

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 natural 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**, on the 29<sup>th</sup> day of July, 2005, I proclaimed that a civil defense emergency existed on the island of Maui as a result of the abandonment of vehicles due to the lack of a permitted storage and processing facility on the island of Maui;

**WHEREAS**, the civil defense emergency proclamation issued on the 29<sup>th</sup> day of July, 2005, will expire on the 29<sup>th</sup> day of January 2006;

**WHEREAS**, since the civil defense emergency proclamation was issued on the 29<sup>th</sup> day of July, 2005, the island of Maui currently has two permitted processing facilities to process waste vehicles on the island of Maui. However, only one facility is operational. The second facility will become operational within a few months;

**WHEREAS**, the one operational processing facility is limited to processing twenty- five vehicles per day;

**WHEREAS**, approximately one hundred and twenty waste vehicles per day are abandoned on the roadways on the island of Maui;

**WHEREAS**, the island of Maui has approximately seven thousand waste vehicles currently stockpiled and waiting to be processed;

**WHEREAS**, the County of Maui issues approximately one hundred and twenty tow orders on a daily basis;

**WHEREAS**, the one operational waste vehicle processing facility cannot keep up with the accumulation of vehicles found on both public and private roads and highways;

**WHEREAS**, the limitations of the permitted operational vehicle processing facilities for waste vehicles on the island of Maui has created extraordinary ongoing conditions that may result in the accumulation of abandoned vehicles on both public and private highways and roads. This accumulation will endanger the people of the County of Maui and demands emergency action to prevent or mitigate loss or damage;

**WHEREAS**, the abandonment of vehicles has created hazards to pedestrians and bicyclists who must walk or pedal around the abandoned vehicles parked on the shoulders of the highways or roads forcing them to travel on portions of busy thoroughfares;

**WHEREAS**, some of the abandoned vehicles are older models, which tend to leak hazardous material and other fluids. This is detrimental to Maui's sensitive ecosystem;

**WHEREAS**, abandoned vehicles have served as breeding sites for mosquitoes and other vectors that carry harmful diseases that affect the health and safety of the people of Maui;

**WHEREAS**, the abandonment of vehicles has caused damage, losses, and suffering of such character and magnitude to have affected the safety of the people of the island of Maui and has affected the economy of Maui, and is of such nature as to warrant relief from the State as provided herein in order to minimize the risk of further injury, loss, and damage;

**WHEREAS**, certain existing laws are not adequate to assure the public health and safety or they interfere with the County's ability to manage waste vehicles;

**WHEREAS**, section 127-10, Hawaii Revised Statutes, provides that when sections 127-1 to 127-9, Hawaii Revised Statutes (pertaining to disaster relief), are not in effect, the Governor may exercise any and all powers that relate to disasters, as contained in chapter 128, Hawaii Revised Statutes, in order to provide other disaster relief;

**WHEREAS**, because sections 127-1 to 127-9, Hawaii Revised Statutes, have been indefinitely suspended, the Governor may exercise any and all of the Governor's powers contained in chapter 128, Hawaii Revised Statutes, in order to provide other disaster relief, and during the applicable civil defense emergency period, the provisions set forth in chapter 128, Hawaii Revised Statutes, are made applicable to other disaster relief;

**WHEREAS**, in accordance with section 127-10, Hawaii Revised Statutes, "other disaster relief" means "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;"

**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 and implementation of disaster relief or other emergency functions;

**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 term and conditions as the Governor may impose;

**WHEREAS**, pursuant to section 128-105(5) Hawaii Revised Statutes, the Governor is further authorized to order and direct government agencies, officers, and employees, state or local, to take such action and employ such measures for law enforcement, medical, health, fire fighting, other welfare, hospitalization, transportation, water supply, public information, training, and other civil defense and emergency functions as may be necessary, and utilize the services, materials, and facilities of the agencies and officers;

**WHEREAS**, pursuant to section 128-10(10), Hawaii Revised Statutes, the Governor may suspend chapter 103D and section 103-50, section 103-53, section 103-55, section 105-1 to section 105-10 and section 464-4, Hawaii Revised Statutes, if the Governor finds that these provisions, in whole or in part, impede or tend to impede the expeditious discharge of civil defense and other emergency functions, including the performance of emergency disaster relief functions, or that compliance is impracticable due to existing conditions;

**WHEREAS**, the situation on the island of Maui may change when the second waste vehicle processing facility becomes operational in a few months,

**NOW THEREFORE**, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine that an event that constitutes a major disaster, natural disaster, and catastrophe contemplated by chapters 127 and 128, Hawaii Revised Statutes, has occurred on the island of Maui, County of Maui, State of Hawaii, and:

I. Proclamation of disaster. Do hereby proclaim the island of Maui, County of Maui to be a disaster area and hereby authorize and invoke the following measures under Hawaii Revised Statutes:

II. Exercise of emergency relief powers. Do hereby declare that all preconditions for exercising the powers and authority granted to me under section 127-11, section 128-8(4), section 128-9(8), section 128-10(5), and section 128-10(10), Hawaii Revised Statutes, have been found and satisfied, and that I hereby exercise such powers and authority in relation to this disaster; and

III. Implementation of specific measures. In order to provide the expeditious and efficient performance, execution, and implementation of disaster relief and other emergency functions, pursuant to and in accordance with section 128-8(4), section 128-9(8), and 128-10(10), Hawaii Revised Statutes, I hereby suspend, as allowed by federal law and as they apply to the political subdivision the County of Maui, the following sections to the extent necessary to eliminate or significantly reduce the danger of abandonment of vehicles located on the island of Maui;

1. Chapter 46, Counties.
2. Chapter 205, Land Use Commission.
3. Chapter 342B, Air Pollution Control.
4. Chapter 342D, Water Pollution.
5. Chapter 342E Nonpoint Source Pollution Management and Control.
6. Chapter 342F, Noise Pollution.
7. Chapter 342G, Integrated Solid Waste Management.
8. Chapter 342H, Solid Waste Pollution.
9. Chapter 342J, Hazardous Waste.
10. Chapter 343, Environmental Impact Statement.

IV. Pursuant to and in accordance with section 128-10(5), Hawaii Revised Statutes, I hereby direct, in order to provide emergency disaster relief, 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 or significantly reduce the potential danger of abandoned vehicles in the County of Maui.

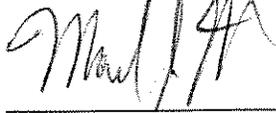
V. I FURTHER DECLARE that for the County of Maui, State of Hawaii, a civil defense emergency relief period in order to implement such measures as may be necessary to eliminate or significantly reduce the danger of abandonment of vehicles in the County of Maui, shall commence on this 29<sup>th</sup> day of January, 2006, and shall continue for a period of ninety days from the date of this Proclamation.

Done in the City and County of Honolulu,  
State of Hawaii, this 29<sup>th</sup> day of January, 2006.



LINDA LINGLE  
Governor of Hawaii

APPROVED AS TO FORM:



Mark J. Bennett  
Attorney General, State of Hawaii