OFFICE OF THE GOVERNOR
STATE OF HAWAIʻI

PROCLAMATION

By the authority vested in me by the Constitution and laws of the State of Hawaiʻi, 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 Hawaiʻi, hereby determine, designate and proclaim as follows:

WHEREAS, state and county firefighters have a been fighting a wildfire in the County of Hawaiʻi which has caused and is causing 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

WHEREAS, I find that this state of affairs or circumstances are of such a grave nature as to require the invocation of provisions of Chapter 127A, Hawaii Revised Statutes (HRS), that are effective only during a period of civil defense emergency; and

WHEREAS, the Legislature of the State of Hawaiʻi 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 emergency; and

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

WHEREAS, pursuant to sections 127A-14 and 127A-16, HRS, 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, HRS, and the expenditure of funds thereunder; and

WHEREAS, pursuant to section 127A-13(a)(3), HRS, 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-12(b)(8), HRS, the Governor may suspend chapter 103D, HRS, 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)(19), HRS, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 127A, HRS notwithstanding that powers in section 127A-13(a) may only be exercised during an emergency period;

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, HRS, has occurred in the County of Hawai‘i and hereby authorize and invoke the following emergency provisions:

I. Invocation of Laws

For purposes of this emergency only, I hereby invoke section 127A-16, HRS, by activating the Major Disaster Fund, as it is my opinion that it is necessary to make the Major Disaster Fund available for the immediate relief in response to the emergency.

II. <u>Suspension of Laws</u>

The following specific provisions of law are suspended, as allowed by federal law, pursuant to sections 127A-12(b)(8) and 127A-13(a)(3), HRS, to the extent that the law impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws which by chapter 127A, HRS, specifically are made applicable to emergency personnel:

Section 37-41, HRS, **appropriations to revert to state treasury; exceptions**, to the extent necessary for this emergency to permit unexpeded and unencumbered moneys at the close of the fiscal year not to lapse to the general fund.

Section 37-74(d), HRS, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), HRS, and any such transfers or changes considered to be authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting

requirements to allow moneys to be transferred between programs or agencies without legislative authorization if such transfers are necessary for this emergency.

Section 40-66, HRS, **lapsing of appropriations**, to the extent necssary to allow appropriations to be expended beyond their lapse period for this emergency.

Section 103-2, HRS, **general fund**, to the extent necessary to allow moneys to be expended in accordance with the laws and regulations governing the expenditure of public funds for this emergency.

Chapter 103D, HRS, **Hawaii public procurement code**, to the limited extent necessary to procure goods or services in direct response to the emergency.

III. Severability

If any provision of this Proclamation is rendered or declared illegal for any reason, or shall be invalid or unenforceable, such provision shall be modified or deleted, and the remainder of this Proclamation and the application of such provision to other persons or circumstances shall not be affected thereby but shall be enforced to the greatest extent permitted by applicable law.

I FURTHER DECLARE that the disaster emergency relief period shall commence immediately and continue through October 1, 2021, unless terminated or superseded by separate proclamation, whichever shall occur first.

Done at the State Capitol, this
4th day of August, 2021.

DAVID Y. IGE,
Governor of Hawai'i

APPROVED:

Holly T. Shikada
Acting Attorney General
State of Hawai'i