

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 Hawai'i, in order to provide relief from disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine, designate and proclaim as follows:

WHEREAS, dengue fever is a mosquito borne disease caused by one of four closely related dengue viruses (DENV 1, DENV 2, DENV 3 and DENV 4) spread to humans by the bite of an infected mosquito; and

WHEREAS, the principle vector of dengue fever is the *Aedes* mosquito, most commonly the *Aedes Aegypti*, and to a lesser extent, the *Aedes Albopictus*, both of which are present throughout the State of Hawai'i; and

WHEREAS, other mosquito borne diseases, namely Zika and Chikungunya, present an emerging threat to public health in Hawai'i and are both prevented and controlled in a similar manner and through similar means as dengue fever; and

WHEREAS, an outbreak of dengue fever in the County of Hawai'i first identified on October 21, 2015, is endangering the health, safety, and welfare of the people and therefore constitutes a public health emergency as envisioned by chapter 127A, Hawai'i Revised Statutes; and

WHEREAS, the most effective means to respond to the public health emergency caused by an outbreak of any mosquito borne disease is to educate the public and promote the management, removal and destruction of mosquito larval habitats in and

around places of human habitation, the use of protective barriers (i.e., chemical repellants, long sleeves, pants and covered shoes, and the installation of window coverings on buildings); and

WHEREAS, the State will need to survey the community to verify the particular vector mosquito species and their locations, determine their abundance, identify the most productive and abundant larval habitats, and promote and implement plans for their management, eradication and treatment with appropriate larvicides and pesticides; and

WHEREAS, the State has taken all measures to contain the outbreak of dengue fever and will continue to do so; and

WHEREAS, the outbreak of dengue fever is a condition that is dangerous to the public health and safety; and

WHEREAS, the outbreak of dengue fever is a public nuisance; and

WHEREAS, the existing laws are not adequate to assure the public health and safety; and

WHEREAS, the Legislature of the State of Hawai'i 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 emergency; and

WHEREAS, in expending such monies, the Governor may allot any portion to any agency, office, or employee of the state or a county for the most expeditious and efficient relief of the conditions created by the emergency; and

WHEREAS, pursuant to sections 127A-14 and 127A-16, Hawai'i Revised Statutes, the Governor is authorized to determine whether an emergency or disaster has occurred, or there is an imminent danger or threat of an emergency or disaster and authorize actions under chapter 127A, Hawai'i Revised Statutes, and the expenditure of funds thereunder; and

WHEREAS, pursuant to section 127A-12(b)(3), Hawai'i Revised Statutes, the Governor may enter into, participate in, or carry out mutual aid agreements or compacts for emergency management or emergency management functions with the federal government and with other states; and

WHEREAS, pursuant to section 127A-12(b)(4), Hawai'i Revised Statutes, the Governor may sponsor and develop mutual aid plans and agreements for emergency management between the State, one or more counties, and other governmental, private-sector, and nonprofit organizations, for the furnishing or exchange of food, clothing, medicine, and other materials; engineering services; emergency housing; police services; health, medical and related services; firefighting, rescue, transportation, and construction services and facilities; personnel necessary to provide or conduct these services; and such other materials, facilities, personnel, and services as may be needed. The mutual aid plans and agreements may be made with or without provisions for reimbursement of costs and expenses, and on such terms and conditions as are deemed necessary; and

WHEREAS, pursuant to section 127A-12(b)(9), Hawai'i Revised Statutes, 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 management 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 the provisions of chapter 127A, Hawai'i Revised Statutes, provide for the interchange of personnel, by detail, transfer, or otherwise, between agencies or departments of the State; and

WHEREAS, pursuant to section 127A-12(b)(16), Hawai'i Revised Statutes, the Governor is further authorized to order and direct government agencies, officials, officers, and employees of the State, to take such action and employ such measures for law enforcement, medical, health, firefighting, 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 127A-12(b)(19), Hawai'i Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 127A, Hawai'i Revised Statutes notwithstanding that powers in section 127A-13(a) may only be exercised during an emergency period; and

WHEREAS, pursuant to section 127A-13(a)(1), Hawai'i Revised Statutes, the Governor is authorized to provide for and require the quarantine or segregation of persons who are affected with any infectious, communicable, or other disease that is, in the Governor's opinion, dangerous to the public health and safety, or persons who are the source of other contamination, in any case where, in the governor's opinion, the existing laws are not adequate to assure the public health and safety; provide for the care and treatment of the persons; supplement the provisions of sections 325-32 to

325-38 concerning compulsory immunization of persons against disease and institute additional compulsory immunization programs; provide for the isolation or closing of property which is a source of contamination or is in a dangerous condition in any case where, in the governor's opinion, the existing laws are not adequate to assure the public health and safety, and designate as public nuisances acts, practices, conduct, or conditions that are dangerous to the public health or safety or to property; authorize that public nuisances be summarily abated, and if need be that the property be destroyed, by any police officer or authorized person, or provide for the cleansing or repair of property, and if the cleansing or repair is to be at the expense of the owner, the procedure therefor shall follow as nearly as may be the provisions of section 322-2, Hawai'i Revised Statutes, which shall be applicable; further, authorize without the permission of the owners or occupants, entry on private premises for any of such purposes; and

