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## A BILL FOR AN ACT

RELATING TO MUTUAL ASSISTANCE AGREEMENT.

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

1           SECTION 1. In 2006, the Hawaii legislature approved the  
2 Emergency Management Assistance Compact allowing the State of  
3 Hawaii to become a member with forty-nine other states, the  
4 District of Columbia, Puerto Rico, and the Virgin Islands. As a  
5 member of the Emergency Management Assistance Compact, the State  
6 would be able to receive interstate aid in the event of a  
7 disaster. In doing so, the legislature recognized that while  
8 Hawaii may be capable of managing most emergencies, there are  
9 times when disasters exceed state and local resources and  
10 therefore require outside assistance. The legislature  
11 recognized that such outside assistance is especially crucial  
12 for a geographically isolated state such as Hawaii.

13           For any critical infrastructure providers, particularly  
14 public utility providers, in time of a major natural disaster or  
15 emergency, one priority is restoration of utilities to ensure  
16 the public has available resources to recover from any disaster.  
17 For the electrical utilities, one major concern is being able to



1 safely and timely respond to all customers' needs, including  
2 residents, businesses, and the federal, state, and county  
3 governments following any disasters. While Hawaii's utility  
4 providers are reliable and in much better condition than those  
5 of Puerto Rico, if a disaster like Hurricane Maria in Puerto  
6 Rico hit Hawaii, the public utility providers in the State may  
7 need to seek assistance from outside of the State.

8 All Hawaii based public utility providers are members of  
9 the Western Region Mutual Assistance Agreement (WRMAA), an  
10 agreement between public electric and gas utilities throughout  
11 the continental United States and certain Canadian utilities, to  
12 make their resources available in the event of emergencies or  
13 disasters, similar to the Emergency Management Assistance  
14 Compact entered into by the State with other states. The  
15 Hawaiian Electric Companies, consisting of Hawaiian Electric  
16 Company, Maui Electric Company, Ltd., and Hawaiian Electric  
17 Light Company, Inc., have been signatory to the WRMAA since  
18 2006. The Kauai Island Utility Cooperative is also a signatory  
19 to the WRMAA as of August 6, 2013. Most recently, in November,  
20 2018, the Hawaiian Electric Companies provided support to  
21 Pacific Gas and Electric by sending a team of thirty-five



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1 linemen and support staff to assist its recovery after the Camp  
2 Fire that devastated the town of Paradise, California. The  
3 support was provided under the terms of the WRMAA. In the event  
4 that the State suffers devastating effects from a disaster, out-  
5 of-state public utilities are willing and able to provide the  
6 State with similar support. This bill will ensure that in times  
7 of an emergency, qualified utility workers from out-of-state  
8 would be able to provide their services in the State to help  
9 restore public electrical utilities to operating condition.

10 The purpose of this Act is to ensure that in times of  
11 emergencies or a natural disaster where assistance may be  
12 necessary to restore critical electrical infrastructure, that  
13 the State along with electrical utilities would be lawfully  
14 allowed to enter into a mutual assistance agreement with an out-  
15 of-state utility to assist in the restoration of electrical  
16 power.

17 SECTION 2. Section 127A-1, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) Because of the existing and increasing possibility of  
20 the occurrence of disasters or emergencies of unprecedented size  
21 and destructiveness resulting from natural or man-made hazards,



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1 and in order to ensure that the preparations of this State will  
2 be adequate to deal with such disasters or emergencies; to  
3 ensure the administration of state and federal programs  
4 providing disaster relief to individuals; and generally to  
5 protect the public health, safety, and welfare and to preserve  
6 the lives and property of the people of the State, it is hereby  
7 found and declared to be necessary:

8 (1) To provide for emergency management by the State, and  
9 to authorize the creation of local organizations for  
10 emergency management in the counties of the State;

11 (2) To confer upon the governor and upon the mayors of the  
12 counties of the State the emergency powers necessary  
13 to prepare for and respond to emergencies or  
14 disasters;

