OFFICE OF THE GOVERNOR
STATE OF HAWAI'I

PROCLAMATION

By the authority vested in me as Governor by the Constitution and laws of the State of Hawai'i, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, Hawai'i is suffering a disaster occurrence of heavy rains and flooding beginning April 14, 2018 and continuing, that has caused, and continues to cause, extensive damage to private and public property impacting the County of Kauai, State of Hawai'i, thereby endangering the health, safety, and welfare of the people; and

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

WHEREAS, the Mayor of the County of Kauai, declared an emergency for the County of Kauai on April 15, 2018 as a result of damage to private and public property and roadways, the saturation and threats of additional damage and injuries from continuing rains and flooding; and

WHEREAS, the Legislature of the State of Hawai'i 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 of the state or a county for the most expeditious and efficient relief of the conditions created by the disaster; and

WHEREAS, pursuant to sections 127A-14 and 127A-16, Hawaii Revised Statutes, the Governor is authorized to determine whether an emergency or disaster

has occurred, or there is an imminent danger or threat of an emergency or disaster and authorize actions under chapter 127A, Hawaii Revised Statutes, and the expenditure of funds thereunder; and

WHEREAS, pursuant to section 127A-13(a)(3), 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 to conflict with, emergency functions, including laws specifically made applicable to emergency personnel; and

WHEREAS, pursuant to section 127A-13(a)(2), 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 and to result from the operation of federal programs or measures taken under chapter 127A, Hawaii Revised Statutes, 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 127A-12(b)(8), 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 127A-12(b)(13), Hawaii Revised Statutes, the Governor may require each public utility, or any person owning, controlling, or operating a critical infrastructure facility as identified by the Governor, to protect and safeguard its or the person's property, or to provide for the protection and safeguarding thereof; and provide for the protection and safeguarding of all critical infrastructure and key resources, including the regulation or prohibition of public entry thereon, or the permission of the entry upon such terms and conditions as the Governor may prescribe; and

WHEREAS, pursuant to section 127A-12(a)(5), Hawaii Revised Statutes, the Governor may direct or control, as may be necessary for emergency management alerts, warnings, notifications, and activations; warnings and signals for alerts and any

type or warning device, system, or method to be used in connection therewith; partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster; the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, emergencies, or disasters; and

WHEREAS, pursuant to section 127A-13(a)(5), Hawaii Revised Statutes, the Governor may shut off water mains, gas mains, electric power connections, or suspension of other services; and

WHEREAS, pursuant to section 127A-13(a)(6), Hawaii Revised Statutes, the Governor may direct and control the mandatory evacuation of the civilian population; and

WHEREAS, pursuant to section 127A-12(b)(16), Hawaii Revised Statutes, the Governor is further authorized to order and direct government agencies, officials, officers, and employees of the State, to take such action and employ such measures for law enforcement, medical, health, firefighting, traffic control, warnings and signals, engineering, rescue, construction, emergency housing, other welfare, hospitalization, transportation, water supply, public information, training, and other emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers; and

WHEREAS, pursuant to section 127A-12(b)(9), 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 management 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 the provisions of chapter 127A, Hawaii Revised Statutes, provide for the interchange of personnel, by detail, transfer, or otherwise, between agencies or departments of the State; and

WHEREAS, pursuant to section 127A-12(b)(19), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes

of chapter 127A, Hawaii Revised Statutes notwithstanding that powers in section 127A-13(a) may only be exercised during an emergency period; and

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine that an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes has occurred in the above areas in the State of Hawai'i, and do hereby proclaim the County of Kauai, State of Hawai'i, to be a disaster area for the purpose of implementing the emergency management functions as allowed by law, authorizing the expenditure of State monies as appropriated for the speedy and efficient relief of the damages, losses, and suffering resulting from the emergency or disaster, and hereby authorize and invoke the following measures under the Hawaii Revised Statutes:

1. Section 127A-16, Hawaii Revised Statutes, by the activation of the Major Disaster Fund.

2. Sections 127A-13 and 127A-12, Hawaii Revised Statutes, I hereby suspend as allowed by federal law and to the extent necessary to provide emergency relief as a result of this event, the following statutes:

    a. Chapter 6E, Hawaii Revised Statutes, **historic preservation.**

    b. Section 37-41, Hawaii Revised Statutes, **appropriations to revert to state treasury.**

    c. Section 37-74(d), Hawaii Revised Statutes, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), Hawaii Revised Statutes, and any such transfers or changes shall be considered authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.