WHEREAS, pursuant to section 127A-13(a)(2), Hawai'i 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 and to result from the operation of federal programs or measures taken under chapter 127A, Hawai'i Revised Statutes, 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 127A-13(a)(3), Hawai'i 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 to conflict with, emergency functions, including laws specifically made applicable to emergency personnel; and

WHEREAS, pursuant to section 127A-12(b)(8), Hawai'i Revised Statutes, the Governor may suspend chapters 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4, Hawai'i 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, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine that an emergency or disaster contemplated by section 127A-14, Hawai'i Revised Statutes, has occurred and is ongoing in the State of Hawai'i, and do hereby proclaim an emergency for the purpose of implementing the emergency management functions as allowed by law, authorizing the expenditure of State monies as appropriated for the speedy and efficient relief of damages, losses, and suffering resulting from the emergency, and hereby invoke the following measures under the Hawai'i Revised Statutes:

1. Section 127A-16, Hawai'i Revised Statutes, by the activation of the Major Disaster Fund.
2. Section 127A-13(a)(1), Hawai'i Revised Statutes, relating to quarantine, immunizations, and nuisances, and the Director of Health is DIRECTED AND AUTHORIZED to take any and all measures necessary to contain the outbreak of mosquito borne diseases.
3. Sections 127A-13 and 127A-12, Hawai'i Revised Statutes, to suspend, as allowed by law, the following statutes and regulations to the extent necessary for the purpose of contain the outbreak of mosquito borne diseases:
 - a. Section 37-41, Hawai'i Revised Statutes, **appropriations to revert to state treasury.**
 - b. Section 37-74(d), Hawai'i Revised Statutes, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), Hawai'i

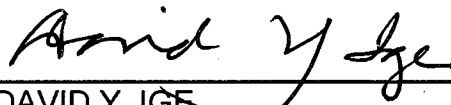
Revised Statutes, and any such transfers or changes shall be considered authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.

- c. Section 40-66, Hawai'i Revised Statutes, **lapsing of appropriations.**
- d. 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 Proclamation.
- e. Section 103-2, Hawai'i Revised Statutes, **General Fund.**
- f. Section 103-53, Hawai'i Revised Statutes, **Contracts with the state or counties; tax clearances assignments.**
- g. Section 103-55, Hawai'i Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services.**
- h. Chapter 103D, Hawai'i Revised Statutes, **Hawai'i public procurement code.**
- i. Chapter 104, Hawai'i Revised Statutes, **wages and hours of employees on public works.**
- j. Section 127A-30, Hawai'i Revised Statutes, **rental or sale of essential commodities during a state of emergency; prohibition against price increases.**
- k. Chapter 128D, Hawai'i Revised Statutes, **environmental response law.**
- l. Chapter 171, Hawai'i Revised Statutes, **public Lands.**
- m. Chapter 264, Hawai'i Revised Statutes, **highways**
- n. Chapter 322, Hawai'i Revised Statutes, **nuisances; sanitary regulations.**
- o. Chapter 342B, Hawai'i Revised Statutes, **air pollution.**

- p. Chapter 342D, Hawai'i Revised Statutes, **water pollution**.
 - q. Chapter 342F, Hawai'i Revised Statutes, **noise pollution**.
 - r. Chapter 342G, Hawai'i Revised Statutes, **integrated solid waste management**
 - s. Chapter 342H, Hawai'i Revised Statutes, **solid waste pollution**
 - t. Chapter 342I, Hawai'i Revised Statutes, **special wastes recycling**
 - u. Chapter 342J, Hawai'i Revised Statutes, **hazardous waste**
 - v. Chapter 343, Hawai'i Revised Statutes, **environmental impact statements**.
 - w. Sections 601-1.5, 708-817, 708-818, 708-820, 708-830.5, and 708-840, Hawai'i Revised Statutes, to the extent that these sections contain provisions for the suspension, tolling, extension, or granting of relief from deadlines, time schedules, or filing requirements in civil, criminal, or administrative matters before the courts of the state or to the extent that these sections contain provisions for criminal penalties that are automatically heightened by reason of any declared disaster or emergency.
4. Section 127A-12(b), Hawai'i Revised Statutes, and in order to provide emergency relief consistent with the intent of this Proclamation, 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 address the objectives of this Proclamation in addressing the dengue fever outbreak.

I FURTHER DECLARE that an emergency period shall commence immediately and shall terminate automatically sixty days after the issuance of this Proclamation or by a separate proclamation whichever occurs first. Notwithstanding the termination of an emergency period, any contracts, agreements, procurements, or programs entered into, started, or continued by reason of the provisions of this Proclamation shall continue.

Done at the State Capitol, this
12th day of February, 2016.



DAVID Y. IGE
Governor of Hawai'i

APPROVED:



DOUGLAS S. CHIN
Attorney General
State of Hawai'i