
A BILL FOR AN ACT

RELATING TO GASOLINE.

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

1 SECTION 1. Hawaii is dependent on outside sources for
2 virtually all of its fuel used in transportation and industrial
3 production. As was evidenced by the twin hurricanes Katrina and
4 Rita, natural disasters and events far from our shores can have
5 negative impacts on our fuel supplies in the State. The tsunami
6 in southeast Asia could have disrupted the potential for
7 obtaining gasoline from Singapore and other ports in Asia.

8 The purpose of this Act is to give the governor authority
9 to suspend the maximum pre-tax wholesale price of gasoline if a
10 natural disaster any where in the world has the effect, whether
11 directly or indirectly, of disrupting gasoline supplies or
12 prices in the State.

13 SECTION 2. Section 486H-15, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§486H-15 Governor's emergency powers.** (a)

16 Notwithstanding any law to the contrary, the governor may
17 suspend, in whole or in part, section 486H-13 or any rule
18 adopted pursuant to that section whenever the governor issues a



1 written determination that strict compliance with the section or
2 a rule will cause a major adverse impact on the economy, public
3 order, or the health, welfare, or safety of the people of
4 Hawaii. In the written determination, the governor shall state
5 the specific provision of the section or rule that strict
6 compliance with will cause a major adverse impact on the
7 economy, public order, or the health, welfare, or safety of the
8 people of the State, along with specific reasons for that
9 determination. The governor shall publish this determination in
10 accordance with section 1-28.5. The suspension shall take
11 effect upon issuance of the written determination by the
12 governor.

13 (b) Except as provided in subsection (c), the suspension
14 under subsection (a) shall remain in effect until the earlier
15 of:

16 (1) The adjournment of the next regular or special session
17 of the legislature; or

18 (2) The effective date of any legislative enactment
19 intended to address the major adverse impact;

20 provided that if the legislature has passed legislation to
21 address the major adverse impact, and the governor vetoes the
22 presented legislation, the suspension shall terminate on the



1 date of that veto, and the maximum pre-tax wholesale gasoline
2 prices in effect immediately prior to the issuance of the
3 written determination by the governor shall take effect on the
4 day after the date of the veto; and provided further that if no
5 action is taken by the legislature during the regular or special
6 session to address the major adverse impact, then the maximum
7 pre-tax wholesale gasoline prices in effect immediately prior to
8 the issuance of the written determination by the governor shall
9 take effect on the day after adjournment sine die of the regular
10 or special session.

11 (c) If the written determination is issued while the
12 legislature is in session, the suspension under subsection (a)
13 shall remain in effect until the earlier of:

14 (1) The adjournment of that session of the legislature; or

15 (2) The effective date of any legislative enactment
16 intended to address the major adverse impact;

17 provided that if the legislature has passed legislation to
18 address the major adverse impact, and the governor vetoes the
19 presented legislation, the suspension shall terminate on the
20 date of that veto, and the maximum pre-tax wholesale gasoline
21 prices in effect immediately prior to the issuance of the
22 written determination by the governor shall take effect on the



1 day after the date of the veto; and provided further that if no
 2 action is taken by the legislature during the regular or special
 3 session to address the major adverse impact, then the maximum
 4 pre-tax wholesale gasoline prices in effect immediately prior to
 5 the issuance of the written determination by the governor shall
 6 take effect on the day after adjournment sine die of the regular
 7 or special session.


8 (d) Anything in this section notwithstanding, in the event
 9 that the governor determines that a natural disaster is having,
 10 whether directly or indirectly, an adverse impact on or causing
 11 disruption to gasoline supplies or prices in the State, the
 12 governor may suspend, in whole or in part, 486H-13 or any rules
 13 adopted pursuant to that section."

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



 Bruce M. Beitz

Josh Green M.D.

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JAN 19 2006



Report Title:
Gasoline Dealers

HB1876

Description:

Gives governor authority to waive gas cap law in the event of a natural disaster anywhere that substantially disrupts fuel supplies in the State.

