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Biofuels Statutory Citations

State of Hawai'i

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STATE OF HAWAI'I

This compilation of state statutory citations focuses predominantly on biofuels laws in effect January 1, 1970 through December 31, 2007. In some instances, regulations have been included in the compilation due to their significance. This compilation is intended to serve as a researcher-friendly inventory of state laws by providing the formal title of relevant legislation, the standard legal citation for each statute and a brief description of the law. Some statutes and regulations listed do not specifically relate to biofuels, but are included because of their complementary relationship to the evolution of biofuels law in the state. These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.

| Title | Citation | Applicability | Description |
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| Alcohol Fuel Tax Exemption (2009) | HAW. REV. STAT. § 237-27.1 | Both | Alcohol fuel, defined as biomass-derived alcohol fuel or fuel mixture, sold for consumption or use is exempt from state excise tax. Exemption expires June 30, 2009. |
| Biofuels Production Land Use Allowance (2009) | HAW. REV. STAT. §§ 205-2(d); 205-4.5(15) & (16) | Both | Allows lands originally zoned as agricultural land use districts to be used for renewable energy production, storage and distribution. Biofuel production must be integrated with an agricultural activity. |
| Agricultural Loans & Aquaculture Loan Program – Definitions (2008) | HAW. REV. STAT. §§ 155-1; 219-2 | Both | Includes biodiesel and ethanol production within the definition of "farm sustainable projects" and "aquaculture sustainable projects" |
| Public Land - Disposition to Renewable Energy Producers (2008) | HAW. REV. STAT. § 171-95 | Both | Allows the board of land and natural resources, without public auction, to lease public lands or grant licenses or easements, to renewable energy producers. |

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| | | | Renewable energy producer includes any producer of biofuels or grower of plant or animal materials used primarily for the production of biofuels |
| Renewable Energy Facility Siting Process (2008) | HAW. REV. STAT. § 201N-1 | Both | Renewable energy facility includes a facility that produces or transmits biofuels |
| Fuel Tax Law – Definitions (2007) | HAW. REV. STAT. § 243-1 | Both | Includes ethanol, biodiesel and blends containing ethanol or biodiesel to be "alternative fuels" for fuel tax purposes. |
| Ethanol Facility Tax Credit (2007) | HAW. REV. STAT. § 235-110.3 | Ethanol | Income tax credit available for qualifying ethanol production facilities in operation prior to January 17, 2017. |
| Alternative Fuel Tax Rate (2007) | HAW. REV. STAT. § 243-4 | Both | Provides a reduced license tax rate for distributors of alternative fuel, including ethanol, methanol, biodiesel and liquefied petroleum gas. |
| Energy Feedstock Program (2007) | HAW. REV. STAT. § 141-9 | Both | Established within the Dept. of Agriculture to promote and support the production of energy feedstock within the state. |
| Business Investment Tax Credit (2007) | HAW. REV. STAT. §§ 235-7.3; 235-110.9 | Both | Tax credit available to taxpayers making high technology business investments. These include research related to non-fossil fuel energy related technology. Available through December 31, 2010. |
| Energy-Efficient Vehicle Acquisition Requirements (2006) | HAW. REV. STAT. §§ 103D-412; 196-9 | Both | Requirements for state agencies to purchase the most fuel-efficient vehicles that meet their needs. Requirements maybe offset by the use of B100 (pure biodiesel). State |

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| | | | agencies are also required to purchase alternative fuel and ethanol blended gasoline when available. |
| Biofuel Procurement Preference (2006) | HAW. REV. STAT. § 103D-1012 | Both | State agency contracts for the purchase of diesel fuel are to be awarded with preference to bids for biofuels or blends of biofuels and petroleum fuel. |
| Alternative Fuel Development Support (2006) | HAW. REV. STAT. § 196-42 | Both | Sets state alternative fuels standard: 10% by 2010; 15% by 2015; and 20% by 2020. Cellulosic ethanol is to be considered the equivalent of 2.5 gallons of non-cellulosic ethanol. |
| Renewable Fuel Standard (2006) | HAW. REV. STAT. § 486J-10 | Ethanol | Sets state renewable fuel standard, requiring 85% of the state's unleaded gasoline to contain at least 10% ethanol. |
| Powers of Governor During Shortage of Petroleum Products (1994) | HAW. REV. STAT. § 125C-3(3) | Ethanol | In times of a shortage of petroleum products, allows the governor or a representative of the governor to purchase and resell petroleum products and ethanol produced within the state. |
| Alternative Fuels Promotion | Memorandum of Understanding with Department of Energy | Both | MOU with DOE to establish Hawaii Clean Energy Initiative - pledging to produce 70% of the state's energy needs from renewable sources by 2030. |