

OFFICE OF THE GOVERNOR
STATE OF HAWAII
**SECOND PROCLAMATION
RELATING TO HEAVY RAINS AND FLOODING**

By the authority vested in me 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, JOSHUA B. GREEN, Acting Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, pursuant to Chapter 127A, HRS, emergency powers are conferred on the Governor of the State of Hawai'i to respond to disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, on December 6, 2021, The Governor issued his Proclamation declaring an emergency as a result of emergency conditions created by heavy rains and flooding; and

WHEREAS, the conditions giving rise to the emergency continue in the counties of Hawai'i, Maui, and the City and County of Honolulu, State of Hawai'i, and are adversely impacting recovery efforts and efforts to repair, reconstruct, improve, and otherwise perform work on various roadways, bridges, infrastructure, hillsides, and streams;

NOW, THEREFORE, I, JOSHUA B. GREEN, Acting Governor of the State of Hawai'i, hereby determine that an emergency or disaster contemplated by section 127A-14, HRS, continues in the counties of Hawai'i, Maui, and the City and County of Honolulu, State of Hawai'i, and do hereby incorporate the provisions of the Governor's Proclamation of December 6, 2021, relating to heavy rains and flooding, which shall remain in full force and effect and are included in the provisions of this proclamation unless amended herein, to the extent necessary for those engaged in emergency management functions and efforts to repair, reconstruct, improve, and otherwise perform work on various roadways, bridges, infrastructure, hillsides, and streams and authorize and invoke the following emergency provisions which are expressly invoked, if not already in effect upon this declaration of an emergency:

I. Invocation of Laws

Section 127A-16, HRS, by activating the Major Disaster Fund.

Sections 127A-12 and 127A-13, HRS, in order for county and state agencies to provide emergency relief and engage in emergency management functions as defined in section 127A-2, HRS, as a result of and in response to this event.

Section 127A-12(b)(16), HRS, directing all state agencies and officers to cooperate and extend their services, materials, and facilities as may be required to assist in emergency response efforts.

II. Suspension of Laws

The following specific provisions of law are suspended, as allowed by federal law, pursuant to section 127A-13(a)(3), HRS, to the extent that the law 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 Chapter 127A, HRS, specifically are made applicable to emergency personnel to the extent necessary for county and state agencies to engage in emergency management functions and efforts to repair, reconstruct, improve, and otherwise perform work on various roadways, bridges, infrastructure, hillsides, and streams and :

Chapter 6E, HRS, **historic preservation**, to the extent that compliance requires additional time detrimental to the expeditious and efficient execution of emergency repairs.

Section 37-41, HRS, **appropriations to revert to state treasury; exceptions**, to the extent that appropriations lapse at the end of the fiscal year prior to completion of the emergency repairs.

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 the extent that legislative authorization would likely delay appropriation transfers or changes between programs to provide necessary funding to complete the emergency repairs.

Section 40-66, HRS, **lapsing of appropriations**, to the extent that the timing of the procurement of any emergency permanent repairs may occur the fiscal year following the original emergency proclamation.

Chapter 46, HRS, **county organization and administration** with respect to any county ordinance, rule, regulation, law, or provision in any form relating to county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinders, delays, or impedes the purpose of this Proclamation.

Chapter 89, HRS, **collective bargaining in public employment**, to the extent that compliance or any provision relating to collective bargaining hinders, delays, or impedes the purpose of this Proclamation.

Section 103-2, HRS, **general fund**, to the extent that compliance results in any additional delays.

Section 103-50, HRS, **building design to consider needs of persons with disabilities; review fees**, to the extent that compliance results in any additional delays seeking advice and recommendations from the Disability and Communication Access Board on any construction plans prior to commencing with construction.

Section 103-53, HRS, **contracts with the State or counties; tax clearances, assignments**, to the extent that compliance results in any additional delays.

Section 103-55, HRS, **wages, hours, and working conditions of employees of contractors performing services**, to the extent that compliance results in any additional delays.

Chapter 103D, HRS, **Hawaii public procurement code**, to the extent that compliance results in any additional delays involved in meeting procurement requirements for selecting contractors in a timely manner to respond to emergency situations.

Chapter 104, HRS, **wages and hours of employees on public works**, to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency repairs.

Chapter 171, HRS, **public lands, management and disposition of**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Land and Natural Resources.

Chapter 174C, HRS, **state water code**, to the extent that compliance results in any additional delays involved with securing approvals from state or county agencies.

Chapter 183, HRS, **forest reserves, water development, zoning**, to the extent that any repair, reconstruction, improvement, or work is located within a forest reserve.

Chapter 183C, HRS, **conservation district**, to the extent that any repair, reconstruction, improvement, or work is located within the conservation district.

Chapter 183D, HRS, **wildlife**, to the extent that any repair, reconstruction, improvement, or work is located within game management areas, wildlife sanctuaries, or public hunting areas.

Chapter 205A, HRS, **coastal zone management**, to the extent that compliance results in any additional delays involved with securing approvals from the counties or the Department of Land and Natural Resources for work within the special management area.

Chapter 264, HRS, **highways**, to the extent that compliance results in any additional delays involved with securing approvals from the Department Transportation.

Chapter 286, HRS, **highway safety**, to the extent that compliance results in any additional delays.

Chapter 341, HRS, **environmental quality control**, to the extent that compliance results in any additional delays involved with securing approvals from the Office of Environmental Quality Control.

Chapter 342B, HRS, **air pollution control**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

Chapter 342D, HRS, **water pollution control**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

Chapter 342E, HRS, **non-point source pollution management and control**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

Chapter 342F, HRS, **noise pollution control**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

Chapter 342H, HRS, **solid waste pollution control**, to the extent that compliance results in any additional delays involved with securing approvals from the Department of Health.

Chapter 343, HRS, **environmental impact statements**, to the extent that compliance results in any additional delays involved with the environmental review process.

Chapter 344, HRS, **state environmental policy**, to the extent that compliance results in any additional delays involved with the environmental review process.

Section 464-4, HRS, **public works required to be supervised by certain professionals**, to the extent that compliance results in any additional delays involved with the completing of construction drawings to the point of stamping and signature by a professional engineer

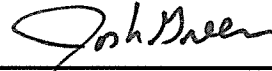
III. Severability

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 February 8, 2022, unless terminated or superseded by separate proclamation, whichever shall occur first. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered, started, amended, or

continued by reason of the provisions of the proclamations relating to this emergency shall continue in full force and effect.

Done at the State Capitol, this
10th day of December, 2021.



JOSHUA B. GREEN,
Acting Governor of Hawai'i

APPROVED:



Clare E. Connors
Attorney General
State of Hawai'i