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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 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 parties to the WRMAA  
18 since 2006. The Kauai Island Utility Cooperative is also a  
19 signatory party to the WRMAA as of August 6, 2013. Hawaii Gas  
20 has been a signatory party to the WRMAA as of November 13, 2003.  
21 Most recently, in November 2018, the Hawaiian Electric Companies



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

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

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

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

20 "(a) In the event of a state of emergency declared by the  
21 governor pursuant to [+]section[+] 127A-14, the governor may



1 exercise the following additional powers pertaining to emergency  
2 management during the emergency period:

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



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

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

19 (3) Suspend any law that impedes or tends to impede or be  
20 detrimental to the expeditious and efficient execution  
21 of, or to conflict with, emergency functions,





1 including laws which by this chapter specifically are  
2 made applicable to emergency personnel;

3 (4) Suspend the provisions of any regulatory law  
4 prescribing the procedures for out-of-state utilities  
5 to conduct business in the State including any  
6 licensing laws applicable to out-of-state utilities or  
7 their respective employees, as well as any order,  
8 rule, or regulation of any state agency, if strict  
9 compliance with the provisions of any such law, order,  
10 rule, or regulation would in any way prevent, hinder,  
11 or delay necessary action of a state utility in coping  
12 with the emergency or disaster with assistance that  
13 may be provided under a mutual assistance agreement;

14 ~~(4)~~ (5) In the event of disaster or emergency beyond  
15 local control, or an event which, in the opinion of  
16 the governor, is such as to make state operational  
17 control necessary, or upon request of the local  
18 entity, assume direct operational control over all or  
19 any part of the emergency management functions within  
20 the affected area;



1        [~~+5~~] (6) Shut off water mains, gas mains, electric power  
2                    connections, or suspend other services, and, to the  
3                    extent permitted by or under federal law, suspend  
4                    electronic media transmission;

5        [~~+6~~] (7) Direct and control the mandatory evacuation of  
6                    the civilian population;

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

19        [~~+8~~] (9) Suspend section 8-1, relating to state holidays,  
20                   except the last paragraph relating to holidays  
21                   declared by the president, which shall remain

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



1 other objects, implements, substances, businesses, or  
2 services of a hazardous or dangerous character, or  
3 particularly capable of misuse, or obstructive of or  
4 tending to obstruct law enforcement, emergency  
5 management, or military operations, including  
6 intoxicating liquor and the liquor business; and  
7 authorize the seizure and forfeiture of any such  
8 objects, implements, or substances unlawfully  
9 possessed, as provided in this chapter."

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

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

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



1 invalid provision or application, and to this end the provisions  
2 of this Act are severable.

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

5 SECTION 8. This Act shall take effect on July 1, 2019.



**Report Title:**

Mutual Assistance Agreement; Natural Disaster; Emergency; Public Utilities

**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. (SD1)

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

