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# A BILL FOR AN ACT

RELATING TO CRITICAL INFRASTRUCTURE RESILIENCY.

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

1           SECTION 1. The legislature finds that achieving electric  
2 grid resiliency requires maximizing energy efficiency, strategic  
3 planning for electric grid infrastructure, and leadership from  
4 the public sector.

5           The legislature further finds that in September 2017,  
6 Hurricanes Irma and Maria struck Puerto Rico with devastating  
7 force, causing an estimated \$95,000,000,000 in damage to the  
8 island, including extensive damage to the island's electrical  
9 infrastructure. The power in Puerto Rico was not fully restored  
10 until August 2018, thus leaving some residents without power for  
11 half a year. The prolonged lack of electrical power left the  
12 residents of Puerto Rico without essential services and has  
13 created a humanitarian crisis. The interdependencies between  
14 different critical infrastructure sectors, including energy,  
15 water, environmental services, transportation, and  
16 communications, have further complicated restoration efforts in



1 Puerto Rico, underscoring the need for systemic resiliency  
2 planning.

3       The legislature further finds that a direct hit on Oahu  
4 from a similar category five hurricane would almost certainly  
5 cause extensive property damage and extended power outages  
6 across the island. Moreover, much of the State's energy-  
7 generating infrastructure is susceptible to storm surges due to  
8 the structures being located at or near coastlines. The Hawaii  
9 emergency management agency estimates that under a best-case  
10 scenario, it would take at least fourteen days after landfall of  
11 a category four hurricane on Oahu to restore eighty per cent of  
12 grid power. Most public emergency shelters in the State do not  
13 have the capacity to provide two weeks of electrical service,  
14 and relief from the mainland is dependent upon a functioning  
15 airport and seaport. Furthermore, the risks of a natural  
16 disaster increase with the impacts of climate change.  
17 Scientists have described 2017 as the most weather destructive  
18 year on record and have opined that the number of extreme  
19 weather events will continue to increase.

20       The legislature hereby declares that it shall be the policy  
21 of the State to ensure that the State is prepared to withstand



1 natural disasters and other emergencies and protect the State's  
2 critical infrastructure and its citizens by making investments  
3 in grid resiliency. The goals of this policy are to:

- 4 (1) Prevent or reduce the severity of damage to the  
5 electric grid from a natural disaster or state of  
6 emergency;
- 7 (2) Enable faster recovery of normal grid operations after  
8 a grid outage due to a natural disaster or state of  
9 emergency; and
- 10 (3) Maintain critical loads at critical infrastructure,  
11 such as hospitals, fire stations, police stations,  
12 airports, and seaports during a grid outage due to a  
13 natural disaster or state of emergency.

14 The purpose of this Act is to create a homeland security  
15 and resiliency council to identify electric grid and other  
16 critical infrastructure needs and provide recommendations for  
17 enhancing grid and critical infrastructure resiliency throughout  
18 the State.

19 SECTION 2. Chapter 128A, Hawaii Revised Statutes, is  
20 amended by adding a new section to be appropriately designated  
21 and to read as follows:



1           "§128A-       Homeland security and resiliency council;  
2 membership; duties. (a) There is established a homeland  
3 security and resiliency council, which shall be placed within  
4 the office of homeland security for administrative purposes.

5           (b) The council shall be composed of the following members  
6 or their designees:

7           (1) The director of homeland security, who shall serve as  
8           the co-chair of the council;

9           (2) The administrator of the Hawaii state energy office,  
10           who shall serve as co-chair of the council;

11           (3) The director of the office of planning;

12           (4) The administrator of the Hawaii emergency management  
13           agency;

14           (5) The director of transportation;

15           (6) The chairperson of the public utilities commission;

16           (7) The directors of each of the county emergency  
17           management agencies;

18           (8) The directors of each of the county water supply  
19           departments or boards; and

20           (9) The directors of each of the county environmental  
21           services or environmental management departments.



