OFFICE OF THE GOVERNOR
STATE OF HAWAI'I

PROCLAMATION

By the authority vested in me by the Constitution and laws of the State of Hawai'i, in order to provide relief for 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, the United States Centers for Disease Control and Prevention has determined and is monitoring an outbreak of respiratory illness caused by a novel coronavirus that was first identified in Wuhan, Hubei Province, China and has become commonly identified as COVID-19; and

WHEREAS, COVID-19 has rapidly expanded and is reportedly spreading from person-to-person; and

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared the outbreak of COVID-19 a public health emergency for the United States; and

WHEREAS, COVID-19 has rapidly spread around the globe and has been found in 78 countries; and

WHEREAS, the United States has at least 108 confirmed and presumptive positive cases of COVID-19; and

WHEREAS, COVID-19 continues to evolve and spread around the globe and is now spreading in the community, not just from travelers to China; and

WHEREAS, COVID-19 is highly contagious; and

WHEREAS, as of March 4, 2020, the World Health Organization reported 93,090 confirmed cases of COVID-19 worldwide; and

WHEREAS, COVID-19 has proven to be fatal with 2984 deaths reported in China and 214 deaths reported outside of China as of March 4, 2020; and

WHEREAS, on January 31, 2020, the President of the United States declared a health emergency and issued an order subjecting certain Americans returning from China to mandatory quarantine or active screening, and limiting incoming flights from China to seven designated United States Airports, including Daniel K. Inouye International Airport in Honolulu; and

WHEREAS, the United States Centers for Disease Control and Prevention has directed the quarantine of people traveling from China and taken other actions to control the spread of COVID-19; and

WHEREAS, despite efforts to contain COVID-19, the World Health Organization and the United States Centers for Disease Control and Prevention indicate that it is expected to spread; and

WHEREAS, based upon the actions and directives of the President of the United States, the World Health Organization, and the United Stated Centers for Disease Control and Prevention, and current conditions, the danger is significant so as to warrant preemptive and protective actions in order to provide for the health, safety, and welfare of the people of the State; and

WHEREAS, pursuant to section 127A-2, Hawaii Revised Statutes, an emergency is any occurrence, or imminent threat thereof, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of property; and

WHEREAS, pursuant to section 127A-2, Hawaii Revised Statutes, a disaster is any emergency, or imminent threat thereof, which results or may likely result in loss of life or property and requires, or may require, assistance from other counties or states or from the federal government.

WHEREAS, this occurrence of a severe, sudden, and extraordinary event has the potential to cause damages, losses, and suffering of such character and magnitude to affect the health, welfare, and living conditions of a substantial number of persons,

and to affect the economy of the State, and is expected to be of such a nature as to warrant rehabilitative assistance from the State; and

WHEREAS, the danger of disaster is of such magnitude to warrant preemptive and protective action in order to provide for the health, safety, and welfare of the people; and

WHEREAS, this occurrence, or threat thereof, may likely result in substantial injury or harm to the population or may likely result in loss of life or property and require, or may require, assistance from other counties or states or from the federal government; 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 disaster; and

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

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

WHEREAS, pursuant to section 127A-13(a)(3), Hawaii Revised Statutes, the Governor may suspend any law that impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or that conflicts with, emergency functions, including laws specifically made applicable to emergency personnel; and

WHEREAS, pursuant to section 127A-13(a)(2), Hawaii Revised Statutes, the Governor may relieve hardships 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, Hawaii 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-12(b)(8), 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, in whole or in part, if these provisions 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

WHEREAS, pursuant to section 127A-12(b)(9), Hawaii 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, Hawaii 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)(19), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 127A, Hawaii Revised Statutes, notwithstanding that powers in section 127A-13(a) may only be exercised during an emergency period; and

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai'i, hereby determine that the conditions described herein are of such character and magnitude to constitute an emergency or disaster as contemplated by sections 127A-2 and 127A-14, Hawaii Revised Statutes, that threatens the State of Hawai'i and hereby proclaim an Emergency Period for the purpose of authorizing the expenditure of State monies as appropriated for the speedy and efficient protection and relief of the damages, losses, and suffering resulting from the emergency, and hereby authorize and invoke the following measures under the Hawaii Revised Statutes:

1. Section 127A-16, Hawaii Revised Statutes, by activating the Major Disaster Fund.

2. Sections 127A-13 and 127A-12, Hawaii Revised Statutes, in order for county and state agencies to provide emergency relief and engage in emergency management functions as defined in section 127A-2, Hawaii Revised Statutes, as a result of this event, to suspend as allowed by federal law, the following statutes to the extent necessary for county and state agencies to accomplish the emergency management functions contemplated under this Proclamation:

    a. Section 37-41, Hawaii Revised Statutes, **appropriations to revert to state treasury.**

    b. Section 37-74(d), Hawaii Revised Statutes, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), Hawaii Revised Statutes, and any such transfers or changes considered to be authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.

    c. Section 40-66, Hawaii Revised Statutes, **lapsing of appropriations.**

    d. Chapter 46, Hawaii Revised Statutes, **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. Chapter 89, Hawaii Revised Statutes, **collective bargaining in public employment.**

    f. Chapter 89C, Hawaii Revised Statutes, **public officers and employees excluded from collective bargaining.**

g. Section 102-2, Hawaii Revised Statutes, **contracts for concessions in government buildings; bid requirements.**

h. Section 103-2, Hawaii Revised Statutes, **general fund.**

i. Section 103-53, Hawaii Revised Statutes, **contracts with the State or counties; tax clearances, assignments.**

j. Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services.**

k. Chapter 103D, Hawaii Revised Statutes, **Hawaii public procurement code.**

l. Chapter 103F, Hawaii Revised Statutes, **purchases of health and human services**,

3. Section 127A-30, Hawaii Revised Statutes, 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 this disaster Proclamation shall continue for the period of this Proclamation for all:

a. Food, water, or ice; and

b. Medical supplies, medical protective measures, medications, vitamins, or any other commodity intended to help the population stay well, recover from any illness, or protect them from any illness; and

c. Personal hygiene, paper or disposable cleaning products including but not limited to paper towels, napkins, toilette paper, hand sanitizer, alcohol, hydrogen peroxide, cleaning supplies of any kind, or any other commodity intended to help sanitize or clean individuals, items, or areas; and

d. Any other commodity that the seller or contractor knows or should know are intended for use by any member of the public or entity of

any type to prepare for, respond to, or use because of the circumstances giving rise to the emergency that is the subject of this Proclamation.

4. Section 127A-12(b), Hawaii Revised Statutes, and in order to provide emergency disaster relief, 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 eliminate the danger.

I FURTHER DECLARE that the disaster emergency relief period shall commence immediately and continue through April 29, 2020, or by a separate proclamation, whichever occurs first.

Done at the State Capitol, this
4th day of March, 2020.

DAVID Y. IGE
Governor of Hawai'i

APPROVED:

Clare E. Connors
Attorney General
State of Hawai'i