

OFFICE OF THE GOVERNOR
STATE OF HAWAII

**THIRD PROCLAMATION RELATING TO TELECOMMUNICATIONS SERVICES
ON HAWAIIAN HOME LANDS**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, JOSH GREEN, M.D., Governor of the State of Hawai'i, hereby determine, designate, and proclaim as follows:

WHEREAS, under Chapter 127, Hawaii Revised Statutes (HRS), emergency powers are conferred on the Governor of the State of Hawai'i to respond to disasters or emergencies, to maintain the strength, resources, and economic life of the community, and to protect the public health, safety, and welfare;

WHEREAS, on May 30, 2024, Sandwich Isles Communications (SIC), a private company that provides phone and internet services to customers on Hawaiian Home Lands across the State, announced in an email to its customers that it would end its service in less than two days on June 1, 2024;

WHEREAS, termination of SIC's services would result in the sudden loss of phone and internet services for up to 1,500 households on Hawaiian Home Lands across the State, including households in remote communities where such services are critical;

WHEREAS, termination of SIC's services will also affect phone and internet services provided to businesses, schools, and other institutions located on Hawaiian Home Lands that rely on SIC for such services;

WHEREAS, any termination of phone and/or internet services will impair the ability of all affected communities to access critical services, including emergency medical, police, and fire services;

WHEREAS, loss of such services will jeopardize the resources, economic life, public health, safety, and welfare of all affected communities;

WHEREAS, the potential loss of the services continues to be an imminent danger and threat of an emergency on Hawaiian Home Lands statewide;

WHEREAS, on May 31, 2024, I issued my Proclamation Relating to

Telecommunications Services on Hawaiian Home Lands and on June 28, 2024, I issued my Second Proclamation Relating to Telecommunications Services on Hawaiian Home Lands; and

WHEREAS, it is necessary to supplement my Second Proclamation to address the danger and threat of an emergency on Hawaiian Home Lands statewide;

NOW, THEREFORE, I, JOSH GREEN, M.D., Governor of the State of Hawai‘i, hereby determine that an imminent threat or danger of an emergency or disaster contemplated by section 127A-14, HRS, is occurring in the State of Hawai‘i, and authorize and invoke the following emergency provisions, if not already in effect, as follows:

I. Invocation of Laws

I invoke section 127A-12(b)(16), HRS, and direct all State agencies and officers to cooperate and extend their services, materials, and facilities as may be required to assist in emergency response efforts.

I invoke section 127A-12(b)(13), HRS, and order each public utility or other entity providing telecommunications services to customers located on Hawaiian Home Lands, including any person owning, controlling, or operating such 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. I also order each such public utility or other entity providing telecommunications services to preserve its facilities, infrastructure, networks, systems, records, devices, information, and property to prevent any disruption or interruption of telecommunication and broadband services. I further prescribe and adopt this order as a rule having the force and effect of law under section 127A-25. Any person who intentionally, knowingly, or recklessly destroys, dismantles, removes, impairs, uninstalls, or damages critical telecommunication and broadband infrastructure facilities, infrastructure, networks, systems, records, devices, property, and information required to continue providing telecommunications services, or directs the same, shall be guilty of a misdemeanor and upon conviction, the person shall be fined no more than \$2,000, imprisoned no more than one year, or both.

For purposes of this order, “Hawaiian Home Lands” means all lands in the State administered by the Department of Hawaiian Home Lands under the Hawaiian Homes Commission Act, 1920, as amended.

II. Suspension of Laws

I suspend the following specific provisions of law under section 127A-13(a)(3) to the extent that the law impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions:

Chapter 6E, HRS, **historic preservation**, to the extent necessary for County and State agencies to respond to the emergency.

Section 37-41, HRS, **appropriations to revert to state treasury; exceptions**, to the extent that appropriations lapse at the end of the fiscal year before completion of the emergency actions.

