

JAN 17 2013

A BILL FOR AN ACT

RELATING TO SUSTAINABILITY.

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

1 SECTION 1. The legislature finds that the intent of the
2 ten per cent ethanol requirement under section 486J-10, Hawaii
3 Revised Statutes, was to provide energy independence from
4 foreign oil, reduce statewide gasoline consumption, and
5 establish industrial plants to produce ethanol locally.

6 The State of Hawaii imports all of its ethanol, along with
7 crude oil, from overseas. Act 257, Session Laws of Hawaii 1997,
8 requires that gasoline sold in the State contain ten per cent
9 ethanol. Despite several planned ethanol plants and an
10 abundance of vacant sugar cane land, no plants have been built.
11 The legislature finds that the intent of Act 257 remains
12 unfulfilled.

13 The purpose of this Act is to broaden certain statutory
14 provisions to promote the use of biofuels, including but not
15 limited to ethanol.

16 SECTION 2. Section 125C-3, Hawaii Revised Statutes, is
17 amended to read as follows:



1 **"§125C-3 Powers in a shortage.** When a shortage as defined
2 in section 125C-2 exists, the governor or the governor's
3 authorized representative, to ensure that petroleum products are
4 made available to the public in an orderly, efficient, and safe
5 manner, may:

6 (1) Control the retail distribution and sale of petroleum
7 products by adopting rules that may include, but are
8 not limited to, the following measures:

9 (A) Restricting the sale of petroleum products to
10 specific days of the week, hours of the day or
11 night, odd- and even-numbered calendar days, and
12 vehicles having less than a specified amount of
13 gasoline in their tanks, with exceptions for
14 certain designated geographical areas;

15 (B) Restricting sales of petroleum products by
16 dealers to daily allocations, which shall be
17 determined by dividing the monthly allocation by
18 the number of selling days per month;

19 (C) Requiring dealers to post signs designating their
20 hours of operation and the sell-out of daily
21 allocation;

22 (D) Instituting a statewide rationing plan; and



- 1 (E) Allowing for special handling for commercial and
2 emergency-user vehicles;
- 3 (2) Require that a percentage of petroleum products, not
4 to exceed five per cent, be set aside to alleviate
5 hardship; provided that aviation gasoline set aside
6 shall not exceed ten per cent;
- 7 (3) Purchase and resell or otherwise distribute petroleum
8 products, and purchase and resell or otherwise
9 distribute [~~ethanol~~] biofuel that is produced within
10 the State and can be used as a substitute for
11 petroleum products;
- 12 (4) Receive, expend, or use contributions or grants in
13 money or property, or special contributions thereof
14 for special purposes not inconsistent with this
15 chapter;
- 16 (5) Borrow and expend moneys needed to exercise the powers
17 granted under this section;
- 18 (6) Contract in the name of the State for the purpose of
19 implementing this chapter or any part thereof; and
- 20 (7) Exercise the powers granted under this section to the
21 degree and extent deemed by the governor to be
22 necessary, including the temporary or indefinite



1 suspension of all or part of the measures taken, as
2 the governor deems appropriate."

3 SECTION 3. Section 155-1, Hawaii Revised Statutes, is
4 amended by amending the definition of "farm sustainable
5 projects" to read as follows:

6 "Farm sustainable projects" means projects that improve
7 the operation's viability but are not directly tied to [~~farm~~
8 ~~crop~~] agriculture production. Projects may include but are not
9 limited to photovoltaic energy, hydroelectric power, wind power
10 generation, methane generation, food safety, product
11 traceability, biodiesel production, and [~~ethanol~~] biofuel
12 production."

13 SECTION 4. Section 196-9, Hawaii Revised Statutes, is
14 amended by amending subsection (c) to read as follows:

15 "(c) With regard to motor vehicles and transportation
16 fuel, each agency shall:

- 17 (1) Comply with Title 10, Code of Federal Regulations,
18 Part 490, Subpart C, "Mandatory State Fleet Program",
19 if applicable;
- 20 (2) Comply with all applicable state laws regarding
21 vehicle purchases;



- 1 (3) Once federal and state vehicle purchase mandates have
2 been satisfied, purchase the most fuel-efficient
3 vehicles that meet the needs of their programs;
4 provided that life cycle cost-benefit analysis of
5 vehicle purchases shall include projected fuel costs;
- 6 (4) Purchase alternative fuels and [~~ethanol~~] biofuel
7 blended gasoline when available;
- 8 (5) Evaluate a purchase preference for biodiesel blends,
9 as applicable to agencies with diesel fuel purchases;
- 10 (6) Promote efficient operation of vehicles;
- 11 (7) Use the most appropriate minimum octane fuel; provided
12 that vehicles shall use 87-octane fuel unless the
13 owner's manual for the vehicle states otherwise or the
14 engine experiences knocking or pinging;
- 15 (8) Beginning with fiscal year 2005-2006 as the baseline,
16 collect and maintain, for the life of each vehicle
17 acquired, the following data:
- 18 (A) Vehicle acquisition cost;
- 19 (B) United States Environmental Protection Agency
20 rated fuel economy;



- 1 (C) Vehicle fuel configuration, such as gasoline,
- 2 diesel, flex-fuel gasoline/E85, and dedicated
- 3 propane;
- 4 (D) Actual in-use vehicle mileage;
- 5 (E) Actual in-use vehicle fuel consumption; and
- 6 (F) Actual in-use annual average vehicle fuel
- 7 economy; and
- 8 (9) Beginning with fiscal year 2005-2006 as the baseline
- 9 with respect to each agency that operates a fleet of
- 10 thirty or more vehicles, collect and maintain, in
- 11 addition to the data in paragraph (8), the following:
- 12 (A) Information on the vehicles in the fleet,
- 13 including vehicle year, make, model, gross
- 14 vehicle weight rating, and vehicle fuel
- 15 configuration;
- 16 (B) Fleet fuel usage, by fuel;
- 17 (C) Fleet mileage; and
- 18 (D) Overall annual average fleet fuel economy and
- 19 average miles per gallon of gasoline and diesel."

20 SECTION 5. Section 219-2, Hawaii Revised Statutes, is
21 amended by amending the definition of "aquaculture sustainable
22 projects" to read as follows:



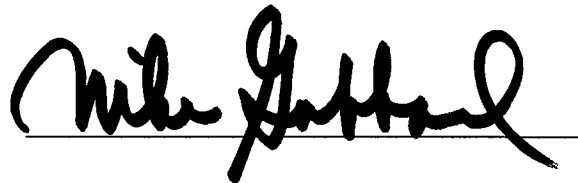
1 "Aquaculture sustainable projects" means projects that
2 improve the operation's viability but are not directly tied to
3 aquaculture production. Projects may include but are not
4 limited to photovoltaic energy, hydroelectric power, wind power
5 generation, methane generation, food safety, product
6 traceability, biodiesel production, and [~~ethanol~~] biofuel
7 production."

8 SECTION 6. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect on July 1, 2013.

11

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Mike Gattuso", is written over a horizontal line. The signature is cursive and stylized.

S.B. NO. 80

Report Title:

Biofuel; Sustainability; Agriculture; Aquaculture

Description:

Authorizes governor, during shortages, to purchase and resell or otherwise distribute petroleum products, and purchase and resell or otherwise distribute biofuel that is produced within the State and can be used as a substitute for petroleum products. Expands definition of "farm sustainable projects". Requires agencies to purchase alternative fuels and biofuel blended gasoline when available. Amends definition of "aquaculture sustainable projects".

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