15 (3) To provide for the rendering of mutual aid among the  
16 counties of the State and with other states and in  
17 cooperation with the federal government with respect  
18 to the carrying out of emergency management functions;  
19 [and]

20 (4) To permit out-of-state utilities to provide services  
21 in the State pursuant to a mutual assistance agreement



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1           with a state utility to repair, renovate, or install  
2           electrical facilities that have been damaged,  
3           impaired, or destroyed due to or in connection with  
4           such disasters or emergencies; and

5        [~~(4)~~] (5) To provide programs, in cooperation with other  
6           governmental agencies, the private sector, and  
7           nonprofit organizations, to educate and train the  
8           public to be prepared for emergencies and disasters."

9        SECTION 3. Section 127A-2, Hawaii Revised Statutes, is  
10       amended by adding four new definitions to be appropriately  
11       inserted and to read as follows:

12           "Electrical facilities" means any equipment and  
13           infrastructure owned and operated by a state utility for the  
14           purpose of generating, transmitting, distributing, or furnishing  
15           electrical energy service.

16           "Mutual assistance agreement" means an agreement to which  
17           two or more business entities are parties and under which a  
18           public utility, municipally owned utility, or electric  
19           cooperative owning, operating, or owning and operating  
20           infrastructure used for electric generation, electric  
21           transmission, or electric distribution in this State may



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1 request that an out-of-state business perform work in this  
2 State in anticipation of a disaster or an emergency.

3 "Out-of-state utility" means a public utility,  
4 municipally owned utility, or electric cooperative, that owns,  
5 operates, or owns and operates infrastructure used for  
6 electric generation, electric transmission, or electric  
7 distribution outside of the State, and is regulated by the  
8 public utilities commission of the state where they operate.

9 "State utility" means and refers to any public utility  
10 within the State under a franchise or charter granted by the  
11 State."

12 SECTION 4. Section 127A-13, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) In the event of a state of emergency declared by the  
15 governor pursuant to [+]section[+] 127A-14, the governor may  
16 exercise the following additional powers pertaining to emergency  
17 management during the emergency period:

18 (1) Provide for and require the quarantine or segregation  
19 of persons who are affected with or believed to have  
20 been exposed to any infectious, communicable, or other  
21 disease that is, in the governor's opinion, dangerous



1 to the public health and safety, or persons who are  
2 the source of other contamination, in any case where,  
3 in the governor's opinion, the existing laws are not  
4 adequate to assure the public health and safety;  
5 provide for the care and treatment of the persons;  
6 supplement the provisions of sections 325-32 to 325-38  
7 concerning compulsory immunization programs; provide  
8 for the isolation or closing of property which is a  
9 source of contamination or is in a dangerous condition  
10 in any case where, in the governor's opinion, the  
11 existing laws are not adequate to assure the public  
12 health and safety, and designate as public nuisances  
13 acts, practices, conduct, or conditions that are  
14 dangerous to the public health or safety or to  
15 property; authorize that public nuisances be summarily  
16 abated and, if need be, that the property be  
17 destroyed, by any police officer or authorized person,  
18 or provide for the cleansing or repair of property,  
19 and if the cleansing or repair is to be at the expense  
20 of the owner, the procedure therefor shall follow as  
21 nearly as may be the provisions of section 322-2,



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- 1           which shall be applicable; and further, authorize  
2           without the permission of the owners or occupants,  
3           entry on private premises for any such purposes;
- 4           (2) Relieve hardships and inequities, or obstructions to  
5           the public health, safety, or welfare, found by the  
6           governor to exist in the laws and to result from the  
7           operation of federal programs or measures taken under  
8           this chapter, by suspending the laws, in whole or in  
9           part, or by alleviating the provisions of laws on such  
10          terms and conditions as the governor may impose,  
11          including licensing laws, quarantine laws, and laws  
12          relating to labels, grades, and standards;
- 13          (3) Suspend any law that impedes or tends to impede or be  
14          detrimental to the expeditious and efficient execution  
15          of, or to conflict with, emergency functions,  
16          including laws which by this chapter specifically are  
17          made applicable to emergency personnel;
- 18          (4) Suspend the provisions of any regulatory statute  
19          prescribing the procedures for out-of-state utilities  
20          to conduct business in the State including any  
21          licensing laws applicable to out-of-state utilities or





