

FOR ACTION

MOTION: To Adopt Proposed Rules under the Governor's Emergency Proclamation, dated May 3, 2018, and Supplemental Proclamations dated May 9, 2018, June 5, 2018, and August 3, 2018, Entitled "Emergency Rules Relating to Preferences for the Hawaii County Waiting List", Which is Substantially Based on Chapter 17-2028, Hawaii Administrative Rules (HAR) Entitled "federally-Assisted Public Housing Program", and Sets Forth the Requirements for Preference Eligibility on a Priority Basis for Applicants on the Hawaii County Wait List Throughout the Disaster Emergency Relief Period; and to Authorize the Executive Director to Undertake All Other Actions Necessary to Implement the Emergency Rules Relating to Preferences for the Hawaii County Wait List, Including Promulgating Rules Pursuant to Section 91-3, Hawaii Revised Statutes

I. FACTS

- A. The Hawaii Public Housing Authority's (HPHA) Federally Assisted Low-Income Housing program is governed by a variety of federal, state, and agency statutes and rules, such as the United States Code, Code of Federal Regulations and Chapter 356D, Hawaii Revised Statutes (HRS).
- B. Section 356D-4 and 356D-13, HRS (Attachment A), authorize the HPHA to adopt administrative rules with the force and effect of law to govern its federal programs.
- C. On May 3, 2018, the Governor of the State of Hawaii issued a Proclamation and subsequent Supplementary Proclamations dated May 9, 2018, June 5, 2018, and August 3, 2018 (hereinafter collectively referred to as "Emergency Proclamation"), which proclaimed an emergency related to the Pu'u 'O'o vent in the East Rift Zone of Kilauea volcano located in the County of Hawai'i. A copy of the Emergency Proclamation is attached.
- D. The Emergency Proclamation suspended, as allowed by law, numerous Hawaii statutes for the "speedy and efficient relief of damages, losses, and suffering resulting" from the lava flows and volcanic activity which continue to endanger communities.
- E. Pursuant to the Emergency Proclamations, the Governor further directed 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 dangers addressed in the Emergency Proclamation.

II. DISCUSSION

- A. Attached as Attachment A for the Board's consideration is a proposed Emergency Rules Relating to Preferences for the Hawaii County Wait List, which is largely based on the HPHA's current preference policy governed by Chapter 17-2028, HAR.
- B. The major differences between this Emergency Preference Rule and the current preference policy are as follows:
1. These rules only apply to applicants on the County of Hawaii waiting lists.
 2. An applicant involuntarily displaced by natural disaster in Hawaii County shall be given priority preference before any other applicant regardless of other applicants' preference.
 3. Each preference in the three remaining preference groups are of equal weight.
- C. Notwithstanding Chapter 17-2028, HAR, Federally-Assisted Public Housing Program, and subsequent repeal and adoption of new administrative rules to replace chapter 17-2028, HAR, the proposed Emergency Rules relating to the preferences for the Hawaii County wait lists shall apply only to applicants in the County of Hawaii who, at the time they are seeking housing assistance, fall within the preference priority groups.
- D. Once approved by the HPHA Board of Directors, the agency must:
1. Post the rules on the applicable state or county government website; and
 2. Publish the rules in a newspaper of general circulation in the State, by means calculated to bring its contents to the attention of the general public, including by official announcement by means of television or radio broadcast, or both, or by internet; or where only known persons are concerned, by service upon these persons by registered or certified mail or by personal service.
- The rules shall remain posted on the government website while in effect. When immediate promulgation of the rules is necessary in the opinion of the governor or mayor, as applicable, who shall be the sole judge thereof, in lieu of publication, the rules may be promulgated by television or radio broadcast, or both, or by internet, or such other means as may be available; provided that the rules shall be posted and published thereafter at the earliest practicable date.
- E. The Department of the Attorney General has reviewed the proposed rules.

III. RECOMMENDATION

That the Board of Directors adopt proposed rules under the Governor's Emergency Proclamation, dated May 3, 2018, and Supplemental Proclamations dated May 9, 2018, June 5, 2018, and August 3, 2018, entitled "Emergency Rules Relating to Preferences for the Hawaii County Waiting List", which is substantially based on Chapter 17-2028, Hawaii Administrative Rules (HAR) entitled "Federally-Assisted Public Housing Program", and sets forth the requirements for preference eligibility on a priority basis for applicants on the Hawaii County Wait List throughout the disaster emergency relief period; and to authorize the Executive Director to undertake all other actions necessary to implement the emergency rules relating to preferences for the Hawaii County Wait List, including promulgating rules pursuant to Section 91-3, Hawaii Revised Statutes

- Attachment A: Proposed Draft Emergency Rules Relating to the Preferences for the Hawaii County Wait List
- Attachment B: Proclamation by the Governor of the State of Hawaii, dated May 3, 2018, Supplementary Proclamation dated May 9, 2018, Second Supplementary Proclamation dated June 5, 2018, Third Supplementary Proclamation dated August 3, 2018

Prepared by: Sarah Beamer, Planner 

Approved by the Board of Directors
on the date set forth above



Pono Shim
Chairperson

Hawaii Public Housing Authority
Emergency Rules Relating to Preferences for the
Hawaii County Waiting List

§1 Findings
§2 Purpose
§3 Authority
§4 Applicability
§5 Definitions
§6 Waiting Lists
§7 Local Preferences

§1 Findings. The authority finds that:

