



**GOV. MSG. NO. 610**

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

May 28, 2010

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fifth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 28, 2010, the following bill was signed into law:

HB2631 HD2 SD2 CD1

A BILL FOR AN ACT  
RELATING TO ENERGY INDUSTRY REPORTING.  
**ACT 152 (10)**

Sincerely,



LINDA LINGLE

Approved by the Governor  
on MAY 28 2010

ACT 152

HOUSE OF REPRESENTATIVES  
TWENTY-FIFTH LEGISLATURE, 2010  
STATE OF HAWAII

H.B. NO. 2631  
H.D. 2  
S.D. 2  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO ENERGY INDUSTRY REPORTING.

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

1 SECTION 1. Section 486H-13, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (1) to read:

4 "(1) The suspension of the maximum pre-tax wholesale  
5 gasoline price shall suspend the commission's duty to calculate  
6 and publish the maximum pre-tax wholesale gasoline price that  
7 would have been in effect but for the suspension, but shall not  
8 suspend or affect:

9 (1) Any duty to register, timely provide information, make  
10 a report, or file a statement under chapter 486J; or

11 (2) Any duty of the commission to[-

12 ~~(A) Timely obtain, analyze, or publicly disclose or~~  
13 ~~report information under chapter 486J; and~~

14 ~~(B) Enforce] enforce~~ chapter 486B."

15 2. By amending subsection (n) to read:

16 "(n) The [~~commission~~] department of business, economic  
17 development, and tourism shall have the power to determine the



1 extent to which a manufacturer, wholesaler, or jobber is  
2 complying with any requirement imposed or rule adopted under  
3 this section, including the power to compel a manufacturer,  
4 wholesaler, or jobber to submit documents, data, and information  
5 necessary and appropriate for the [~~commission~~] department of  
6 business, economic development, and tourism to determine [~~such~~]  
7 compliance. [~~The commission may use data collected pursuant to~~  
8 ~~chapter 486J in determining such compliance.~~]"

9 SECTION 2. Chapter 486J, Hawaii Revised Statutes, is  
10 amended by amending the title to read as follows:

11 "CHAPTER 486J

12 [~~PETROLEUM~~] ENERGY INDUSTRY INFORMATION REPORTING ACT"

13 SECTION 3. Section 486J-1, Hawaii Revised Statutes, is  
14 amended as follows:

15 1. By adding three new definitions to read:

16 ""Biofuels" means liquid or gaseous fuels produced from  
17 organic sources such as biomass crops, agricultural residues,  
18 and oil crops, such as palm oil, canola oil, soybean oil, waste  
19 cooking oil, grease, and food wastes, animal residues and  
20 wastes, and sewage and landfill wastes.



1       "Inventory" means the volume, in barrels, of reserve that  
2 is normally maintained by the reporting entity on a monthly  
3 basis.

4       "Storage capacity" means the maximum volume, in barrels, of  
5 used and useful facility capacity for storage."

6       2. By repealing the definitions of "competitively priced",  
7 "corporate overhead expenses", "dealer tank wagon price", "major  
8 fuel user", "major marketer", "major oil producer", "major oil  
9 storer", "major oil transporter", "nonrefiner wholesale price",  
10 "refiner wholesale price", and "wholesale liquid fuel prices".

11       ~~["Competitively priced" means fuel grade ethanol for which~~  
12 ~~the wholesale price, minus the value of all applicable federal,~~  
13 ~~state, and county tax credits and exemptions, is not more than~~  
14 ~~the average posted rack price of unleaded gasoline of comparable~~  
15 ~~grade published in the State.~~

16       ~~"Corporate overhead expenses" means the expenses or costs~~  
17 ~~allocated by the refiners that reflect their Hawaii business~~  
18 ~~units' share of corporate staff costs, such as legal, finance,~~  
19 ~~accounting, information technology, and similar costs.~~

20       ~~"Dealer tank wagon price" means the wholesale price at~~  
21 ~~which liquid fuel is sold to any retail outlet by any~~  
22 ~~distributor priced on a delivered basis to a retail outlet.~~



