

HB
1305
HD1

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.



**TESTIMONY BEFORE THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE**

H.B. 1305, HD1

Relating to Mutual Assistance Agreement

Wednesday, February 20, 2019
2:00 p.m., Agenda Item #12
State Capitol, Conference Room 329

Carina Y. Ohara
Senior Associate General Counsel
Hawaiian Electric Company, Inc.

Chair Takumi, Vice Chair Ichiyama and Members of the Committee,

My name is Carina Ohara and I am testifying on behalf of Hawaiian Electric Company Inc., and its subsidiaries, Hawaii Electric Light Company, Inc. and Maui Electric Company, Limited (collectively, the “Hawaiian Electric Companies”) **in strong support** of H.B. 1305, HD1, Relating to Mutual Assistance Agreement.

H.B. 1305, HD1 will ensure that upon the occurrence of a natural disaster or emergency, Hawaii’s electrical utility companies will be able to seek assistance and support from out-of-state experienced and qualified utility workers to timely and safely restore Hawaii’s critical infrastructure back to operational conditions; should our in-state resources be insufficient to meet the needs of all our customers, including residents, businesses and the federal, state, and county governments.

Hawaii’s electrical utility companies are members of Western Region Mutual Assistance Group, a group made up of public and private utilities companies across the

United States and Canada. As a member, Hawaii's electrical utility companies are able to call on other member utilities to provide their experienced and qualified utility workers to assist in restoration efforts following emergencies or disasters if such restoration efforts require resources beyond what the affected utility is able to mobilize to ensure safe and timely restoration of critical infrastructure. This agreement specifically provides that the mobilized out-of-state utility workers who provide assistance will remain employees of their home utility and will return to their home state upon completion of their restoration support.

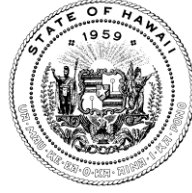
A recent example of assistance being provided under this mutual assistance program is Hawaiian Electric Companies mobilizing 30 of its experienced linemen to Northern California to support PG&E's restoration efforts following the Camp Fire destruction.

Hawaiian Electric Company would like to be able to seek assistance from out-of-state utilities should we ever experience widespread damage and destruction following an emergency or disaster. If we experience significant impact and devastation to our electrical infrastructure, being able to count on additional experienced and qualified utility workers to supplement our in-state resources when our in-state resources maybe insufficient will be critical to our ability to safely, expeditiously, and effectively restore operations and provide electrical services to our customers.

However, with Hawaii's regulatory and licensing requirements applicable to utility workers such as electricians' license and commercial drivers' license, out-of-state utility

workers who are otherwise experienced and qualified to perform work on utility infrastructure will not be able to come to Hawaii to provide aid without violating State laws. These regulations, while necessary, will also hinder or prevent Hawaii's utility companies from being able to safely, expeditiously, and effectively restore Hawaii's critical infrastructure following devastating disasters or emergencies by limiting the otherwise available assistance from out-of-state experienced and qualified utility workers. Should H.B. 1305, HD1 become law, upon declaration of state of emergency, the Governor will have the authority to suspend the application of these types of regulatory laws that cannot be complied with in the period of time required to mobilize out-of-state utility workers to support our restoration efforts.

Accordingly, the Hawaiian Electric Companies strongly supports H.B. 1305, HD1 and requests your favorable consideration. Thank you for this opportunity to testify.



DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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DEPUTY DIRECTOR

Testimony of the Department of Commerce and Consumer Affairs

**Before the
House Committee on Consumer Protection
Monday, February 20, 2019
2:00 p.m.
State Capitol, Conference Room 329**

**On the following measure:
H.B. 1305, H.D. 1, RELATING TO MUTUAL ASSISTANCE AGREEMENT**

Chair Takumi and Members of the Committee:

My name is Dean Nishina, and I am the Executive Director of the Department of Commerce and Consumer Affairs' (Department) Division of Consumer Advocacy. The Department supports this bill.

The purpose of this bill is to authorize 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 Department recognizes the urgency of repair whenever an emergency or a natural disaster may cause overwhelming damage to the electrical grids on which all of Hawaii depends, as well as the increasing frequency of powerful storms due to the effects of global climate change. Mutual assistance agreements are one important class of mechanisms that will improve the resilience of Hawaii's electric grids and expedite the restoration of utility service to customers, with which the Department is especially concerned. The exemptions from and exceptions to rules that may otherwise

slow or hinder out-of-state assistance in limited circumstances, as proposed in this bill, are reasonable and measured.

