

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, NEIL ABERCROMBIE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, a disaster occurrence of heavy rains, high winds and flooding beginning March 3, 2012, and which continues to cause extensive damage to private and public property in the counties of Kauai and the City & County of Honolulu, State of Hawai'i, which thereby endangers the health, safety, and welfare of the people; and

WHEREAS, based on all available information, the State of Hawai'i will continue to experience heavy rains and flooding through March 6, 2012; and

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

WHEREAS, this danger of a disaster occurrence continues to threaten to cause further losses due to damage or destruction of real and personal property and the devastation of large tracts of lands, that will most likely cause the necessity for immediate relocation of persons from the devastation; and

WHEREAS, the danger of disaster is of such magnitude that warrants preemptive and protective actions in order to provide for the health, safety, and welfare of the people; 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, 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 there under; 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 121-30, Hawaii Revised Statutes, the Governor may order the Hawai‘i 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 Hawai‘i; and

WHEREAS, pursuant to section 128-6(6), Hawaii Revised Statutes, the Governor may require each public utility, or any person owning, controlling, or operating a vital facility, to protect and safeguard its or the person’s property, or to provide for the protection and safeguarding of such property; and provide for the protection and safeguarding of all public properties, or such other properties as the Governor may consider advisable, 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 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 NEIL ABERCROMBIE, Governor of the State of Hawai‘i, hereby determine that a major disaster and catastrophe contemplated by sections 127-10, 121-30, 128-6(6), 128-6(8), 128-10(5), 128-10(11), and 128-10(15), Hawaii Revised Statutes, has occurred on the above dates and in the above areas in the State of Hawai‘i, and do hereby proclaim these areas to be disaster areas for the purpose of authorizing and invoking the following measures under the Hawaii Revised Statutes:

1. Section 127-11, Hawaii Revised Statutes, and I hereby activate the Major Disaster Fund.
2. Section 121-30, Hawaii Revised Statutes, and I hereby order the National Guard into active service effective immediately, and the Adjutant General of the Hawai‘i National Guard is **DIRECTED AND AUTHORIZED** to activate such units of the Hawai‘i 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 Hawai‘i.
3. Section 128-6(6), Hawaii Revised Statutes, and I hereby require each public utility, or any person owning, controlling, or operating a vital facility, to protect and safeguard its or the person’s property, or to provide for the protection and safeguarding of such property; and provide for the protection and safeguarding of all public properties, or such other properties as the Governor may consider advisable, 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 the Director of Civil Defense or Vice Director of Civil Defense are directed to identify vital facilities or public properties to be protected or safeguarded.

4. 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 March 3, 2012 and continue through March 8, 2012, but the activation of the Hawai'i National Guard shall continue until the Adjutant General determines that the assistance of the National Guard is no longer needed and 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 Emergency
Operating Center, this 6th day of
March, 2012.


NEIL ABERCROMBIE
Governor of Hawai'i

APPROVED:


RUSSELL A. SUZUKI
Acting Attorney General
State of Hawai'i