1        (c) The president of the senate and the speaker of the  
2 house of representatives shall jointly invite as members of the  
3 council:

4        (1) Representatives of each electric utility company  
5 operating in the State;

6        (2) Representatives of each gas utility company operating  
7 in the State;

8        (3) Representatives of each telecommunications company  
9 serving at least one hundred thousand customers in the  
10 State;

11       (4) Representatives of each fuel importer and fuel refiner  
12 operating in the State; and

13       (5) Representatives of each water carrier, as defined in  
14 section 271G-5, that provides transportation of  
15 property between points within the State.

16       (d) In addition to the members listed in subsections (b)  
17 and (c), the co-chairs of the council may request the  
18 participation or input of members of the public; experts in the  
19 field, including but not limited to community emergency response  
20 team volunteers and other organizations committed to emergency



1 preparedness; county, state, or federal officials; or others as  
2 necessary.

3 (e) The members of the council shall serve without  
4 compensation, but shall be reimbursed for necessary expenses  
5 incurred in the performance of their duties. No member of the  
6 council shall be made subject to the financial disclosure  
7 requirements of sections 84-13 and 84-17 solely because of that  
8 member's participation as a member of the council.

9 (f) The council shall:

10 (1) Establish strategies, goals, priorities, and  
11 recommendations to enhance the security and resiliency  
12 of the electric grid and other critical infrastructure  
13 sectors in the State, and give appropriate  
14 consideration to interdependencies between the sectors  
15 and to differing needs of communities based on  
16 location, access to resources, and vulnerabilities;  
17 and

18 (2) Assess the capacity and availability of existing  
19 resources and identify new sources of revenue  
20 necessary to enhance resiliency of critical  
21 infrastructure sectors.



1       (g) The council shall submit a report summarizing its  
2 findings, recommendations, and the status of actions to enhance  
3 electric grid and other critical infrastructure sector security  
4 and resiliency to the governor, legislature, and mayor and  
5 county council of each county no later than twenty days prior to  
6 the convening of the regular session of 2020, and every two  
7 years thereafter.

8       (h) In carrying out its duties, the council, to the extent  
9 permitted by law, shall take appropriate measures to protect  
10 from public release any confidential or sensitive information if  
11 the release of that information could expose critical  
12 infrastructure to attack or damage.

13       (i) Nothing in this section shall be deemed to delegate or  
14 detract in any way from the functions, powers, and duties  
15 conferred by law or ordinance on any state or county department  
16 or agency."

17       SECTION 3. Section 128A-2, Hawaii Revised Statutes, is  
18 amended by adding three new definitions to be appropriately  
19 inserted and to read as follows:

20       "Critical infrastructure sector" means a sector whose  
21 assets, systems, and networks, whether physical or virtual, are



1 vital to the State's security, economic security, public health  
2 or safety, or any combination thereof, including but not limited  
3 to the water, environmental management, transportation,  
4 electrical energy, gas energy, fuel import and refining,  
5 interisland transport of property by water, and communications  
6 sectors.

7 "Electric grid" means the network of electric generators,  
8 transmission and distribution lines, substations, energy storage  
9 devices, and supporting infrastructure used to produce and  
10 deliver electricity to end-users.

11 "Resiliency" means the capacity to prevent or reduce the  
12 severity of damage from a natural disaster or manmade emergency,  
13 and to enable faster recovery of normal infrastructure  
14 operations after a natural disaster or manmade emergency."

15 SECTION 4. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$                    or so  
17 much thereof as may be necessary for fiscal year 2019-2020 and  
18 the same sum or so much thereof as may be necessary for fiscal  
19 year 2020-2021 for the homeland security and resiliency council  
20 to perform its duties under chapter 128A, Hawaii Revised  
21 Statutes.





1           The sums appropriated shall be expended by the office of  
2 homeland security for the purposes of this Act.

3           SECTION 5.   New statutory material is underscored.

4           SECTION 6.   This Act shall take effect on July 1, 2019.



**Report Title:**

Critical Infrastructure Resiliency; Electric Grid; Homeland Security and Resiliency Council; Appropriation

**Description:**

Establishes a Homeland Security and Resiliency Council to identify electric grid and other critical infrastructure needs and provide recommendations for enhancing the State's grid and critical infrastructure resiliency. Appropriates funds. (SD1)

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