1           their respective employees, as well as any orders,  
2           rules, or regulation of any state agency, if strict  
3           compliance with the provisions of any such statute,  
4           order, rule, or regulation would in any way prevent,  
5           hinder, or delay necessary action of a state utility  
6           in coping with the emergency or disasters with  
7           assistance that may be provided under the mutual  
8           assistance agreement;

9       ~~[(4)]~~ (5) In the event of disaster or emergency beyond  
10       local control, or an event which, in the opinion of  
11       the governor, is such as to make state operational  
12       control necessary, or upon request of the local  
13       entity, assume direct operational control over all or  
14       any part of the emergency management functions within  
15       the affected area;

16       ~~[(5)]~~ (6) Shut off water mains, gas mains, electric power  
17       connections, or suspend other services, and, to the  
18       extent permitted by or under federal law, suspend  
19       electronic media transmission;

20       ~~[(6)]~~ (7) Direct and control the mandatory evacuation of  
21       the civilian population;



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1       ~~[(7)]~~ (8) Exercise additional emergency functions to the  
2                   extent necessary to prevent hoarding, waste, or  
3                   destruction of materials, supplies, commodities,  
4                   accommodations, facilities, and services, to  
5                   effectuate equitable distribution thereof, or to  
6                   establish priorities therein as the public welfare may  
7                   require; to investigate; and notwithstanding any other  
8                   law to the contrary, to regulate or prohibit, by means  
9                   of licensing, rationing, or otherwise, the storage,  
10                  transportation, use, possession, maintenance,  
11                  furnishing, sale, or distribution thereof, and any  
12                  business or any transaction related thereto;

13       ~~[(8)]~~ (9) Suspend section 8-1, relating to state holidays,  
14                   except the last paragraph relating to holidays  
15                   declared by the president, which shall remain  
16                   unaffected, and in the event of the suspension, the  
17                   governor may establish state holidays by proclamation;

18       ~~[(9)]~~ (10) Adjust the hours for voting to take into  
19                   consideration the working hours of the voters during  
20                   the emergency period, and suspend those provisions of  
21                   section 11-131 that fix the hours for voting, and fix



1           other hours by stating the same in the election  
2           proclamation or notice, as the case may be;  
3       ~~[(10)]~~ (11) Assure the continuity of service by critical  
4           infrastructure facilities, both publicly and privately  
5           owned, by regulating or, if necessary to the  
6           continuation of the service thereof, by taking over  
7           and operating the same; and  
8       ~~[(11)]~~ (12) Except as provided in section 134-7.2, whenever  
9           in the governor's opinion, the laws of the State do  
10          not adequately provide for the common defense, public  
11          health, safety, and welfare, investigate, regulate, or  
12          prohibit the storage, transportation, use, possession,  
13          maintenance, furnishing, sale, or distribution of, as  
14          well as any transaction related to, explosives,  
15          firearms, and ammunition, inflammable materials and  
16          other objects, implements, substances, businesses, or  
17          services of a hazardous or dangerous character, or  
18          particularly capable of misuse, or obstructive of or  
19          tending to obstruct law enforcement, emergency  
20          management, or military operations, including  
21          intoxicating liquor and the liquor business; and



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1 authorize the seizure and forfeiture of any such  
2 objects, implements, or substances unlawfully  
3 possessed, as provided in this chapter."

4 SECTION 5. If any provision of this Act, or the  
5 application thereof to any person or circumstance, is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act that can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

10 SECTION 6. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.

13

INTRODUCED BY:       *Scan*      

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**Report Title:**

Mutual Assistance Agreement; Natural Disaster; Emergency

**Description:**

Authorizes the State and electrical utilities to enter into a mutual assistance agreement with an out-of-state utility to assist in the restoration of electrical power following a natural disaster or emergency.

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

