OFFICE OF THE GOVERNOR
STATE OF HAWAII

PROCLAMATION

By the authority vested in me as Governor by the Constitution and laws of the State of Hawaii, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

WHEREAS, a disaster occurrence of periods of heavy rains and flooding beginning Monday, February 20, 2006, through Friday February 24, 2006 caused localized flooding and lingering saturated ground conditions, and periods of heavy rains and flooding beginning Wednesday, March 1, 2006 and which are forecast to continue through Friday, March 3, 2006, which has caused extensive damage to private and public property in the counties of Maui and the City and County of Honolulu, State of Hawaii, and is projected to cause extensive damage to the county of Kauai, State of Hawaii, thereby endangering the health, safety, and welfare of the people; and

WHEREAS, this occurrence of a severe, sudden, and extraordinary event has caused damages, losses, and suffering of such character and magnitude to have affected the health, welfare, and living conditions of a substantial number of persons, and to have affected the economy of the State, and is of such a nature as to warrant rehabilitative assistance from the State; and

WHEREAS, this occurrence has caused losses due to damage or destruction of real and personal property, has devastated large tracts of lands, and is causing the necessity for immediate relocation of persons from the devastation; and

WHEREAS, the Legislature of the State of Hawaii has appropriated from the general revenues of the State, monies as may be necessary for expenditure by or under the direction of the Governor for the immediate relief of the conditions created by the disaster; and

WHEREAS, in expending such monies, the Governor may allot any portion to any agency, office, or employee, federal, state, or county for the most expeditious and efficient relief of the conditions created by the disaster; and

WHEREAS, pursuant to section 127-11, Hawaii Revised Statutes, the Governor is authorized to determine whether a major disaster has occurred and authorize the expenditure of funds thereunder; and

WHEREAS, pursuant to section 121-30, Hawaii Revised Statutes, the Governor may order the Hawaii National Guard, or any part thereof, into active service for assistance to civil authorities in disaster relief, civil defense, averting any imminent public danger and threat, and to insure the compliance with the civil laws of the State of Hawaii; and

WHEREAS, pursuant to section 209-2, Hawaii Revised Statutes, the Governor is authorized to make a determination whether a disaster has occurred, thereby making available housing relief, under part II of chapter 209, Hawaii Revised Statutes, and commercial and personal loans under part III of chapter 209, Hawaii Revised Statutes, for disaster relief and rehabilitation; and

WHEREAS, section 127-10, Hawaii Revised Statutes, provides that when sections 127-1 to 127-9, Hawaii Revised Statutes are not in effect, the Governor may exercise any and all powers contained in chapter 128, Hawaii Revised Statutes, in order to provide other disaster relief and that all provisions of the law provided in chapter 128, Hawaii Revised Statutes, during such period are made applicable to other disaster relief, including without limitation, provisions making or authorizing appropriations or expenditures; and

WHEREAS, pursuant to Act 35, Regular Session Laws of Hawaii 1961, sections 127-1 to 127-9, Hawaii Revised Statutes, have been indefinitely suspended and are not in effect, the provisions of Chapter 128, Hawaii Revised Statutes, are applicable to other disaster relief; and

WHEREAS, pursuant to section 127-10, Hawaii Revised Statutes, other disaster relief includes, but is not limited to the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by fire, flood, tidal wave, volcanic eruption, earthquake, or other natural causes and major disasters caused by acts of man, including but not limited to, massive oil spills, nuclear accidents, airplane crashes and civil disturbances; and

WHEREAS, pursuant to section 128-8(4), Hawaii Revised Statutes, the Governor is authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or conflict with, disaster relief or other emergency functions; and

WHEREAS, pursuant to section 128-9(8), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and

WHEREAS, pursuant to section 128-10(10), Hawaii Revised Statutes, the Governor may suspend chapter 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4, Hawaii Revised Statutes, and I find that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of emergency disaster relief functions for this occurrence and that compliance therewith is impracticable due to existing conditions; and