(a) The Governor of the State of Hawaii has determined and proclaimed that volcanic activity and the lava flow from the Pu`u O`o vent in the East Rift Zone of Kilauea volcano in the State of Hawaii is an emergency contemplated by section 127A-14 and 127A-16, Hawaii Revised Statutes ("HRS"), and that this emergency continues, as evidenced by his Proclamation dated May 3, 2018, and Supplementary Proclamations dated May 9, 2018, June 5, 2018, and August 3, 2018 ("Emergency Proclamations");

(b) Section 127A-2, HRS, defines "emergency" as "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";

(c) There is an occurrence of a severe and extraordinary event of volcanic eruptions which have generated lava flows which has caused damages, losses and suffering of such character and magnitude to affect the health, welfare, and living conditions of a substantial number of persons, and is anticipated to affect the economy of the State of Hawaii as the Governor has declared through his Emergency Proclamations;

(d) By Proclamation dated May 9, 2018, the Governor directed 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 his proclamation;

(e) The authority agrees with the Governor that the ongoing lava flow, earthquakes, volcanic gasses and ash that have been caused by volcanic eruptive processes have caused extensive damage to property, utilities, and infrastructure, caused great suffering and displaced individuals, families, and businesses.

(f) These emergency rules assist eligible individuals and families in Hawaii County directly impacted by the destructive lava flow and other volcanic impacts and are necessary to

provide priority housing assistance to affected individuals and families.

(g) Based on the above, there is an imminent peril to the public health, safety or morals, or to natural resources caused by the volcanic activity in the County of Hawaii requiring immediate adoption of these emergency rules upon less than thirty days' notice of hearing.

(h) These findings are based on the authority's Board of Directors' personal knowledge and professional experiences.

§2 Purpose. These emergency rules are adopted based on the findings in section 1 in order to protect the public health, safety, and welfare and to preserve the lives and property of the people of the State from disasters or emergencies.

§3 Authority. These rules are adopted pursuant to section 91-3, HRS.

§4 Applicability. Notwithstanding Chapter 17-2028, Hawaii Administrative Rules ("HAR"), Federally-Assisted Public Housing Projects, and any subsequent repeal or revisions, these rules shall apply only to applicants on the county of Hawaii waiting lists; provided that upon expiration of these emergency rules, these rules shall terminate, and the existing chapter 17-2028 shall apply to all applicants.

§5 Definitions. (a) All definitions provided in these rules shall be the same as those provided in chapter 356D, HRS or §17-2028-2, HAR, unless a different or expanded definition is provided specifically by these rules.

§6 Waiting Lists. (a) The authority shall maintain fifteen geographical waiting lists, as follows:

(1) City and County of Honolulu

(A) Honolulu waitlist which is comprised of Ka'ahumanu Homes, Kalakaua Homes, Kalihi Valley Homes, Kamehameha Homes, Kuhio Homes, Mayor Wright Homes, Palolo Valley Homes, Punchbowl Homes, Pu'uwai Momi, Salt Lake Apartments, Spencer House, Kalanihulia, Makamae, Makua Ali'i, Paoakalani, and Pumehana;

- (B) Central Oahu waitlist which is comprised of Kauhale Nani, Wahiwawa Terrace, and Kupuna Home O'Waialua;
 - (C) Windward Oahu waitlist which is comprised of Ho'okipa Kahalu'u, Kaneohe Apartments, Kauhale O'hana, Ko'olau Village, and Waimanalo Homes; and
 - (D) Leeward Oahu waitlist which is comprised of Hale Laulima, Kau'iokalani, Maili I & II, Nanakuli Homes, Waimaha - Sunflower, and Waipahu I & II.
- (2) County of Hawaii
- (A) Hilo waitlist which is comprised of Lanakila Homes, Punahahele Homes, Pomaikai Homes, Hale Aloha O Puna, Hale Olaloa, Kauhale O'Hanakahi;
 - (B) Honoka'a waitlist which is comprised of Hale Hauoli;
 - (C) Ka'u waitlist which is comprised of Pahala;
 - (D) Kona waitlist which is comprised of Ka Hale Kahalu'u, Hale Ho'okipa, Kaimalino, Kealakehe, and Nani Olu;
 - (E) Waikoloa waitlist which is comprised of Ke Kumu 'Ekolu; and
 - (F) Waimea waitlist which is comprised of Noelani I & II.
- (3) County of Maui
- (A) East Maui waitlist which is comprised of Kahekili Terrace and Makani Kai Hale;
 - (B) West Maui waitlist which is comprised of Pi'ilani Homes and David Malo Circle; and
 - (C) Molokai waitlist which is comprised of Kahale Mua.
- (4) County of Kauai
- (A) East Kauai waitlist which is comprised of Hui O Hanama'ulu, Kapa'a, Hale Nana Kai O Kea, and Hale Ho'olulu; and
 - (B) West Kauai waitlist which is comprised of Ele'ele Homes, Hale Ho'onanea, Kalaheo Homes, Kekaha Ha'aheo, Kawailehua, and Home Nani.

§7 Local Preferences. (a) All local preferences defined herein shall only apply to the Hawaii County waiting lists defined in section 6(2) above and in §17-2028-36(a)(2), HAR. Local preferences and waiting lists for the City and County of Honolulu, County of Maui and County of Kauai shall not be affected by these rules.