1       ~~"Major fuel user" means any person who uses fuel in the~~  
2       ~~manufacture of products or for the generation of power in~~  
3       ~~amounts determined by the commission as having a major effect on~~  
4       ~~energy supplies.~~

5       ~~"Major marketer" means any person who sells natural gas,~~  
6       ~~propane, synthetic natural gas, or oil in amounts determined by~~  
7       ~~the commission as having a major effect on energy supplies.~~

8       ~~"Major oil producer" means any person who produces oil in~~  
9       ~~amounts determined by the commission as having a major effect on~~  
10       ~~energy supplies.~~

11       ~~"Major oil storer" means any person who stores oil or other~~  
12       ~~petroleum products in amounts determined by the commission as~~  
13       ~~having a major effect on energy supplies.~~

14       ~~"Major oil transporter" means any person who transports oil~~  
15       ~~or other petroleum products in amounts determined by the~~  
16       ~~commission as having a major effect on energy supplies.~~

17       ~~"Nonrefiner wholesale price" means the wholesale price at~~  
18       ~~which liquid fuel is sold by any distributor, not a refiner, to~~  
19       ~~any other distributor, not a refiner, for resale at any~~  
20       ~~subsequent wholesale or retail transaction.~~

21       ~~"Refiner wholesale price" means the wholesale price at~~  
22       ~~which liquid fuel is sold by a refiner to any distributor, not a~~



1 ~~refiner, for resale at any subsequent wholesale or retail~~  
2 ~~transaction.~~

3 ~~"Wholesale liquid fuel prices" means the prices at which~~  
4 ~~liquid fuel is sold at wholesale for resale at wholesale or~~  
5 ~~retail, typically but not limited to gasoline and diesel for~~  
6 ~~motor vehicles, and include "dealer tank wagon price",~~  
7 ~~"nonrefiner wholesale price", and "refiner wholesale price"."]~~

8 SECTION 4. Section 486J-3, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "§486J-3 Statements. ~~[(a)]~~ Each ~~[week]~~ month, every  
11 refiner and distributor ~~[and major fuel user shall file with the~~  
12 ~~commission, on forms prescribed, prepared, and furnished by the~~  
13 ~~commission, a certified statement showing on a statewide~~  
14 ~~consolidated basis, and]~~, on a reporting date established by the  
15 director, shall file with the research and economic analysis  
16 division of the department, on forms furnished by the department  
17 showing separately for each county and for the islands of Lanai  
18 and Molokai within which and whereon fuel is sold or used during  
19 the last preceding reporting ~~[week,]~~ month, the following:

20 ~~[(1) The total number of gallons or units of fuel, by type~~  
21 ~~or grade, refined, manufactured, or compounded by the~~  
22 ~~distributor within the State and, if for ultimate sale~~



1 ~~or consumption in another county or on another island,~~  
2 ~~the number of gallons or units of fuel, by type or~~  
3 ~~grade, sold, exchanged, or otherwise transferred or~~  
4 ~~used by the distributor in each county or island;~~  
5 ~~(2) The total number of gallons or units of fuel, by type~~  
6 ~~or grade, imported or exported by the distributor, the~~  
7 ~~total volumes of fuel, by type or grade, sold,~~  
8 ~~exchanged, or otherwise transferred or used by the~~  
9 ~~distributor, and if for ultimate sale or consumption~~  
10 ~~in another county or on another island, the number of~~  
11 ~~gallons or units of fuel, by type or grade, sold,~~  
12 ~~exchanged, or otherwise transferred or used by the~~  
13 ~~distributor in each county or island;~~  
14 ~~(3) The total number of gallons or units of fuel sold as~~  
15 ~~liquid fuel, aviation fuel, diesel fuel, and other~~  
16 ~~types of fuel as required by the commission;~~  
17 ~~(4) The total number of gallons or units of fuel, by type~~  
18 ~~or grade, and their respective sales prices for all~~  
19 ~~fuel sold to federal, state, and county agencies,~~  
20 ~~ships stores, or base exchanges, commercial~~  
21 ~~agricultural accounts, commercial nonagricultural~~

