

By: Representative Franks

To: Conservation and Water Resources; Oil, Gas and Other Minerals

HOUSE BILL NO. 851

1 AN ACT TO REQUIRE THAT EACH REFINER AND MAJOR MARKETER OF  
2 PETROLEUM PRODUCTS SUBMIT CERTAIN INFORMATION TO THE OFFICE OF  
3 CONSUMER PROTECTION WITHIN THE ATTORNEY GENERAL'S OFFICE; TO  
4 AUTHORIZE THE OFFICE OF CONSUMER PROTECTION TO MONITOR THE PROCESS  
5 OF REPORTING THE INFORMATION; TO PROVIDE FOR CIVIL PENALTIES FOR  
6 THOSE PERSONS WHO FAIL TO MAKE REPORTS; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. The Legislature finds and determines that the  
9 petroleum industry is an essential element of the Mississippi  
10 economy and is therefore of vital importance to the health and  
11 welfare of all Mississippians.

12 The Legislature further finds and determines that a  
13 complete and thorough understanding of the operations of the  
14 petroleum industry is required by state government at all times to  
15 enable it to respond to possible shortages, oversupplies, or other  
16 disruptions and to assess whether all consumers, including  
17 emergency service agencies, state and local government agencies,  
18 and agricultural and business consumers of petroleum products have  
19 adequate and economic supplies of fuel.

20 The Legislature further finds and determines that  
21 information and data concerning all aspects of the petroleum  
22 industry, including, but not limited to, crude oil production,  
23 production and supplies of finished branded and unbranded  
24 gasoline, supplies of diesel fuel and other distillates, supplies  
25 of blendstocks used to make gasoline and other refined products,  
26 refining, product output, exports of finished gasoline, diesel  
27 fuel, and blendstocks, prices, distribution, demand, and  
28 investment choices and decisions are essential for the state to

29 develop and administer energy policies that are in the interest of  
30 the state's economy and the public's well-being.

31 **SECTION 2.** (1) Each refiner and major marketer shall  
32 submit information each month to the Office of Consumer Protection  
33 within the Attorney General's Office in such form and extent as  
34 the Office of Consumer Protection prescribes under this section.  
35 The information shall be submitted within thirty (30) days after  
36 the end of each monthly reporting period and shall include the  
37 following:

38 (a) Refiners shall report, for each of their  
39 refineries, feedstock inputs, origin of petroleum receipts,  
40 imports of finished petroleum products and blendstocks, by type,  
41 including the source of those imports, exports of finished  
42 petroleum products and blendstocks, by type, including the  
43 destination of those exports, refinery outputs, refinery stocks,  
44 and finished product supply and distribution, including all  
45 gasoline sold unbranded by the refiner, blender, or importer; and

46 (b) Major marketers shall report on petroleum product  
47 receipts and the sources of these receipts, inventories of  
48 finished petroleum products and blendstocks, by type,  
49 distributions through branded and unbranded distribution networks,  
50 and exports of finished petroleum products and blendstocks, by  
51 type, from the state.

52 (2) Each major oil producer, refiner, marketer, oil  
53 transporter, and oil storer shall annually submit information to  
54 the Office of Consumer Protection in such form and extent as the  
55 Office of Consumer Protection prescribes under this section. The  
56 information shall be submitted within thirty (30) days after the  
57 end of each reporting period, and shall include the following:

58 (a) Major oil transporters shall report on petroleum  
59 by reporting the capacities of each major transportation system,  
60 the amount transported by each system, and inventories thereof.  
61 The Office of Consumer Protection may prescribe rules and

62 regulations that exclude pipeline and transportation modes  
63 operated entirely on property owned by major oil transporters from  
64 the reporting requirements of this section if the data or  
65 information is not needed to fulfill the purposes of this act.

66 (b) Major oil storers shall report on storage  
67 capacity, inventories, receipts and distributions, and methods of  
68 transportation of receipts and distributions.

69 (c) Major oil producers shall, with respect to  
70 thermally enhanced oil recovery operations, report annually by  
71 designated oil field, the monthly use, as fuel, of crude oil and  
72 natural gas.

73 (d) Refiners shall report on facility capacity, and  
74 utilization and method of transportation of refinery receipts and  
75 distributions.

76 (e) Major oil marketers shall report on facility  
77 capacity and methods of transportation of receipts and  
78 distributions.

79 (3) Each person required to report under subsection (1) of  
80 this section shall submit a projection each month of the  
81 information to be submitted under subsection (1) for the quarter  
82 following the month in which the information is submitted to the  
83 Office of Consumer Protection.

84 (4) The Office of Consumer Protection may by order or  
85 regulation modify the reporting period as to any individual item  
86 of information setting forth in the order or regulation its reason  
87 for so doing.

88 (5) The Office of Consumer Protection may request  
89 additional information as necessary to perform its  
90 responsibilities under this act.

91 (6) Any person required to submit information or data under  
92 this act, in lieu thereof, may submit a report made to any other  
93 governmental agency, if:

94 (a) The alternate report or reports contain all of  
95 the information or data required by specific request under this  
96 act; and

97 (b) The person clearly identifies the specific  
98 request to which the alternate report is responsive.

99 (7) Each refiner shall submit to the Office of Consumer  
100 Protection, within thirty (30) days after the end of each monthly  
101 reporting period, all of the following information in such form  
102 and extent as the Office of Consumer Protection prescribes:

103 (a) Monthly Mississippi weighted average prices and  
104 sales volumes of finished leaded regular, unleaded regular, and  
105 premium motor gasoline sold through company-operated retail  
106 outlets, to other end-users, and to wholesale customers.

107 (b) Monthly Mississippi weighted average prices and  
108 sales volumes for residential sales, commercial and institutional  
109 sales, industrial sales, sales through company-operated retail  
110 outlets, sales to other end-users, and wholesale sales of No. 2  
111 diesel fuel and No. 2 fuel oil.

112 (c) Monthly Mississippi weighted average prices and  
113 sales volumes for retail sales and wholesale sales of No. 1  
114 distillate, kerosene, finished aviation gasoline, kerosene-type  
115 jet fuel, No. 4 fuel oil, residual fuel oil with 1 percent (1%) or  
116 less sulfur, residual fuel oil with greater than 1 percent (1%)  
117 sulfur and consumer grade propane.

118 (i) 1. An oil refiner, oil producer,  
119 petroleum product transporter, petroleum product marketer,  
120 petroleum product pipeline operator, and terminal operator, as  
121 designated by the Office of Consumer Protection, shall submit a  
122 report in the form and extent as the Office of Consumer Protection  
123 prescribes under this section. The Office of Consumer Protection  
124 may determine the form and extent necessary by order or by  
125 regulation.



159 representation, or certification in any record, report, plan, or  
160 other document filed with the Office of Consumer Protection shall  
161 be subject to a civil penalty not to exceed two thousand dollars  
162 (\$2,000.00).

163         **SECTION 4.** This act shall take effect and be in force from  
164 and after July 1, 2006.