
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 As the effects of climate change become more pronounced and the
6 rate of severe fires increases, Hawaii must have electrical
7 grids that can withstand these extreme events.

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

- 13 (1) Prevent or reduce the severity of damage to the
14 electric grid from a natural disaster or state of
15 emergency;
- 16 (2) Enable faster recovery of normal grid operations after
17 a grid outage due to a natural disaster or state of
18 emergency; and
- 19 (3) Maintain critical loads at critical infrastructure,
20 such as hospitals, fire stations, police stations,



1 airports, and seaports during a grid outage due to a
2 natural disaster or state of emergency.

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

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

11 "§128A- Homeland security and resiliency council;
12 membership; duties. (a) There is established a homeland
13 security and resiliency council, which shall be placed within
14 the office of homeland security for administrative purposes.

15 (b) The council shall comprise the following members or
16 their designees:

17 (1) The director of law enforcement, who shall serve as
18 the co-chair of the council;

19 (2) The director of the office of planning, who shall
20 serve as co-chair of the council;



- 1 (3) The administrator of the Hawaii emergency management
2 agency;
- 3 (4) The director of transportation;
- 4 (5) The executive officer of the public utilities
5 commission;
- 6 (6) The executive director of the division of consumer
7 advocacy of the department of commerce and consumer
8 affairs;
- 9 (7) A representative from the Hawaii state energy office;
- 10 (8) The directors of each of the county emergency
11 management agencies; and
- 12 (9) The directors of each of the county water supply
13 departments.
- 14 (c) The president of the senate and the speaker of the
15 house shall jointly invite:
- 16 (1) Representatives of each electric utility company
17 operating in Hawaii;
- 18 (2) Representatives of each telecommunications company
19 serving at least one hundred thousand customers in
20 Hawaii;



1 (3) Representatives of each fuel importer and fuel refiner
2 operating in Hawaii; and

3 (4) Representatives of each gas utility company operating
4 in Hawaii.

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

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

13 (f) The council shall:

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



1 (2) Assess the capacity and availability of existing
2 resources and identify new sources of revenue
3 necessary to enhance resiliency of critical
4 infrastructure sectors.

5 (g) The council shall submit a report summarizing its
6 findings, recommendations, and the status of actions to enhance
7 electric grid and other critical infrastructure sector security
8 and resiliency to the governor, legislature, and mayor and
9 county council of each county no later than twenty days prior to
10 the convening of the regular session of 2025, and every two
11 years thereafter.

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

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



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

4 "Critical infrastructure sector" means a sector whose
5 assets, systems, and networks, whether physical or virtual, are
6 vital to the State's security, economic security, public health
7 or safety, or any combination thereof, including but not limited
8 to the water, transportation, electrical energy, fuel import and
9 refining, and communications sectors.

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

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

18 SECTION 4. In accordance with section 9 of article VII of
19 the Hawaii State Constitution and sections 37-91 and 37-93,
20 Hawaii Revised Statutes, the legislature has determined that the
21 appropriations contained in Act 164, Regular Session of 2023,



1 and this Act will cause the state general fund expenditure
 2 ceiling for fiscal year 2024-2025 to be exceeded by
 3 \$ or per cent. This current declaration takes
 4 into account general fund appropriations authorized for fiscal
 5 year 2024-2025 in Act 164, Regular Session of 2023, and this Act
 6 only. The reasons for exceeding the general fund expenditure
 7 ceiling are that:

- 8 (1) The appropriation made in this Act is necessary to
- 9 serve the public interest; and
- 10 (2) The appropriation made in this Act meets the needs
- 11 addressed by this Act.

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

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

19 SECTION 6. New statutory material is underscored.

20 SECTION 7. This Act shall take effect on January 1, 2042.



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. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation. Takes effect 1/1/2042.
(SD1)

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