OFFICE OF THE GOVERNOR
STATE OF HAWAII

SUPPLEMENTARY 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, pursuant to section 127-10 and chapters 128 and 209, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawaii to deal with 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, it has become necessary to supplement my Proclamation of March 11, 2011, relating to the tsunami, or tidal wave generated by the earthquake which occurred on March 10, 2011 with an epicenter located near the East Coast of Honshu Japan in order to provide additional assistance, protect the public health, safety, and welfare, and maintain the strength, resources, and economic life of the community; and

WHEREAS, state and county agencies have acted to ensure the protection of the public health and safety; and

WHEREAS, actions by state or county agencies have been made while balancing the immediate needs to protect and preserve vital facilities to ensure the long-term operation and long-term protection of the public health and safety; and

WHEREAS, damage assessments have identified extensive damage and areas that need assistance or rehabilitation; 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, pursuant to section 209-2, Hawaii Revised Statutes, the Governor is authorized to make a determination whether a disaster has occurred, thereby making available commercial and personal loans under part III of chapter 209, Hawaii Revised Statutes, for disaster relief and rehabilitation; 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

NOW, THEREFORE, I NEIL ABERCROMBIE, Governor of the State of Hawaii, hereby determine that a major disaster and catastrophe contemplated by sections 127-11, 121-30, 209-2, 128-8(4), 128-9(8), 128-10(5), 128-10(10), 128-10(11), 128-10(15), and part III of chapter 209, Hawaii Revised Statutes, has occurred on the above dates and in certain areas in 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. Part III of chapter 209, **commercial and personal loans.**

2. Sections 128-8(4), 128-9(8), and 128-10(10); and in order to provide disaster relief or other emergency functions, and to the extent necessary to provide disaster relief, emergency functions, and/or to relieve hardship and inequities or obstructions to the public health, safety, and welfare, or repair, restore, rebuild, with any necessary improvements, any public structures, roadways or bridges damaged by the tsunami or any efforts to mitigate or respond to such damages, I hereby suspend, as allowed by federal law, the following statutes:

   a. Chapter 6E, **historic preservation.**
   b. Section 37-41, **appropriations to revert to state treasury.**
   c. Section 37-74(d), **program execution.**
   d. Section 40-66, **lapsing of appropriations.**
   e. Chapter 46, **county organization and Administration** as any county ordinance, rule, regulation, law, or provision in any form applies to any county permitting, licensing, zoning, variance, processes, procedures, fees, or any other requirements that hinder, delay, or impede the purpose of this Supplementary Proclamation or my March 11, 2011 Proclamation.
   f. Chapter 89, **collective bargaining in public employment.**
   g. Chapter 89C, **public officers and employees excluded from collective bargaining.**
   h. Section 102-2, **contracts for concessions in government buildings; bid requirements.**
   i. Section 103-2, **general fund.**
   j. Section 103-8.5, **works of art special fund.**
   k. Section 103-50, **building design to consider needs of persons with disabilities.**
   l. Section 103-53, **contracts with the State or counties; tax clearances, assignments.**
   m. Section 103-55, **wages, hours, and working conditions of employees of contractors performing services.**
   n. Chapter 103D, **procurement code.**
   o. Chapter 104, wage and hours of employees on public works

p. Sections 105-1 to 105-10, **use of government vehicles, limitations.**

q. Sections 142-2 to 142-12, 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.

r. Chapter 171, **public lands, management and disposition of.**

s. Chapter 174C, **state water code.**

t. Chapter 180, **soil and water conservation districts.**

u. Chapter 180C, **soil erosion and sediment control.**

v. Chapter 183, **forest reserves, water development, zoning.**

w. Chapter 183D, **wildlife.**

x. Chapter 184, **state parks and recreation areas.**

y. Chapter 195, **natural areas reserves system.**

z. Chapter 195D, **conservation of aquatic life, wildlife, and land plants.**

aa. Chapter 198D, **Hawaii statewide trail and access system.**

ab. Chapter 205, **land use commission.**

ac. Chapter 205A, **coastal zone management.**

ad. Section 209-9, **rental or sale of essential commodities during a state disaster; prohibition against price increases** except for those provisions of section 209-9(a)(1) relating to any prohibited increase in the selling price of any commodity, whether at the retail or wholesale level, in the area that is the subject of my March 11, 2011 disaster Proclamation for any building or construction materials, merchandise, supplies, equipment, resources, or products that the seller or contractor knows or should know are intended for use on any road, structure, facility, improvement, or property damaged by the March 11, 2011 tsunami.

ae. Chapter 264, **highways.**

af. Chapter 269, **public utilities commission.**

ag. Chapter 286, **highway safety.**

ah. Chapter 341, **environmental quality control.**

ai. Chapter 342B, **air pollution.**

aj Chapter 342D, **water pollution.**

ak. Chapter 342E, **non-point source pollution management and control.**

al. Chapter 342F, **noise pollution.**

am. Chapter 343, **environmental impact statements.**

an. Chapter 343D, **environmental disclosure.**

ao. Chapter 344, **state environmental policy.**

ap. Section 464-4, **public works required to be supervised by certain professionals.**

FURTHER, all provisions and requirements of my Proclamation of March 11, 2011, unless amended herein, remain in full force and effect and are made applicable for this Supplementary Proclamation.

I FURTHER DECLARE that 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 13th day of March, 2011.

NEIL ABERCROMBIE
Governor of Hawaii

APPROVED:

DAVID M. LOUIE
Attorney General
State of Hawaii