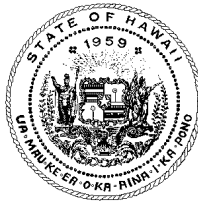


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
*Ka 'Oihana Ho'omalu Kalaima
a Ho'oponopono Ola*
1177 Alakea Street
Honolulu, Hawaii 96813

TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Pamela J. Sturz
Deputy Director
Correctional Institutions

Sanna Muñoz
Deputy Director
Rehabilitation Services
and
Programs

No. _____

**TESTIMONY ON SENATE BILL 239
RELATING TO DISASTER PREPAREDNESS**

by
Tommy Johnson, Director
Department of Corrections and Rehabilitation
Senate Committee on Public Safety and Military Affairs
Senator Brandon J.C. Elefante, Chair
Senator Glenn Wakai, Vice Chair

and

Senate Committee of Government Operations
Senator Angus L.K. McKelvey, Chair
Senator Mike Gabbard, Vice Chair

Friday, January 31, 2025; 3:00 p.m.
State Capitol, Conference Room 225 & Videoconference

Chairs Elefante and McKelvey, Vice Chairs Wakai and Gabbard, and Members of both Committees:

The Department of Corrections and Rehabilitation (DCR) supports the intent of House Bill (HB) 358, which seeks to require all public buildings, including public school buildings, constructed after January 1, 2026, to be designed to withstand category five hurricanes and be used as shelters in the event of an emergency.

Under DCR are eight (8) correctional institutions throughout the state that house justice involved individuals. We are currently in the planning phase for proposed relocations of the Oahu Community Correctional Center (OCCC), the Kauai Community Correctional Center (KCCC), and the Maui Community Correctional Center (MCCC). We support that design of these correctional facilities must withstand Category five hurricanes, however, because we are responsible for the care and custody of justice involved individuals, our capacity to provide shelter for others is very limited.

Thank you for the opportunity to provide testimony supporting the intent of SB 239.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 01/31/2025

Time: 03:00 PM

Location: CR 225 & Videoconference

Committee: Senate Government Operations
Senate Public Safety and Military Affairs

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Bill Title: SB 0239 RELATING TO DISASTER PREPAREDNESS.

Purpose of Bill: Requires all public buildings, including public school buildings, constructed after January 1, 2026, to be designed to withstand category five hurricanes and be used as shelters in the event of an emergency.

Department's Position:

The Hawaii State Department of Education (Department) is providing comments on SB 239.

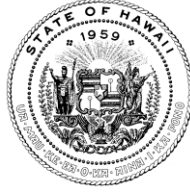
The Department agrees that Hawaii is vulnerable to natural disasters and more shelters are needed; however, the proposed bill to require all public buildings to be constructed to withstand Category 5 hurricanes and to be used as shelters should consider the feasibility of this measure.

The current Hawaii State Building Code includes life safety design criteria for enhanced hurricane protection areas (EHPA) in high occupancy state- and county-owned buildings occupied during hurricanes of up to Category 3. High occupancy is defined as 300 or more occupants. To meet EHPA design requirements to withstand a Category 3 hurricane restrooms are required to be accessible from the interior, the facility must withstand projectiles, emergency generator power must be provided, a higher level of structural integrity is factored in, and other design considerations have to be met. The Department would have to overhaul the design requirements for school facilities and greatly increase the cost to design and construct any school building to withstand a higher Category 5 hurricane. In addition, the current Hawaii State Building Code does not include requirements for a building that can withstand a Category 5 hurricane in Appendix U, Hawaii Hurricane Sheltering Provisions for New Construction, Section 430 State- and County-Owned Public High Occupancy Buildings - Design Criteria for Enhanced Hurricane Protection Areas.

The Department would also request greater specificity on the type of public facilities impacted. For

example, covered play court structures are not fully enclosed so it would not be a desirable shelter during a hurricane but would still be required to meet the requirements under the proposed bill.

Thank you for this opportunity to provide comments on SB 239.



JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
KA 'OIHANA PILI KĀLEPA
335 MERCHANT STREET, ROOM 310
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NADINE Y. ANDO
DIRECTOR | KA LUNA HO'OKELE

DEAN I HAZAMA
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

Testimony of the Department of Commerce and Consumer Affairs

Before the
Senate Committees on Public Safety and Military Affairs
and
Government Operations
Friday, January 31, 2025
3:00 p.m.

State Capitol, Conference Room 225 and via Videoconference

On the following measure:
S.B. 239, RELATING TO DISASTER PREPAREDNESS

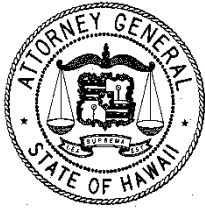
Chair Elefante, Chair McKelvey, and Members of the Committee:

My name is Gordon Ito, and I am the Insurance Commissioner of the Department of Commerce and Consumer Affairs' (Department) Insurance Division. The Department supports the intent of this bill.