(b) Subject to section 17-2028-33(c), HAR, eligible applicants shall be given preference for admission in the program in the order of the dates of their applications if, at

the time they are seeking housing assistance, they fall within the following preference priority groups:

- (1) Involuntarily displaced by natural disaster
- (2) Involuntarily displaced by government action or action of the housing owner for reasons beyond the applicant's control;
- (3) Victims of domestic violence who are participating in a program with case management through a domestic violence shelter, program, or clearinghouse; or
- (4) Homeless persons who are participating in a federally or state funded homeless transitional shelter or program, and who are in compliance with a social service plan.

(c) An applicant involuntarily displaced by natural disaster in Hawaii County shall be given priority preference before any other applicant regardless of other applicants' preference. All three remaining preference groups are of equal weight. An applicant who qualifies for any of the preferences shall receive assistance before any other applicant who is not qualified for a preference regardless of:

- (1) Place on the waiting list; or
- (2) Date or time of submission of an application.

(d) An applicant shall not receive preference if any adult member of the applicant family is a person who was evicted or terminated from any federally-assisted housing or state-aided public housing program operated by the authority for a three-year period beginning on the date of eviction because of drug-related criminal activities unless the adult member has successfully completed a rehabilitation program approved by the authority.

EMERGENCY RULES RELATING TO PREFERENCES FOR THE HAWAII COUNTY
WAITING LIST

The Emergency Rules Relating to Preferences for the Hawaii County Waiting List, Hawaii Administrative Rules, were adopted on August 16, 2018, by the Hawaii Public Housing Authority Board of Directors at its regular monthly board meeting with prior public notices provided in accordance with section 92-7, Hawaii Revised Statutes, and with abbreviated notice and hearing pursuant to section 91-3(b), Hawaii Revised Statutes.

These rules shall take effect upon filing with the Office of the Lieutenant Governor for a period of not longer than 120 days unless extended in compliance with section 91-3(b), Hawaii Revised Statutes.

PONO SHIM, Chairperson
Board of Directors
Hawaii Public Housing Authority

Pursuant to my Supplementary Proclamation of June 5, 2018, which authorizes and invokes sections 127A-13 and 127A-12, Hawaii Revised Statutes, by suspending, as allowed by law, the following statutes and regulations to the extent necessary for the purpose of providing emergency relief as contemplated in my Proclamation dated May 3, 2018, and Supplementary Proclamations dated May 9, 2018, June 5, 2018, and August 3, 2018: Chapter 356D, Hawaii Revised Statutes, Hawaii Public Housing Authority, by signature below, I approve these rules.

APPROVED:

DAVID Y. IGE
Governor
State of Hawaii
Dated: _____

APPROVED AS TO FORM:

Deputy Attorney General

Filed

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 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 Pu'u 'O'o vent in the East Rift Zone of Kilauea volcano located in the county of Hawai'i, State of Hawai'i, began erupting on January 3, 1983, and has continued erupting for more than thirty-five (35) years with the majority of lava flows advancing to the South; and

WHEREAS, a lava flow has emerged in the Leilani Estates residential subdivision located within the East Rift Zone, resulting in lava flowing over streets and prompting a mandatory evacuation of the subdivision; and

WHEREAS, all information indicates that the current lava flow will continue to advance; and

WHEREAS, previous lava flows in the East Rift Zone of Kilauea volcano have caused losses and suffering, including persons being displaced and properties destroyed in the past; and

WHEREAS, the current flow also exhibits characteristics similar to the 1960 Kapoho eruption, which caused significant damage to public and private property in the lower Puna region of the County of Hawai'i; and

WHEREAS, this occurrence of a severe and extraordinary event of volcanic eruptions has generated lava flows which are anticipated 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

WHEREAS, on May 3, 2018, the Acting Mayor of Hawai'i County proclaimed and declared that a local state of emergency exists in the County of Hawai'i, State of

Hawai'i, due to the advancing lava flow in the district of Puna, County of Hawai'i; 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, 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 a 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 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, Hawaii Revised Statutes, and the expenditure of funds thereunder; and

WHEREAS, pursuant to section 127A-13(a)(3), 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 to conflict 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 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, 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, 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

WHEREAS, pursuant to section 127A-12(b)(13), Hawaii Revised Statutes, the Governor may require each public utility, or any person owning, controlling, or operating a critical infrastructure facility as identified by the Governor, to protect and safeguard its or the person's property, or to provide for the protection and safeguarding thereof; and provide for the protection and safeguarding of all critical infrastructure and key resources, including the regulation or prohibition of public entry thereon, or the permission of the entry upon such terms and conditions as the Governor may prescribe; and

WHEREAS, pursuant to section 127A-12(a)(5), Hawaii Revised Statutes, the Governor may direct or control, as may be necessary for emergency management alerts, warnings, notifications, and activations; warnings and signals for alerts and any type or warning device, system, or method to be used in connection therewith; partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster; the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, emergencies, or disasters; and

WHEREAS, pursuant to section 127A-13(a)(5), Hawaii Revised Statutes, the Governor may shut off water mains, gas mains, electric power connections, or suspension of other services; and

WHEREAS, pursuant to section 127A-13(a)(6), Hawaii Revised Statutes, the Governor may direct and control the mandatory evacuation of the civilian population; and

WHEREAS, pursuant to section 127A-12(b)(16), Hawaii 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)(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 an emergency or disaster contemplated by section 127A-14, Hawaii Revised Statutes, threatens the State of Hawai'i in the above areas in the State of Hawai'i, and do hereby proclaim these areas to be disaster areas 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 the damages, losses, and suffering resulting from the emergency or disaster, and hereby authorize and invoke the following measures under the Hawaii Revised Statutes:

1. Section 127A-16, Hawaii Revised Statutes, by the activation of the Major Disaster Fund.
2. Sections 127A-13 and 127A-12, Hawaii Revised Statutes, and in order to provide emergency relief as a result of this event, I hereby suspend as allowed by federal law, the following statutes:
 - 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 shall be considered 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 89, Hawaii Revised Statutes, **collective bargaining in public employment**.
 - e. Chapter 89C, Hawaii Revised Statutes, **public officers and employees excluded from collective bargaining**.
 - f. Section 102-2, Hawaii Revised Statutes, **contracts for concessions in government buildings; bid requirements**.
 - g. Section 103-2, Hawaii Revised Statutes, **general fund**.
 - h. Section 103-53, Hawaii Revised Statutes, **contracts with the State or counties; tax clearances, assignments**.
 - i. Section 103-55, Hawaii Revised Statutes, **wages, hours, and working conditions of employees of contractors performing services**.
 - j. Chapter 103D, Hawaii Revised Statutes, **Hawaii public procurement code**.
 - k. Chapter 104, Hawaii Revised Statutes, **wages and hours of employees on public works**.
 - l. Sections 105-1 to 105-10, Hawaii Revised Statutes, **use of government vehicles, limitations**.
3. Section 127A-12(b)(13), Hawaii Revised Statutes, and I hereby require each public utility, or any person owning, controlling, or operating a critical infrastructure, to protect and safeguard its or the person's property, or to

provide for the protection and safeguarding thereof; and provide for the protection and safeguarding of all critical infrastructure and key resources, including the regulation or prohibition of public entry thereon, or the permission of the entry upon such terms and conditions as I may prescribe; and the Director of Emergency Management and the Administrator of Emergency Management of the Hawai'i Emergency Management Agency are directed to identify critical infrastructure to be protected or safeguarded and establishing the terms and conditions for the regulation or prohibition of public entry thereon, or the permission of the entry thereon.

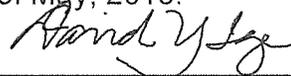
4. Sections 127A-12(a)(5), 127A-13(a)(5), and 127A-13(a)(6), Hawaii Revised Statutes, and the Director of Emergency Management or Administrator of Emergency Management of the Hawai'i Emergency Management Agency are directed to take appropriate actions to direct or control, as may be necessary for emergency management:
 - a. Alerts, warnings, notifications, and activations;
 - b. Warnings and signals for alerts and any type or warning device, system, or method to be used in connection therewith;
 - c. Partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster;
 - d. The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, emergencies, or disasters;
 - e. Shut off water mains, gas mains, electric power connections, or suspension of other services; and
 - f. Mandatory evacuation of the civilian population.
5. Section 127A-12(b)(16), Hawaii Revised Statutes, and in order to provide emergency disaster relief, 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 eliminate the danger.

6. 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. Services of any type; and
 - c. Any building or construction materials, merchandise, supplies, equipment, resources, or products that the seller or contractor knows or should know are intended for use on any road, structure, facility, improvement, or property damaged by the lava flow.

I FURTHER DECLARE that a disaster emergency relief period shall commence May 3, 2018, and continue until terminated automatically pursuant to section 127A-14, Hawaii Revised Statutes, or by a separate proclamation, whichever occurs first and which period shall also apply to the provisions and applicability of section 127A-30, Hawaii Revised Statutes as provided herein. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into by reason of the provisions of this proclamation relating to this emergency shall continue.

Done at the State Capitol, this 3rd day of May, 2018.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



for RUSSELL A. SUZUKI
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

SUPPLEMENTARY 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 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, pursuant to Chapter 127A, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawai'i to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, it has become necessary to supplement my Proclamation of May 3, 2018, relating to lava flows which continues, thereby endangering communities in the Puna District of the County of Hawai'i, State of Hawai'i, in order to provide additional assistance; and

WHEREAS, the lava flow that emerged in the Leilani Estates residential subdivision and adjoining areas located within the East Rift Zone has expanded, continues and, based upon all scientific information available, is expected to continue to flow and advance; and

WHEREAS, the United States Geological Survey has reported that thousands of earthquakes occur every year in the State of Hawaii, some of which are caused by eruptive processes within the active volcanoes; and

WHEREAS, numerous earthquakes, believed to have been caused by volcanic eruptive processes within the active volcanoes, have occurred causing additional damage to property and preceding additional fissures of lava eruptions have developed; and

WHEREAS, at least 36 structures, including 27 residential homes, have been destroyed by the advancing lava flow thereby causing additional losses, suffering, and displaced persons with additional properties expected to be destroyed as the lava continues to flow and advance; and

WHEREAS, officials expect the need to improve, re-establish, or build alternate emergency roadways to allow ingress and egress to areas that may be cut off from access by the lava flow; and

WHEREAS, I have determined that Puna Geothermal Venture, a project owned by Ormat Technologies Inc., a global renewable energy provider, and operated for the purpose of generating electricity through the conversion of geothermal energy is at increased risk of damage or destruction as a result of advancing lava; and

WHEREAS, I have determined that the facilities operated by Puna Geothermal Venture pose an increased risk to the health and safety of the public should the facilities be damaged or destroyed by lava due to the storage and/or presence of flammable and dangerous gases located in the facility or on the property; and

WHEREAS, state and county officials are concerned that protective measures taken by Puna Geothermal Ventures are inadequate to properly ensure the health and safety of the public; and

WHEREAS, Pursuant to the laws of the State of Hawai'i, including but not limited to sections 127A-13(a)(1), Hawaii Revised Statutes, the Governor of the State of Hawai'i is authorized to 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; and

WHEREAS, Pursuant to the laws of the State of Hawai'i, including but not limited to sections 127A-13(a)(10) and 127A-21, Hawaii Revised Statutes, the Governor of the State of Hawai'i is authorized to assure the continuity of service by critical infrastructure facilities, both publicly and privately owned, by regulating or, if necessary to the continuing of the service thereof, by taking over and operating the same or acquiring such facilities through requisition; 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, Hawaii Revised Statutes, continues and does threaten the State of Hawai'i in the County of Hawai'i, and do hereby proclaim these areas to be disaster areas 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 the damages, losses, and suffering resulting from the emergency or disaster, by expanding the scope and application of my Proclamation in order to provide further emergency disaster relief by including the protection of the public and any relocation, repair, modification, and/or establishment of county or state government roadways, facilities or sites, including, but not limited to those relating to the operations of police, fire, emergency management, public transportation, solid waste management, transitional or emergency housing, or other government functions and hereby authorize and invoke the following measures under the Hawaii Revised Statutes:

1. Sections 127A-13 and 127A-12, Hawaii Revised Statutes, and in order to provide emergency relief as a result of this event, I hereby suspend as allowed by federal law, the following additional statutes:
 - a. Chapter 6E, HRS, **historic preservation** except for those provisions relating to burial sites.
 - b. Chapter 101, HRS, **eminent domain**.
 - c. Chapter 171, HRS, **public lands, management and disposition of**.
 - d. Chapter 174C, HRS, **state water code**.

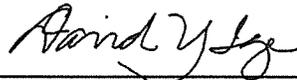
- e. Chapter 180, HRS, **soil and water conservation districts.**
- f. Chapter 180C, HRS, **soil erosion and sediment control.**
- g. Chapter 183, HRS, **forest reserves, water development, zoning.**
- h. Chapter 183C, HRS, **conservation district.**
- i. Chapter 183D, HRS, **wildlife.**
- j. Chapter 184, HRS, **state parks and recreation areas.**
- k. Chapter 195, HRS, **natural areas reserves system.**
- l. Chapter 195D, HRS, **conservation of aquatic life, wildlife, and land plants.**
- m. Chapter 198D, HRS, **Hawaii statewide trail and access system.**
- n. Chapter 200, HRS, **ocean recreation and coastal areas programs.**
- o. Chapter 205, HRS, **land use commission.**
- p. Chapter 205A, HRS, **coastal zone management.**
- q. Chapter 264, HRS, **highways.**
- r. Chapter 269, HRS, **public utilities commission.**
- s. Chapter 286, HRS, **highway safety.**
- t. Chapter 291, Hawaii Revised Statutes, **traffic violations**, to the extent necessary for any state, county, or federal official, employee, agent, contractor, volunteer, or representative to move any vehicles, construction equipment, farm equipment, mobile equipment, or other types of vehicles, equipment, or things not normally licensed for operation or travel on the highways or roadways for the purpose of this emergency or disaster.
- u. Chapter 341, HRS, **environmental quality control.**
- v. Chapter 342B, HRS, **air pollution.**

- w. Chapter 342D, HRS, **water pollution.**
 - x. Chapter 342E, HRS, **non-point source pollution management and control.**
 - y. Chapter 342F, HRS, **noise pollution.**
 - z. Chapter 342H, HRS, **solid waste pollution.**
 - aa. Chapter 343, HRS, **environmental impact statements.**
2. Sections 127A-12(b)(5), and 127A-12(b)(13)-(16), Hawaii Revised Statutes, and I hereby direct county and state officials to identify, including making any investigation or survey pursuant to section 127A-24, Hawaii Revised Statutes, any public utility, critical infrastructure, facility, structure, item, or property that may pose a heightened risk to the public should any of these come in contact with advancing lava and direct any person owning, controlling, or operating any of these to protect and safeguard its or the person's property, and pursuant to Section 127A-11, Hawaii Revised Statutes, I further direct the Director of Emergency Management, the Administrator of Emergency Management of the Hawai'i Emergency Management Agency, the Mayor of Hawai'i County, and the Administrator of the Hawai'i County Civil Defense Agency to coordinate with appropriate county, state and federal agencies and identify subject matter experts as needed to assist them in determining what affirmative actions should be taken to safeguard the public health and safety should any property owner refuse or is otherwise unable to take appropriate actions to safeguard the health and safety of the public, including, in addition to any other authority provided by law, summary abatement pursuant to section 127A-13(a)(1), Hawaii Revised Statutes, or taking over any facility pursuant to Section 127A-13(a)(10), Hawaii Revised Statutes or requisition pursuant to section 127A-21, Hawaii Revised Statutes, to safeguard the public health and safety.

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 is hereby expanded in scope and shall continue in its entirety for the period of this Proclamation.

I FURTHER DECLARE that a disaster emergency relief period shall continue through July 8, 2018, except that any contracts, agreements, procurements, programs, projects or employment of personnel employment entered into under this emergency or by reason of the provisions of any of my Proclamations relating to this emergency shall continue until completed or they are no longer needed for purposes of this emergency or any of my Proclamations relating to this emergency.

