

ACT 59

S.B. NO. 2923

A Bill for an Act Relating to Aviation Fuel Set-aside for Emergency and Essential Services.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 125C-3, Hawaii Revised Statutes, is amended to read as follows:

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

- (1) Control the retail distribution and sale of petroleum products by adopting rules that may include, but are not limited to, the following measures:
 - (A) Restricting the sale of petroleum products to specific days of the week, hours of the day or night, [odd] ~~odd-~~ and even-numbered calendar days, and vehicles having less than a specified amount of gasoline in their tanks, with exceptions for certain designated geographical areas;
 - (B) Restricting sales of petroleum products by dealers to daily allocations, which shall be determined by dividing the monthly allocation by the number of selling days per month;

- (C) Requiring dealers to post signs designating their hours of operation and the sell-out of daily allocation;
- (D) Instituting a statewide rationing plan; and
- (E) Allowing for special handling for commercial and emergency-user vehicles[.];
- (2) Require that a percentage of petroleum products, not to exceed five per cent, be set aside to alleviate hardship; provided that aviation gasoline set aside shall not exceed ten per cent;
- (3) Purchase and resell or otherwise distribute petroleum products, and purchase and resell or otherwise distribute ethanol that is produced within the State and can be used as a substitute for petroleum products;
- (4) Receive, expend, or use contributions or grants in money or property, or special contributions thereof for special purposes not inconsistent with this chapter;
- (5) Borrow and expend moneys needed to exercise the powers [herein] granted[;] under this section;
- (6) Contract in the name of the State for the purpose of implementing this chapter or any part thereof; and
- (7) Exercise the powers [herein] granted under this section to the degree and extent deemed by the governor to be necessary, including the temporary or indefinite suspension of all or part of the measures taken, as the governor deems appropriate.”

SECTION 2. Section 125C-21, Hawaii Revised Statutes, is amended by amending the definition of “petroleum product” to read as follows:

““Petroleum product” means heating oils, light and heavy diesel oil, motor gasoline, propane, butane, residual fuel oils, [and] kerosene, [except for] and aviation fuels[.] used for emergency and essential intrastate air transport services, but excluding all other aviation fuels.”

SECTION 3. Section 125C-23, Hawaii Revised Statutes, is amended to read as follows:

“§125C-23 Set-aside system. The state energy resources coordinator shall adopt rules establishing a petroleum products set-aside system. The purpose of this system shall be:

- (1) [the] The protection of public health, safety, and welfare;
- (2) [the] The maintenance of public services, utilities, and transportation[;], including emergency and essential intrastate air transport services;
- (3) [the] The maintenance of agricultural operations, including farming, horticulture, dairy, fishing, and related services;
- (4) [the] The preservation of economically sound and competitive industry, through the equitable acquisition and distribution of petroleum products; and
- (5) [the] The promotion of efficiency, with minimum economic disruptions, during a shortage of petroleum products.

The rules establishing the set-aside system shall be adopted in accordance with chapter 91.”

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SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 6, 1994.)