

Honolulu, Hawaii

MAR 23 2012

RE: H.B. No. 2358
H.D. 3
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and Military Affairs, to which was referred H.B. No. 2358, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO THE BUILDING CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to, among other things:

- (1) Establish a Natural Disaster Preparedness Commission and provide for its duties and composition;
- (2) Rename the State Building Code and Design Standards to the Hawaii State Building Code;
- (3) Repeal the definition of "hurricane restrictive criteria" in section 107-21, Hawaii Revised Statutes;
- (4) Rename the State Building Code Council to the Hawaii State Building Code Council, increase its membership from ten to eighteen members and reconstitute the membership, and clarify its duties;
- (5) Require the Hawaii State Building Code to consist of the 2012 International Building Code, as amended by the Council to remove any provisions that exceed minimum



standards necessary to protect the public health and safety;

- (6) Require the governing body of each county to amend the Hawaii State Building Code within its respective jurisdiction with the approval of the Hawaii State Building Code Council;
- (7) Exempt all state building construction from the Hawaii State Building Code, regardless of the amount of time that has elapsed since the effective date of the Code;
- (8) Repeal certain provisions of the requirement that indigenous Hawaiian architecture be subject to the county's building code;
- (9) Specify that the Hawaii State Building Code Council shall have sole authority to determine whether or not to adopt the State Fire Code, which shall be proposed by the State Fire Council rather than automatically be included in the Hawaii State Building Code;
- (10) Repeal sections 46-19.5 and 46-19.7, Hawaii Revised Statutes, which required energy conservation standards for building design and construction and shower valve requirements to be incorporated into each county building code; and
- (11) Make an unspecified appropriation for the Hawaii State Building Code Council and Natural Disaster Preparedness Commission to carry out their respective duties.

Your Committee received testimony in support of this measure from the Hawaii Farm Bureau Federation; General Contractors Association of Hawaii; and RMA Sales. Your Committee received testimony in opposition to this measure from numerous public agencies, private entities, and individuals. Your Committee received comments on this measure from The Plumbers and Fitters Union, Local 675; Subcontractors Association of Hawaii; American Council of Engineering Companies; Building Industry Association of Hawaii; International Association of Plumbing and Mechanical Officials; International Code Council; and one individual.

Your Committee believes that while this measure is well-intended, as evidenced by the testimony in support of and comments



on all or some of the provisions, your Committee finds the overwhelming testimony in opposition, particularly with regard to the counties' home rule on building code matters.

Accordingly, your Committee has amended this measure by:

- (1) Deleting all sections except the portions of section 1 that establish the Natural Disaster Preparedness Commission ("Commission") and the Commission's duties and composition, and sections 13 and 14, which appropriate funds for the Hawaii State Building Code Council and the Commission to carry out their respective duties;
- (2) Requiring the Commission to meet not less than quarterly;
- (3) Making the Commission's duties permissive rather than mandatory;
- (4) Deleting the language requiring the Commission to submit written reports regarding scientific evaluations and proposed amendments to the Hawaii State Building Code;
- (5) Deleting language giving sole authority to the Hawaii State Building Code Council to determine whether to take action on the written reports;
- (6) Adding language requiring the Commission to review emergency responses and results of responses to natural disasters and make recommendations accordingly to the Hawaii State Building Code Council;
- (7) Changing the effective date to upon approval, with the appropriations to take effect on July 1, 2012; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2358, H.D. 3, as amended herein, and recommends that it pass Second Reading in the



form attached hereto as H.B. No. 2358, H.D. 3, S.D. 1, and be referred to the Committee on Ways and Means.

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

Will Espero

WILL ESPERO, Chair