    d. Section 40-66, Hawaii Revised Statutes, **lapsing of appropriations.**

    e. Chapter 46, Hawaii Revised Statutes, **county organization and Administration** as any county ordinance, rule, regulation, law, or provision in any form applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other

requirements that hinder, delay, or impede the purpose of this Proclamation.

f. Chapter 89, Hawaii Revised Statutes, **collective bargaining in public employment.**

g. Chapter 89C, Hawaii Revised Statutes, **public officers and employees excluded from collective bargaining.**

h. Section 102-2, Hawaii Revised Statutes, **contracts for concessions in government buildings; bid requirements.**

i. Section 103-2, Hawaii Revised Statutes, **general fund.**

j. Section 103-50, Hawaii Revised Statutes, **building design to consider needs of persons with disabilities.**

k. Section 103-53, Hawaii Revised Statutes, **contracts with the State or counties; tax clearances, assignments.**

l. Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services.**

m. Chapter 103D, Hawaii Revised Statutes, **Hawai'i public procurement code.**

n. Chapter 104, Hawaii Revised Statutes, **wages and hours of employees on public works.**

o. Sections 105-1 to 105-10, Hawaii Revised Statutes, **use of government vehicles, limitations.**

p. Chapter 171, Hawaii Revised Statutes, **public lands, management and disposition of.**

q. Chapter 174C, Hawaii Revised Statutes, **state water code.**

r. Chapter 180, Hawaii Revised Statutes, **soil and water conservation districts.**

s. Chapter 180C, Hawaii Revised Statutes, **soil erosion and sediment control.**

t. Chapter 183, Hawaii Revised Statutes, **forest reserves, water development, zoning.**

u. Chapter 183C, Hawaii Revised Statutes, **conservation district.**

v. Chapter 183D, Hawaii Revised Statutes, **wildlife.**

w. Chapter 184, Hawaii Revised Statutes, **state parks and recreation areas.**

x. Chapter 195, Hawaii Revised Statutes, **natural areas reserves system.**

y. Chapter 195D, Hawaii Revised Statutes, **conservation of aquatic life, wildlife, and land plants.**

z. Chapter 198D, Hawaii Revised Statutes, **Hawai'i statewide trail and access system.**

aa. Chapter 205, Hawaii Revised Statutes, **land use commission.**

ab. Chapter 205A, Hawaii Revised Statutes, **coastal zone management.**

ac. Chapter 264, Hawaii Revised Statutes, **highways.**

ad. Chapter 269, Hawaii Revised Statutes, **public utilities commission.**

ae. Chapter 286, Hawaii Revised Statutes, **highway safety.**

af. Chapter 341, Hawaii Revised Statutes, **environmental quality control.**

ag. Chapter 342B, Hawaii Revised Statutes, **air pollution.**

ah. Chapter 342D, Hawaii Revised Statutes, **water pollution.**

ai. Chapter 342E, Hawaii Revised Statutes, **non-point source pollution management and control.**

aj. Chapter 342F, Hawaii Revised Statutes, **noise pollution.**

ak. Chapter 343, Hawaii Revised Statutes, **environmental impact statements.**

al. Chapter 343D, Hawaii Revised Statutes, **environmental disclosure.**

am. Chapter 344, Hawaii Revised Statutes, **state environmental policy.**

an. Section 464-4, Hawaii Revised Statutes, **public works required to be supervised by certain professionals.**

3. Section 127A-12(b), Hawaii Revised Statutes, and in order to provide emergency disaster relief, I hereby direct all state 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 April 15, 2018, and shall continue until terminated automatically pursuant to section 127A-14, Hawaii Revised Statutes, or by a separate proclamation, whichever occurs first and which period shall also apply to the provisions and applicability of section 127A-30, Hawaii Revised Statutes. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into by reason of the provisions of this proclamation relating to his emergency shall continue.

Done at the State Emergency Operating Center, this 15th day of April, 2018.

David Y. Ige

DAVID Y. IGE,
Governor of Hawai'i

APPROVED:

Russell Suzuki

RUSSEL SUZUKI
Attorney General
State of Hawai'i