Done at the State Capitol, this 9th day of
May, 2018.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



RUSSELL A. SUZUKI
Attorney General
State of Hawai'i

OFFICE OF THE GOVERNOR
STATE OF HAWAII

SECOND SUPPLEMENTARY 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 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, pursuant to chapter 127A, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawai'i to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, it has become necessary to supplement my Proclamation of May 3, 2018, and my Supplementary Proclamation of May 9, 2018, relating to lava flows which continue thereby endangering communities in the Puna District of the County of Hawai'i, State of Hawai'i, in order to provide additional assistance; and

WHEREAS, the lava flow has expanded, continues and, based upon all scientific information available, is expected to continue to flow and advance; and

WHEREAS, additional residential homes have been destroyed by the advancing lava flow thereby causing additional losses, suffering, and displaced persons and additional properties are expected to be destroyed as the lava continues to flow and advance; and

WHEREAS, the United States Geological Survey has reported that thousands of earthquakes occur every year in the State of Hawai'i, some of which are caused by eruptive processes within the active volcano; and

WHEREAS, these earthquakes, which appear to have been caused, accelerated, or associated with the ongoing eruptive processes of Kīlauea, have caused extensive damage to private and public property within the county of Hawai'i, State of Hawai'i with numerous disaster victims having been forced from their homes or who have lost their homes; and

WHEREAS, pursuant to section 127A-19, Hawaii Revised Statutes, the Governor may establish guidelines for providing suitable arrangements and accommodations for the sheltering of the public and the sheltering of pet animals in public shelters; and

WHEREAS, pursuant to section 127A-19, Hawaii Revised Statutes, the administrator or director of the county emergency management agency may identify, in coordination with private owners, operators, or controllers of real property, private locations and facilities that are suitable for use as shelters of the public or of pet animals which need not be subject to guidelines developed for public shelters, unless the particular shelter has been specifically identified as a shelter for both pet animals and the public; and

WHEREAS, pursuant to section 171-85, et. seq., Hawaii Revised Statutes, the Governor is authorized to proclaim a disaster area thereby providing for relocation and rehabilitation for disaster victims; and

WHEREAS, pursuant to sections 127A-12 and 127A-13, Hawaii Revised Statutes, and the Proclamations issued by the Mayor and Governor relating to this disaster, county and state officials have attempted to direct or control, as may be necessary for emergency management, the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic and the mandatory evacuation of the civilian population; and

WHEREAS, notwithstanding these efforts to protect the public, some members of the public enter, or remain in, these dangerous areas placing themselves and responders at risk of serious bodily injury or death; and

WHEREAS, it has been necessary to prepare extensive plans and engage in significant efforts and missions to protect and rescue some members of the public as a direct result of their refusal to comply with officials attempts to control dangerous areas or follow evacuation orders to protect the public; and

WHEREAS, pursuant to section 127A-25, Hawaii Revised Statutes, the Governor or mayor is authorized to adopt rules, which may, if so stated in the rules, have the force and effect of law; and

WHEREAS, pursuant to section 127A-29, Hawaii Revised Statutes, any person violating any rule of the governor or mayor prescribed and promulgated pursuant to chapter 127A, Hawaii Revised Statutes, and having the force and effect of law, shall, if it shall be so stated in the rule, be guilty of a misdemeanor and upon conviction, the person shall be fined not more than \$5,000, or imprisoned not more than one year, or both; and

WHEREAS, I find there is a need to strengthen the enforcement tools available to county and state emergency management officials in controlling public access to dangerous areas and associated evacuation efforts as a result of the failure of the public to comply with instructions and orders issued by officials and that this situation requires the adoption of the attached rules designated as the Governor's Emergency Rules Relating to Public Safety; 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, Hawaii Revised Statutes, continues in the above areas in the Puna District of the county of Hawai'i, State of Hawai'i, and hereby declare that all the provisions of my Proclamation of May 3, 2018, and my Supplementary Proclamation of May 9, 2018, shall remain in full force and effect and are hereby included in the provisions of this Second Supplementary Proclamation and hereby authorize and invoke the following measures under the Hawaii Revised Statutes:

1. Section 171-85, et. seq., Hawaii Revised Statutes, **disposition to victims of natural disaster**.
2. Section 127A-19, Hawaii Revised Statutes, **shelters**, provided that any location for any county project for shelter, transitional or emergency housing must be identified and approved by the mayor and used for the purposes of any state or county proclamations relating to this disaster.

3. Section 127A-25, Hawaii Revised Statutes, **rules and orders**, by adopting the attached rules designated as the Governor's Emergency Rules Relating to Public Safety and that these rules have the force and effect of law.
4. 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, provided this prohibition shall not apply to fuel prices.
5. Sections 127A-13 and 127A-12, Hawaii Revised Statutes, and in order to provide emergency relief as a result of this event, I hereby suspend as allowed by federal law, the following additional statutes which shall also be deemed suspended as of my original Proclamation of May 3, 2018, and my Supplementary Proclamation of May 9, 2018, relating to the lava flows are suspended for the limited purpose of implementing the purposes stated in my Proclamation of May 3, 2018, my Supplementary Proclamation of May 9, 2018, and this Second Supplementary Proclamation:
 - a. 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.
 - b. Chapter 91, Hawaii Revised Statutes, **administrative procedure**, as those provisions relate to rulemaking.
 - c. Chapter 107, Hawaii Revised Statutes, **public improvements**.
 - d. Chapter 321, Hawaii Revised Statutes, **health**.
 - e. Chapter 342D, Hawaii Revised Statutes, **water pollution**.