- 1 ~~accounts, retail dealers, and other customers as~~  
2 ~~required by the commission;~~
- 3 ~~(5) Weekly weighted average acquisition cost per barrel~~  
4 ~~and volumes of foreign or domestic crude oil or other~~  
5 ~~liquid fuels, finished or unfinished, imported to~~  
6 ~~Hawaii, including information identifying the source~~  
7 ~~of the crude oil or other liquid fuels;~~
- 8 ~~(6) The effective date and time, and the amount of change~~  
9 ~~in cents per gallon, of any increase or decrease in~~  
10 ~~wholesale price occurring during the week and the~~  
11 ~~weekly weighted average wholesale prices and sales~~  
12 ~~volumes of finished unleaded regular and premium motor~~  
13 ~~gasoline, and of each other grade of gasoline sold, by~~  
14 ~~island, to retail outlets, by classes of retail trade,~~  
15 ~~and to wholesale distributors;~~
- 16 ~~(7) Weekly weighted average retail prices, and sales~~  
17 ~~volumes of finished unleaded regular and premium motor~~  
18 ~~gasoline, and of each other grade of gasoline sold, by~~  
19 ~~island, by retail distributor outlets of all classes~~  
20 ~~of retail trade and by any distributor to other end-~~  
21 ~~users, provided that the commission may purchase~~  
22 ~~retail price data from data service companies that the~~





1           ~~commission may use to substitute some or all data to~~  
2           ~~meet the reporting requirement for retail price data~~  
3           ~~under this paragraph;~~

4           ~~(8) The effective date and time, and the amount of change~~  
5           ~~in cents per gallon, of any increase or decrease in~~  
6           ~~wholesale price occurring during the week and the~~  
7           ~~weekly weighted average wholesale prices, and sales~~  
8           ~~volumes of No. 2 diesel fuel and No. 2 fuel oil, by~~  
9           ~~island, to retail distributor outlets, by classes of~~  
10           ~~retail trade, and to all other wholesale distributors.~~  
11           ~~Weighted average wholesale prices and sales volumes~~  
12           ~~shall be reported by type of wholesale liquid fuel~~  
13           ~~price;~~

14           ~~(9) Weekly weighted average retail prices, and sales~~  
15           ~~volumes of No. 2 diesel fuel and No. 2 fuel oil sold,~~  
16           ~~by island, by retail distributor outlets of all~~  
17           ~~classes of retail trade and by any distributor to~~  
18           ~~other end users. The commission may purchase retail~~  
19           ~~price data from data service companies that the~~  
20           ~~commission may use to substitute some or all data to~~  
21           ~~meet the reporting requirement for retail price data~~  
22           ~~under this paragraph;~~



- 1       ~~(10) Weekly weighted average prices, and sales volumes for~~  
2       ~~retail sales and wholesale sales, by island, of No. 1~~  
3       ~~distillate, kerosene, finished aviation gasoline,~~  
4       ~~kerosene-type jet fuel, No. 4 fuel oil, residual fuel~~  
5       ~~oil, and consumer grade propane;~~
- 6       ~~(11) For each distributor that is a refiner, the gross~~  
7       ~~margins or spreads between a refiner's average~~  
8       ~~weighted acquisition price for each gallon of crude~~  
9       ~~oil and blendstock refined within the State and the~~  
10       ~~average weighted prices for each gallon or unit of~~  
11       ~~fuel sold, by county or island, to another~~  
12       ~~distributor, a retail dealer, end user, and consumer;~~
- 13       ~~(12) For each distributor that is not a refiner, the gross~~  
14       ~~margins or spreads between the distributor's average~~  
15       ~~weighted price for each gallon or unit of fuel~~  
16       ~~acquired by the distributor and the average weighted~~  
17       ~~prices for each gallon or unit of fuel sold, by county~~  
18       ~~or island, to another distributor, a retail dealer,~~  
19       ~~end user, or consumer; and~~
- 20       ~~(13) Revenues, expenses, profits and losses, and any other~~  
21       ~~financial or operating information as may be required~~  
22       ~~by the commission.~~



1 ~~The commission shall prescribe applicable standards and~~  
2 ~~practices for reporting to facilitate uniformity, consistency,~~  
3 ~~and comparability of the data to be submitted.]~~

