

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**, beginning March 27, 2006, the City and County of Honolulu's Ala Moana Park was closed from 10 p.m. to 4 a.m. nightly to allow city workers to prepare the park for three days of around-the-clock maintenance work on April 25, 26, and 27; and

**WHEREAS**, this closure displaced approximately 200 homeless individuals who had been sleeping in the park at night; and

**WHEREAS**, many of these people accepted temporary shelter at Central Union Church and Kawaiaha'o Church, which generously opened their facilities to them; and

**WHEREAS**, the Ala Moana Park closure was expected to be temporary but, on approximately April 19, was extended for another 60 days, to approximately the end of June, and is now anticipated to become permanent; and

**WHEREAS**, Central Union Church and Kawaiaha'o Church are unable to continue sheltering these individuals after April 30, 2006; and

**WHEREAS**, no other facility or area is currently available or equipped adequately to shelter safely the large number of individuals who were all displaced at the same time from Ala Moana Park and, after temporarily sheltering at the two churches, must now find another location; and

**WHEREAS**, the lack of secure, safe, and sanitary shelter for this large number of suddenly displaced people is endangering the health, safety, and welfare of the people and demands emergency action to prevent or mitigate suffering, injury, loss, or damage; and

**WHEREAS**, the State owns a parcel of land and a building in the Kaka'ako area of Honolulu adjacent to the Ewa end of Kaka'ako Waterfront Park and between the park and Pier 1, the Foreign Trade Zone Warehouse, Container Facility Storage #3 ("the facility"), that could shelter these approximately 200 homeless individuals overnight and that require some adaptations to shelter them in a safe and sanitary manner; and

**WHEREAS**, section 127-10, Hawaii Revised Statutes, provides that when sections 127-1 to 127-9, Hawaii Revised Statutes, are not in effect, the Governor may exercise any and all powers contained in chapter 128, Hawaii Revised Statutes, in order to provide other disaster relief and that all provisions of the law provided in chapter 128, Hawaii Revised Statutes, during such period are made applicable to other disaster relief; and

**WHEREAS**, pursuant to Act 35, Regular Session Laws of Hawaii 1961, sections 127-1 to 127-9, Hawaii Revised Statutes, have been indefinitely suspended and are not in effect, and the provisions of Chapter 128, Hawaii Revised Statutes, are applicable to other disaster relief; and

**WHEREAS**, pursuant to section 127-10, Hawaii Revised Statutes, other disaster relief includes, but is not limited to, the preparation for and the carrying out of all functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by fire, flood, tidal wave, volcanic eruption, earthquake, or other natural causes and major disasters caused by acts of man, including but not limited to, massive oil spills, nuclear accidents, airplane crashes, and civil disturbances; 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**, pursuant to section 128-10(10), Hawaii Revised Statutes, the Governor may suspend chapter 103D and sections 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 128-10(15), Hawaii Revised Statutes, the Governor may take any and all steps necessary or appropriate to carry out the purposes of chapter 128 and to provide for civil defense and other emergency functions;

**NOW, THEREFORE**, I LINDA LINGLE, Governor of the State of Hawaii, hereby determine that a major disaster and catastrophe contemplated by sections 127-11, 128-8(4), 128-9(8), 128-10(10), 128-10(11), and 128-10(15), Hawaii Revised Statutes, have occurred on the above dates and in the above areas in the State of Hawaii, and do hereby proclaim these areas to be disaster areas and suspend, as allowed by federal law, the following statutes for the purpose of adapting the facility and operating it for temporary shelter for homeless persons:

1. Section 102-2, **contracts for concessions in government buildings; bid requirements.**
2. Chapter 103D, **procurement code.**
3. Sections 105-1 to 105-10, **use of government vehicles, limitations.**
4. Section 464-4, **public works required to be supervised by certain professionals.**
5. Chapter 46, **Counties**
6. Chapter 205A, **Coastal zone management**
7. Chapter 343, **Environmental impact statements.**

I FURTHER DECLARE that a disaster emergency relief period shall commence Friday, April 28, 2006, and continue through March 31, 2007.

Done at the State Capitol State of Hawaii, this 28<sup>th</sup> day of April, 2006.



---

LINDA LINGLE  
*Governor of Hawaii*

APPROVED:



---

MARK J. BENNETT  
*Attorney General  
State of Hawaii*