

OFFICE OF THE GOVERNOR
STATE OF HAWAII

FIRST SUPPLEMENTAL 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 natural disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, BENJAMIN J. CAYETANO, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

WHEREAS, it has become necessary to supplement my Proclamation of November 3, 2000, relating to the torrential rains and flooding on November 1, 2000 through November 2, 2000, which has caused extensive damage to private and public property on the Islands of Hawaii and Maui, State of Hawaii, in order to provide additional relief and assistance; and

WHEREAS, torrential rains and flooding which also occurred on October 28, 2000 through October 29, 2000 which have caused, extensive damage to private and public property on the Island of Maui, State of Hawaii, thereby endangering the health, safety, and welfare of the people; and

WHEREAS, this additional occurrence of a severe, sudden, and extraordinary event has also caused damages, losses, and suffering of such character and magnitude to have affected the health, welfare, and living conditions of a substantial number of persons, and to have affected the economy of the State, and is of such a nature as to warrant rehabilitative assistance from the State; and

WHEREAS, the damage caused by torrential rains and flooding have forced the closure of various roadways and Highway 11, which is the only public roadway or highway traversing the southern part of the island of Hawaii thereby preventing the circumnavigation of the island and effectively isolating the population residing in the impacted areas; and

WHEREAS, efforts to re-open these closed roadways and highway and provide alternative means and routes of travel through or around the impacted areas are underway; and

WHEREAS, the closure of these roadways and highway has affected the health, welfare, and living conditions of a substantial number of persons, and to have affected the economy of the State, and is of such a nature as to warrant rehabilitative assistance from the State; 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 that relate to disasters resulting from enemy attacks in order to provide other disaster relief and all provisions of the law that relate to disasters resulting from enemy attacks during such period are made applicable to other disaster relief; as sections 127-1 to 127-9, Hawaii Revised Statutes, pursuant to Act 35 enacted by the 1961 session of the Hawaii Legislature, have been indefinitely suspended and are not in effect, the provisions of chapter 128, Hawaii Revised Statutes, which relate to enemy attacks, are applicable to other disaster relief; 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;

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

NOW, THEREFORE, I BENJAMIN J. CAYETANO, Governor of the State of Hawaii, pursuant to Sections 128-8(4), 128-9(8), and 128-10(5), Hawaii Revised Statutes, in order to provide emergency disaster relief, hereby supplement my Proclamation of November 3, 2000 by authorizing and invoking the following measures under the Hawaii Revised Statutes:

1. Determine that a major disaster, natural disaster, and catastrophe contemplated by 127-11, 121-30, 155-9(e), 171-85 to 171-94, 209-2, 128-8(4), 128-9(8), 128-10(10), and parts II and III of chapter 209, Hawaii Revised Statutes, also occurred as a result of torrential rains and flooding which occurred on October 28, 2000 through October 29, 2000 on the island of Maui and, 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, hereby include this event in my Proclamation of November 3, 2000.
2. Sections 128-8(4), 128-9(8), and 128-10(10), I hereby suspend, as allowed by federal law, the following sections to the extent necessary to re-open closed roadways and Highway 11, and provide alternative means and routes of travel through or around impacted areas:
 - a. Chapter 6E, historic preservation
 - b. Chapter 46, counties
 - c. Chapter 104, wages and hours of employees on public works.
 - d. Chapter 205, land use commission.
 - e. Chapter 205A, coastal zone management.
 - f. Chapter 264, highways.
 - g. Chapter 269, public utilities commission.
 - h. Chapter 286, highway safety.

- i. Chapter 341, environmental quality control.
- j. Chapter 342B, air pollution.
- k. Chapter 342D, water pollution.
- l. Chapter 342E, nonpoint source pollution management and control.
- m. Chapter 342F, noise pollution.
- n. Chapter 342G, integrated solid waste management.
- o. Chapter 342J, hazardous waste.
- p. Chapter 343, environmental impact statements.
- q. Chapter 343D, environmental disclosure.
- r. Chapter 344, state environmental policy.
- s. Title 12, conservation and resources.


3. Section 128-10(5), Hawaii Revised Statutes, I hereby direct all state agencies and officers to cooperate with and extend their services, materials, and facilities as may be required to assist in all efforts to re-open closed roads and highways on the island of Hawaii, and provide alternative means and routes of travel through or around impacted areas.

I FURTHER DECLARE that, for the island of Maui, the disaster emergency relief period shall commence October 28, 2000 and continue until such an appropriate time for termination as I will determine. 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 State of Hawaii,
this 8th day of November, 2000.


BENJAMIN J. CAYETANO
Governor of Hawaii

APPROVED:


EARL I. ANZAI
Attorney General
State of Hawaii