

S .B. NO. 1041

JAN 24 2013

A BILL FOR AN ACT

RELATING TO ENERGY INFORMATION REPORTING.

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

1 SECTION 1. The purpose of this Act is to improve the ease
2 and efficiency of Energy Industry Information Reporting Act
3 processes for reporting entities by combining all information
4 and registration gathering functions within the department of
5 business, economic development, and tourism. This Act also
6 clarifies enforcement and investigatory powers of the public
7 utilities commission following the consolidation of information
8 gathering and registration functions within the department of
9 business, economic development, and tourism.

10 SECTION 2. Section 486B-1.5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 " ~~[+]~~ §486B-1.5 ~~[+]~~ **Monitoring of petroleum industry**
13 **information.** The public utilities commission or the department
14 of business, economic development, and tourism shall refer to
15 the attorney general any matter that is a violation of this
16 chapter that is discovered in the performance of its duties
17 pursuant to chapter 486H or 486J."

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1 SECTION 3. Section 486J-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§486J-2 **Distributors to register.** Every distributor, and
4 any person before becoming a distributor, shall register as such
5 with the [~~commission~~] department on forms to be prescribed,
6 prepared, and furnished by the [~~commission~~] department."

7 SECTION 4. Section 486J-11, Hawaii Revised Statutes, is
8 repealed.

9 [~~"§486J-11 Powers of the public utilities commission. (a)~~
10 ~~The public utilities commission may take any action or make any~~
11 ~~determination under this chapter, including but not limited to~~
12 ~~actions or determinations that affect persons not regulated~~
13 ~~under chapters 269, 271, and 271G, as the commission deems~~
14 ~~necessary to carry out its responsibilities or otherwise~~
15 ~~effectuate chapter 269, 271, or 271G.~~

16 ~~(b) The public utilities commission may examine or~~
17 ~~investigate each distributor, the manner in which it is~~
18 ~~operated, its prices and rates, its operating costs and~~
19 ~~expenses, the value of its property and assets, the amount and~~
20 ~~disposition of its income, any of its financial transactions,~~
21 ~~its business relations with other persons, companies, or~~
22 ~~corporations, its compliance with all applicable state and~~

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1 ~~federal laws, and all matters of any nature affecting the~~
2 ~~relations and transactions between the distributor and the~~
3 ~~public, persons, or businesses.~~

4 ~~(c) In the performance of its duties under this chapter,~~
5 ~~the commission shall have the same powers respecting~~
6 ~~administering oaths, compelling the attendance of witnesses and~~
7 ~~the production of documents, examining witnesses, and punishing~~
8 ~~for contempt, as are possessed by the circuit courts. In case~~
9 ~~of disobedience by any person to any order of or subpoena issued~~
10 ~~by the commission, or of the refusal of any witness to testify~~
11 ~~to any matter regarding which the witness may be lawfully~~
12 ~~questioned, any circuit court, upon application by the~~
13 ~~commission, shall compel obedience as in case of disobedience of~~
14 ~~the requirements of a subpoena issued from a circuit court or a~~
15 ~~refusal to testify therein."]~~

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act, upon its approval, shall take effect
19 on July 1, 2013.

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INTRODUCED BY: 

22

BY REQUEST

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Report Title:

Energy Industry Information Reporting Act; Public Utilities Commission; Department of Business, Economic Development, and Tourism; Registration

Description:

Amends the responsibilities and powers of the Public Utilities Commission in receiving energy industry data information registrations, and authorizes the Department of Business, Economic Development, and Tourism to receive such registrations; and eliminates the Commission's powers concerning the oversight and examination of energy distributors in relation to energy industry information reporting under chapter 486J, Hawaii Revised Statutes.

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

JUSTIFICATION SHEET

DEPARTMENT: Budget and Finance

TITLE: A BILL FOR AN ACT RELATING TO ENERGY INFORMATION REPORTING.

PURPOSE: To consolidate all reporting and registration functions under the Energy Industry Information Reporting Act within the Department of Business, Economic Development, and Tourism ("DBEDT").

MEANS: Amend sections 486B-1.5 and 486J-2, and repeal section 486J-11, Hawaii Revised Statutes.

JUSTIFICATION: DBEDT has been responsible for the last two years for receiving monthly reports of energy industry information under section 486J-3, Hawaii Revised Statutes, and for maintaining an energy database system as part of an energy data collection program. In addition to reporting to DBEDT, fuel distributors must currently register with the Public Utilities Commission ("Commission") for purposes of reporting energy industry information. Consolidating both the registration and reporting administration under DBEDT will simplify and remove any confusion from energy industry reporting processes for fuel distribution businesses in the State.

Impact on the public: The impact on the public will be positive, especially for energy distributors who must register and report under chapter 486J, Hawaii Revised Statutes. This measure simplifies an aspect of government operations.

Impact on the department and other agencies: Minimal impact is expected on the Commission, the Department of Budget and Finance, or other agencies within the

administration. The time commitment and expense to transfer the registration process from the Commission to DBEDT should be miniscule. DBEDT has already been receiving energy industry reports for the past two years through its research and economic analysis division, and would now need to receive registration forms as well.

New Day Plan Association: This measure supports the fundamental goal of continually improving the functions of government so that the public receives full value. Though a small part of the overall governance of the State, this measure is a no-cost means of helping make government operate more efficiently.

GENERAL FUNDS: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: BUF 901.

OTHER AFFECTED
AGENCIES: Department of Business, Economic
Development, and Tourism.

EFFECTIVE DATE: July 1, 2013.