

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 Hawaii, 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 Hawaii, hereby determine, designate and proclaim as follows:

WHEREAS, based upon scientific information and expertise available, Hawaii is in danger of Tropical Storm Flossie with high winds, heavy rains, flooding, and storm surge beginning Monday, July 29, 2013, and which threatens extensive damage to private and public property in the counties of Kauai, Hawaii, Maui, and the City and County of Honolulu, in the State of Hawaii, and is projected to cause further damage thereby endangering the health, safety, and welfare of the people; and

WHEREAS, this occurrence of a severe, sudden, and extraordinary event of a strong tropical storm with sustained winds anticipated to exceed thirty-five to forty-five miles per hour with gusts anticipated to exceed sixty miles per hour and attendant heavy rains, high surf, storm surge, and flooding 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 danger of disaster is of such magnitude to warrant preemptive and protective action in order to provide for the health, safety, and welfare of the people; and

WHEREAS, the Legislature of the State of Hawaii 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 thereunder; 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 128-8(4), 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 conflict with, disaster relief or other emergency functions; and

WHEREAS, pursuant to section 128-9(8), 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 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 128-10(10), 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 121-30, Hawaii Revised Statutes, the Governor may order the Hawaii 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 Hawaii; 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 it's 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 128-6(8), Hawaii Revised Statutes, the Governor may direct or control, as may be necessary for civil defense partial or full mobilization of civil defense organizations in advance of actual disaster; shutting off water mains, gas mains, electric power connections, or suspension of other services; the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after disasters; traffic control; the congregation of the public in stricken or danger areas or under dangerous conditions; and the evacuation and reception of the civilian population; 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 Hawaii, hereby determine that a disaster contemplated by sections 127-11, 128-7, 121-30, Hawaii Revised Statutes, threatens the State of Hawaii, and do hereby proclaim these areas to be disaster areas for the purpose of authorizing the expenditure of State monies as appropriated for the speedy and efficient relief of the damages, losses, and suffering resulting from the disaster, and hereby authorize and invoke the following measures under the Hawaii Revised Statutes:

1. Section 127-11, Hawaii Revised Statutes, by the activation of the Major Disaster Fund.

2. Section 121-30, Hawaii Revised Statutes, **active service of the National Guard**; and I hereby order the National Guard into active service effective immediately, and the Adjutant General of the Hawaii National Guard is **DIRECTED AND AUTHORIZED** to activate such units of the Hawaii 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 Hawaii.

3. Sections 128-8(4), 128-9(8), and 128-10(10), Hawaii Revised Statutes, and in order to provide emergency disaster relief and, to the extent necessary to repair, restore, rebuild, with any necessary improvements, any public structures, roadways or bridges damaged by the storm, I hereby suspend as allowed by federal law, the following statutes:
 - a. Chapter 89, Hawaii Revised Statutes, **collective bargaining in public employment.**
 - b. Chapter 89C, Hawaii Revised Statutes, **public officers and employees excluded from collective bargaining.**
 - c. Section 102-2, Hawaii Revised Statutes, **contracts for concessions in government buildings; bid requirements.**
 - d. Section 103-53, Hawaii Revised Statutes, **contracts with the State or counties; tax clearances, assignments.**
 - e. Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services.**
 - f. Chapter 103D, Hawaii Revised Statutes, **Hawaii public procurement code.**
 - g. Sections 105-1 to 105-10, Hawaii Revised Statutes, **use of government vehicles, limitations.**

6. 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 July 29, 2013, and continue through August 1, 2013, but the activation of the Hawaii 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 Capitol,
This 28th day of July, 2013.



NEIL ABERCROMBIE
Governor of Hawaii

APPROVED:



RUSSELL A. SUZUKI
*Acting Attorney General
State of Hawaii*