

JAN 18 2019

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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 comprise the following members or  
6 their designees:  
7           (1) The director of homeland security, who shall serve as  
8           the co-chair of the council;  
9           (2) The director of the office of planning, who shall  
10           serve as co-chair of the council;  
11           (3) The administrator of the Hawaii emergency management  
12           agency;  
13           (4) The director of transportation;  
14           (5) The chairperson of the public utilities commission;  
15           (6) The directors of each of the county emergency  
16           management agencies;  
17           (7) The directors of each of the county water supply  
18           departments; and  
19           (8) The directors of each of the county environmental  
20           services or environmental management departments.



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

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

5        (2) Representatives of each telecommunications company  
6 serving at least one hundred thousand customers in the  
7 State; and

8        (3) Representatives of each fuel importer and fuel refiner  
9 operating in the State.

10       (d) In addition to the members listed in subsections (b)  
11 and (c), the co-chairs of the council may request the  
12 participation or input of members of the public; experts in the  
13 field, including but not limited to, community emergency  
14 response team volunteers and other organizations committed to  
15 emergency preparedness; county, state, or federal officials; or  
16 others as necessary.

17       (e) The members of the council shall serve without  
18 compensation, but shall be reimbursed for necessary expenses  
19 incurred in the performance of their duties. No member of the  
20 council shall be made subject to the financial disclosure



1 requirements of sections 84-13 and 84-17 solely because of that  
2 member's participation as a member of the council.

3 (f) The council shall:

4 (1) Establish strategies, goals, priorities, and  
5 recommendations to enhance the security and resiliency  
6 of the electric grid and other critical infrastructure  
7 sectors in the State, and give appropriate  
8 consideration to interdependencies between the sectors  
9 and to differing needs of communities based on  
10 location, access to resources, and vulnerabilities;  
11 and

12 (2) Assess the capacity and availability of existing  
13 resources and identify new sources of revenue  
14 necessary to enhance resiliency of critical  
15 infrastructure sectors.

16 (g) The council shall submit a report summarizing its  
17 findings, recommendations, and the status of actions to enhance  
18 electric grid and other critical infrastructure sector security  
19 and resiliency to the governor, legislature, and mayor and  
20 county council of each county no later than twenty days prior to



1 the convening of the regular session of 2020, and every two  
2 years thereafter.

3 (h) In carrying out its duties, the council, to the extent  
4 permitted by law, shall take appropriate measures to protect  
5 from public release any confidential or sensitive information if  
6 the release of that information could expose critical  
7 infrastructure to attack or damage.

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

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

15 "Critical infrastructure sector" means a sector whose  
16 assets, systems, and networks, whether physical or virtual, are  
17 vital to the State's security, economic security, public health  
18 or safety, or any combination thereof, including but not limited  
19 to the water, environmental management, transportation,  
20 electrical energy, fuel import and refining, and communications  
21 sectors.



# S.B. NO. 609

1        "Electric grid" means the network of electric generators,  
 2 transmission and distribution lines, substations, energy storage  
 3 devices, and supporting infrastructure used to produce and  
 4 deliver electricity to end-users.

5        "Resiliency" means the capacity to prevent or reduce the  
 6 severity of damage from a natural disaster or manmade emergency,  
 7 and to enable faster recovery of normal infrastructure  
 8 operations after a natural disaster or manmade emergency."

9        SECTION 4. There is appropriated out of the general  
 10 revenues of the State of Hawaii the sum of \$                    or so much  
 11 thereof as may be necessary for fiscal year 2019-2020 and the  
 12 same sum or so much thereof as may be necessary for fiscal year  
 13 2020-2021 for the homeland security and resiliency council to  
 14 perform its duties under chapter 128A, Hawaii Revised Statutes.

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

17        SECTION 5. New statutory material is underscored.

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

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INTRODUCED BY: Clarence K. Iwihikawa

Breanne Hunt      BB      Randy de la  
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# S.B. NO. 609

**Report Title:**

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

**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.

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