- f. Chapter 356D, Hawaii Revised Statutes, **hawaii public housing authority.**

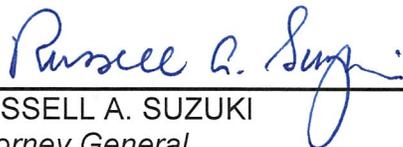
I FURTHER DECLARE that a disaster emergency relief period, including the provisions of section 127A-30, Hawaii Revised Statutes, relating to any prohibited increase in the selling price of any commodity, shall continue through August 4, 2018, except that any contracts, agreements, procurements, programs, projects or employment of personnel employment entered into under this emergency or by reason of the provisions of any of my Proclamations relating to this emergency shall continue until completed or they are no longer needed for purposes of my Proclamation of May 3, 2018, my Supplementary Proclamation of May 9, 2018, and this Second Supplementary Proclamations relating to this emergency.

Done at the State Capitol, this 5th day of June, 2018.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



RUSSELL A. SUZUKI
Attorney General
State of Hawai'i

Governor's Emergency Rules Relating to Public Safety

- \$1 Purpose
- \$2 Authority
- \$3 Applicability
- \$4 Definitions
- \$5 Notice
- \$6 Criminal Penalties
- \$7 Interfering with emergency personnel
- \$8 Conduct and movement of civilians, pedestrians, and vehicular traffic
- \$9 Mandatory evacuation
- \$10 Curfew
- \$11 Drones
- \$12 Detention

\$1 Purpose. The purpose of this chapter is to provide rules, pursuant to sections 127A-25, 29, and 31, Hawaii Revised Statutes that have the force and effect of law to carry out the provisions of chapter 127A, Hawaii Revised Statutes, one purpose of which is to protect the public health, safety, and welfare and to preserve the lives and property of the people of the State from disasters or emergencies. [HRS §127A-25]

\$2 Authority. These rules are adopted pursuant to sections 127A-25, 127A-29, and 127A-31, Hawaii Revised Statutes.

\$3 Applicability. These rules apply to all persons unless exempted or authorized emergency personnel and are in addition to any other remedies, penalties, or provisions allowed by any other law.

\$4 Definitions. (a) All definitions provided in these rules will have the same definitions as provided in section 127A-2, Hawaii Revised Statutes, unless specified or given a different or expanded definition by these rules.

(b) As used in this chapter, unless the context indicates otherwise:

"Drone" means any unmanned aerial vehicle or "UAV," unmanned aircraft system or "UAS," or any pilotless aircraft operated remotely by any person for the purpose of photography, videography, reconnaissance, or capturing any image of any type.

"Emergency personnel" means all State, County, and volunteer personnel performing emergency management functions at the direction of the incident commander.

"Evacuation area" means the geographical area affected by a particular incident such that being in the area presents a reasonable threat to the health and safety of the public and emergency personnel or potential risk of bodily injury, harm, or death to those within the area.

"Incident" means any occurrence or event, natural or human-caused, which requires an emergency response to protect life or property. An incident may be an emergency or a disaster.

"Incident area" means the geographical area affected by a particular incident, the boundaries of which shall be established by the incident commander and identify:

- (i) All pedestrian and motor vehicle thoroughfares that will be affected;
- (ii) The nature and extent of the interference with normal movement of pedestrians and vehicular traffic flow on the affected thoroughfares;
- (iii) Any established detours and alternate routes to be utilized by the public; and
- (iv) Any conditions, pre-conditions, limitations, or requirements for entry should entry be authorized or limited.

"Incident commander" means the State or County official with the overall authority and responsibility for conducting incident operations either at the scene or overall and is responsible for the emergency management functions within the incident area and includes officials of county or state emergency management agencies.

§5 Notice. Notice of an evacuation area, incident area, or any other action and associated notice required under these rules shall be made as widely as possible under the circumstances at the time in a means reasonably calculated to bring its contents to the attention of the general public or those impacted by the identification of an incident area and may include official announcement by means of television or radio broadcast, Internet, signs, flyers, leaflets, or verbal instructions.

§6 Criminal Penalties. (a) Any person violating any of these Emergency Rules Relating to Public Safety shall be guilty of a misdemeanor and upon conviction any such person shall be fined not more than \$5,000, or imprisoned not more than one year, or both.

(b) Penalties prescribed by these rules are in addition to any other lawful penalties established by law.

§7 Interfering with emergency personnel. (a) A person commits the offense of interfering with emergency personnel when the person intentionally or knowingly uses, or threatens to use violence, force, physical interference, an obstacle, or barrier that impairs, hinders, limits, or prevents the performance of an emergency management function by emergency personnel.

(b) Interference with emergency personnel is a misdemeanor set forth under section 6 of these rules and section 127A-29, Hawaii Revised Statutes.

§8 Conduct and movement of civilians, pedestrians, and vehicular traffic. (a) Incident commanders and emergency personnel may direct or control the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after emergencies or disasters, as follows:

- (1) The partial or complete closure of any thoroughfare;
- (2) The movement of pedestrians and vehicular traffic away from affected thoroughfares towards designated detours and alternate routes;
- (3) Establish and operate pedestrian and vehicle checkpoints along private or public roadways around the perimeter of incident or evacuation areas to

monitor, limit, direct, and control the flow of pedestrian and vehicular traffic into or out of the incident or evacuation areas

- (i) All checkpoints will have signs posted in a manner that provides advance notice of the checkpoint so that persons are afforded a reasonable opportunity to turn around without passing through the checkpoint;
- (ii) Persons passing through a checkpoint may be required to produce proof of identification, register with emergency management, or comply with other requirements for vetting and identification for authorization to pass;

(b) All pedestrians and motorists shall comply with the reasonable directions of incident commanders and emergency personnel that are related to their duties under this section, and shall not abandon any personal property, including any motor vehicle, which may partially or completely obstruct any thoroughfare, impeding the movement of other pedestrians or vehicular traffic;

(c) In addition to conduct expressly prohibited under this Section, no person or persons shall engage in any other activity hindering or interfering in emergency management functions.

