
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



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 Act 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,



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



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



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,



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;



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



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. Section 127A-14, Hawaii Revised Statutes, is
5 amended by amending subsection (c) to read as follows:

6 "(c) The governor or mayor shall be the sole judge of the
7 existence of the danger, threat, or circumstances giving rise to
8 a declaration of a state of emergency in the State or a local
9 state of emergency in the county, as applicable. This section
10 shall not limit the power and authority of the governor under
11 section [~~127A-13(a)(4)~~] 127A-13(a)(5)."

12 SECTION 6. If any provision of this Act, or the
13 application thereof to any person or circumstance, is held
14 invalid, the invalidity does not affect other provisions or
15 applications of the Act that can be given effect without the
16 invalid provision or application, and to this end the provisions
17 of this Act are severable.

18 SECTION 7. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 8. This Act shall take effect on July 1, 2100.



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. (HB1305 HD1)

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

