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## A BILL FOR AN ACT

RELATING TO GASOLINE.

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

1           SECTION 1. Section 486H-13, Hawaii Revised Statutes, is  
2 amended by amending subsections (k) and (l) to read as follows:  
3           "(k) The maximum pre-tax wholesale gasoline price imposed  
4 by this section shall take effect on September 1, 2005,  
5 notwithstanding the lack of the adoption of rules pursuant to  
6 this section; provided that notwithstanding any law to the  
7 contrary, the maximum pre-tax wholesale price under this section  
8 shall be suspended indefinitely upon the effective date of Act  
9 78, Session Laws of Hawaii 2006, and shall not thereafter become  
10 effective until [~~and unless the governor publishes a notice~~  
11 ~~statewide in accordance with section 1-28.5 that the~~  
12 ~~reinstatement of the maximum pre-tax wholesale price under this~~  
13 ~~section is beneficial to the economic well being, health, and~~  
14 ~~safety of the people of the State. The maximum pre-tax~~  
15 ~~wholesale price shall become effective five days after the~~  
16 ~~publication of the notice by the governor unless otherwise~~  
17 ~~specified by the governor, and shall remain in effect for thirty~~  
18 ~~days, after which time it shall be automatically suspended.~~



1 ~~Thereafter, the governor may reinstate the maximum pre-tax~~  
2 ~~wholesale price for thirty day periods on the same conditions as~~  
3 ~~set forth above. Upon a finding that the maximum pre-tax~~  
4 ~~wholesale price would impose a financial hardship upon a~~  
5 ~~distributor within a zone, the governor, in the governor's~~  
6 ~~discretion, may increase the maximum pre-tax wholesale price for~~  
7 ~~the zone in an amount determined necessary to eliminate the~~  
8 ~~financial hardship on any affected distributor who does not~~  
9 ~~operate a refinery within the State. Any increase in the~~  
10 ~~maximum pre-tax wholesale price shall be included in the notice~~  
11 ~~published by the governor.] the passage of five days after the~~  
12 ~~commission publishes a notice statewide pursuant to section~~  
13 ~~1-28.5 that the actual pre-tax wholesale price of gasoline in~~  
14 ~~any zone has exceeded the maximum pre-tax wholesale of gasoline~~  
15 ~~determined pursuant to subsection (b) for three consecutive~~  
16 ~~weeks. The suspension of the maximum pre-tax wholesale price of~~  
17 ~~gasoline shall go back into effect five days after the~~  
18 ~~commission publishes a notice statewide pursuant to section~~  
19 ~~1-28.5 that the actual pre-tax wholesale price of gasoline in~~  
20 ~~all zones has not exceeded or equaled the maximum pre-tax~~  
21 ~~wholesale of gasoline determined pursuant to subsection (b) for~~  
22 ~~the previous three consecutive months.~~



1           (1) The suspension of the maximum pre-tax wholesale  
 2 gasoline price shall not suspend the commission's duty to  
 3 calculate [~~and~~] but shall suspend the commission's duty to  
 4 publish the maximum pre-tax wholesale gasoline price that would  
 5 have been in effect but for the suspension, but shall not  
 6 suspend or affect:

7           (1) Any duty to register, timely provide information, make  
 8 a report, or file a statement under chapter 486J; or

9           (2) Any duty of the commission to:

10           (A) Timely obtain, analyze, or publicly disclose or  
 11 report information under chapter 486J; and

12           (B) Enforce chapter 486B."

13           SECTION 2. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

15           SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

JAN 23 2009



**Report Title:**

Gasoline; Maximum Pre-tax Wholesale Gasoline Price

**Description:**

Reinstates the maximum pre-tax wholesale price of gasoline if the PUC determines that the actual pre-tax wholesale price of gasoline exceeds the maximum pre-tax wholesale price of gasoline calculated pursuant to section 486H-13 for 3 consecutive weeks and reinstates the suspension of the maximum price limit when the actual pre-tax wholesale price of gasoline does not exceed the maximum limit for a period of 3 consecutive months.

