

STAND. COM. REP. NO.

1042

Honolulu, Hawaii

MAR 23 2017

RE: H.B. No. 1435
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 1435, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND COMPREHENSIVE LOSS REDUCTION PLAN,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that the comprehensive loss reduction plan of the Hawaii Hurricane Relief Fund shall include implementing building code requirements for hurricane standards in accordance with state building code and design standards.

Your Committee received testimony in support of this measure from the Hawaii Emergency Management Agency; Hawaii Hurricane Relief Fund; State Fire Council; Honolulu Fire Department; Kaua'i Fire Department; Department of Emergency Management, City and County of Honolulu; Maui Fire Department; American Council of Engineering Companies of Hawaii; The Maritime Group, LLC; and Structural Engineers Association of Hawaii. Your Committee received comments on this measure from the Hawai'i Association of REALTORS.

Your Committee finds that mitigating future losses due to hurricanes is essential for the public's health, safety, and



welfare. The losses resulting from hurricanes can be devastating and wide-ranging. Along with the obvious property damage that hurricanes can cause, hurricanes can also impact the cost and availability of hurricane insurance. The Hawaii Hurricane Relief Fund was created to develop a comprehensive loss reduction plan for hurricane peril, including standards for residential and commercial structures and a timetable for the implementation of mandatory mitigation measures. In addition, the State Building Code Council is also responsible for establishing residential and hurricane resistant standards related to loss mitigation standards. However, the Council has never been properly funded and has consequently been limited in its ability to carry out its duties. Moreover, the overlapping responsibilities of the Hawaii Hurricane Relief Fund and the State Building Code Council have created confusion and resulted largely in a failure to implement the proper building standards and develop a loss mitigation plan. Therefore, it is necessary to amend the relevant statutes to require the Hawaii Hurricane Relief Fund to develop building code hurricane standards in accordance with state building code and design standards and to appropriately fund the adoption of administrative rules to implement those standards.

Your Committee recognizes the testimony presented by representatives of the State Building Code Council conveying that the Council is already required to submit reports to the Legislature and that any funds used relative to the Hawaii Hurricane Relief Fund would be included in any such report. Therefore, it is unnecessary to include an additional reporting requirement for the State Building Code Council.

Your Committee also understands the concerns of the Hawaii Emergency Management Agency relating to this measure's repeal date. This measure is intended to establish a recurring systematic process for regularly updating hurricane standards in accordance with state building code and design standards. Therefore, including a date that would repeal this measure in a year would negate one of this measure's primary purposes.

Accordingly, your Committee has amended this measure by:

- (1) Removing the reporting requirement for the State Building Code Council;



- (2) Deleting the repeal date and all language relating to a repeal; and
- (3) Making technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1435, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1435, H.D. 2, S.D. 1, and be referred to your Committees on Commerce, Consumer Protection, and Health and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,


CLARENCE K. NISHIHARA, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1435, HD 2	PSM, CPH / WAM	3/21/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
		<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.				✓
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes