

---

---

# A BILL FOR AN ACT

RELATING TO ENERGY ASSURANCE.

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

1           SECTION 1. Chapter 125C, Hawaii Revised Statutes, is  
2 amended by adding to part I three new sections to be  
3 appropriately designated and to read as follows:

4           "§125C- Information and analysis required for state  
5 energy planning, energy assurance planning, and energy supply  
6 risk assessment and resilience planning. (a) The department,  
7 with its own staff and agents whom the director designates as  
8 authorized representatives, shall use the information, including  
9 confidential information, received from all sources solely to  
10 effectuate the purposes of this chapter, chapter 127A, and  
11 chapter 196.

12           (b) The director shall conduct systematic quantitative and  
13 qualitative analyses of the State's energy resources that the  
14 director determines are necessary to:

15           (1) Assess and report on any actual or potential energy  
16 supply disruption or shortage that threatens to impair



- 1           the public health, safety, and welfare and to preserve  
2           the lives and property of the people of the State;
- 3           (2) Produce energy ecosystem assessments to determine  
4           risks, vulnerabilities, criticalities,  
5           interdependencies, impacts, consequences, and  
6           mitigation strategies related to any actual or  
7           potential emergency or disaster impacting the State;
- 8           (3) Develop an understanding of causes and effects of  
9           transitional issues and trends related to changes in  
10           the State's energy resources, systems, and markets;
- 11           (4) Establish and maintain baseline data and information  
12           on Hawaii's statewide energy resources, systems, and  
13           markets, and their relationships to energy investment  
14           decisions and the economy in support of measures to  
15           increase energy resiliency, reduce vulnerabilities,  
16           and preserve Hawaii's energy security;
- 17           (5) Develop energy assurance and emergency response plans  
18           and measures, which in the event of an actual energy  
19           shortage or supply disruption, are used to determine  
20           and recommend what, if any, emergency government  
21           intervention may be necessary and appropriate, and to



1 implement and evaluate the effectiveness of such  
2 emergency intervention while promoting informed,  
3 transparent, and defensible decision making; and

4 (6) Produce other relevant energy analyses that the  
5 director deems necessary to administer the energy  
6 planning, energy emergency planning, energy assurance  
7 planning, and energy security policies pursuant to  
8 this chapter, and other activities in support of the  
9 director's role and responsibilities pursuant to  
10 chapters 127A and 196 and other relevant laws.

11 §125C- Confidential information. (a) All confidential  
12 information received by the director shall be afforded all the  
13 protections available under chapter 92F and other applicable law  
14 and shall be held in confidence by the director and the  
15 director's staff and agents, or aggregated for the purposes of  
16 dissemination in the event of a shortage or state of emergency  
17 to the extent necessary in the director's discretion to ensure  
18 confidentiality as authorized by chapter 92F.

19 (b) The director and the director's staff and agents shall  
20 preserve the confidentiality and protection of all information  
21 received by the director to the extent authorized by law and, by



1 application and extension of any other agency's respective  
2 safeguards, protect and prevent the unauthorized further release  
3 of the information. Receiving agencies shall afford any shared  
4 information the protections from disclosure provided for under  
5 chapter 92F.

6 (c) Unless otherwise provided by law, with respect to  
7 information that is confidential or exempt from disclosure under  
8 chapter 92F that the director obtains, purchases, receives, or  
9 otherwise acquires, neither the governor nor the director, nor  
10 the staff and agents thereof, shall do any of the following:

- 11 (1) Use the confidential information for any purposes  
12 other than the purposes for which it was acquired;  
13 (2) Make any publication whereby the confidential  
14 information furnished by any person can be identified;  
15 or  
16 (3) Permit any person other than the governor, the  
17 director, the director's staff, and agents thereof to  
18 examine any confidential information, individual  
19 reports, or statements acquired.

20 §125C- Definitions. As used in this chapter, unless the  
21 context otherwise requires:



1       "Agent" means a person who is designated by the director as  
2 an authorized representative.

3       "Dealer" means any person engaged in the retail sale of  
4 fuel in Hawaii.

5       "Department" means the department of business, economic  
6 development, and tourism.

7       "Director" means the director of business, economic  
8 development, and tourism, who is the state energy resources  
9 coordinator pursuant to section 196-3, and the governor's  
10 authorized representative for energy.

11       "Distributor" means:

12       (1) Every person who refines, manufactures, produces, or  
13 compounds fuel in the State and sells it at wholesale  
14 or at retail;

15       (2) Every person who imports or causes to be imported into  
16 the State, or exports or causes to be exported from  
17 the State, any fuel;

18       (3) Every person who acquires fuel through exchanges with  
19 another distributor; or



1       (4) Every person who purchases fuel for resale at  
2           wholesale or retail from any person described in  
3           paragraph (1), (2), or (3);  
4 provided that "distributor" shall not include a marina, lessee  
5 dealer-operated station, owner-operated station, or other  
6 retailer that retails fuel only to end users or the public.

7       "Electricity" means all electrical energy produced by  
8 combustion of any fuel, or generated or produced using wind, the  
9 sun, geothermal heat, ocean water, falling water, currents, and  
10 waves, or any other source.

11       "Energy" means work or heat that is, or may be, produced  
12 from any fuel or source whatsoever.

13       "Energy resources" means fuel, and also includes all  
14 electrical or thermal energy produced by combustion of any fuel,  
15 or generated or produced using wind, the sun, geothermal heat,  
16 ocean water, falling water, currents, and waves, or any other  
17 source.

18       "Fuel" means fuels, whether liquid, solid, or gaseous,  
19 commercially usable for energy needs, power generation, and  
20 fuels manufacture, that may be manufactured, grown, produced, or  
21 imported into the State or that may be exported therefrom,



1 including petroleum, petroleum products and gases to include all  
2 fossil fuel-based gases, coal tar, vegetable ferments, biomass,  
3 municipal solid waste, biofuels, hydrogen, agricultural products  
4 used as fuels and as feedstock to produce fuels, and all fuel  
5 alcohols.

6 "Major energy marketer" means any person who sells energy  
7 resources in amounts determined by the director as having a  
8 major effect on the supplies of, or demand for, energy  
9 resources.

10 "Major energy producer" means any person who produces  
11 energy resources in amounts determined by the director as having  
12 a major effect on the supplies of, or demand for, energy  
13 resources.

14 "Major energy transporter" means any person who transports  
15 energy resources in amounts determined by the director as having  
16 a major effect on the supplies of, or demand for, energy  
17 resources.

18 "Major energy user" means any person who uses energy  
19 resources in the manufacture of products or for the generation  
20 of electricity in amounts determined by the director as having a



1 major effect on the supplies of, or demand for, energy  
2 resources.

3 "Major fuel storer" means any person who stores fuels in  
4 amounts determined by the director as having a major effect on  
5 the supplies of, or demand for, energy resources."

6 SECTION 2. Chapter 125C, Hawaii Revised Statutes, is  
7 amended by amending its title to read as follows:

8 "CHAPTER 125C

9 [~~PROCUREMENT, CONTROL, DISTRIBUTION AND SALE OF PETROLEUM~~  
10 ~~PRODUCTS]~~ ENERGY ASSURANCE AND FUEL SECURITY"

11 SECTION 3. Section 125C-1, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "§125C-1 Findings and purpose. The legislature finds that  
14 adequate supplies of [~~petroleum products~~] energy resources are  
15 essential to the health, welfare, and safety of the people of  
16 Hawaii, and that any [~~severe disruption in petroleum product~~  
17 ~~supplies for use~~] actual or potential disruption or shortage of  
18 energy resources within the State [~~would~~] could cause grave  
19 hardship, pose a threat to the economic well-being of the people  
20 of the State, and have significant adverse effects upon public  
21 confidence and order and effective conservation of [~~petroleum~~



1 ~~products.]~~ energy resources. The purpose of this chapter is to  
2 grant to the governor or the ~~[governor's authorized~~  
3 ~~representative]~~ director the clear authority, when the governor  
4 by proclamation declares the existence of a state of emergency  
5 in the State or when shortages of [petroleum] fuel products  
6 occur or are anticipated, to acquire and analyze information,  
7 including confidential information, to conduct systematic  
8 quantitative and qualitative analyses required for state energy  
9 planning, energy assurance planning, energy emergency planning,  
10 and energy supply risk assessment and resilience. This  
11 authority allows the governor or director to adequately plan and  
12 prepare for, respond to, recover from, and mitigate against any  
13 actual or potential energy supply disruption or shortage, and to  
14 preserve the State's energy security. Another purpose of this  
15 chapter is to control the distribution and sale of [petroleum]  
16 fuel products in this State, to procure such products, and to  
17 impose rules that will provide extraordinary measures for the  
18 conservation of [petroleum] energy resources and the allocation  
19 of fuel products and for [their] the distribution and sale of  
20 fuel in an orderly, efficient, and safe manner."



1 SECTION 4. Section 125C-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§125C-2 "Shortage" and "state of emergency" defined. As  
4 used in this chapter, unless otherwise indicated by the context,  
5 a "shortage" exists whenever the governor determines that there  
6 is an increase in the demand for any [~~petroleum~~] fuel product or  
7 there is a decrease in the available supply for the [~~petroleum~~]  
8 fuel product in question, or both; and [~~such~~] the decrease in  
9 the available supply of or increase in the demand for the  
10 [~~petroleum~~] fuel product in question, or both, may cause a major  
11 adverse impact on the economy, public order, or the health,  
12 welfare, or safety of the people of Hawaii and may not be  
13 responsibly managed within the [~~free~~] prevailing market  
14 distribution system. As used in this chapter, unless otherwise  
15 indicated by the context, a "state of emergency" means an  
16 occurrence in any part of the State that requires efforts by  
17 state government to protect property, public health, welfare, or  
18 safety in the event of an emergency or disaster, or to reduce  
19 the threat of an emergency or disaster, or to supplement the  
20 local efforts of the county. Further, the governor may, by  
21 proclamation of a state of emergency in the State under section



1 127A-14, require [~~importers~~] major energy producers,  
2 distributors, major energy marketers, major fuel storers, major  
3 energy transporters, and major energy users of any [~~petroleum~~  
4 fuel or fuel product [~~or other fuel~~] to monitor and report to  
5 the department [~~of business, economic development, and tourism]~~  
6 relevant supply and demand data[-] and information, including  
7 confidential information, on aspects of the State's energy  
8 resources, systems, and markets. The governor shall review the  
9 status of a shortage within one hundred twenty days after the  
10 governor's initial determination of a shortage as defined under  
11 this chapter; thenceforth, the governor shall conduct a review  
12 of the shortage to make a new determination every thirty days  
13 until a shortage no longer exists. Further, the monitoring and  
14 reporting authorities pursuant to a declared state of emergency  
15 in the State shall terminate under the provisions contained in  
16 section 127A-14(d)."

17 SECTION 5. Section 125C-3, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§125C-3 Powers in a shortage[-] or state of emergency.**

20 When a shortage or a state of emergency in the State as defined  
21 in section 125C-2 [~~exists,~~] has been declared by the governor,



1 the governor or the [~~governor's authorized representative,~~  
2 director, to plan and prepare for, respond to, recover from, and  
3 mitigate against any actual or potential energy supply  
4 disruption or shortage, to preserve the State's energy security,  
5 and to ensure that [petroleum] fuel products and energy  
6 resources are made available to the public in an orderly,  
7 efficient, and safe manner, may:

8 (1) Control the retail distribution and sale of  
9 [petroleum] fuel products by adopting rules that may  
10 include, but are not limited to, the following  
11 measures:

12 (A) Restricting the sale of [petroleum] fuel products  
13 to specific days of the week, hours of the day or  
14 night, odd- and even-numbered calendar days, and  
15 vehicles having less than a specified amount of  
16 gasoline in their tanks, with exceptions for  
17 certain designated geographical areas;

18 (B) Restricting sales of [petroleum] fuel products by  
19 dealers to daily allocations, which shall be  
20 determined by dividing the monthly allocation by  
21 the number of selling days per month;



- 1 (C) Requiring dealers to post signs designating their  
2 hours of operation and the sell-out of daily  
3 allocation;
- 4 (D) Instituting a statewide [~~rationing~~] shortage  
5 management plan; and
- 6 (E) Allowing for special handling for essential  
7 commercial and emergency-user vehicles;
- 8 (2) Require that a percentage of [~~petroleum~~] fuel  
9 products, not to exceed five per cent, be set aside to  
10 alleviate hardship; provided that aviation gasoline  
11 set aside shall not exceed ten per cent;
- 12 (3) Purchase and resell or otherwise distribute  
13 [~~petroleum~~] fuel products [~~, and purchase and resell or~~  
14 ~~otherwise distribute ethanol that is produced within~~  
15 ~~the State and can be used as a substitute for~~  
16 ~~petroleum products~~];
- 17 (4) Temporarily suspend for the duration of a shortage or  
18 a state of emergency, standards that may affect or  
19 restrict the use of a substitute fuel to meet energy  
20 demand;



- 1        (5) Implement fuel shortage emergency response measures,  
2        including state government supply enhancement, supply  
3        management, regulatory waivers, and demand restraint  
4        measures, to assure fuel supplies for essential public  
5        service during a shortage or state of emergency;
- 6        (6) Acquire and analyze information, including  
7        confidential information, to conduct systematic  
8        quantitative and qualitative analyses required for  
9        state energy planning, energy assurance planning,  
10       energy emergency planning, and energy supply risk  
11       assessment and resilience;
- 12       [~~4~~] (7) Receive, expend, or use contributions or grants  
13       in money or property, or special contributions thereof  
14       for special purposes not inconsistent with this  
15       chapter;
- 16       [~~5~~] (8) Borrow and expend moneys needed to exercise the  
17       powers granted under this section;
- 18       [~~6~~] (9) Contract in the name of the State for the purpose  
19       of implementing this chapter or any part [~~thereof~~]  
20       hereof; and



1       ~~[(7)]~~ (10) Exercise the powers granted under this section  
2           to the degree and extent deemed by the governor to be  
3           necessary, including the temporary or indefinite  
4           suspension of all or part of the measures taken, as  
5           the governor deems appropriate."

6       SECTION 6. Section 125C-4, Hawaii Revised Statutes, is  
7 amended to read as follows:

8       "§125C-4 Adopting, filing, and taking effect of rules.

9 The governor or the ~~[governor's authorized representative]~~  
10 director shall adopt rules pursuant to chapter 91, to ~~[insure]~~  
11 ensure that ~~[petroleum]~~ fuel products and energy resources are  
12 made available to the public in an orderly, efficient, and safe  
13 manner, to become effective when a shortage, as defined in  
14 section 125C-2, exists. If additional and unforeseen measures  
15 are required to ~~[insure]~~ ensure that ~~[petroleum]~~ fuel products  
16 are distributed in an orderly, efficient, and safe manner, the  
17 governor or the ~~[governor's authorized representative]~~ director  
18 may proceed without prior notice or hearing or upon such  
19 abbreviated notice and hearing as the governor finds practicable  
20 to adopt additional rules authorized under this chapter with the  
21 additional rules to be effective for a period of not longer than



1 one hundred twenty days without renewal. Any rule so adopted  
2 may be amended or repealed by the [~~governor~~] director without  
3 prior notice or hearing or upon abbreviated notice and hearing  
4 prior to the expiration of the one hundred twenty-day period;  
5 provided that no amendment shall extend the rule beyond the  
6 original period of one hundred [~~and~~] twenty days. To be  
7 effective after the one hundred twenty-day period, the rules  
8 shall be adopted pursuant to chapter 91. Each rule adopted,  
9 amended, or repealed shall become effective as adopted, amended,  
10 or repealed upon approval by the governor and filing with the  
11 lieutenant governor. Each rule in effect shall have the force  
12 and effect of law, but the effect of each rule may be  
13 temporarily or indefinitely suspended by the governor by written  
14 declaration filed with the lieutenant governor. Each rule  
15 temporarily suspended shall take effect again immediately upon  
16 expiration of the suspension period. Each rule indefinitely  
17 suspended shall take effect immediately upon the filing with the  
18 lieutenant governor of the written declaration by the governor  
19 terminating the suspension."

20 SECTION 7. Section 125C-6, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           " ~~[§125C-6]~~ Petition for adoption, amendment, repeal,  
2 or suspension of rules. Any interested person may petition the  
3 governor or the ~~[governor's authorized representative]~~ director  
4 requesting the adoption, amendment, repeal, or suspension of any  
5 rule and stating reasons therefor. The governor or the  
6 ~~[governor's authorized representative]~~ director shall prescribe  
7 the form for the petitions and the procedures for their  
8 submission, consideration, and disposition~~[ ]~~ and, within thirty  
9 days after submission of the petition, shall either deny the  
10 petition in writing, stating the governor's or the ~~[governor's~~  
11 ~~authorized representative's]~~ director's reasons for the denial,  
12 or grant the petition and adopt, amend, repeal, or suspend the  
13 rule accordingly."

14           SECTION 8. Section 125C-8, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           "§125C-8 Personnel; delegation of powers. (a) The  
17 director shall fulfill and effectuate the purposes of this  
18 chapter.

19           (b) The governor or director may appoint or employ  
20 temporary boards, agencies, officers, employees, and other  
21 persons, or any of them, for the purpose of carrying out the



1 provisions of this chapter. All such temporarily appointed or  
2 employed officers and employees, whether or not employed by  
3 contract, shall be exempt from and not subject to nor entitled  
4 to the benefits of the provisions of chapters 76 and 88, or any  
5 other law, collective bargaining agreement, executive order,  
6 executive directive, or rule that is inapplicable to temporary  
7 employees of the State."

8 SECTION 9. Section 125C-9, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "[~~§~~125C-9~~§~~] Investigations, information collection, and  
11 surveys. The governor or the [~~governor's authorized~~  
12 ~~representative~~] director may make investigations, collect  
13 information, including confidential information, and conduct  
14 surveys for the purpose of ascertaining facts to be used in  
15 administering this chapter, and in making the investigations,  
16 collecting the information, and conducting the surveys, may  
17 require the making, filing, or keeping of applications,  
18 schedules, records, reports, or statements, under oath or  
19 otherwise, administer oaths, take evidence under oath, subpoena  
20 witnesses, and require the production of books, papers, and  
21 records. Witnesses shall be allowed their fees and mileage as



1 in cases in the circuit courts. The circuit court of any  
2 circuit or judge thereof may enforce by proper proceedings the  
3 attendance and testimony of any witness subpoenaed to appear  
4 within the circuit, or the production of books, papers, and  
5 records."

6 SECTION 10. Section 125C-10, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "[~~§~~125C-10] Fraud; ~~[misdemeanor.]~~ penalties. Any  
9 person required by the governor or the [~~governor's authorized~~  
10 ~~representative,~~] director, pursuant to [~~section 125C-9,~~] this  
11 chapter, to make, keep, or file any application, schedule,  
12 record, report, or statement, whether or not under oath, who  
13 intentionally makes, files, or keeps a false or fraudulent  
14 application, schedule, report, or statement or intentionally  
15 conceals therein any material fact, and any person who in any  
16 other manner intentionally deceives or attempts to deceive the  
17 governor or the [~~governor's authorized representative]~~ director  
18 with respect to any fact to be used in administering this  
19 chapter, and any person who intentionally fails to observe and  
20 comply with any rule [~~promulgated]~~ adopted under this chapter,



1 shall be [~~guilty of a misdemeanor.~~] assessed a civil penalty of  
2 not more than \$10,000 per violation."

3 SECTION 11. Chapter 125C, Hawaii Revised Statutes, is  
4 amended by amending the title of part II to read as follows:

5 "PART II. HARDSHIP SET-ASIDE AND ALLOCATION OF [~~PETROLEUM~~] FUEL  
6 PRODUCTS DURING A SHORTAGE"

7 SECTION 12. Section 125C-21, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§125C-21 Definitions. [~~"Petroleum~~] As used in this  
10 chapter and for the purposes of this part:

11 "Fuel product" means any fuel subject to the set-aside  
12 system described in this chapter, including heating oils, [~~light~~  
13 and heavy diesel oil,] all classifications of diesel fuels,  
14 motor gasoline[~~7~~] and all blends of motor gasoline with other  
15 fuel products, propane, butane, residual fuel oils, kerosene,  
16 naphtha, biodiesel, ethanol, suboctane motor fuel, and aviation  
17 fuels used for emergency and essential intrastate air transport  
18 services, but excluding all other aviation fuels.

19 "Prime supplier" means any individual, trustee, agency,  
20 partnership, association, corporation, company, municipality,  
21 political subdivision, or other legal entity [~~which~~] that makes



1 the first sale of any [~~liquid fossil~~] fuel product into the  
2 state distribution system for consumption within the State."

3 SECTION 13. Section 125C-22, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§125C-22 **When set-aside required.** When a shortage or a  
6 state of emergency as defined in section 125C-2 exists, all  
7 prime suppliers shall set aside supplies of each [~~petroleum~~]  
8 fuel product for which there is a shortage. The amount set  
9 aside shall be in accordance with [~~the~~] any rules adopted by the  
10 [~~state energy resources coordinator.~~] director."

11 SECTION 14. Section 125C-23, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "§125C-23 **Set-aside system.** The [~~state energy resources~~  
14 ~~coordinator~~] director shall adopt rules establishing a  
15 [~~petroleum~~] fuel products set-aside system. The purpose of this  
16 system shall be:

- 17 (1) The protection of public health, safety, and welfare;  
18 (2) The maintenance of public services, utilities, and  
19 transportation, including emergency and essential  
20 intrastate air and maritime transport services;



- 1           (3) The maintenance of critical agricultural and  
2           aquaculture operations [~~, including farming,~~  
3           ~~horticulture, dairy, fishing,~~] and related services;  
4           (4) The preservation of economically sound and competitive  
5           industry, through the equitable acquisition and  
6           distribution of [~~petroleum~~] fuel products; and  
7           (5) The promotion of efficiency[~~]~~ and conservation, with  
8           minimum economic disruptions, during a shortage of  
9           [~~petroleum~~] fuel products.

10 The rules establishing the set-aside system shall be adopted in  
11 accordance with chapter 91."

12           SECTION 15. Section 125C-31, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           " [~~§125C-31~~] ~~Biennial state~~ State energy [~~emergency~~  
15 ~~preparedness~~] assurance plan. (a) The department [~~of business,~~  
16 ~~economic development, and tourism~~] shall prepare a comprehensive  
17 and integrated [~~biennial~~] state energy [~~emergency preparedness~~]  
18 assurance plan to be implemented in the event of [~~]~~ a state of  
19 emergency, or in anticipation[~~]~~ of a change in the State's  
20 [~~petroleum~~] energy supply or demand situation that is judged by  
21 the governor or director to be unmanageable by the [~~free~~



1 ~~market.]~~ prevailing markets. The department [~~of business,~~  
2 ~~economic development, and tourism]~~ shall prepare a [~~biennial]~~  
3 state energy [~~emergency preparedness]~~ assurance plan [~~in every~~  
4 ~~even-numbered year]~~ in accordance with the following:

5 ~~[-(1) The biennial state energy emergency preparedness plan~~  
6 ~~shall replace the energy emergency plan developed by~~  
7 ~~the energy resources coordinator, who shall act as the~~  
8 ~~governor's authorized representative under this~~  
9 ~~chapter;~~

10 ~~-(2)]~~ (1) In preparing the [~~biennial]~~ state energy  
11 [~~emergency preparedness]~~ assurance plan, the  
12 department shall:

13 (A) Solicit input, comment, and review from [~~the~~  
14 ~~governor's energy emergency preparedness advisory~~  
15 ~~committee composed of representatives of federal,~~  
16 ~~state, and county governments; private energy~~  
17 ~~suppliers; consumer and other public interest~~  
18 ~~groups; and the public at large,]~~ key  
19 stakeholders, including public, private, and non-  
20 profit sector organizations at the county, state,  
21 and federal levels; and



1 (B) Establish ~~[other]~~ task forces and advisory  
2 groups, as may be deemed necessary, to assist in  
3 the preparation and review of the ~~[biennial]~~  
4 state energy ~~[emergency preparedness]~~ assurance  
5 plan;

6 ~~[(3)]~~ (2) The ~~[biennial]~~ state energy ~~[emergency~~  
7 ~~preparedness]~~ assurance plan shall be comprehensive  
8 and encompassing, and shall integrate into its  
9 analytic and planning framework the plans of electric  
10 and gas utilities and other energy suppliers, relevant  
11 state agencies, ~~[including the department of~~  
12 ~~transportation,]~~ counties, and such other entities as  
13 deemed appropriate; and

14 ~~[(4)]~~ (3) The ~~[biennial]~~ state energy ~~[emergency~~  
15 ~~preparedness]~~ assurance plan shall include a review  
16 and update of the previous ~~[biennial]~~ state energy  
17 ~~[emergency preparedness]~~ assurance plan and ~~[a review~~  
18 ~~of the energy emergency plans prepared by the~~  
19 ~~counties.]~~ shall be prepared or updated as determined  
20 by the director to be necessary to comport with  
21 changes in federal or state overall emergency



1           management policies and plans that significantly  
2           affect the State's energy assurance plan or as  
3           warranted by changes in Hawaii's energy security.

4           (b) The department shall prepare an energy emergency  
5 communication plan, which shall be [~~updated biennially~~] part of  
6 the state energy assurance plan and shall be consistent with  
7 [~~the energy emergency preparedness~~] any other energy emergency  
8 management plans prepared by the counties [-] and the State. The  
9 energy emergency communication plan shall be used by the [~~State~~  
10 ~~and counties~~] department to communicate and otherwise coordinate  
11 [~~state and county~~] actions taken in response to implementing the  
12 [~~biennial~~] state energy [~~emergency preparedness~~] assurance  
13 plan."

14           SECTION 16. Section 125C-32, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           " [~~{}~~] ~~§125C-32~~ [~~Biennial county~~] County energy emergency  
17 preparedness plans. The mayor of each county, or the mayor's  
18 authorized representative, shall [~~prepare a comprehensive~~] be  
19 responsible for preparing a county energy emergency preparedness  
20 plan. The plan shall be prepared in coordination with and be  
21 consistent with the [~~biennial~~] state energy [~~emergency~~



1 ~~preparedness]~~ assurance plan[~~7]~~ and shall be implemented in  
2 coordination with the state energy [~~emergency preparedness]~~  
3 assurance plan upon declaration of [~~an energy emergency by the~~  
4 ~~governor. Not later than September 30 of every even-numbered~~  
5 ~~year, each county shall prepare and transmit to the director of~~  
6 ~~business, economic development, and tourism the county's~~  
7 ~~biennial county energy emergency preparedness plan.] a shortage  
8 or a state of emergency."~~

9 SECTION 17. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 18. This Act shall take effect upon its approval.



**Report Title:**

Energy Assurance; Energy Resources; Energy Emergency Preparedness; Petroleum Shortage

**Description:**

Addresses deficiencies in Hawaii's fuel shortage response and energy emergency (energy assurance) statutes; provides policy guidance on preparing for, responding to, recovering from, and mitigating against any actual or potential energy supply disruption or shortage to preserve the State's energy security and to ensure that fuel products and energy resources are made available to emergency services and the public in an orderly, efficient, and safe manner. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

