

OFFICE OF THE GOVERNOR
STATE OF HAWAII

PROCLAMATION

By the authority vested in me as Governor by the Constitution and laws of the State of Hawaii, in order to provide relief for 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, pursuant to section 127-10 and chapters 128 and 209, Hawaii Revised Statutes, emergency powers are conferred on the Governor of the State of Hawaii 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, in the exercise of those emergency powers, the Lieutenant Governor of the State of Hawaii issued my disaster Proclamation of October 15, 2006 on my behalf pursuant to his authority provided in Article V, section 4 of the Hawaii Constitution relating to the October 15, 2006 Kiholo earthquake; and

WHEREAS, other disaster proclamations have been issued for the State of Hawaii which remain active and are still in force; and

WHEREAS, pursuant to section 209-9, Hawaii Revised Statutes, there has been an automatic prohibition of any increase in the selling price of any commodity, whether at the retail or wholesale level, in the area that is the subject of the disaster declaration; and

WHEREAS, pursuant to section 209-9, Hawaii Revised Statutes, with limited exceptions, no landlord shall terminate any tenancy for a residential dwelling unit in the area that is the subject of a disaster declaration except for a breach of a material term of the rental agreement or lease, or if the unit is unfit for occupancy as defined in chapter 209, Hawaii Revised Statutes; and

WHEREAS, I find that supplies of all commodities covered by section 209-9, Hawaii Revised Statutes are available in sufficient supply to preclude sellers from charging unfairly high prices to disaster victims except for construction materials, equipment, and supplies; and

WHEREAS, I find that tenancies for residential leases and rental agreements covered by section 209-9, Hawaii Revised Statutes are also available in sufficient supply to preclude abuse of disaster victims by landlords; and

WHEREAS, pursuant to section 128-8(4), Hawaii Revised Statutes, the Governor is authorized to suspend any law which impedes or tends to impede or is detrimental to the expeditious and efficient execution of, or conflict with, disaster relief or other emergency functions; and


WHEREAS, pursuant to section 128-9(8), Hawaii Revised Statutes, the Governor is further authorized to relieve hardship and inequities or obstructions to the public health, safety, and welfare found by the Governor to exist in the laws by suspending laws in whole or in part, or by alleviating the provisions of laws on such terms and conditions as the Governor may impose; and

WHEREAS, I determine that the automatic prohibitions found in section 209-9, Hawaii Revised Statutes, are causing hardships and inequities, are detrimental to a free market economy, and can be relieved by suspending or alleviating provisions of section 209-9, Hawaii Revised Statutes, pursuant to sections 128-8(4) and 128-9(8), upon certain terms and conditions I may impose; and


NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, hereby supplement my Proclamation of October 15, 2006, and any other disaster proclamation that may be in force, by suspending, pursuant to sections 128-8(4) and 128-9(8), Hawaii Revised Statutes, section 209-9, Hawaii Revised Statutes, except for those provisions of section 209-9(a)(1) 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 the October 15, 2006 disaster Proclamation for 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 structure, facility, or property damaged by the October 15, 2006 Kiholo earthquake.

FURTHER, all provisions and requirements of my Proclamation of October 15, 2006, and any other proclamation that has not specifically been closed or otherwise revoked, remain in full force and effect and are made applicable for this Proclamation.

Done at the State Capitol, State of Hawaii, this 8th day of December, 2006.


LINDA LINGLE
Governor of Hawaii

APPROVED:


MARK J. BENNETT
*Attorney General
State of Hawaii*