u>	<u>\$21.22</u>
5	<u>Gasoline</u>	<u>\$28.74</u>	<u>\$29.80</u>	<u>\$30.88</u>	<u>\$32.01</u>
6	<u>Diesel</u>	<u>\$33.23</u>	<u>\$34.46</u>	<u>\$35.73</u>	<u>\$37.03</u>
7	<u>Kerosene</u>	<u>\$33.04</u>	<u>\$34.27</u>	<u>\$35.53</u>	<u>\$36.82</u>
8	<u>Aviation gas</u>	<u>\$26.20</u>	<u>\$27.20</u>	<u>\$28.23</u>	<u>\$29.29</u>
9	<u>Jet Fuel</u>	<u>\$30.74</u>	<u>\$31.91</u>	<u>\$33.12</u>	<u>\$34.37</u>
10	<u>No. 6 Fuel Oil</u>	<u>\$36.57</u>	<u>\$37.93</u>	<u>\$39.33</u>	<u>\$40.77</u>
11	<u>LPG</u>	<u>\$18.97</u>	<u>\$19.66</u>	<u>\$20.36</u>	<u>\$21.09</u>
12	<u>Other</u>	<u>\$33.48</u>	<u>\$34.72</u>	<u>\$36.00</u>	<u>\$37.31</u>

13

14 Product 2036 and each year thereafter15 Butane \$25.4416 Propane \$21.9717 Gasoline \$33.1618 Diesel \$38.3719 Kerosene \$38.1520 Aviation gas \$30.3921 Jet Fuel \$35.65

1	<u>No. 6 Fuel Oil</u>	<u>\$42.25</u>
2	<u>LPG</u>	<u>\$21.84</u>
3	<u>Other</u>	<u>\$38.66</u>

4 The tax for each year referenced above shall take effect on
5 January 1 of that year and shall continue until the effective
6 date of the next increment.

7 The tax imposed by this subsection shall be paid by the
8 distributor of the petroleum product.

9 (b) Tax revenues collected pursuant to subsection (a)
10 shall be distributed in the following priority each fiscal year,
11 with the excess revenues to be deposited into the general fund:

12 (1) ~~[5 cents of the tax on each barrel]~~ \$1,116,000 shall
13 be deposited into the environmental response revolving
14 fund established under section 128D-2;

15 (2) ~~[4 cents of the tax on each barrel]~~ \$892,800 shall be
16 deposited into the energy security special fund
17 established under section 201-12.8;

18 (3) ~~[5 cents of the tax on each barrel]~~ \$1,116,000 shall
19 be deposited into the energy systems development
20 special fund established under section 304A-2169.1;



1 (4) ~~[3 cents of the tax on each barrel]~~ \$669,600 shall be
2 deposited into the electric vehicle charging system
3 subaccount established pursuant to section 269-33(e);
4 ~~[and]~~

5 (5) ~~[3 cents of the tax on each barrel]~~ \$669,600 shall be
6 deposited into the hydrogen fueling system subaccount
7 established pursuant to section 269-33(f) ~~[-]~~;

8 (6) All taxes paid on gasoline or other aviation fuel sold
9 for use in or used for airplanes shall be deposited in
10 the airport revenue fund established under section
11 248-8; and

12 (7) All taxes paid on gasoline, diesel, or other fuel sold
13 for use in or used for small boats shall be deposited
14 in the boating special fund established under section
15 248-8.

16 ~~[The tax imposed by this subsection shall be paid by the~~
17 ~~distributor of the petroleum product.~~

18 ~~(b)]~~ (c) In addition to subsection (a), the environmental
19 response, energy, carbon emissions, and food security tax shall
20 also be imposed on each one million British thermal units of
21 fossil fuel sold by a distributor to any retail dealer or end



1 user, other than a refiner, of fossil fuel. The tax [~~shall be~~
 2 ~~19 cents~~] on each one million British thermal units of fossil
 3 fuel [~~; provided that of the tax collected pursuant to this~~
 4 ~~subsection:~~] shall be in the amounts provided in the following
 5 table:

<u>Fuel</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
<u>Coal (all</u>				
<u>forms)</u>	<u>\$1.29</u>	<u>\$3.55</u>	<u>\$5.90</u>	<u>\$6.13</u>
<u>Natural gas</u>				
<u>(including</u>				
<u>liquefied</u>				
<u>natural gas)</u>	<u>\$0.80</u>	<u>\$2.04</u>	<u>\$3.34</u>	<u>\$3.47</u>
<u>Fuel</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>	<u>2031</u>
<u>Coal (all</u>				
<u>forms)</u>	<u>\$6.37</u>	<u>\$6.61</u>	<u>\$6.87</u>	<u>\$7.13</u>
<u>Natural gas</u>				
<u>(including</u>				
<u>liquefied</u>				
<u>natural gas)</u>	<u>\$3.60</u>	<u>\$3.73</u>	<u>\$3.87</u>	<u>\$4.02</u>



1	<u>Fuel</u>	<u>2032</u>	<u>2033</u>	<u>2034</u>	<u>2035</u>
2	<u>Coal (all</u>				
3	<u>forms)</u>	<u>\$7.39</u>	<u>\$7.67</u>	<u>\$7.95</u>	<u>\$8.24</u>
4	<u>Natural gas</u>				
5	<u>(including</u>				
6	<u>liquefied</u>				
7	<u>natural gas)</u>	<u>\$4.16</u>	<u>\$4.31</u>	<u>\$4.47</u>	<u>\$4.63</u>
8					
9	<u>Fuel</u>	<u>2036 and each year thereafter</u>			
10	<u>Coal (all</u>				
11	<u>forms)</u>	<u>\$8.54</u>			
12	<u>Natural gas</u>				
13	<u>(including</u>				
14	<u>liquefied</u>				
15	<u>natural gas)</u>	<u>\$4.80</u>			

16 The tax for each year referenced above shall take effect on
 17 January 1 of that year and shall continue until the effective
 18 date of the next increment.