Section 37-74(d), HRS, **program execution**, except for sub-sections 37-74(d)(2) and 37-74(d)(3), HRS, and any such transfers or changes considered to be authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements, to the extent that legislative authorization would likely delay appropriation transfers or changes between programs to provide necessary funding to complete the emergency actions.

Section 40-66, HRS, **lapsing of appropriations**, to the extent that the timing of the procurement of the construction of the emergency permanent repairs may occur the fiscal year following the original emergency proclamation.

Chapter 46, HRS, **county organization and administration, provisions applicable to all counties, general provisions**, to the extent necessary to respond to the emergency.

Chapter 76, HRS, **civil service law**, to the extent necessary to respond to the emergency.

Chapter 89, HRS, **collective bargaining in public employment**, to the extent that compliance with this chapter is detrimental to the expeditious and efficient execution of employment actions relating to the emergency.

Chapter 89C, HRS, **public officers and employees excluded from collective bargaining**, to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Section 103-2, HRS, **general fund**, to the extent that compliance results in any additional delays.

Section 103-53, HRS, **contracts with the State or counties; tax clearances, assignments**, only to the extent necessary to waive the Internal Revenue Service (IRS) tax clearance requirement.

Section 103-55, HRS, **wages, hours, and working conditions of employees of contractors performing services**, to the extent that compliance results in any additional delays.

Chapter 103D, HRS, **Hawaii public procurement code**, to the extent that compliance results in any additional delays involved in meeting procurement requirements for selecting contractors in a timely manner to respond to emergency situations.

Chapter 104, HRS, **wages and hours of employees on public works**, and implementing administrative rules, to the extent that compliance with this chapter requires additional time detrimental to the expeditious and efficient execution of emergency actions.

Section 127A-25(c), HRS, **rules and orders**, to the extent the requirement to publish rules adopted under chapter 127A, HRS, in a newspaper of general circulation in the State shall be suspended so long as the posting of the rules on the applicable state or county government website or by other means of official announcement brings the rules' content to the attention of the general public.

Section 127A-30, HRS, **rental or sale of essential commodities during a state of emergency; prohibition against price increases**, because the automatic invocation of this provision is not needed for this emergency. The invocations and suspensions of section 127A-30, HRS, contained in the July 19, 2024, Sixteenth Proclamation Relating to Wildfires are not affected by this Proclamation.

Chapter 343, HRS, **environmental impact statements**, to the extent necessary for County and State agencies to respond to the emergency.

III. Severability

If any provision of this Proclamation is rendered or declared illegal for any reason, or shall be invalid or unenforceable, such provision shall be modified or deleted, and the remainder of this Proclamation and the application of such provision to other persons or circumstances shall not be affected thereby but shall be enforced to the greatest extent permitted by applicable law.

IV. Enforcement

No provision of this Proclamation, or any rule or regulation hereunder, shall be construed as authorizing any private right of action to enforce any requirement of this Proclamation, or of any rule or regulation. Unless the Governor, Director of Emergency Management, or their designee issues an express order to a non-judicial public officer, no provision of this Proclamation, or any rule or regulation hereunder, shall be construed as imposing any ministerial duty upon any non-judicial public officer and shall not bind the officer to any specific course of action or planning in response to the emergency or interfere with the officer's authority to utilize his or her discretion.

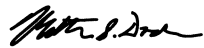
I FURTHER DECLARE that the emergency relief period shall commence immediately and continue through October 26, 2024, unless terminated or superseded by separate proclamation, whichever shall occur first. Notwithstanding the termination of a disaster emergency relief period, any contracts, agreements, procurements, programs, or employment of personnel entered into, started, amended, or continued by reason of the provisions of the proclamation relating to this emergency shall continue in full force and effect.

Done this 27th day of August, 2024



JOSH GREEN, M.D.,
Governor of Hawai'i

APPROVED:



MATTHEW S. DVONCH,
Acting Attorney General, State of Hawai'i