A BILL FOR AN ACT

RELATING TO A MUTUAL ASSISTANCE AGREEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

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 Islands. As a member of the compact, the State would be able to receive interstate aid in the event of a disaster. In approving the compact, the legislature recognized that while Hawaii may be capable of managing most emergencies, there may be 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. For 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), which is 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 in 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 outside of the 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 public 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 energy and utility services.

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;

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

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

"Out-of-state utility" means any public utility or energy provider, including but not limited to a municipally owned utility or cooperative, that owns or operates infrastructure used for power generation, transmission, or distribution outside of the State and is regulated by a public utilities commission.
or similar regulatory authority of the state in which it operates.

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

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

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 or rules of any state agency, if strict compliance with the provisions of any statute, order, or rule would in
any way prevent, hinder, or delay necessary action of
public utilities or energy providers or out-of-state
utilities in coping with the emergency or natural
disaster with assistance that may be provided under a
mutual assistance agreement;

(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;

(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;

(7) Direct and control the mandatory evacuation of
the civilian population;

(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;

(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;

(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;
[40+] (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

[41+] (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
possession, 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 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.