- 4     (1) The total volume of fuel imported into and exported  
5     from Hawaii, and if for ultimate sale or consumption  
6     in another county or on another island, the total  
7     volume of fuel, in barrels, by import location  
8     (foreign and domestic), by specific crude oil  
9     imported, and by liquid fuel type, aviation fuel,  
10    diesel fuel, biofuels, and other types of fuel as  
11    required by the department, that is sold, exchanged,  
12    or otherwise transferred or used by the distributor;
- 13    (2) The total volume of fuel refined, manufactured, or  
14    compounded by refineries, in barrels, by company, and  
15    by specific crude oil and by liquid fuel type,  
16    aviation fuel, diesel fuel, biofuels, and other types  
17    of fuel as required by the department, including No. 2  
18    diesel fuel, No. 1 distillate, No. 2 fuel oil, No. 4  
19    fuel oil, kerosene, finished aviation gasoline,  
20    kerosene-type jet fuel, residual fuel oil, consumer  
21    grade propane, and gasoline (regular, midgrade, and  
22    premium);



1       (3) The total volume of fuel distributed, in barrels, by  
2       company, by island, and by liquid fuel type, aviation  
3       fuel, diesel fuel, biofuels, and other types of fuel  
4       as required by the department, and by:

5       (A) Classes of retail trade;

6       (B) Federal, state, county agencies, ships stores, or  
7       base exchanges, commercial agriculture accounts,  
8       commercial non-agriculture accounts, retail  
9       dealers, and other customers as required by the  
10       department; and

11       (C) Wholesale distributor;

12       and

13       (4) The total volume of inventory and storage capacity, in  
14       barrels, by reporting entity, by method of  
15       transportation of receipts and distribution, by  
16       specific crude oil, and by liquid fuel type, aviation  
17       fuel, diesel fuel, biofuels, and other types of fuel  
18       as required by the department.

19       ~~[(b) Each major marketer shall submit to the commission,~~  
20       ~~at a time and in a form as the commission shall prescribe,~~  
21       ~~information, including petroleum and petroleum product receipts,~~  
22       ~~exchanges, inventories, and distributions.~~



1       ~~(c) The commission may require additional information as~~  
2       ~~and when the commission deems necessary to perform the~~  
3       ~~commission's responsibilities under this chapter.~~

4       ~~(d) Information in the statements filed pursuant to this~~  
5       ~~section shall be collected and maintained for the purpose of~~  
6       ~~facilitating the analysis required by this chapter, provided~~  
7       ~~that the commission shall make the information available to the~~  
8       ~~public, to the extent permitted under sections 486J-6 and~~  
9       ~~486J-8.] "~~

10       SECTION 5. Section 486J-5.5, Hawaii Revised Statutes, is  
11       amended to read as follows:

12       " ~~[+] §486J-5.5 []-~~ ~~Petroleum industry monitoring, analysis,~~  
13       ~~and reporting]~~ Energy data collection program. The ~~[commission]~~  
14       department shall establish the ~~[petroleum industry monitoring,~~  
15       ~~analysis, and reporting]~~ energy data collection program that  
16       includes development and maintenance of an ~~[automated petroleum~~  
17       ~~industry information reporting]~~ energy database system that  
18       meets the requirements of government ~~[7]~~ and industry, ~~[and the~~  
19       ~~public]~~ while promoting sound policy making ~~[and consumer~~  
20       ~~information and protection. The purpose of the petroleum~~  
21       ~~industry monitoring, analysis, and reporting program is to~~  
22       ~~conduct and facilitate the efficient analysis and reporting of~~



1 ~~all information and data provided by the petroleum industry~~  
2 ~~pursuant to this chapter. The commission shall develop the~~  
3 ~~petroleum industry monitoring, analysis, and reporting program~~  
4 ~~in a manner that will result in greater market transparency and~~  
5 ~~provide useful information to the general public and those~~  
6 ~~agencies that are authorized to conduct oversight of the~~  
7 ~~petroleum industry and ensure compliance with all relevant~~  
8 ~~laws.]~~, energy planning, energy assurance planning, and energy  
9 security."