Thank you for the opportunity to testify on this bill.



Testimony to the House Committee on Consumer Protection & Commerce

Wednesday, February 20, 2019, 2 p.m.
Conference Room 329, State Capitol
RE: House Bill 1305 HD1

Chairs Takumi, Vice Chair Ichiyama and Members of the Committees on Consumer Protection & Commerce

Hawaii Gas **supports HB 1305 HD1, requests an amendment** and provides the following **comments to the bill:**

Hawaii Gas (HG) has been serving customers through the state for 115 years. It is the only government franchised full service gas utility, producing and distributing gas products and providing related services. Unlike other gas utilities, Hawaii Gas' products are made in locally through our Campbell Industrial Plant that takes naphtha, a byproduct from the refinery, to make synthetic natural gas for our utility customers. Our company also began producing renewable natural gas (RNG) through waste biogas from the City & County of Honolulu's Honouliuli Wastewater Treatment Plant in Ewa Beach in 2018. The Honouliuli plant is unique, as very few RNG facilities are built for gas utility customers. Our company plays a small, but important role in Hawaii as a clean, cost-efficient and resilient energy source.

The U.S. Department of Defense, U.S. Department of Homeland Security other federal agencies, state and county governments recognize the interrelated segments: electricity, oil natural gas as part of the energy infrastructure system. Without a stable energy supply, health and welfare are threatened, and the economy cannot function.¹

Mutual aid assistance is a common practice among utilities across the U.S. and its territories. Utilities across the country have been providing mutual aid to each other during emergencies for years. Ensuring that we prepare for and have appropriate responses to secure energy and grid reliability will help address how we can respond to larger-scale emergencies, coordinated better across jurisdictions and how mutual assistance may also be used to address less-understood threats like cyberattacks or large-scale acts of terrorism.

There are a number of reasons why federal, state and local governments consider natural gas systems as a critical part of energy security.

¹ U.S. Department of Homeland Security, Cyber and Infrastructure Security Agency, Energy Sector, <https://www.dhs.gov/cisa/energy-sector>



- The physical operations of natural gas production, transmission and distribution make the system inherently reliable and resilient.
- Natural gas pipelines are mostly underground and protected from weather and other elements.
- Disruptions to natural gas service are rare.
- Natural gas storage helps provide energy and economic security for commerce and consumers to recover in the event of disasters and emergencies.

It appears that, unintentionally, HB 1305 HD1 limits the allowance of mutual assistance agreements to electrical energy utilities and does not include other public utilities as defined in Section 269-1, Hawaii Revised Statutes. **Hawaii Gas respectfully requests the Committees to amend the bill to include language that recognizes all public utilities as defined in HRS Section 269-1, including gas.**

Thank you for the opportunity to testify.

Sincerely,

Jeannine A. Souki
Director, Government Affairs and Corporate Communications



February 19, 2019

Representative Roy M. Takumi, Chair
Representative Linda Ichiyama, Vice Chair
House Committee on Consumer Protection & Commerce

Comments in Support of and Amendments to HB 1305, HD1, Relating to a Mutual Assistance Agreement (Authorizes the State to enter into a mutual assistance agreement with an out of state utility in order to restore electrical power of the State, without regard to any regulatory law, in times of an emergency or natural disaster.)

CPC Hrg: Tuesday, February 19, 2019, 2:00 p.m., in Conference Room 329

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, resort operators and major utility companies. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to express its **support of the general intent of HB 1305, HD1 and to respectfully request clarifying amendments** confirming that the purpose, intent and mutual assistance agreements relating to this measure would also cover other renewable energy sources, including biogas, hydrogen, geothermal, etc.

HB 1305, HD1. The current purpose of this measure is to ensure that in times of emergencies or natural disasters that the State and **ONLY** electrical utilities in the State are allowed to enter into a mutual assistance agreement with an out of state utility to assist in the restoration of **ONLY** electrical power. **(Emphasis added)**

LURF's Position. This measure should be expanded to include ALL energy sources and utilities. In fact, the findings of HB 1305, HD1 note that **ALL Hawaii based public utility providers** are members of the Western Region Mutual Assistance Agreement, an agreement between public electric and gas utilities throughout the continental United States and certain Canadian utilities, to make their resources available in the event of emergencies or disasters.