The purpose of this bill is to require all public buildings, including public school buildings, constructed after January 1, 2026, to be designed to withstand category five hurricanes and be used as shelters in the event of an emergency.

The Department supports the intent to take proactive measures towards ensuring Hawaii's public buildings will be able to protect its residents during an emergency and serve as a safe space in the aftermath.

Thank you for the opportunity to testify.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 239, RELATING TO DISASTER PREPAREDNESS.

BEFORE THE:

SENATE COMMITTEES ON GOVERNMENT OPERATIONS AND ON
PUBLIC SAFETY AND MILITARY AFFAIRS

DATE: Friday, January 31, 2025

TIME: 3:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Stella M.L. Kam, Deputy Attorney General

Chairs McKelvey and Elefante and Members of the Committees:

The Department of the Attorney General provides the following comments on this bill.

This bill would require all **public** buildings constructed after January 1, 2026, to be designed to withstand Category Five hurricanes and serve as shelters in the event of an emergency. This bill amends section 107-27, Hawaii Revised Statutes (HRS), which requires the design and construction of all State of Hawaii owned and operated buildings to be in compliance with the Hawaii State Building Codes.

The Use of the Term "Public Buildings"

The bill proposes to change the title of section 107-27, HRS, from "Design of state buildings" to "Design of **public** buildings." Page 3, line 10. However, the term "**public** building" is neither used nor defined in part II, chapter 107, HRS, creating potential confusion. This ambiguity raises questions about whether the specified design requirements would apply to buildings owned and operated by the federal government, which fall outside the State's jurisdiction. Additionally, the buildings owned and operated by the various counties could be included in this term. However, section 107-28, HRS, authorizes counties to adopt their own version of the building codes, making the applicability of this requirement unclear.

Ambiguity in Implementation Date

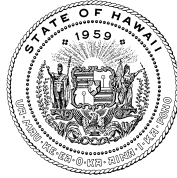
The proposed section 107-27(d) provides that the new requirements would apply to "all public buildings . . . constructed after January 1, 2026[.]" It is unclear whether this date applies to the groundbreaking or completion of a construction project.

Construction projects often take months before completion and it would be difficult, if not impossible, to predict whether a particular construction project would be completed before January 1, 2026 (not required to meet the new requirements), or after January 1, 2026 (required to meet the requirements). Moreover, design work for construction projects is often drafted months in advance of the actual groundbreaking date, particularly for projects that are large enough to be used as emergency shelters.

Based upon the above, we suggest that all references in this bill to "**public** buildings" be changed to "**state** buildings." We also recommend amending the proposed section 107-27(d), HRS, to specify that the new requirements apply to projects whose design work commences on or after January 1, 2026, rather than the ambiguous "constructed after" date.

We respectfully ask the Committees to consider these recommended amendments. Thank you for the opportunity to testify.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



KEITH A. REGAN
COMPTROLLER
KA LUNA HO'OMALU HANA LAULĀ

MEOH-LENG SILLIMAN
DEPUTY COMPTROLLER
KA HOPE LUNA HO'OMALU HANA LAULĀ

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES | KA 'OIHANA LOIHELU A LAWELAWÉ LAULĀ
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY
OF
KEITH A. REGAN, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE COMMITTEES ON

PUBLIC SAFETY AND MILITARY AFFAIRS
GOVERNMENT OPERATIONS

JANUARY 31, 2025, 3:00 P.M.
CONFERENCE ROOM 225 AND VIA VIDEOCONFERENCE, STATE CAPITOL

S.B. 239

RELATING TO DISASTER PREPAREDNESS

Chairs Elefante and McKelvey, Vice Chairs Wakai and Gabbard, and Members of the Committees, thank you for the opportunity to submit testimony on S.B. 239.

The Department of Accounting and General Services (DAGS) offers **comments** on this measure, which requires all public buildings, including public school buildings, constructed after January 1, 2026, to be designed to withstand category five hurricanes and be used as shelters in the event of an emergency.

We note that public buildings currently under design will be constructed using funds appropriated in prior years. Those projects in design may not have been appropriated sufficient funds to satisfy the structural requirements for category five hurricane resistance and will require appropriation of additional design and construction

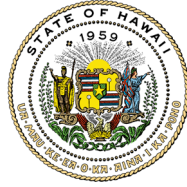
funds to satisfy the related design criteria.

In addition, there are some types of public buildings for which the cost of designing and constructing to category five hurricane resistance requirements may not be appropriate (such as small storage facilities, vehicle carports, and similar incidental facilities) as those buildings are not intended to be used as emergency shelters.

Therefore, the department suggests that the measure be amended to require that all public buildings intended to serve as shelters during and after a category five hurricane for which construction is anticipated to commence on or after July 1, 2026, shall be designed and constructed to withstand category five hurricanes and be used as shelters in the event of an emergency. The change in date is intended to provide the responsible agencies with the opportunity to request any additional required funding during the 2026 legislative session.