10 SECTION 6. Section 486J-6, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "§486J-6 Confidential information. (a) [~~Confidential~~  
13 ~~commercial information~~] Statements provided to the [~~commission~~]  
14 department pursuant to [~~this chapter that is~~] section 486J-3 and  
15 the data contained therein shall be deemed confidential and  
16 exempt from public disclosure under [~~section 92F-13 shall be~~  
17 ~~held in confidence by the commission or aggregated to the extent~~  
18 ~~necessary in the commission's discretion to ensure~~  
19 ~~confidentiality as required by~~] chapter 92F.

20 (b) No data or information submitted to the [~~commission~~]  
21 department shall be deemed confidential if it is shown that the  
22 person submitting the information or data has made it public.



1 (c) Unless otherwise provided by law, with respect to data  
2 that the commission [~~obtains~~] or department obtained or [~~is~~] was  
3 provided pursuant to [~~section 486J-3, 486J-4, 486J-4.5, or~~  
4 ~~486J-5,~~] this chapter, neither the commission or department nor  
5 any employee of the commission or department may do any of the  
6 following:

- 7 (1) Use the information furnished or obtained for any  
8 purpose other than the purposes for which it is  
9 supplied;
- 10 (2) Make any publication whereby the data furnished by any  
11 person can be identified; or
- 12 (3) Permit any person other than the commission, the  
13 department of taxation, the attorney general, the  
14 consumer advocate, the department of business,  
15 economic development, and tourism, and the authorized  
16 representatives and employees of each to examine the  
17 individual reports or statements provided."

18 SECTION 7. Section 486J-7, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "§486J-7 Confidential information obtained by another  
21 state agency. Any confidential information pertinent to the  
22 responsibilities of the commission or the department specified



1 in this chapter that is obtained by another state agency,  
2 including the department of taxation, the attorney general, and  
3 the consumer advocate, shall be available only to the attorney  
4 general, the attorney general's authorized representatives, the  
5 department of business, economic development, and tourism, and  
6 the commission and shall be treated in a confidential manner."

7 SECTION 8. Section 486J-9, Hawaii Revised Statutes, is  
8 amended by amending subsections (a), (b), and (c) to read as  
9 follows:

10 "(a) The [~~commission~~] department shall notify those  
11 persons who have failed to timely provide the information  
12 specified in section 486J-3 [~~, 486J-4, or 486J-4.5~~] or requested  
13 by the [~~commission~~] department under section 486J-3 [~~, 486J-4, or~~  
14 ~~486J-4.5~~]. If, within five business days after being notified  
15 of the failure to provide the specified or requested  
16 information, the person fails to supply the specified or  
17 requested information, the person shall be subject to a civil  
18 penalty of not less than \$50,000 per day nor more than \$100,000  
19 per day for each day the submission of information is refused or  
20 delayed.

21 (b) Any person, or any employee of any person, who  
22 wilfully makes any false statement, representation, or





1 certification in any record, report, plan, or other document  
2 filed with the [commission] department shall be subject to a  
3 civil penalty not to exceed \$500,000 and shall be deemed to have  
4 committed an unfair or deceptive act or practice in the conduct  
5 of a trade or commerce and subject to the penalties specified in  
6 chapters 480 and 486B.

7 (c) The [commission] department shall refer any matter  
8 under subsection (a) or (b) to the attorney general, who may  
9 exercise any appropriate legal or equitable remedies that may be  
10 available to the State."

11 SECTION 9. Section 486J-4, Hawaii Revised Statutes, is  
12 repealed.

13 ~~["§486J-4 Informational reports. (a) Each major oil~~  
14 ~~producer, refiner, marketer, oil transporter, and oil storer~~  
15 ~~shall submit to the commission, in a form as the commission~~  
16 ~~shall prescribe, information that includes the following:~~

17 ~~(1) Major oil transporters shall report on petroleum by~~  
18 ~~reporting the capacities of each major transportation~~  
19 ~~system, the amount transported by each system, and~~  
20 ~~inventories thereof. The provision of the information~~  
21 ~~shall not be construed to increase and decrease any~~  
22 ~~authority the commission may otherwise have;~~