We believe that this measure unintentionally excluded renewable energy sources and facilities, including biomass/biogas, hydrogen, and geothermal. LURF respectfully recommends that amendments be made to include mutual assistance agreements with utilities relating to electricity and renewable energy sources, including, without limitation, biomass/biogas, hydrogen, geothermal.

Thank you for the opportunity to provide comments in support of this measure, with the proposed amendments.

HB 1305, HD1 RELATING TO MUTUAL ASSISTANCE AGREEMENT

PROPOSED AMENDMENTS by Land Use Research Foundation of Hawaii

Unintentionally, it appears that HB 1305, HD1 is solely limited to electrical energy, and could be legally interpreted to exclude mutual assistance agreements with other public utilities defined in Section 269-1, Hawaii Revised Statutes, including the exclusion of utilities relating to transportation, telecommunications, electricity, power, water, gas, oil, storage of goods, and sewage disposal. Although not specifically named in section 269-1, HRS, the definition of public utilities should also include other existing and future renewable power sources, including biomass/biogas, hydrogen, and geothermal.

The following amendments are respectfully recommended for consideration to include mutual assistance agreements with all public utilities as defined in HRS Section 269-1, which would include, renewable energy sources and providers.

A BILL FOR AN ACT

RELATING TO A MUTUAL ASSISTANCE AGREEMENT.

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

SECTION 1. In 2006, the legislature approved the emergency management assistance compact, allowing the State to become a member with forty-nine other states, the District of Columbia, Puerto Rico, and the Virgin Island. As a member of the compact, the State would be able to receive interstate aid in the event of a disaster. In doing so, the legislature recognized that while Hawaii may be capable of managing most emergencies, there are times when disasters exceed state and local resources, therefore requiring outside assistance. The legislature recognized that such outside assistance is especially crucial for a geographically isolated state such as Hawaii.

For many critical infrastructure providers, particularly public utility providers, in a time of a major natural disaster or emergency, one priority is the restoration of utilities to ensure the public has available resources it needs to recover from any disaster. Hawaii's public utilities are defined in section 269-1, and specifically include, transportation,

telecommunications, electricity, power, water, gas, oil, storage of goods, and sewage disposal. Although not specifically named in section 269-1, LURF believes that the definition of public utilities would also include other existing and future renewable power sources, including biomass/biogas, hydrogen, and geothermal. For [electrical] all public utilities, one major

concern is being able to safely and timely respond to all customers' needs, including residents, businesses, and government agencies, following any disaster. While Hawaii's utility providers are reliable, if a disaster like hurricane Maria in Puerto Rico hit Hawaii, the State's utility providers may need to seek assistance from outside of the State.

The legislature further finds that all Hawaii based public utility providers are members of the Western Region Mutual Assistance Agreement (WRMAA), an agreement between public electric and gas utilities throughout the continental United States and certain Canadian utilities, to make their resources available in the event of emergencies or disasters. The Hawaiian Electric companies have been signatories of the WRMAA since 2006, with the Kauai Island Utility Cooperative becoming a signatory on August 6, 2013. Under the terms of the WRMAA, the Hawaiian Electric Companies provided support to Pacific Gas and Electric in November of 2018, by sending a team of thirty-five linemen and support staff to assist its recovery after the camp

fire that devastated the town of Paradise, California. In the event that the State suffers devastating effects from a disaster, out of state public utilities are willing and able to provide the State with similar support. This Act will ensure that in times of an emergency, qualified utility workers from out of state would be able to provide their services in the State to help restore utilities to operating condition.

The purpose of this Act is to ensure that in times of emergencies or natural disasters that the State and ~~electrical~~ all utilities in the State are allowed to enter into a mutual assistance agreement with an out of state utility to assist in the restoration of electrical power.

