

OFFICE OF THE GOVERNOR
STATE OF HAWAII

3rd 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, LINDA LINGLE, Governor of the State of Hawaii, hereby determine, designate and proclaim as follows:

WHEREAS, it has become necessary to supplement my proclamation of March 2, 2006, relating to the periods of heavy rains and flooding beginning Monday, February 20, 2006 through Friday, February 24, 2006, which caused localized flooding and lingering saturated ground conditions, and relating to periods of heavy rains and flooding beginning Wednesday, March 1, 2006 through Friday, March 3, 2006, which also caused localized flooding and lingering saturated ground conditions and extensive damage to private and public property in the counties of Kauai, Maui and the City and County of Honolulu, State of Hawaii, and to supplement my proclamation of March 12, 2006, relating to periods of heavy rains and flooding beginning Wednesday, March 8, 2006 through Sunday, March 12, 2006, which caused further localized flooding, saturated ground conditions, and damage to private and public property in the counties of Hawaii, Kauai, Maui, and the City and County of Honolulu, State of Hawaii, and to supplement my proclamation of March 14, 2006 relating to heavy rains and flooding beginning Monday, March 13, 2006 through Sunday, March 19, 2006, which have caused, and is causing further localized flooding, saturated ground conditions, and damage to private and public property in the counties of Hawaii, Kauai, Maui, and the City and County of Honolulu; and

WHEREAS, the National Weather Service has forecast continuing periods of heavy rains and flooding through Sunday, March 26, 2006, which are anticipated to cause further localized flooding, saturated ground conditions, and damage to private and public property in the counties of Hawaii, Kauai, Maui, and the City and County of Honolulu, State of Hawaii; and

WHEREAS, additional victims and properties damaged as a result of these continued

periods of heavy rains and flooding have been identified and are anticipated as a result of the forecast periods of heavy rains and flooding in the counties of Hawaii, Kauai, Maui, and the City and County of Honolulu, State of Hawaii; and

WHEREAS, in order to provide additional relief and assistance, it has become necessary to supplement my Proclamations of March 2, 2006, March 12, 2006, and March 14, 2006 to include these additional periods of heavy rains and flooding; and

WHEREAS, the periods of heavy rains and flooding have caused and is causing increased water levels in reservoirs in the State of Hawaii, which has lead to the failure of at least one dam on Kauai resulting in a tragic loss of life and property, erosion, and fear of dam failure in other reservoirs which may lead to further loss of life and property; and

WHEREAS, pursuant to Section 128-8(2), Hawaii Revised Statutes, the Governor, in the event of a civil defense emergency period, may designate as public nuisances acts, practices, conduct, or conditions which are dangerous to the public health or safety or to property; and

WHEREAS, pursuant to Section 128-8(2), Hawaii Revised Statutes, the Governor, in the event of a civil defense emergency period, may authorize that public nuisances be summarily abated, and if need be that the property be destroyed, by any police officer or any authorized person; and

WHEREAS, pursuant to Section 128-6(8), Hawaii Revised Statutes, the Governor may direct or control as may be necessary for civil defense the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after any disaster; and

WHEREAS, pursuant to Section 128-6(8), Hawaii Revised Statutes, the Governor may direct or control as may be necessary for civil defense traffic control; and

WHEREAS, pursuant to Section 128-6(8), Hawaii Revised Statutes, the Governor may

direct or control as may be necessary for civil defense the congregation of the public in stricken or danger areas or under dangerous conditions; and

WHEREAS, pursuant to Section 128-6(8), Hawaii Revised Statutes, the Governor may direct or control as may be necessary for civil defense 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

NOW, THEREFORE, I, LINDA LINGLE, 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 parts II and III of chapter 209, Hawaii Revised Statutes, has occurred during the above periods in the counties of Hawaii, Kauai, Maui and the City and County of Honolulu, State of Hawaii, and in order to provide additional relief and assistance, do hereby supplement my Proclamations of March 2, 2006, March 12, 2006, and March 14, 2006 to include the period of heavy rains and flooding beginning March 14, 2006 and forecast to continue through Sunday, March 26, 2006, in the counties of Hawaii, Kauai, Maui, and the City and County of Honolulu, State of Hawaii for the purpose of authorizing the expenditure of State moneys, as appropriated, for the speedy and efficient relief of the damages, losses, and suffering resulting from the disaster.

FURTHER, pursuant to Sections 128-6(8) and 128-10(5), Hawaii Revised Statutes, as may be necessary for civil defense, I direct State and County civil defense authorities, and all State and County agencies, officers, and employees that may be directed thereby to assist, to take appropriate measures to protect the health and safety of the public by directing and controlling

vehicular traffic during, before, and after any disaster; traffic; the congregation of the public in stricken or danger areas or under dangerous conditions; the evacuation and reception of the civilian population.

FURTHER, pursuant to Section 128-8(2), Hawaii Revised Statutes, I continue to find that the dangerous conditions of certain reservoirs in the State of Hawaii and erosion, and fear of dam failure in certain reservoirs constitute a public nuisance which are dangerous to the public health or safety or to property and hereby authorize the Director of Civil Defense or the Vice Director of Civil Defense to direct that any public nuisances be summarily abated, and if need be that the property be destroyed, by any police officer or any authorized person in order to protect the public health and safety.


FURTHER, all provisions and requirements of my Proclamations of March 2, 2006, March 12, 2006, and March 14, 2006 remain in full force and effect and are made applicable for this Supplementary Proclamation.

Done at the State Capitol State of
Hawaii, this 18 day of March,
2006.



LINDA LINGLE
Governor of Hawaii

APPROVED:



LISA M. GINOZA
First Deputy Attorney General
State of Hawaii