WHEREAS, pursuant to section 128-10(5), Hawaii Revised Statutes, the Governor is further authorized to order and direct government agencies, officers, and employees, state or local, to take such action and employ such measures for law enforcement, medical, health, fire fighting, traffic control, warnings, and signals, engineering, rescue, construction, emergency housing, and other welfare, hospitalization, transportation, water supply, public information, training, and other civil defense and emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers; and

WHEREAS, pursuant to section 128-10(11), Hawaii Revised Statutes, the Governor may appoint, employ, train, equip, and maintain, with compensation, or on a volunteer basis without compensation and without regard to chapters 76, 78, and 88, such agencies, officers, and other persons as the Governor deems necessary to carry out emergency disaster relief functions; determine to what extent any law prohibiting the holding of more than one office or employment applies to the agencies, officers, and other persons; and subject to section 128-15, provide for and effect the interchange of personnel, by detail, transfer, or otherwise, between the State and any political subdivision, or among any agencies or departments of the State; and

WHEREAS, pursuant to section 128-10(15), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 128 and to provide for civil defense and other emergency functions; and

NOW, THEREFORE, I LINDA LINGLE, Governor of the State of Hawaii, hereby determine that a major disaster and catastrophe contemplated by sections 127-11, 121-30, 209-2, 128-8(4), 128-9(8), 128-10(5), 128-10(10), 128-10(11), 128-10(15), and parts II and III of chapter 209, Hawaii Revised Statutes, have occurred on the above dates and in the above areas in the State of Hawaii, and do hereby proclaim these areas to be disaster areas for the purpose of authorizing the expenditure of State monies as appropriated for the speedy and efficient relief of the damages, losses, and suffering resulting from the disaster, and hereby authorize and invoke the following measures under the Hawaii Revised Statutes:

1. Section 127-11, **major disaster fund**.
2. Part II of chapter 209, **housing relief**.
3. Part III of chapter 209, **commercial and personal loans**.
4. Sections 128-8(4), 128-9(8), and 128-10(10), and in order to provide emergency disaster relief, I hereby suspend as allowed by federal law, the following statutes:
    a. Chapter 89, **collective bargaining in public employment.**
    b. Chapter 89C, **public officers and employees excluded from collective bargaining.**

c. Section 102-2, **contracts for concessions in government buildings; bid requirements.**

d. Section 103-50, **building design to consider needs of persons with disabilities.**

e. Section 103-53, **contracts with the State or counties; tax clearances, assignments.**

f. Section 103-55, **wages, hours, and working conditions of employees of contractors performing services.**

g. Chapter 103D, **procurement code.**

h. Sections 105-1 to 105-10, **use of government vehicles, limitations.**

i. Sections 142-2 to 142-12, as these sections may apply to the arrival of dogs used by search and rescue teams approved by the State of Hawaii, Department of Defense.

j. Section 464-4, **public works required to be supervised by certain professionals.**

5. Section 121-30, Hawaii Revised Statutes, **active service of the National Guard**; and I hereby order the National Guard into active service effective immediately, and the Adjutant General of the Hawaii National Guard is DIRECTED AND AUTHORIZED to activate such units of the Hawaii National Guard as may be necessary to assist and aid civilian authorities in disaster relief and in averting any imminent public danger and threat and to insure the compliance with the civil laws of the State of Hawaii.

6. Section 128-10(5), Hawaii Revised Statutes, and in order to provide emergency disaster relief, I hereby direct all state and county agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to eliminate the danger.

I FURTHER DECLARE that a disaster emergency relief period shall commence February 20, 2006 and continue until such an appropriate time for termination, as I will determine. I will set a date after which no further applications for assistance under the law shall be accepted, which date I may extend for a reasonable time for good cause.

Done at the State Capitol State of Hawaii, this 2nd day of March, 2006.

LINDA LINGLE
Governor of Hawaii

SEAL

APPROVED:

MARK J. BENNETT
Attorney General
State of Hawaii