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

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

- (1) To provide for emergency management by the State, and to authorize the creation of local organizations for emergency management in the counties of the State;
- (2) To confer upon the governor and upon the mayors of the counties of the State the emergency powers necessary to prepare for and respond to emergencies or disasters;
- (3) To provide for the rendering of mutual aid among the counties of the State and with other states and in cooperation with the federal government with respect to the carrying out of emergency management functions; [and]
- (4) To permit out of state utilities to provide services in the State pursuant to a mutual assistance agreement with a state utility to repair, renovate, or install [electrical] all utility facilities that have been damaged, impaired, or destroyed due to or in connection with natural disasters or emergencies; and
- ~~[-4-]~~ (5) To provide programs, in cooperation with other governmental agencies, the private sector, and nonprofit organizations, to educate and train the public to be prepared for emergencies and disasters."

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

"~~[Electrical]~~ Utility facilities" means any equipment and infrastructure owned and operated by ~~[a]~~ any state utility for the purpose of generating, transmitting, distributing, or furnishing ~~[electrical energy]~~ any utility service.

"Mutual assistance agreement" means an agreement by which two or more business entities are parties and under which a public utility, municipally owned utility, or ~~[electric] utility cooperative~~ ~~[owning or operating infrastructure used for electric generation, electric transmission, or electric distribution]~~ in this State may request that an out of state business perform work in this State in anticipation of a natural disaster or emergency.

"Out of state utility" means a public utility, municipally owned utility, or ~~[electric] cooperative~~ ~~[that owns or operates infrastructure used for electric generation, electric transmission, or electric distribution]~~ outside of the State, and are regulated by the public utilities commission of the state where they operate.

"State utility" and "utility" ~~[has]~~ have the same meaning as "public utility" as defined in section 269-1."

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

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

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

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

- (2) Relieve hardships and inequities, or obstructions to the public health, safety, or welfare, found by the governor to exist in the laws and to result from the operation of federal programs or measures taken under this chapter, by suspending the laws, in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the governor may impose, including licensing laws, quarantine laws, and laws relating to labels, grades, and standards;
- (3) Suspend any law that impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws which by this chapter specifically are made applicable to emergency personnel;

(4) Suspend the provisions of any regulatory statute prescribing the procedures for out of state utilities to conduct business in the State, including any licensing laws applicable to out of state utilities or their respective employees, as well as any orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulations would in any way prevent, hinder, or delay necessary action of state utilities in coping with the emergency or natural disasters with assistance that may be provided under a mutual assistance agreement;

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

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

- ~~[(6)]~~ (7) Direct and control the mandatory evacuation of the civilian population;
- ~~[(7)]~~ (8) Exercise additional emergency functions to the extent necessary to prevent hoarding, waste, or destruction of materials, supplies, commodities, accommodations, facilities, and services, to effectuate equitable distribution thereof, or to establish priorities therein as the public welfare may require; to investigate; and notwithstanding any other law to the contrary, to regulate or prohibit, by means of licensing, rationing, or otherwise, the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution thereof, and any business or any transaction related thereto;
- ~~[(8)]~~ (9) Suspend section 8-1, relating to state holidays, except the last paragraph relating to holidays declared by the president, which shall remain unaffected, and in the event of the suspension, the governor may establish state holidays by proclamation;
- ~~[(9)]~~ (10) Adjust the hours for voting to take into consideration the working hours of the voters during the emergency period, and suspend those provisions of section 11-131 that fix the hours for voting, and fix

other hours by stating the same in the election proclamation or notice, as the case may be;

~~[(10)]~~ (11) Assure the continuity of service by critical infrastructure facilities, both publicly and privately owned, by regulating or, if necessary to the continuation of the service thereof, by taking over and operating the same; and

~~[(11)]~~ (12) Except as provided in section 134-7.2, whenever in the governor's opinion, the laws of the State do not adequately provide for the common defense, public health, safety, and welfare, investigate, regulate, or prohibit the storage, transportation, use, possession, maintenance, furnishing, sale, or distribution of, as well as any transaction related to, explosives, firearms, and ammunition, inflammable materials and other objects, implements, substances, businesses, or services of a hazardous or dangerous character, or particularly capable of misuse, or obstructive of or tending to obstruct law enforcement, emergency management, or military operations, including intoxicating liquor and the liquor business; and authorize the seizure and forfeiture of any such objects, implements, or substances unlawfully possessed, as provided in this chapter."

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

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

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

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

SECTION 8. This Act shall take effect upon its approval.

INTRODUCED BY: _____