

STATE OF HAWAII  
DEPARTMENT OF DEFENSE  
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON HOUSE BILL 1436, HD1  
A BILL RELATING TO AN AWARDED FEDERAL EMERGENCY MANAGEMENT  
AGENCY HAZARD MITIGATION GRANT

PRESENTATION TO  
THE HOUSE COMMITTEE ON FINANCE

BY

VERN T. MIYAGI  
Administrator, Hawaii Emergency Management Agency

Chair Luke, Vice-Chair Cullen and Members of the committee.

Aloha - I am Vern T. Miyagi, Administrator, Hawaii Emergency Management Agency. I am testifying in **SUPPORT** of House Bill 1436, HD1.

**Background:** As the result of the Presidential Declaration for the Puna Lava Flow event in 2014, the state of Hawaii became eligible for FEMA's Hazard Mitigation Grant Program (HMGP). Under this program, FEMA reimburses 75% of state funds used for eligible hazard mitigation projects. In August 2015, the State Department of Accounting and General Services (DAGS) applied for a HMGP grant to implement the adoption of the 2012 International Building Code (IBC) with the State of Hawaii amendments incorporating updated standards and wind maps for hurricane risk mitigation. After 1 year of negotiating with FEMA, this grant, in the amount of \$75K, was finally awarded to the state in November 2016. A state match of 25% is required and is to be covered as a soft match utilizing the hours expended by the State Building Code Council (SBCC) and other appropriate stakeholders/participants in this project.

**Situation:** As a reimbursement grant, the applicant (DAGS) in this case, is required to utilize \$75K of its operating funds plus the SBCC soft match described above, to accomplish the project up front. FEMA will reimburse the \$75K it determines that the conditions of the grant are met. Due to the late award, this project was not included in the Governor's budget request for the 2017-2019 Biennium. Without the \$75K in general funds DAGs will not be able to move forward with the FEMA HMGP award.

**Consequences:**

1. State will lose \$75K of approved Federal funding to update its building codes. Our current code is based on the 2006 IBC. We are currently 3 iterations (9 years) behind the IBC. From an emergency management preparedness aspect, this is unacceptable.

2. FEMA Recovery Policy FP 104-009-4, that governs Federal assistance in the event of a Presidential Disaster for Public Assistance, has a condition that “buildings eligible for repair, replacement, or construction located in a hazard prone area will use, as a minimum, the hazard resistant standards referenced in the most recent edition of the model building code regarding reconstruction, repair of building damages during Presidential declared disasters.” Non-compliance will delay FEMA disaster assistance in future major disasters.
3. In addition, recent studies by FEMA propose the leveling of a “disaster deductible” on jurisdictions, similar to a deductible in an insurance policy. This deductible would be decreased based on pre-disaster mitigation measures taken by the state before the declaration. Updated building codes are specifically listed as mitigation measures for this purpose.

**Note:** This bill accomplishes only one update of the state building code. SB 1154 and HB 1435 propose recurring updates of the code using the Hawaii Hurricane Relief Fund (HHRF). This actually strengthens the HHRF by mitigating against damage claims from future hurricanes.

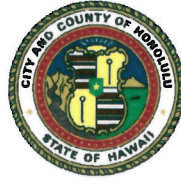
Thank you for the opportunity to provide this testimony in **SUPPORT** of HB 1436, HD1.

Vern T. Miyagi; [vern.t.miyagi@hawaii.gov](mailto:vern.t.miyagi@hawaii.gov); 808-733-4300

DEPARTMENT OF EMERGENCY MANAGEMENT  
**CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR



MELVIN N. KAKU  
DIRECTOR

PETER J.S. HIRAI  
DEPUTY DIRECTOR

February 28, 2017

The Honorable Sylvia Luke, Chair  
The Honorable Ty J.K. Cullen, Vice Chair  
Committee on Finance

House of Representatives  
State Capitol  
415 South Beretania Street, Room 308  
Honolulu, Hawaii 96813

Dear Chair Luke, Vice Chair Cullen, and Members:

**SUBJECT: SUPPORT OF H.B. 1436, HD1 RELATING TO AN AWARDED FEDERAL EMERGENCY MANAGEMENT AGENCY HAZARD MITIGATION GRANT**

I am Melvin Kaku, Director of the Department of Emergency Management (DEM), City and County of Honolulu (City).

