

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**, an earthquake measuring 7.7 moment occurred at approximately 5:04 p.m. Hawaii Standard Time on October 27, 2012 with an epicenter located near the Queen Charlotte Islands Region off the West coast of Canada and, based on all available information, a natural disaster occurrence of a tsunami, or tidal wave, has been generated and is imminent and is expected to cause extensive damage to private and public property in the counties of Hawaii, Maui, Kalawao, Honolulu, and Kauai, State of Hawaii, thereby endangering the health, safety, and welfare of the people; and

**WHEREAS**, this occurrence of a severe, sudden, and extraordinary event is expected 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**, this danger of a disaster occurrence threatens to cause losses due to damage or destruction of real and personal property, the devastation of large tracts of lands, and will most likely cause the necessity for immediate relocation of persons from the devastation; and

**WHEREAS**, the danger of disaster is of such magnitude to warrant 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 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 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 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 major disaster and catastrophe contemplated by sections 127-10, 127-11, 121-30, 128-6(6), 128-6(8), 128-8(4), 128-9(8), 128-10(5), 128-10(11), and 128-10(15), Hawaii Revised Statutes, threatens the State of Hawaii in the above areas in the State of Hawaii, and do hereby proclaim this area to be a disaster area for the purpose of authorizing and invoking 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, 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), and in order to provide emergency disaster relief and response to such damages, I hereby suspend as allowed by federal law, the following statutes:
  - a. Section 103-53, **contracts with the State or counties; tax clearances, assignments.**
  - b. Section 103-55, **wages, hours, and working conditions of employees of contractors performing services.**
  - c. Chapter 103D, **procurement code.**
  - d. Chapter 104, **wage and hours of employees on public works**
  - e. Sections 105-1 to 105-10, **use of government vehicles, limitations.**

4. 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 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 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.
  
5. Section 128-6(8), Hawaii Revised Statutes, and the Director of Civil Defense or Vice Director of Civil Defense are directed to take appropriate actions to direct or control, as may be necessary for civil defense:
  - b. Partial or full mobilization of civil defense organizations in advance of actual disaster;
  - c. Shutting off water mains, gas mains, electric power connections, or suspension of other services;
  - d. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after disasters;
  - e. Traffic control; and
  - f. The congregation of the public in stricken or danger areas or under dangerous conditions; and the evacuation and reception of the civilian population; and
  
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 October 27, 2012 and continue through October 31, 2012, 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.

Done at the State Emergency  
Operating Center, this 27<sup>th</sup> day of  
October, 2012.

  
NEIL ABERCROMBIE  
*Governor of Hawaii*

APPROVED:

  
DAVID M. LOUIE  
*Attorney General  
State of Hawaii*