

[4-802] 10-802.

(a) The [Department] ADMINISTRATION shall establish and maintain in a state of readiness, plans and procedures for implementing a State standby set-aside program for use during an energy emergency.

(b) The set-aside program shall be established for the following products: Motor gasoline, middle distillate, propane, residual fuel oil (except as used in electric generating stations by electric companies or as bunker fuel for marine shipping), and aviation gasoline.

(c) The [Secretary] DIRECTOR shall determine the appropriate State set-aside percentage level for each product and may review and revise such percentages as deemed appropriate. Such percentage levels shall not exceed [5 percent] 5% for motor gasoline, [4 percent] 4% for middle distillates, [3 percent] 3% for propane, [3 percent] 3% for residual fuel oil (except as used in electric generating stations by electric companies or as bunker fuel for marine shipping) and [2 percent] 2% for aviation gasoline.

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(a) The [Department] ADMINISTRATION may use the State set-aside program during any energy emergency to mitigate the hardship and emergency situation of any person to the extent the person is engaged only in the following activities:

- (1) Agricultural production;
- (2) Cargo freight and mail hauling by trucks and mail carriers;
- (3) Congregate care facilities;
- (4) Emergency services;
- (5) Energy production;
- (6) Passenger transportation services;
- (7) Residential space heating and food preparation;
- (8) Sanitation services;
- (9) Social service agency use;
- (10) Space heating requirements of medical and nursing buildings; and
- (11) Telecommunication services.

(b) If State set-aside volumes are not sufficient to satisfy all requests for assignments, the [Department] ADMINISTRATION may determine priorities for making assignments among the activities listed in subsection (a) of this section.

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(a) The [Secretary] DIRECTOR is responsible for the proper administration and enforcement of the State set-aside program.