DEM strongly supports H.B. 1436, HD1 which proposes to provide \$75,000 to the State Department of Accounting and General Services (DAGS) in order to fund the State Building Code Council administrative rule process to adopt the 2012 International Building Code (IBC) hurricane standards and wind maps for hurricane risk mitigation. Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program funds was awarded to DAGS in November 2016 so reimbursement is assured.

The updating of the State Building Code to 2012 IBC standards ensures that the State of Hawaii and City and County of Honolulu, Kauai County, Maui County, and Hawaii County are eligible for FEMA Public Assistance funds to repair, replace, or construct facilities that were damaged or destroyed during a Presidentially Declared Disaster.

FEMA Recovery Policy FP 104-009-4 governs Federal public assistance in the event of a declared disaster and stipulates that assistance eligibility for repairs, replacing, or construction must use, as a minimum, the hazard resistant standards referenced in the most recent edition of the state building code (IBC, IEBC, and IRBC) regarding reconstruction and repair of building damages during Presidentially Declared Disasters.

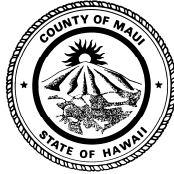
I urge your committee to pass HB 1436, HD1. Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in blue ink that reads "Melvin N. Kaku".

Melvin N. Kaku  
Director

ALAN M ARAKAWA  
MAYOR



JEFFREY MURRAY  
FIRE CHIEF

ROBERT SHIMADA  
DEPUTY FIRE CHIEF

COUNTY OF MAUI  
DEPARTMENT OF FIRE & PUBLIC SAFETY

200 DAIRY ROAD  
KAHULUI, HI 96732  
(808) 270-7561  
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February 28, 2017

The Honorable Sylvia Luke, Chair  
Committee on Finance  
House of Representatives  
State Capitol, Room 306  
Honolulu, Hawaii 96813

Dear Chair Luke:

Subject: House Bill (HB) 1436, House Draft (HD) 1 Relating to Awarded Federal  
Emergency Management Agency (FEMA) Hazard Mitigation Grant

I am Jeffrey A. Murray, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (MFD). The SFC and the MFD support HB 1436, HD 1, which proposes to appropriate funds through a FEMA grant for the State Building Code Council to update state building codes.

The bill supports the State Building Code Council (SBCC) in reviewing and adopting amendments to the various building codes dealing in hazard mitigation. The SBCC is required to adopt building codes within 18 months of publishing a new edition.

Presently, many building codes still reference their 2006 editions, which include the plumbing, residential, and building codes. Amendments to the 2012 Uniform Plumbing Code, the International Residential Code, and the International Building Code have been completed, but lack the funding to be processed through the administrative rule process which has stalled, thus preventing the amendments from being adopted. As a result, only the fire, energy, and elevator codes are on the most current editions due to dedicated staff in other state departments that guide these codes through the adoption process.

The SFC and the MFD urge your committees' passage of HB 1436, HD 1 for the safety and general welfare of our citizens.

The Honorable Sylvia Luke, Chair  
Page 2  
February 28, 2017

If you have any questions or concerns, please feel free to call my office at (808) 270-7561.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray". The signature is fluid and cursive, with a prominent initial "J" and "M".

