

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 information from the National Weather Service, Hawaii is in danger of a disaster occurrence of high winds, heavy rains, high surf, storm surge, and flooding as a result of tropical cyclone Ana, which is expected to become a hurricane, and which is currently approaching the State of Hawaii and is anticipated to impact the Island of Hawaii some time early Saturday morning and which threatens to cause extensive damage to private and public property throughout the entire State and impacting the counties of Hawaii, Maui, Kalawao, Kauai, and the City and County of Honolulu, State of Hawaii, thereby endangering the health, safety, and welfare of the people; and

WHEREAS, this occurrence of a severe, sudden, and extraordinary event of a tropical cyclone or hurricane with sustained high winds 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 16 in section 2 of Act 111, Session Laws of Hawaii 2014, the Governor is authorized to determine whether an emergency or disaster has occurred and authorize the expenditure of funds thereunder; and

WHEREAS, pursuant to section 13(a)(3) in section 2 of Act 111, Session Laws of Hawaii 2014, 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; and

WHEREAS, pursuant to section 13(a)(2) in section 2 of Act 111, Session Laws of Hawaii 2014, the Governor is further authorized to relieve hardship and inequities, or obstructions to the public health, safety, or welfare found by the Governor to exist in the laws and to result from the operation of federal programs or measures taken under section 2 of Act 111, Session Laws of Hawaii 2014, by suspending the 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 12(b)(8) in section 2 of Act 111, Session Laws of Hawaii 2014, 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 12(b)(13) in section 2 of Act 111, Session Laws of Hawaii 2014, 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 sections 12(a)(5) and 13(a)(6) in section 2 of Act 111, Session Laws of Hawaii 2014, the Governor may direct or control, as may be necessary for emergency management partial or full mobilization of emergency management 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; the evacuation and reception of the civilian population; and the mandatory evacuation of the civilian population; and

WHEREAS, pursuant to section 12(b)(16) in section 2 of Act 111, Session Laws of Hawaii 2014, 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, other welfare, hospitalization, transportation, water supply, public information, training, and other emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers; and

WHEREAS, pursuant to section 12(b)(9) in section 2 of Act 111, Session Laws of Hawaii 2014, 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 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 2 of Act 111, Session Laws of Hawaii 2014, 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 12(b)(19) in section 2 of Act 111, Session Laws of Hawaii 2014, the Governor may take any and all steps necessary or appropriate to carry out the purposes of section 2 of Act 111, Session Laws of Hawaii 2014 and to provide for civil defense and other emergency functions;

NOW, THEREFORE, I, NEIL ABERCROMBIE, Governor of the State of Hawaii, hereby determine that an emergency or disaster contemplated by sections 14 and 16 in section 2 of Act 111, Session Laws of Hawaii 2014, Hawaii Revised Statutes, threatens the State of Hawaii in the above areas in the State of Hawaii, and do hereby proclaim these areas to be emergency or 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 16 in section 2 of Act 111, Session Laws of Hawaii 2014, by the activation of the Major Disaster Fund.
2. Sections 12(b)(8), 13(a)(2), and 13(a)(3) in section 2 of Act 111, Session Laws of Hawaii 2014, 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 this event, 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 103-50, Hawaii Revised Statutes, **building design to consider needs of persons with disabilities.**

- e. Section 103-53, Hawaii Revised Statutes, **contracts with the State or counties; tax clearances, assignments.**
 - f. Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services.**
 - g. Chapter 103D, Hawaii Revised Statutes, **Hawaii public procurement code.**
 - h. Sections 105-1 to 105-10, Hawaii Revised Statutes, **use of government vehicles, limitations.**
 - i. Sections 142-2 to 142-12, Hawaii Revised Statutes, **animals**, as these sections may apply to the arrival of dogs used by search and rescue teams approved by the State of Hawaii, Department of Defense.
3. Section 12(b)(13) in section 2 of Act 111, Session Laws of Hawaii 2014, 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 the Hawaii Emergency Management Agency or Administrator of the Hawaii Emergency Management Agency are directed to identify vital facilities or public properties to be protected or safeguarded.

4. Section 12(a)(5) in section 2 of Act 111, Session Laws of Hawaii 2014, and the Director of the Hawaii Emergency Management Agency or Administrator of the Hawaii Emergency Management Agency are directed to take appropriate actions to direct or control, as may be necessary for emergency management:
 - a. Partial or full mobilization of emergency management organizations in advance of actual disaster;
 - b. Shutting off water mains, gas mains, electric power connections, or suspension of other services;
 - c. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after disasters;
 - d. Traffic control; and
 - e. The congregation of the public in stricken or danger areas or under dangerous conditions; and the evacuation and reception of the civilian population; and

5. Section 13(a)(6) in section 2 of Act 111, Session Laws of Hawaii 2014, and the Director of the Hawaii Emergency Management Agency or Administrator of the Hawaii Emergency Management Agency are directed to take appropriate actions to direct and control the mandatory evacuation of the civilian population; and

6. Section 12(b)(16) in section 2 of Act 111, Session Laws of Hawaii 2014, and in order to provide emergency 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 15, 2014, and continue through October 24, 2014.

Done at the State Capitol,
State of Hawaii,
this 15th day of October, 2014.



NEIL ABERCROMBIE
Governor of Hawaii

APPROVED:



DAVID M. LOUIE
*Attorney General
State of Hawaii*