

JAN 18 2024

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# A BILL FOR AN ACT

RELATING TO ELECTRIC GRID RESILIENCY.

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

1           SECTION 1. The legislature finds that in September 2017,  
2           Hurricanes Irma and Maria struck Puerto Rico with devastating  
3           force, causing an estimated \$95,000,000,000 in damages to the  
4           island, including extensive damages to the island's electrical  
5           infrastructure. The legislature further finds that a direct hit  
6           on Oahu from a similar category five hurricane would almost  
7           certainly cause extensive property damage and extended power  
8           outages across the island. Moreover, much of the State's  
9           energy-generating infrastructure is susceptible to storm surges  
10          due to the structures being located at or near coastlines. The  
11          Hawaii emergency management agency estimates that under a best-  
12          case scenario, it would take at least fourteen days after  
13          landfall of a category four hurricane on Oahu to restore eighty  
14          per cent of grid power. Most public emergency shelters in the  
15          State do not have the capacity to provide two weeks of  
16          electrical service, and relief from the mainland is dependent  
17          upon a functioning airport and seaport. Furthermore, the risks



1 of a natural disaster increase with the impacts of climate  
2 change.

3 The legislature also finds that the Lahaina fire of August  
4 2023 was the worst natural disaster in the history of Hawaii,  
5 and that a poorly equipped electrical grid exacerbated the fire.  
6 Had the electrical grid on Maui been more fire safe and  
7 resilient, it is likely that the outcome of the fire would have  
8 been less severe. As the effects of climate change become more  
9 pronounced and the rate of severe fires increases, Hawaii must  
10 have electrical grids that can withstand these extreme events.

11 The legislature hereby declares that it shall be the policy  
12 of the State to ensure that the State is prepared to withstand  
13 natural disasters and other emergencies and protect the State's  
14 critical infrastructure and its citizens by making investments  
15 in grid resiliency. The goals of this policy are to:

- 16 (1) Prevent or reduce the severity of damage to the  
17 electric grid from a natural disaster or state of  
18 emergency;
- 19 (2) Enable faster recovery of normal grid operations after  
20 a grid outage due to a natural disaster or state of  
21 emergency; and



1 (3) Maintain critical loads at critical infrastructure,  
2 such as hospitals, fire stations, police stations,  
3 airports, and seaports during a grid outage due to a  
4 natural disaster or state of emergency.

5 The purpose of this Act is to create a homeland security  
6 and resiliency council to identify electric grid and other  
7 critical infrastructure needs and provide recommendations for  
8 enhancing grid and critical infrastructure resiliency throughout  
9 the State.

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

13 **"§128A- Homeland security and resiliency council;**  
14 **membership; duties.** (a) There is established a homeland  
15 security and resiliency council, which shall be placed within  
16 the office of homeland security for administrative purposes.

17 (b) The council shall comprise the following members or  
18 their designees:

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



- 1        (2) The director of the office of planning, who shall
- 2            serve as co-chair of the council;
- 3        (3) The administrator of the Hawaii emergency management
- 4            agency;
- 5        (4) The director of transportation;
- 6        (5) The executive officer of the public utilities
- 7            commission;
- 8        (6) The directors of each of the county emergency
- 9            management agencies; and
- 10       (7) The directors of each of the county water supply
- 11           departments.
- 12       (c) The president of the senate and the speaker of the
- 13 house shall jointly invite:
- 14       (1) Representatives of each electric utility company
- 15           operating in Hawaii;
- 16       (2) Representatives of each telecommunications company
- 17           serving at least one hundred thousand customers in
- 18           Hawaii; and
- 19       (3) Representatives of each fuel importer and fuel refiner
- 20           operating in Hawaii.



1        (d) In addition to the members listed in subsections (b)  
2 and (c), the co-chairs of the council may invite the  
3 participation or input of members of the public; experts in the  
4 field; county, state, or federal officials; or others as  
5 necessary.

6        (e) Members of the council shall serve without  
7 compensation, but shall be reimbursed for necessary expenses  
8 incurred in the performance of their duties.

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 2025, 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, transportation, electrical energy, fuel import and  
4 refining, and communications sectors.

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

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

13 SECTION 4. In accordance with section 9 of article VII of  
14 the Hawaii State Constitution and sections 37-91 and 37-93,  
15 Hawaii Revised Statutes, the legislature has determined that the  
16 appropriations contained in Act 164, Regular Session of 2023,  
17 and this Act will cause the state general fund expenditure  
18 ceiling for fiscal year 2024-2025 to be exceeded by  
19 \$            or            per cent. This current declaration takes  
20 into account general fund appropriations authorized for fiscal  
21 year 2024-2025 in Act 164, Regular Session of 2023, and this Act



1 only. The reasons for exceeding the general fund expenditure  
2 ceiling are that:

3 (1) The appropriation made in this Act is necessary to  
4 serve the public interest; and

5 (2) The appropriation made in this Act meets the needs  
6 addressed by this Act.

7 SECTION 5. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$ or so  
9 much thereof as may be necessary for fiscal year 2024-2025 for  
10 the homeland security and resiliency council to perform its  
11 duties under chapter 128A, Hawaii Revised Statutes.

12 The sum appropriated shall be expended by the office of  
13 homeland security for the purposes of this Act.

14 SECTION 6. New statutory material is underscored.

15 SECTION 7. This Act shall take effect on July 1, 2024.

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INTRODUCED BY: *Francis J. J. J. J.*



# S.B. NO. 2141

**Report Title:**

Homeland Security and Resiliency Council; Report; Expenditure Ceiling; Appropriation

**Description:**

Establishes a Homeland Security and Resiliency Council to assess the resilience of the State's electric grid and other critical infrastructure to natural disasters and other emergencies and make recommendations. Requires the Council to report to Legislature. Makes an appropriation.

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

