
A BILL FOR AN ACT

RELATING TO A MUTUAL ASSISTANCE AGREEMENT.

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

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

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



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

7 The legislature further finds that all Hawaii-based public
8 utility providers are members of the Western Region Mutual
9 Assistance Agreement (WRMAA), which is an agreement between
10 public electric and gas utilities throughout the continental
11 United States and certain Canadian utilities to make their
12 resources available in the event of emergencies or disasters.
13 The Hawaiian Electric Companies have been signatories of the
14 WRMAA since 2006, with the Kauai Island Utility Cooperative
15 becoming a signatory on August 6, 2013. Under the terms of the
16 WRMAA, the Hawaiian Electric Companies provided support to
17 Pacific Gas and Electric in November of 2018, by sending a team
18 of thirty-five linemen and support staff to assist in recovery
19 after the camp fire that devastated the town of Paradise,
20 California. In the event that the State suffers devastating
21 effects from a disaster, out-of-state public utilities are



1 willing and able to provide the State with similar support.
2 This Act will ensure that in times of an emergency, qualified
3 utility workers from outside of the State would be able to
4 provide their services in the State to help restore utilities to
5 operating condition.

6 The purpose of this Act is to ensure that in times of
7 emergencies or natural disasters that the State and public
8 utilities in the State are allowed to enter into a mutual
9 assistance agreement with an out-of-state utility to assist in
10 the restoration of energy and utility services.

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

13 "(a) Because of the existing and increasing possibility of
14 the occurrence of disasters or emergencies of unprecedented size
15 and destructiveness resulting from natural or man-made hazards,
16 and in order to ensure that the preparations of this State will
17 be adequate to deal with such disasters or emergencies; to
18 ensure the administration of state and federal programs
19 providing disaster relief to individuals; and generally to
20 protect the public health, safety, and welfare and to preserve



1 the lives and property of the people of the State, it is hereby
2 found and declared to be necessary:

3 (1) To provide for emergency management by the State, and
4 to authorize the creation of local organizations for
5 emergency management in the counties of the State;

6 (2) To confer upon the governor and upon the mayors of the
7 counties of the State the emergency powers necessary
8 to prepare for and respond to emergencies or
9 disasters;

10 (3) To provide for the rendering of mutual aid among the
11 counties of the State and with other states and in
12 cooperation with the federal government with respect
13 to the carrying out of emergency management functions;
14 [and]

15 (4) To permit all public utilities and energy providers to
16 provide services in the State pursuant to a mutual
17 assistance agreement to repair, renovate, or install
18 utility facilities that have been damaged, impaired,
19 or destroyed due to, or in connection with, natural
20 disasters or emergencies; and



1 [~~4~~] (5) To provide programs, in cooperation with other
2 governmental agencies, the private sector, and
3 nonprofit organizations, to educate and train the
4 public to be prepared for emergencies and disasters."

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

8 "Mutual assistance agreement" means an agreement to which
9 two or more business entities are parties and under which any
10 public utility or energy provider, including but not limited to
11 a municipally-owned utility or electric cooperative owning or
12 operating infrastructure used for electric generation, electric
13 transmission, or electric distribution in this State, may
14 request that an out-of-state utility perform work in this State
15 in anticipation of a natural disaster or emergency.

16 "Out-of-state utility" means any public utility or energy
17 provider, including but not limited to a municipally owned
18 utility or cooperative, that owns or operates infrastructure
19 used for power generation, transmission, or distribution outside
20 of the State and is regulated by a public utilities commission



1 or similar regulatory authority of the state in which it
2 operates.

3 "Public utility" has the same meaning as in section 269-1.

4 "Utility facilities" means any equipment and infrastructure
5 owned and operated by any public utility or energy provider for
6 the purpose of generating, transmitting, distributing, or
7 furnishing energy or utility service."

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

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

14 (1) Provide for and require the quarantine or segregation
15 of persons who are affected with or believed to have
16 been exposed to any infectious, communicable, or other
17 disease that is, in the governor's opinion, dangerous
18 to the public health and safety, or persons who are
19 the source of other contamination, in any case where,
20 in the governor's opinion, the existing laws are not
21 adequate to assure the public health and safety;



1 provide for the care and treatment of the persons;
2 supplement the provisions of sections 325-32 to 325-38
3 concerning compulsory immunization programs; provide
4 for the isolation or closing of property which is a
5 source of contamination or is in a dangerous condition
6 in any case where, in the governor's opinion, the
7 existing laws are not adequate to assure the public
8 health and safety, and designate as public nuisances
9 acts, practices, conduct, or conditions that are
10 dangerous to the public health or safety or to
11 property; authorize that public nuisances be summarily
12 abated and, if need be, that the property be
13 destroyed, by any police officer or authorized person,
14 or provide for the cleansing or repair of property,
15 and if the cleansing or repair is to be at the expense
16 of the owner, the procedure therefor shall follow as
17 nearly as may be the provisions of section 322-2,
18 which shall be applicable; and further, authorize
19 without the permission of the owners or occupants,
20 entry on private premises for any such purposes;



