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OFFICE OF THE GOVERNOR
STATE OF HAWAII

2ND SUPPLEMENTARY 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, it has become necessary to supplement my Proclamations of March 2, 2006, and March 12, 2006 relating to the periods of heavy rains and flooding beginning Monday, February 20, 2006 through Friday, February 24, 2006, which caused localized flooding and lingering saturated ground conditions, and relating to periods of heavy rains and flooding beginning Wednesday, March 1, 2006 through Friday, March 3, 2006, which also caused localized flooding and lingering saturated ground conditions and extensive damage to private and public property in the counties of Kauai, Maui and the City and County of Honolulu, State of Hawaii, and also relating to periods of heavy rains and flooding beginning Wednesday, March 8, 2006 through Sunday, March 12, 2006, which have also caused further localized flooding, saturated ground conditions, and damage to private and public property in the counties of Hawaii, Kauai, Maui, and the City and County of Honolulu, State of Hawaii; and

WHEREAS, the City and County of Honolulu and the County of Kauai were again subjected to heavy rains and flooding beginning Monday, March 13, 2006 through Tuesday, March 14, 2006, which have caused further localized flooding, saturated ground conditions, and damage to private and public property; and

WHEREAS, the National Weather Service has forecast continuing periods of heavy rains and flooding through Sunday, March 19, 2006, which are anticipated to cause further localized flooding, saturated ground conditions, and damage to private and public property in the counties of Hawaii, Kauai, Maui, and the City and County of Honolulu, State of Hawaii; and

WHEREAS, additional victims and properties damaged as a result of these continued periods of heavy rains and flooding have been identified in the county of Kauai and the City and County of Honolulu, State of Hawaii and additional victims and properties are anticipated as a result of the forecast periods of heavy rains and flooding in the counties of Hawaii, Kauai, Maui, and the City and County of Honolulu, State of Hawaii; and

WHEREAS, in order to provide additional relief and assistance, it has become necessary to supplement my Proclamations of March 2, 2006, and March 12, 2006 to include these additional periods of heavy rains and flooding; and

WHEREAS, the periods of heavy rains and flooding have caused increased water levels in reservoirs in the State of Hawaii, which has lead to the failure of at least one dam on Kauai, erosion, and fear of dam failure in other reservoirs; and

WHEREAS, pursuant to Section 128-8(2), Hawaii Revised Statutes, the Governor, in the event of a civil defense emergency period, may designate as public nuisances acts, practices, conduct, or conditions which are dangerous to the public health or safety or to property; and

WHEREAS, pursuant to Section 128-8(2), Hawaii Revised Statutes, the Governor, in the event of a civil defense emergency period, may authorize that public nuisances be summarily abated, and if need be that the property be destroyed, by any police officer or any authorized person; and

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, hereby determine that a major disaster and catastrophe contemplated by sections 127-11, 121-30, 209-2, 128-8(4), 128-9(8), 128-10(5), 128-10(10), 128-10(11), 128-10(15), and parts II and III of chapter 209, Hawaii Revised Statutes, has occurred during the above periods in the counties of Hawaii, Kauai, Maui and the City and County of Honolulu, State of Hawaii, and in order to provide additional relief and assistance, do hereby supplement my Proclamations of March 2, 2006, and March 12, 2006, to include the period of heavy rains and flooding beginning March 13, 2006 and forecast to continue through Sunday, March 19, 2006 in the counties of Hawaii,

Kauai, Maui, and the City and County of Honolulu, State of Hawaii for the purpose of authorizing the expenditure of State moneys, as appropriated, for the speedy and efficient relief of the damages, losses, and suffering resulting from the disaster.

FURTHER, pursuant to Section 128-8(2), Hawaii Revised Statutes, I find that the dangerous conditions of certain reservoirs in the State of Hawaii and erosion, and fear of dam failure in certain reservoirs constitute a public nuisance which are dangerous to the public health or safety or to property and hereby authorize that the Director of Civil Defense or the Vice Director of Civil Defense to direct that any public nuisances be summarily abated, and if need be that the property be destroyed, by any police officer or any authorized person in order to protect the public health and safety.

FURTHER, all provisions and requirements of my Proclamations of March 2, 2006, and March 12, 2006, remain in full force and effect and are made applicable for this Supplementary Proclamation.

Done at the State Capitol State of Hawaii, this 14th day of March, 2006.

LINDA LINGLE
Governor of Hawaii

APPROVED:

MARK J. BENNETT
Attorney General
State of Hawaii