

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 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, a natural disaster occurrence of torrential rains and flooding on November 1, 2000 through November 2, 2000 is causing, and has caused, extensive damage to private and public property on the islands of Hawaii and Maui, State of Hawaii, thereby endangering the health, safety, and welfare of the people; and

WHEREAS, this occurrence of a severe, sudden, and extraordinary event has 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, this occurrence has caused losses due to damage or destruction of real and personal property, has devastated large tracts of lands, and is causing the necessity for immediate relocation of persons from the devastation; 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 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, section 155-9(c), Hawaii Revised Statutes, provides for emergency loans to provide relief and rehabilitation to qualified farmers without limit as to purpose who have suffered great economic loss in the above areas stricken by this extraordinary natural catastrophe; and

WHEREAS, once the Governor has proclaimed a disaster area when a natural disaster strikes the State and devastates large tracts of lands and causes the necessity for immediate relocation of persons from the devastated area, sections 171-85 to 171-94, Hawaii Revised Statutes, provide in the public interest for immediate relocation and rehabilitation of disaster victims by making public lands available in the manner as therein provided; 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 housing relief, under part II of chapter 209, Hawaii Revised Statutes, and 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 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(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 BENJAMIN J. CAYETANO, Governor of the State of Hawaii, hereby determine that a major disaster, natural disaster, and catastrophe contemplated by Sections 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, have occurred on the above date and 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 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, major disaster fund.
2. Section 171-85 to 171-94, relocation and rehabilitation.
3. Part II of chapter 209, housing relief.
4. Part III of chapter 209, commercial and personal loans.
5. Section 155-9(e), relief to farmers; and I further authorize the Department of Agriculture to modify or waive any or all security requirements or any limitations with respect thereto as provided under the law, as necessary, on a case-by-case basis.
6. Sections 128-8(4), 128-9(8), and 128-10(10), and in order to provide emergency disaster relief, I hereby suspend sections:
 - a. Section 102-2, contracts for concessions in government buildings; bid requirements.
 - b. Section 103-50, building design to consider needs of persons with disabilities.
 - c. Section 103-53, contracts with the State or counties; tax clearances, assignments.
 - d. Section 103-55, wages, hours, and working conditions of employees of contractors performing services.
 - e. Chapter 103D, procurement code.
 - f. Sections 105-1 to 105-10, use of government vehicles, limitations.
 - g. Section 464-4, public works required to be supervised by certain professionals.
7. 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.

I FURTHER DECLARE that a disaster emergency relief period shall commence November 1, 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 3rd day of November,
2000.


BENJAMIN J. CAYETANO
Governor of Hawaii

APPROVED:


EARL I. ANZAI
Attorney General
State of Hawaii