

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 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, based upon scientific information and expertise available, Hawai'i is in danger of a disaster occurrence of high winds, heavy rains, high surf, storm surge, and flooding that threaten to cause extensive damage to private and public property throughout the entire State and impacting the counties of Hawaii, Maui, Kalawao, Kaua'i, and the City and County of Honolulu, State of Hawai'i, thereby endangering the health, safety, and welfare of the people; and

WHEREAS, this anticipated occurrence of a severe, sudden, and extraordinary event of high winds, heavy rains, high surf, storm surge, and flooding that threatens to cause 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 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(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-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, threatens the State of Hawai'i in the above areas in the state, and do hereby proclaim these areas to be a disaster area for the purpose of implementing 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, and in order for county and state agencies to provide emergency relief and engage in emergency management functions as defined in section 127A-2, Hawaii Revised Statutes, as a result of this event, I hereby suspend as allowed by federal law, the following statutes to the extent necessary for county and state agencies to repair or restore public property damaged by reason of this event and accomplish the emergency management functions contemplated under this Proclamation:
 - a. Section 37-41, Hawaii Revised Statutes, **appropriations to revert to state treasury.**
 - b. 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.
 - c. Section 40-66, Hawaii Revised Statutes, **lapsing of appropriations.**
 - d. Section 78-13, Hawaii Revised Statutes, **salary periods**, to the extent necessary to allow the State of Hawaii Department of Defense to pay, as expeditiously as possible, members of the

Hawaii National Guard ordered into active service and deployed in response to this emergency.


- e. Chapter 89, Hawaii Revised Statutes, **collective bargaining in public employment.**
- f. Chapter 89C, Hawaii Revised Statutes, **public officers and employees excluded from collective bargaining.**
- g. Section 102-2, Hawaii Revised Statutes, **contracts for concessions in government buildings; bid requirements.**
- h. Section 103-2, Hawaii Revised Statutes, **general fund.**
- i. Section 103-53, Hawaii Revised Statutes, **contracts with the State or counties; tax clearances, assignments.**
- j. Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services.**
- k. Section 103-55.5, Hawaii Revised Statutes, **wages and hours of employees on public works construction projects.**
- l. Chapter 103D, Hawaii Revised Statutes, **Hawaii public procurement code.**
- m. Chapter 104, Hawaii Revised Statutes, **wages and hours of employees on public works.**
- n. Sections 105-1 to 105-10, Hawaii Revised Statutes, **use of government vehicles, limitations.**
- o. Section 291-31.5, Hawaii Revised Statutes, **blue lights prohibited for motor vehicles, motorcycles, motor scooters, bicycles, mopeds**, to the extent necessary to allow the Department of the Attorney General vehicles to operate with blue lights when used for law enforcement related emergency management functions.

3. Section 127A-12(b)(13), Hawaii Revised Statutes, and I hereby require each public utility, or any person owning, controlling, or operating a critical infrastructure, 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 I may prescribe; and the Director of Emergency Management and the Administrator of Emergency Management of the Hawaii Emergency Management Agency are directed to identify critical infrastructure to be protected or safeguarded and establishing the terms and conditions for the regulation or prohibition of public entry thereon, or the permission of the entry thereon.
4. Sections 127A-12(a)(5), 127A-13(a)(6), and 127A-13(a)(7), Hawaii Revised Statutes, and the Director of Emergency Management or Administrator of Emergency Management of the Hawaii Emergency Management Agency are directed to take appropriate actions to direct or control, as may be necessary for emergency management:
 - a. Alerts, warnings, notifications, and activations;
 - b. Warnings and signals for alerts and any type or warning device, system, or method to be used in connection therewith;
 - c. Partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster;
 - d. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, emergencies, or disasters;
 - e. Shut off water mains, gas mains, electric power connections, or suspension of other services; and
 - f. Mandatory evacuation of the civilian population.

5. 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 immediately, and continue through July 31, 2020, which period shall also apply to the provisions and applicability of section 127A-30, Hawaii Revised Statutes, to the extent that any commodity is used or intended to be used for emergency management purposes contemplated under this Proclamation.

Done at the State Capitol, this
23rd day of July, 2020.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i