Thank you for the opportunity to provide testimony on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STEPHEN F. LOGAN
MAJOR GENERAL
ADJUTANT GENERAL
KA 'AKUKANA KENELALA

JAMES DS. BARROS
ADMINISTRATOR OF
EMERGENCY MANAGEMENT
KAHU HO'OMALU PŌULIA

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF DEFENSE
KA 'OIHANA PILI KAUA
HAWAI'I EMERGENCY MANAGEMENT AGENCY
4204 DIAMOND HEAD ROAD
HONOLULU, HAWAI'I 96816-4420

STATE OF HAWAI'I
DEPARTMENT OF DEFENSE
HAWAI'I EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON SENATE BILL 239,
RELATING TO DISASTER PREPAREDNESS

BEFORE THE SENATE COMMITTEES ON
PUBLIC SAFETY AND MILITARY AFFAIRS AND
GOVERNMENT OPERATIONS

BY

JAMES DS. BARROS
ADMINISTRATOR
HAWAI'I EMERGENCY MANAGEMENT AGENCY

JANUARY 31, 2025

Aloha Chairs Elefante and McKelvey, Vice-Chairs Wakai and Gabbard, and Members of both Committees:

Thank you for the opportunity to submit a testimony to **SUPPORT** Senate Bill 239 – with comments.

The Hawai'i Emergency Management Agency endorses any and all initiatives aimed at strengthening public buildings, particularly in our efforts to improve the state's preparedness against hurricane winds. HIEMA's mitigation projects reflect our commitment to making concerted efforts and proactive investments in the safety and resilience of our communities.

To comment on page 4, line 16 (d) of SB 239 - while the use of public schools as emergency shelters can provide immediate assistance during crises, there are several reasons why this may not always be the best option. Public schools are primarily designed for educational purposes, not as shelters. There may be concerns about the safety and security of students, staff, and shelter occupants, particularly in terms of overcrowding and potential conflicts among individuals sheltering together.

Additionally, schools may lack the necessary facilities to accommodate a large number of people during an emergency. Utilizing schools can disrupt the educational process for students. Crowding in schools can pose health risks; close quarters can facilitate the spread of illness among shelter occupants. Careful consideration of these factors is essential in ensuring the safety, health, and well-being of all community members.

HIEMA supports this measure with said comments, with the understanding that its passage will not negatively impact the priorities outlined in the Executive Budget.

Thank you for the opportunity to provide a testimony in support of Senate Bill 239.

James Barros: james.barros@hawaii.gov; 808-733-4300

Dudley's revised testimony SB239

SB239

Aloha, Chair Elefante and Chair McElvey and Members,

I am Dr. Kioni Dudley.

We have only known for a few years that with warming seas, the spawning area for hurricanes over by Mexico has moved northward. And now Hawaii is directly in the path of hurricanes crossing the Pacific.

The Oahu Dept. of Emergency Management tells us they have only 38 places of refuge and they will only hold 100,000 people. But they expect that 200,000 will need places to go. That means 100,000 people will be left outside, with no place to go. But that's not the worst news. Those 38 places will only stand up if a Category 1 or possibly 2 hits. They won't stand in a Cat 3, 4, or 5. In a Cat 3, 4, or 5, there will be nowhere for anybody to go. And with warmer seas we are having more and more of these strong hurricanes. Category 5s will be coming. Keep in mind that Hurricane Iniki had 227 mph winds, among the strongest in history.

Where will you go? Where will your family go?

This bill would require that all new schools and public buildings be built to withstand Category 5 hurricanes.

Some good points have been made in the testimony of others. It is true that prisons are public buildings. And there are buildings on the school campus that are inappropriate for shelters. So, in Section II, (d) which begins with "All public buildings, including public school buildings," I would add "that can reasonably be used as hurricane shelters."

The point has been made that buildings which receive appropriations in this session will be caught without enough funding, so I would cross out "constructed after January 1, 2026," and add, "and for which appropriations are made in the 2026 legislative and county council sessions and in the years following."

And I think we need to be more specific about the wind speeds -- and access to bathrooms. To the words "designed to withstand category 5 hurricanes," I would add "with winds of 200 mph, and have interior passages to bathrooms."

Section II (d) would then read: "All public buildings, including public school buildings, **that can reasonably be used as hurricane shelters, and for which appropriations are made in the 2026 legislative and county council sessions and in the years following,** ~~constructed after January 1, 2026~~ shall be designed to withstand category five hurricanes **with winds of 200 mph, and to have interior passages to bathrooms,** ~~and so that they can~~ be used as shelters in the event of an emergency."

SB-239

Submitted on: 1/27/2025 11:51:45 AM

Testimony for GVO on 1/31/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I support SB239.

Mike Golojuch, Sr