- 1       ~~(2) Major oil storers shall report on storage capacity,~~  
2           ~~inventories, receipts and distributions, and methods~~  
3           ~~of transportation of receipts and distributions;~~
- 4       ~~(3) Refiners shall report on facility capacity and~~  
5           ~~utilization and method of transportation of refinery~~  
6           ~~receipts and distributions; and~~
- 7       ~~(4) Major oil marketers shall report on facility capacity~~  
8           ~~and methods of transportation of receipts and~~  
9           ~~distributions.~~

10       ~~(b) The commission may require additional information as~~  
11       ~~and when the commission deems necessary to perform the~~  
12       ~~commission's responsibilities under this chapter." ]~~

13       SECTION 10. Section 486J-4.5, Hawaii Revised Statutes, is  
14       repealed.

15       ~~["§486J 4.5 Informational cost reports. (a) Each~~  
16       ~~refiner, on a semi annual basis, at reporting dates as the~~  
17       ~~commission may establish, shall file with the commission, on~~  
18       ~~forms prescribed, prepared, and furnished by the commission, a~~  
19       ~~certified statement of operating and overhead costs for the~~  
20       ~~refiner's Hawaii operations that shall include but not be~~  
21       ~~limited to the following:~~

- 22       ~~(1) Crude oil costs and sources;~~



- 1       ~~(2) Other feedstock costs and sources;~~  
2       ~~(3) Refinery operating expenses;~~  
3       ~~(4) Marketing operating expenses by petroleum product;~~  
4       ~~(5) Distribution expenses by petroleum product; and~~  
5       ~~(6) Corporate overhead expenses.~~
- 6       ~~(b) In addition to the reporting required under subsection~~  
7 ~~(a), each distributor shall file with the commission all~~  
8 ~~Securities and Exchange Commission Forms 10 K, 10 Q, annual~~  
9 ~~reports, quarterly reports, and earnings supplements published~~  
10 ~~by the distributor.~~
- 11       ~~(c) Each distributor, except a distributor who is so~~  
12 ~~defined solely by criteria in paragraph (4) of that definition~~  
13 ~~in section 486J-1, who sells liquid fuel only at retail and is~~  
14 ~~not a refiner, shall file with the commission, on a semi annual~~  
15 ~~basis at reporting dates as the commission may establish, on~~  
16 ~~forms prescribed, prepared, and furnished by the commission, a~~  
17 ~~certified statement of operating and overhead costs that shall~~  
18 ~~include the following:~~
- 19       ~~(1) Gasoline purchases and exchanges and sources;~~  
20       ~~(2) Diesel purchases and exchanges and sources;~~  
21       ~~(3) Marketing expenses; and~~  
22       ~~(4) Distribution expenses." ]~~



1 SECTION 11. Section 486J-5, Hawaii Revised Statutes, is  
2 repealed.

3 [~~§486J-5 Analysis of information; summary reports. (a)~~  
4 ~~The commission, with the commission's own staff and other~~  
5 ~~support staff with expertise and experience in, or with, the~~  
6 ~~petroleum industry, shall gather, analyze, and interpret the~~  
7 ~~information submitted to it pursuant to sections 486J-3, 486J-4,~~  
8 ~~and 486J-4.5 and other information relating to the supply,~~  
9 ~~prices, margins, and profits of petroleum products, with~~  
10 ~~particular emphasis on motor vehicle fuels, including but not~~  
11 ~~limited to all of the following:~~

- 12 ~~(1) The nature, cause, and extent of any petroleum or~~  
13 ~~petroleum product situation or condition affecting~~  
14 ~~supply, price, margins, or profits;~~
- 15 ~~(2) The prices, with particular emphasis on wholesale and~~  
16 ~~retail motor vehicle fuel prices, and any significant~~  
17 ~~changes in prices charged by the petroleum industry~~  
18 ~~for petroleum or petroleum products sold in Hawaii and~~  
19 ~~the reasons for the changes;~~
- 20 ~~(3) The income, expenses, margins, and profits in Hawaii,~~  
21 ~~both before and after taxes, of each distributor and~~  
22 ~~the income, expenses, margins, and profits, both~~



1 ~~before and after taxes, of major oil companies in~~  
2 ~~other regions of the United States and other~~  
3 ~~countries; and~~