JEFFREY A. MURRAY  
Fire Chief

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 28, 2017 10:04 AM  
**To:** FINTestimony  
**Cc:** ccarper@honolulu.gov  
**Subject:** \*Submitted testimony for HB1436 on Mar 1, 2017 11:00AM\*

**HB1436**

Submitted on: 2/28/2017

Testimony for FIN on Mar 1, 2017 11:00AM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carol-Louise Carper	State Fire Council	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII (SEAOH)

TESTIMONY ON HOUSE BILL 1436  
A BILL RELATING TO AN AWARDED FEDERAL EMERGENCY MANAGEMENT AGENCY  
HAZARD MITIGATION GRANT

PRESENTATION TO  
THE HOUSE COMMITTEE ON FINANCE

BY

JONATHAN MURAI  
President, SEAOH

Chair Luke, Vice-Chair Cullen, and Members of the House Committee on Finance.

I am Jonathan Murai, President of the Structural Engineers Association of Hawaii. I am testifying in **SUPPORT** of House Bill 1436.

The SEAOH support measures that facilitate the timely adoption of the most recent international building codes with Hawaii specific amendments through the process which initiates at the State Building Code Council (SBCC). Members of the SEAOH helped the Department of Accounting and General Services (DAGS) and the SBCC to apply for the FEMA grant in 2015 as a way to search for funding sources other than the state fulling funding the council to support the executive director and executive assistant positions and related budgetary requirement authorized by HRS 107-23.

This bill helps the state to take advantage of available federal funds to pay for the costs required for the State Building Code Council (SBCC) to complete the Hawaii Administrative Rule making process one time in order to update the state building code. The net cost to the state will be zero since the volunteer members of the SBCC will provide the in-kind soft match required by the FEMA grant. The SEAOH will contribute to this effort.

This bill provides assistance for the SBCC to fulfill its obligations (HRS 107-24) and finally provide an update to the current state building code. The state is currently three iterations behind in updating and adopting the international code standards. By the end of FY 2017-2018 the state will be four iterations behind if the state fails to fund the Hawaii Administrative Rule making process to update the State Building Code. We are on the verge of being last in the nation with a building code based on the 2006 International Building Code.

Structural engineers protect citizens and visitors in the state of Hawaii by ensuring our buildings and infrastructure are strong and durable. Our primary tool to perform this

task is the building code. The most recent international building codes provide a model for local adoption which includes all the lessons learned through the tragedy of others who suffer from disasters such as hurricane, earthquake, tsunami and other threats we face here in Hawaii. By funding the State Building Code Council's work you are ensuring that structural engineers use the most up to date tools to build a more resilient Hawaii. Don't let this available federal funding go to waste.

Thank you for the opportunity to provide this testimony in **SUPPORT** of HB 1436.





AMERICAN COUNCIL OF ENGINEERING COMPANIES  
of Hawaii

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February 27, 2017

**House Committee on Finance**

**Hearing Date: Wednesday, March 1, 11:00 a.m., Conference Room 308**

Honorable Representatives Sylvia Luke, Chair; Ty J.K. Cullen, Vice Chair; and  
Members of the House Committee on Finance

Subject: **SUPPORT of HB 1436, Relating to Awarded FEMA Hazard Mitigation  
Grant**

Dear Chair Luke, Vice Chair Cullen, and Committee Members:

The American Council of Engineering Companies of Hawaii (ACECH) represents more than 70 member engineering consulting firms with over 1,500 employees throughout Hawaii. Our work covers a variety of engineering disciplines that are impacted directly by the technical portions of the building codes. The primary purpose of a building code is to establish design standards for buildings in order to protect public safety.

In 2007 the State Building Code Council was established to perform a very valuable function in trying to harmonize the various code requirements as found in the building code ordinances across the state. While it has had plenty of enthusiasm to do so and the technical experts have developed the amendment language for several code cycles, the council has had virtually no resources to implement the Hawaii Administrative Rule (HAR) making process. Without completing this process the State Building Code cannot be updated.