- 1 (2) Relieve hardships and inequities, or obstructions to
2 the public health, safety, or welfare, found by the
3 governor to exist in the laws and to result from the
4 operation of federal programs or measures taken under
5 this chapter, by suspending the laws, in whole or in
6 part, or by alleviating the provisions of laws on such
7 terms and conditions as the governor may impose,
8 including licensing laws, quarantine laws, and laws
9 relating to labels, grades, and standards;
- 10 (3) Suspend any law that impedes or tends to impede or be
11 detrimental to the expeditious and efficient execution
12 of, or to conflict with, emergency functions,
13 including laws which by this chapter specifically are
14 made applicable to emergency personnel;
- 15 (4) Suspend the provisions of any regulatory statute
16 prescribing the procedures for out-of-state utilities
17 to conduct business in the State, including any
18 licensing laws applicable to out-of-state utilities or
19 their respective employees, as well as any orders or
20 rules of any state agency, if strict compliance with
21 the provisions of any statute, order, or rule would in



1 any way prevent, hinder, or delay necessary action of
2 public utilities or energy providers or out-of-state
3 utilities in coping with the emergency or natural
4 disaster with assistance that may be provided under a
5 mutual assistance agreement;

6 [~~4~~] (5) In the event of disaster or emergency beyond
7 local control, or an event which, in the opinion of
8 the governor, is such as to make state operational
9 control necessary, or upon request of the local
10 entity, assume direct operational control over all or
11 any part of the emergency management functions within
12 the affected area;

13 [~~5~~] (6) Shut off water mains, gas mains, electric power
14 connections, or suspend other services, and, to the
15 extent permitted by or under federal law, suspend
16 electronic media transmission;

17 [~~6~~] (7) Direct and control the mandatory evacuation of
18 the civilian population;

19 [~~7~~] (8) Exercise additional emergency functions to the
20 extent necessary to prevent hoarding, waste, or
21 destruction of materials, supplies, commodities,



1 accommodations, facilities, and services, to
2 effectuate equitable distribution thereof, or to
3 establish priorities therein as the public welfare may
4 require; to investigate; and notwithstanding any other
5 law to the contrary, to regulate or prohibit, by means
6 of licensing, rationing, or otherwise, the storage,
7 transportation, use, possession, maintenance,
8 furnishing, sale, or distribution thereof, and any
9 business or any transaction related thereto;

10 [~~+8~~] (9) Suspend section 8-1, relating to state holidays,
11 except the last paragraph relating to holidays
12 declared by the president, which shall remain
13 unaffected, and in the event of the suspension, the
14 governor may establish state holidays by proclamation;

15 [~~+9~~] (10) Adjust the hours for voting to take into
16 consideration the working hours of the voters during
17 the emergency period, and suspend those provisions of
18 section 11-131 that fix the hours for voting, and fix
19 other hours by stating the same in the election
20 proclamation or notice, as the case may be;



1 [~~(10)~~] (11) Assure the continuity of service by critical
2 infrastructure facilities, both publicly and privately
3 owned, by regulating or, if necessary to the
4 continuation of the service thereof, by taking over
5 and operating the same; and

6 [~~(11)~~] (12) Except as provided in section 134-7.2, whenever
7 in the governor's opinion, the laws of the State do
8 not adequately provide for the common defense, public
9 health, safety, and welfare, investigate, regulate, or
10 prohibit the storage, transportation, use, possession,
11 maintenance, furnishing, sale, or distribution of, as
12 well as any transaction related to, explosives,
13 firearms, and ammunition, inflammable materials and
14 other objects, implements, substances, businesses, or
15 services of a hazardous or dangerous character, or
16 particularly capable of misuse, or obstructive of or
17 tending to obstruct law enforcement, emergency
18 management, or military operations, including
19 intoxicating liquor and the liquor business; and
20 authorize the seizure and forfeiture of any such



1 objects, implements, or substances unlawfully
2 possessed, as provided in this chapter."

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

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

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

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

19 SECTION 8. This Act shall take effect on July 1, 2050.



Report Title:

Emergencies; Natural Disasters; Mutual Assistance Agreement;
Public Utilities; Out-of-State Utilities

Description:

Authorizes the State to enter into a mutual assistance agreement with an out-of-state utility or other energy provider in order to restore power and utility service to the State, without regard to any regulatory law, in times of an emergency or natural disaster. Effective 7/1/2050. (SD2)

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

