

STAND. COM. REP. NO. 374

Honolulu, Hawaii

FEB 14, 2007

RE: H.B. No. 791

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 791 entitled:

"A BILL FOR AN ACT RELATING TO GASOLINE,"

begs leave to report as follows:

The purpose of this measure is to require gasoline dealers to make non-ethanol gasoline available to purchasers for use in marine vessels and small engines.

The County of Hawaii submitted comments on the measure. Six individuals submitted testimony in support of this measure.

Your Committee finds that section 486J-10, Hawaii Revised Statutes, requires the Director of Business, Economic Development and Tourism to establish rules that require an ethanol content of ten percent for gasoline sold in the State for use in motor vehicles. Your Committee received multiple testimony that suggests that ethanol-enriched gasoline, while appropriate for use in motor vehicles, may be damaging to marine engines and small-tool engines. However, as "motor vehicles" does not include vessels, watercraft, or small engines, there is nothing in the plain language of this statute to prevent the sale of non-ethanol gasoline for use in these applications. Your Committee also finds that the Department of Business, Economic Development, and Tourism already has the authority under section 486J-10(d)(2), Hawaii Revised Statutes, to allow sale of gasoline that does not meet the ten percent ethanol requirement.



In light of this information, your Committee is curious to learn whether non-blended gasoline is available to the public and users in the marine and small engine markets. If this product is not available, and barring any other restrictions, the Committee wishes to understand why dealers are not making non-blended gasoline available to these markets.

Your Committee notes that testimony from the Department of Business, Economic Development, and Tourism would be helpful in clarifying some of the issues presented by this proposed measure.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 791 and recommends that it pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Respectfully submitted on
behalf of the members of the
Committee on Energy &
Environmental Protection,



HERMINA MORITA, Chair



HSCR 274

Bill/Resolution No.: HB 791		Date: 2/8/07		
Committee Referral: EEP, CPC		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended <input type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommitment for further consideration				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)	✓			
2. CARROLL, Mele (VC)	✓			
3. CHONG, Pono	✓			
4. ITO, Ken	✓			
5. MAGAOAY, Michael Y.	✓			
6. SAGUM, Roland D., III	✓			
7. SAIKI, Scott K.	✓			
8. THIELEN, Cynthia	✓			
TOTAL	8			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: Mele Canale				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				