This bill does not solve all of the funding requirements for the SBCC, however, it allows currently available federal funds from FEMA to pay for a one time update to the State Building Code. The FEMA grant provides a federal contribution of \$75,000 while an in-kind soft match valued at \$25,000 will be provided on behalf of the state by the volunteer members of the State Building Code Council and their member organizations. This bill provides the upfront resources required so that the net cost to update the State Building Code one time will be zero.

We appreciate the opportunity to provide testimony on this matter. Please do not hesitate to contact us if you have any questions.

Respectfully submitted,  
AMERICAN COUNCIL OF ENGINEERING COMPANIES OF HAWAII

Corey Matsuoka, PE  
President



March 1, 2017

**COMMITTEE ON FINANCE**

Rep., Rep. Sylvia Luke, Chair; Rep. Ty Cullen, Vice Chair; and Committee Members  
Public Hearing, March 1, 2017 at 11:00 p.m., Conference Room 308

**TESTIMONY of WILLIAM F. ANONSEN  
MANAGING PARTNER/PRINCIPAL of THE MARITIME GROUP, LLC  
IN SUPPORT of H.B. 1436 HD1**

*My name is William Anonsen and I am the Managing Partner/Principal of THE MARITIME GROUP, LLC, and chair of the Hawaii Advisory Council on Emergency Management. I strongly support HB 1436 HD1 which appropriates \$75,000 to the Department of Accounting and General Services to update statewide standards for hurricane mitigation and secure a reimbursement grant from the Federal Emergency Management Agency Hazard Mitigation Grant Program.*

*The structures where people live and work must be safe, especially in Hawaii which is prone to hurricanes. It is for this reason that building codes exist, to provide a means to safeguard life and protect the private and public welfare through regulating the design, construction practices, construction material quality, occupancy and maintenance of buildings and structures. Evaluating and updating Hawaii's building codes as necessary will help to address many of Hawaii's most important concerns, including public safety and health, and environmental protection.*

*This bill helps to provide beneficial funding for the SBCC to fulfill its mandated and fiduciary obligations under HRS 107-24 and update statewide standards for hurricane mitigation and secure a reimbursement grant from the Federal Emergency Management Agency Hazard Mitigation Grant Program. The state is currently 11 years (three iterations) behind in updating and adopting internationally recognized and industry standard building codes. By the end of this coming fiscal year, the state will be four iterations behind if the state fails to take action to update the State Building Codes, making us last in the nation with the most outdated building codes.*

*In large part, building codes establish a building's quality, safety and energy performance for years to come, because initial design and construction decisions determine operational and maintenance costs for the life of the building. Building equipment and other components may be replaceable and upgradeable, but many aspects of building performance are "designed in" at the beginning, and are too expensive and difficult to change. Foundations and other parts of the building envelope are typically in place for 50 years or more.*

***Mahalo for the opportunity to comment in support of this measure.***

Respectfully,

*William F. Anonsen*

William F. Anonsen  
Managing Partner/Principal

**LATE**

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 1436  
A BILL RELATING TO AWARDED FEDERAL EMERGENCY MANAGEMENT AGENCY  
HAZARD MITIGATION GRANT

PRESENTATION TO  
THE HOUSE COMMITTEE ON FINANCE

BY  
MAJOR GENERAL ARTHUR J. LOGAN  
ADJUTANT GENERAL  
1 March 2017

Chair Luke, Vice-Chair Cullen and Members of the Committee.

I am Major General Arthur J. Logan, State Adjutant General and the Director of the Hawaii Emergency Management Agency. I am testifying in **SUPPORT** of House Bill 1436 HD1.

This measure allows the State to maintain \$75K of approved Federal funding to update its building codes. Due to the late award of this Federal grant, this project was not included in the Governor's budget request for the 2017-2019 Biennium.

Thank you for allowing me to testify in **SUPPORT** of House Bill 1436 HD1.

**LATE**

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

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A BILL RELATING TO AWARDED FEDERAL EMERGENCY MANAGEMENT AGENCY  
HAZARD MITIGATION GRANT

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1 March 2017

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