
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. Hawaii Gas has been a
20 signatory to the WRMAA as of November 13, 2003. Most recently,
21 in November, 2018, the Hawaiian Electric Companies provided



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

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

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



1 "(a) Because of the existing and increasing possibility of
2 the occurrence of disasters or emergencies of unprecedented size
3 and destructiveness resulting from natural or man-made hazards,
4 and in order to ensure that the preparations of this State will
5 be adequate to deal with such disasters or emergencies; to
6 ensure the administration of state and federal programs
7 providing disaster relief to individuals; and generally to
8 protect the public health, safety, and welfare, and to preserve
9 the lives and property of the people of the State, it is hereby
10 found and declared to be necessary:

- 11 (1) To provide for emergency management by the State, and
12 to authorize the creation of local organizations for
13 emergency management in the counties of the State;
- 14 (2) To confer upon the governor and upon the mayors of the
15 counties of the State the emergency powers necessary
16 to prepare for and respond to emergencies or
17 disasters;
- 18 (3) To provide for the rendering of mutual aid among the
19 counties of the State and with other states and in
20 cooperation with the federal government with respect



1 to the carrying out of emergency management functions;
2 [and]

3 (4) To permit out-of-state utilities to provide services
4 in the State pursuant to a mutual assistance agreement
5 with a state utility to repair, renovate, or install
6 electrical or natural gas facilities that have been
7 damaged, impaired, or destroyed due to or in
8 connection with such disasters or emergencies; and

9 ~~[(4)]~~ (5) To provide programs, in cooperation with other
10 governmental agencies, the private sector, and
11 nonprofit organizations, to educate and train the
12 public to be prepared for emergencies and disasters."

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

16 "Electrical or natural gas facilities" means any equipment
17 and infrastructure owned and operated by a state utility for the
18 purpose of generating, transmitting, distributing, or furnishing
19 electrical energy or natural gas service.

20 "Mutual assistance agreement" means an agreement to which
21 two or more business entities are parties and under which a



1 public utility, municipally owned utility, electric cooperative,
2 natural gas special district, natural gas transmission pipeline,
3 or joint agency owning, operating, or owning and operating
4 infrastructure used for electric generation, electric or natural
5 gas transmission, or electric or natural gas distribution in
6 this State may request that an out-of-state business perform
7 work in this State in anticipation of a disaster or an
8 emergency.

9 "Out-of-state utility" means a public utility, municipally
10 owned utility, electric cooperative, or natural gas special
11 district that owns, operates, or owns and operates
12 infrastructure used for electric generation, electric or natural
13 gas transmission, or electric or natural gas distribution
14 outside of the State, and is regulated by the public utilities
15 commission of the state where they operate.

16 "State utility" means and refers to any public utility
17 within the State under a franchise or charter granted by the
18 State."

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



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

5 (1) Provide for and require the quarantine or segregation
6 of persons who are affected with or believed to have
7 been exposed to any infectious, communicable, or other
8 disease that is, in the governor's opinion, dangerous
9 to the public health and safety, or persons who are
10 the source of other contamination, in any case where,
11 in the governor's opinion, the existing laws are not
12 adequate to assure the public health and safety;
13 provide for the care and treatment of the persons;
14 supplement the provisions of sections 325-32 to 325-38
15 concerning compulsory immunization programs; provide
16 for the isolation or closing of property which is a
17 source of contamination or is in a dangerous condition
18 in any case where, in the governor's opinion, the
19 existing laws are not adequate to assure the public
20 health and safety, and designate as public nuisances
21 acts, practices, conduct, or conditions that are



1 dangerous to the public health or safety or to
 2 property; authorize that public nuisances be summarily
 3 abated and, if need be, that the property be
 4 destroyed, by any police officer or authorized person,
 5 or provide for the cleansing or repair of property,
 6 and if the cleansing or repair is to be at the expense
 7 of the owner, the procedure therefor shall follow as
 8 nearly as may be the provisions of section 322-2,
 9 which shall be applicable; and further, authorize
 10 without the permission of the owners or occupants,
 11 entry on private premises for any such purposes;

12 (2) Relieve hardships and inequities, or obstructions to
 13 the public health, safety, or welfare, found by the
 14 governor to exist in the laws and to result from the
 15 operation of federal programs or measures taken under
 16 this chapter, by suspending the laws, in whole or in
 17 part, or by alleviating the provisions of laws on such
 18 terms and conditions as the governor may impose,
 19 including licensing laws, quarantine laws, and laws
 20 relating to labels, grades, and standards;



- 1 (3) Suspend any law that impedes or tends to impede or be
2 detrimental to the expeditious and efficient execution
3 of, or to conflict with, emergency functions,
4 including laws which by this chapter specifically are
5 made applicable to emergency personnel;
- 6 (4) Suspend the provisions of any regulatory statute
7 prescribing the procedures for out-of-state utilities
8 to conduct business in the State including any
9 licensing laws applicable to out-of-state utilities or
10 their respective employees, as well as any orders,
11 rules, or regulation of any state agency, if strict
12 compliance with the provisions of any such statute,
13 order, rule, or regulation would in any way prevent,
14 hinder, or delay necessary action of a state utility
15 in coping with the emergency or disasters with
16 assistance that may be provided under the mutual
17 assistance agreement;
- 18 ~~[(4)]~~ (5) In the event of disaster or emergency beyond
19 local control, or an event which, in the opinion of
20 the governor, is such as to make state operational
21 control necessary, or upon request of the local



1 entity, assume direct operational control over all or
2 any part of the emergency management functions within
3 the affected area;

4 ~~[(5)]~~ (6) Shut off water mains, gas mains, electric power
5 connections, or suspend other services, and, to the
6 extent permitted by or under federal law, suspend
7 electronic media transmission;

8 ~~[(6)]~~ (7) Direct and control the mandatory evacuation of
9 the civilian population;

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



1 ~~[(8)]~~ (9) Suspend section 8-1, relating to state holidays,
2 except the last paragraph relating to holidays
3 declared by the president, which shall remain
4 unaffected, and in the event of the suspension, the
5 governor may establish state holidays by proclamation;
6 ~~[(9)]~~ (10) Adjust the hours for voting to take into
7 consideration the working hours of the voters during
8 the emergency period, and suspend those provisions of
9 section 11-131 that fix the hours for voting, and fix
10 other hours by stating the same in the election
11 proclamation or notice, as the case may be;
12 ~~[(10)]~~ (11) Assure the continuity of service by critical
13 infrastructure facilities, both publicly and privately
14 owned, by regulating or, if necessary to the
15 continuation of the service thereof, by taking over
16 and operating the same; and
17 ~~[(11)]~~ (12) Except as provided in section 134-7.2, whenever
18 in the governor's opinion, the laws of the State do
19 not adequately provide for the common defense, public
20 health, safety, and welfare, investigate, regulate, or
21 prohibit the storage, transportation, use, possession,



1 maintenance, furnishing, sale, or distribution of, as
2 well as any transaction related to, explosives,
3 firearms, and ammunition, inflammable materials and
4 other objects, implements, substances, businesses, or
5 services of a hazardous or dangerous character, or
6 particularly capable of misuse, or obstructive of or
7 tending to obstruct law enforcement, emergency
8 management, or military operations, including
9 intoxicating liquor and the liquor business; and
10 authorize the seizure and forfeiture of any such
11 objects, implements, or substances unlawfully
12 possessed, as provided in this chapter."

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

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



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

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

9 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 and gas utilities to enter into a mutual assistance agreement with an out-of-state utility to assist in the restoration of electrical or natural gas power following a natural disaster or emergency. (HB1305 HD2)

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