4 ~~(4) The emerging trends relating to supply, demand, price,~~  
5 ~~margins, and profits.~~

6 ~~(b) The commission shall analyze the effects of state and~~  
7 ~~federal policies, rules, and regulations upon the supply and~~  
8 ~~pricing of petroleum products.~~

9 ~~(c) The commission shall publish annually and submit to~~  
10 ~~the governor and the legislature twenty days prior to the first~~  
11 ~~day of each regular legislative session a summary, including any~~  
12 ~~analysis and interpretation of the information submitted to it~~  
13 ~~pursuant to this chapter, and any other activities taken by the~~  
14 ~~commission, including civil penalties imposed and referrals of~~  
15 ~~violations to the attorney general under section 486J-9. Any~~  
16 ~~person may submit comments in writing regarding the accuracy or~~  
17 ~~sufficiency of the information submitted." ]~~

18 SECTION 12. Section 486J-5.3, Hawaii Revised Statutes, is  
19 repealed.

20 ~~["§486J-5.3] Use and analysis of information by the~~  
21 ~~department of business, economic development, and tourism. The~~  
22 ~~department, with its own staff and other support staff with~~



1 ~~relevant expertise and experience, shall use the information~~  
2 ~~obtained under this chapter to effectuate the purposes of~~  
3 ~~chapters 125C, 196, and other relevant laws." ]~~

4 SECTION 13. Section 486J-5.6, Hawaii Revised Statutes, is  
5 repealed.

6 ["~~[§486J-5.6] Petroleum industry monitoring, analysis, and~~  
7 ~~reporting special fund. (a) There is established a petroleum~~  
8 ~~industry monitoring, analysis, and reporting special fund to be~~  
9 ~~administered by the commission.~~

10 ~~(b) The legislature may make appropriations from the~~  
11 ~~general revenues of the State of Hawaii, not to exceed~~  
12 ~~\$2,000,000 in any fiscal year, for the petroleum industry~~  
13 ~~monitoring, analysis, and reporting special fund.~~

14 ~~(c) Moneys in the special fund shall be used to:~~

15 ~~(1) Administer the petroleum industry monitoring,~~  
16 ~~analysis, and reporting program pursuant to this~~  
17 ~~chapter; and~~

18 ~~(2) Establish full time staff positions in the~~  
19 ~~commission to implement and maintain the petroleum~~  
20 ~~industry monitoring, analysis, and reporting program,~~  
21 ~~including the automated petroleum industry information~~  
22 ~~reporting system established by section 486J-5.5." ]~~



1 SECTION 14. Section 486J-8, Hawaii Revised Statutes, is  
2 repealed.

3 [~~§486J-8 Sharing of information obtained by the~~  
4 ~~commission. (a) Except as provided in subsections (b) and (c),~~  
5 ~~the commission shall make any information obtained by the~~  
6 ~~commission under this chapter, including confidential~~  
7 ~~information, available only to the attorney general, the~~  
8 ~~department of taxation, the consumer advocate, the department of~~  
9 ~~business, economic development, and tourism, an appropriate~~  
10 ~~legislative committee, and the authorized representative of~~  
11 ~~each, who shall safeguard the confidentiality of all~~  
12 ~~confidential information received.~~

13 ~~(b) The commission shall disclose to the public, using the~~  
14 ~~best readily available technology, the information contained in~~  
15 ~~the statements that are filed pursuant to section 486J-3, except~~  
16 ~~to the extent that disclosure is prohibited under section~~  
17 ~~486J-6. The commission shall publicly report this information~~  
18 ~~within fourteen days pursuant to the reporting dates established~~  
19 ~~by the commission under section 486J-3.~~

20 ~~(c) Nothing in this section shall be construed to prohibit~~  
21 ~~the implementation of the petroleum industry monitoring,~~  
22 ~~analysis, and reporting program under section 486J-5.5 or the~~



1 ~~public disclosure of the analysis of information and reports~~  
2 ~~described in section 486J-5." ]~~

3 SECTION 15. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 16. This Act shall take effect on July 1, 2010.

APPROVED this 28 day of MAY, 2010



GOVERNOR OF THE STATE OF HAWAII

