

ACT 182

H.B. NO. 3134

A Bill for an Act Relating to Energy Emergency Response.

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

SECTION 1. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1992-1993 to be exceeded by \$250,000, or 0.0080 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriations made in this Act are necessary to serve the public interest and to meet the needs provided for by this Act.

SECTION 2. Chapter 125C, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . ENERGY EMERGENCY PLANNING

§125C- Biennial state energy emergency preparedness plan. (a) The department of business, economic development, and tourism shall prepare a comprehensive and integrated biennial state energy emergency preparedness plan to be implemented in the event of, or in anticipation of, a change in the State’s petroleum supply or demand situation that is judged by the governor to be unmanageable by the free market. The department of business, economic development, and tourism shall prepare a biennial state energy emergency preparedness plan in every even-numbered year in accordance with the following:

- (1) The biennial state energy emergency preparedness plan shall replace the energy emergency plan developed by the energy resources coor-

dinator, who shall act as the governor's authorized representative under this chapter;

- (2) In preparing the biennial state energy emergency preparedness plan, the department shall:
 - (A) Solicit input, comment, and review from the governor's energy emergency preparedness advisory committee composed of representatives of federal, state, and county governments; private energy suppliers; consumer and other public interest groups; and the public at-large; and
 - (B) Establish other task forces and advisory groups, as may be deemed necessary, to assist in the preparation and review of the biennial state energy emergency preparedness plan;
- (3) The biennial state energy emergency preparedness plan shall be comprehensive and encompassing, and shall integrate into its analytic and planning framework the plans of electric and gas utilities and other energy suppliers, relevant state agencies, including the department of transportation, counties, and such other entities as deemed appropriate; and
- (4) The biennial state energy emergency preparedness plan shall include a review and update of the previous biennial state energy emergency preparedness plan and a review of the energy emergency plans prepared by the counties.

(b) The department shall prepare an energy emergency communication plan, which shall be updated biennially and shall be consistent with the energy emergency preparedness plans prepared by the counties. The energy emergency communication plan shall be used by the State and counties to communicate and otherwise coordinate state and county actions taken in response to implementing the biennial state energy emergency preparedness plan.

§125C- Biennial county energy emergency preparedness plans. The mayor of each county, or the mayor's authorized representative, shall prepare a comprehensive county energy emergency preparedness plan. The plan shall be prepared in coordination with and be consistent with the biennial state energy emergency preparedness plan, and shall be implemented in coordination with the state energy emergency preparedness plan upon declaration of an energy emergency by the governor. Not later than September 30 of every even-numbered year, each county shall prepare and transmit to the director of business, economic development, and tourism the county's biennial county energy emergency preparedness plan."

SECTION 3. 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 [insure] 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 are¹ not² 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 and even-numbered calendar days, and [for] 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,³ which shall be determined by dividing the monthly allocation by the number of selling days per month[.];
 - (C) Requiring dealers to post signs [to designate] designating their hours of operation and the⁴ sell-out of daily allocation[.];
 - [(D) Allowing the counties to be exempt from all or portions of a state plan and to operate petroleum product distribution plans tailored to their own specific needs where a county has not exempted itself pursuant to section 125C-11.
 - (E)] (D) Instituting a statewide rationing plan[.]; and
 - [(F)] (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 [as set forth in section 125C-22.];
 - (3) Purchase and resell or otherwise distribute petroleum products, [a] and purchase and resell or otherwise distribute ethanol [which] that is produced within the State and [which] 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[.];
 - (6) Contract in the name of the State for the purpose of implementing this chapter or any part [hereof.] thereof; and
 - (7) Exercise the powers herein granted 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 4. Section 125C-7, Hawaii Revised Statutes, is amended to read as follows:

“§125C-7 **Petroleum products control fund.** (a) There is [hereby] established in the state treasury a revolving fund to be known as the petroleum products control fund. All fees or charges collected for services furnished or petroleum products sold, all moneys borrowed, and all contributions or grants of money received under this chapter shall be deposited in this fund; provided that the governor may establish other suitable funds in the state treasury for the deposit and separate accounting of moneys contributed or granted for special purposes under this chapter. All moneys in the petroleum products control fund are appropriated for the purposes of this chapter and shall be expended by the governor or the governor’s authorized representative. The governor or the governor’s authorized representative may expend and use the moneys in the petroleum products control fund to purchase petroleum products, to obtain services, equipment, materials, and supplies necessary under this chapter, and to repay moneys borrowed under this chapter.

(b) The governor’s authorized representative shall submit requests to the governor to withdraw moneys from the petroleum products control fund as may

be necessary for expenditure, by or under the direction of the governor, for immediate relief in the event of a shortage, or when the governor determines a shortage to be imminent and unavoidable; provided that not more than \$500,000 shall be expended for the immediate relief of any single shortage.

(c) In expending the moneys, the governor's authorized representative may allot any portion thereof to any state or county agency, office, or employee, for relief of the conditions created by the shortage. The governor may determine whether a shortage contemplated by this section has occurred, or is imminent and unavoidable. The determination of the governor in this matter shall be conclusive.

(d) The governor's authorized representative may expend funds from the petroleum products control fund during ordinary petroleum market conditions for planning and preparation to respond to a shortage."

SECTION 5. Section 125C-11, Hawaii Revised Statutes, is repealed.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000, or so much thereof as may be necessary for fiscal year 1992-93, of which \$130,000 shall be paid into the petroleum products control fund created in section 125C-7, Hawaii Revised Statutes, and of which \$30,000 shall be allocated to each of the counties solely for the purposes of energy emergency preparedness.

The sum appropriated shall be expended by the office of the governor for the purposes of this Act.

SECTION 7. Statutory material to be repealed is bracketed.⁵ New statutory material is underscored.

SECTION 8. This Act shall take effect on July 1, 1992.

(Approved June 12, 1992.)

Notes

1. Prior to amendment "shall" appeared here.
2. Prior to amendment "be" appeared here.
3. Comma should be underscored.
4. "The" should be underscored.
5. Edited pursuant to HRS §23G-16.5.