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



1 (d) Tax revenues collected pursuant to subsection (c)
2 shall be distributed in the following priority each fiscal year,
3 with the excess revenues to be deposited into the general fund:

4 (1) ~~[4.8 per cent of the tax on each one million British~~
5 ~~thermal units]~~ \$49,000 shall be deposited into the
6 environmental response revolving fund established
7 under section 128D-2;

8 (2) ~~[14.3 per cent of the tax on each one million British~~
9 ~~thermal units]~~ \$147,000 shall be deposited into the
10 energy security special fund established under
11 section 201-12.8; and

12 (3) ~~[9.5 per cent of the tax on each one million British~~
13 ~~thermal units]~~ \$98,000 shall be deposited into the
14 energy systems development special fund established
15 under section 304A-2169.1.

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

18 ~~(e)]~~ (e) The tax imposed under subsection ~~[(b)]~~ (c) shall
19 not apply to coal used to fulfill ~~[a signed]~~ an existing power
20 purchase agreement between an independent power producer and an
21 electric utility that is in effect as of June 30, 2015~~[-]~~ ;



1 provided that this exemption from taxation shall not apply to
2 any extension of an existing power purchase agreement or to any
3 subsequent power purchase agreement. An independent power
4 producer shall be permitted to pass the tax imposed under
5 subsection ~~[(b)]~~ (c) on to an electric utility. In ~~[which~~
6 ~~ease,~~ any case in which the tax is passed on, the electric
7 utility may recover the cost of the tax through an appropriate
8 surcharge to the end user that is approved by the public
9 utilities commission.

10 ~~[(d)]~~ (f) A gas utility shall be allowed to recover the
11 cost of the tax imposed under subsection ~~[(b)]~~ (c) as part of
12 its fuel cost in its fuel adjustment charge without further
13 approval by the public utilities commission.

14 ~~[(e)]~~ (g) Each distributor subject to the tax imposed by
15 subsection (a) or ~~[(b)]~~ (c), on or before the last day of each
16 calendar month, shall file, in the form and manner prescribed by
17 the department, a return statement of the tax under this section
18 for which the distributor is liable for the preceding month.
19 The form and payment of the tax shall be transmitted to the
20 department in the form and manner prescribed by the department.



1 [~~f~~] (h) Notwithstanding section 248-8 to the contrary,
2 the environmental response, energy, carbon emissions, and food
3 security tax collected under this section shall be paid over to
4 the director of finance for deposit as provided in subsection
5 [~~a~~ or ~~b~~], (b) or (d), as the case may be.

6 [~~g~~] (i) Every distributor shall keep in the State and
7 preserve for five years a record in a form as the department of
8 taxation shall prescribe showing the total number of barrels,
9 and the fractional part of barrels, of petroleum product or the
10 total number of one million British thermal units of fossil
11 fuel, as the case may be, sold by the distributor during any
12 calendar month. The record shall show any other data and
13 figures relevant to the enforcement and administration of this
14 chapter as the department may require.

15 [~~h~~] (j) For the purposes of this section:

16 "Barrel" may be converted to million British thermal units,
17 using the United States Department of Energy, Energy Information
18 Administration annual energy review or annual energy outlook.

19 "Fossil fuel" means a [~~hydrocarbon deposit~~], fuel, such as
20 coal, natural gas, or liquefied natural gas, derived from a
21 hydrocarbon deposit resulting from the accumulated remains of



1 ancient plants or animals [~~and used for fuel~~]; provided that
2 the term specifically does not include petroleum product."

3 SECTION 6. Section 304A-2169.1, Hawaii Revised Statutes,
4 is amended by amending subsection (b) to read as follows:

5 "(b) Deposits into the special fund may be from the
6 following:

7 (1) Appropriations from the legislature;

8 (2) A portion of the environmental response, energy,
9 carbon emissions, and food security tax pursuant to
10 section 243-3.5; and

11 (3) Investment earnings, gifts, donations, or other income
12 received by the Hawaii natural energy institute."

13 SECTION 7. The office of planning and sustainable
14 development, in consultation with the department of taxation,
15 shall recommend updates to the tax per fuel and the
16 corresponding tax credits, and shall submit a report of its
17 findings and recommendations, including any proposed
18 legislation, to the legislature no later than December 1 of the
19 year prior to the convening of the regular sessions of 2034,
20 2035, and 2036.



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect upon its approval;
4 provided that section 2 and section 5 shall apply to taxable
5 years beginning after December 31, 2023.

6

INTRODUCED BY: Jim Marten
JAN 24 2023



H.B. NO. 1146

Report Title:

Environmental Response, Energy, Carbon Emissions, and Food Security Tax; Tax Credit; Office of Planning and Sustainable Development

Description:

Establishes a carbon emissions tax credit. Expands the environmental response, energy, and food security tax to include carbon emissions. Applies to taxable years beginning after 12/31/2023. Requires the Office of Planning and Sustainable Development, in consultation with the Department of Taxation, to recommend updates to the tax per fuel and corresponding tax credits.

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