(d) Any person who intentionally or knowingly fails to comply with the reasonable directions of incident commanders and emergency personnel that are related to their duties under this section commits the offense of Failing to Comply With the Reasonable Directions of Incident Commanders and Emergency Personnel.

(e) A failure to comply with any provision of this section is a misdemeanor as set forth under section 6 of these rules and section 127A-29, Hawaii Revised Statutes.

§9 Mandatory Evacuation. (a) When an emergency or disaster has been declared by proclamation by the governor or any mayor, the incident commander may identify evacuation areas and order evacuation of persons therefrom.

(b) Immediately following a notice to the public of a mandatory evacuation order, all emergency personnel shall

immediately evacuate the public and unauthorized persons from the evacuation and incident areas;

(c) Incident commanders and emergency personnel may control the conduct and movement of civilians, pedestrians, and vehicular traffic pursuant to section 8 of these rules which also apply to this section.

(d) All persons within the evacuation area subject to evacuation shall comply with all directions given by emergency personnel related to their duties under this section;

(e) Any person who intentionally or knowingly remains in or enters into the mandatory evacuation area commits the offense of Failing to Evacuate From a Mandatory Evacuation Area.

(f) A failure to comply with any provision of this section is a misdemeanor as set forth under section 6 of these rules and section 127A-29, Hawaii Revised Statutes.

§10 Curfew. (a) When an emergency or disaster has been declared by proclamation by the governor or any mayor, the Governor, mayor, Administrator of the Hawaii Emergency Management Agency, or the administrator of the county emergency management agency may establish curfew for an incident area and designate hours when it shall be unlawful for any person to be present in or upon any place within an incident area.

(b) All persons shall comply with all curfew orders issued pursuant to this rule and no person shall enter in, remain in, or otherwise be allowed into an incident area when curfew is in effect.

(c) Any person who intentionally or knowingly violates a curfew order commits the offense of Violating Curfew.

(d) A failure to comply with any provision of this section is a misdemeanor as set forth under section 6 of these rules and section 127A-29, Hawaii Revised Statutes.

§11 Drones. No person shall operate a drone into or within an incident area regardless of where the person is located when operating the drone or where the drone takes off and lands.

(b) Any drone found operating within an incident area is deemed a nuisance pursuant to section 127A-13(a)(1), Hawaii Revised Statutes, as they constitute a condition that is dangerous to the public health, safety, or property and existing laws are not adequate to preclude the operation thereof and that the drone, as a public nuisance shall be summarily abated and, if need be, destroyed, by any police officer or person authorized by the incident commander.

(c) Any person failing to comply with any provision of this section may be guilty of a misdemeanor as set forth under section 6 of these rules and section 127A-29, Hawaii Revised Statutes.

§12 Detention. (a) Any emergency personnel may detain so far as necessary any person found to be within any incident or evacuation area without proper authorization, who is interfering with emergency personnel, or who is not complying with instructions of any emergency personnel for the purpose of directing or controlling the conduct of civilians and the movement and cessation of movement of pedestrians.

OFFICE OF THE GOVERNOR
STATE OF HAWAII

THIRD SUPPLEMENTARY 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 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, pursuant to chapter 127A, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawai'i to deal with disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare; and

WHEREAS, it has become necessary to supplement my Proclamation of May 3, 2018, my Supplementary Proclamation of May 9, 2018, and my Second Supplementary Proclamation of June 5, 2018, relating to lava flows and volcanic activity which continue, thereby endangering communities in the Puna District of the County of Hawai'i, State of Hawai'i, in order to provide additional assistance; and

WHEREAS, the lava flow and volcanic activity of Kilauea Volcano continues and, based upon all scientific information available, is expected to continue causing additional losses, suffering, and displaced persons; 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, Hawaii Revised Statutes, continues in the Puna District of the county of Hawai'i, State of Hawai'i, and hereby declare that all the provisions of my Proclamation of May 3, 2018, my Supplementary Proclamation of May 9, 2018, and my Second Supplementary Proclamation of June 5, 2018, except for the provisions and applicability of section 127A-30, Hawaii Revised Statutes, and my Emergency Rules Relating to Public Safety adopted pursuant to my Second Supplementary Proclamation of June 5, 2018, which are no longer in effect, shall remain in full force and effect and are hereby included in the provisions of this Third Supplementary Proclamation.

I FURTHER DECLARE that I am invoking sections 127A-13 and 127A-12, Hawaii Revised Statutes, by suspending section 78-13, Hawaii Revised Statutes, to the extent necessary to allow state agencies to pay, as expeditiously as possible, members of the Hawaii National Guard ordered into active service and deployed to the County of Hawaii in response to this event.

I FURTHER DECLARE that the disaster emergency relief period shall continue until October 2, 2018, unless terminated by a separate proclamation, whichever shall first occur. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, amended, or continued by reason of the provisions of the proclamations relating to this emergency shall continue in full force and effect.

Done at the State Capitol, this 3rd day of August, 2018.



DAVID Y. IGE,
Governor of Hawai'i

APPROVED:



RUSSELL A. SUZUKI
Attorney General
State of Hawai'i