

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 2358 HD1
A BILL RELATING TO THE BUILDING CODE

PRESENTATION TO THE

COMMITTEE ON PUBLIC SAFETY AND
MILITARY AFFAIRS

BY

MAJOR GENERAL DARRYLL D. M. WONG
DIRECTOR OF CIVIL DEFENSE

FEBRUARY 16, 2012

Chair Aquino, Vice Chair Cullen and Committee members:

I am Major General Darryll Wong, Director of Civil Defense, State Department of Defense. I am providing written testimony in opposition to the proposed amendments to the Revised Statutes, Chapter 46, as written in House Bill 2358 HD1, because they will significantly increase the risk to people and property in the State of Hawaii in the event of a natural and/or man-caused disaster.

HB 2358 HD1 proposes that a Natural Disaster Preparedness Commission shall determine the effectiveness of amendments to the Hawaii state building code, but the proposed Natural Disaster Preparedness Commission as proposed does not contain appropriate professional expertise to analyze design and engineering standards necessary to withstand natural and/or man-caused disasters.

HB2358 HD1 further proposes that the Hawaii State Building Code Council review the recommendations of the proposed Natural Disaster Preparedness Commission, without representation from the State Fire Council, County Building Departments, the Department of Health, and the Department of Labor and Industrial Relations. HB 2358 HD1 proposes to replace these officials by member sectors not mandated to protect life and property from harm.

The removal of hurricane resistive criteria for enhanced hurricane protection for state structures and the provision to **not** exceed minimum model building code standards does not factor Hawaii's unique isolation in the middle of the Pacific and will contribute to the inability to safely evacuate tourists and residents in the event of a short-notice or no-notice disaster. Unless allowed to meet the design

standards needed to protect people and property, state-owned structures will not qualify to serve as an emergency shelter, reducing available shelter spaces, and further aggravating the existing shelter space shortfall. It could also have the effect of suppressing efforts to promote safe room construction. The removal of hurricane resistant criteria compliance requirements for emergency shelters will place more tourists and residents at risk for harm or death.

Lastly, the proposal to supersede all existing state and county building codes by passage of HB 2358 HD1, will reverse the improvements attained in structural resistance, made by the State of Hawaii through building code adoption efforts. Removing the mandated adoption of the state building code by each of the counties within a specific time frame weakens the intent of the state building code to require reasonable and progressive building code requirements that effectively reduce risk to people and property.

Thank you for the opportunity to provide written testimony that opposes this bill, HB 2358 HD1.

NEIL ABERCROMBIE
GOVERNOR



DWIGHT TAKAMINE
DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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Phone: (808) 586-8842 / Fax: (808) 586-9099

Email: dilr.director@hawaii.gov

February 15, 2012

The Honorable Henry Aquino, Chair
Committee on Public Safety and Military Affairs
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: H.B. 2358, H.D. 1 Relating to the Building Code

I am Kenneth G. Silva, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD strongly oppose H.B. 2358, H.D. 1 for several reasons and offer the following comments for your consideration:

We oppose removing the SFC as a voting member of the State Building Code Council (SBCC). The SFC has been a voting member since the SBCC's formation in 2007 and provides the experience and knowledge on national fire codes and standards and their development over many decades. The state fire code is a vital element in the compilation of codes that apply to the built environment throughout the state of Hawaii. SFC representative membership on the SBCC allows a seamless adoption transition from the state building and fire codes to the county building and fire codes. The building code adoption process allows for public hearings and comments at the state and county levels from all stakeholders.

The state and county fire codes address issues such as fire apparatus access roads, fire protection water supply, flammable liquids, gas tank storage, and fire alarm systems. These critical requirements directly relate to life safety and property protection and should be addressed by fire service members who have subject matter expertise and experience in administering and enforcing the fire code.

We do not oppose the selection of new SBCC members to represent builders and contractors. National building code committees that review and amend codes are comprised of building safety regulators, designers, and private industry representatives. These national building code committees balance life safety and health, cost/benefits, and the latest technological improvements. More importantly, the SBCC should include state and county regulatory agencies as voting members. These members have the requisite experience and knowledge to assess these issues to ensure public safety.

The Honorable Henry Aquino, Chair

Page 2

February 15, 2012

We oppose the bill language that the SFC will only "propose" a state fire code to the SBCC. Since its formation in 1979 by the Hawaii State Legislature, the SFC was statutorily empowered to review and adopt the state fire code. Prior to 1979, the Hawaii State Fire Marshal, which was a funded state agency, was required to review and adopt a state fire code. The majority of the 50 states empower the state fire marshal to adopt a state fire code. The state fire code prescribes minimum requirements necessary to establish a reasonable level of fire, life safety, and property protection from the hazards created by fire, explosion, and dangerous conditions for occupants and fire fighters. Fire fighter safety may be jeopardized in fire fighting operations by a SBCC membership with limited fire protection background and expertise who may amend or veto any provision in the proposed fire code.

Currently, Section 107-28, Hawaii Revised Statutes allows each county to amend the state building code (SBC) as it applies to their jurisdiction without the SBCC's approval. These amendments pertain to the administration and permitting of local codes and conditions, and we believe this should continue. If a county creates an amendment that makes the SBC less restrictive, final approval should originate from the SBCC. Recent responses to our inquiry on this issue were that most states only allow stricter code amendments by a county or local jurisdiction, unless approval is granted by the state building authority to allow less stringent requirements. The proposed bill does not reflect this concept.

We oppose exempting the state from its own SBC requirements and question the merits of said requirements as it pertains to building and occupant safety and health, especially when the state would not have to meet those requirements. State projects should meet minimum building code standards as required of the counties and private developers.

The SFC and the HFD urge your committee's deferral on the passage of H.B. 2358, H.D. 1.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

Sincerely,



KENNETH G. SILVA
Chair

KGS/LR:cn

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

February 15, 2012

TO: The Honorable Henry Aquino, Chair
House Committee on Public Safety & Military Affairs

FROM: Danny A. Mateo
Council Chair

SUBJECT: **HEARING OF FEBRUARY 16, 2012; TESTIMONY IN OPPOSITION TO
HB 2358, HD1, RELATING TO THE BUILDING CODE**

Thank you for the opportunity to testify in opposition to this important measure. The purpose of this measure is to establish the Hawaii State Building Code, Hawaii State Building Code Council, and Natural Disaster Preparedness Commission.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I oppose this measure for the following reasons:

1. This legislation is in opposition to standard "home rule" principles. Under this measure, the counties would be required to petition the State Building Code Council (SBCC) to amend the code. This would invalidate the efforts the counties have made over the past several years to update the codes.
2. The legislation proposes to replace county government membership on the State Building Code Council SBCC with additional trade organization representation. This would continue to give the counties a voice, but would take away their vote on SBCC matters.
3. This measure would nullify building, electrical, and plumbing codes adopted by the County of Maui and would require the County to use the 2012 International Building Code as amended by the SBCC.

For the foregoing reasons, I oppose this measure.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
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Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
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WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

February 15, 2012

TO: Honorable Henry Aquino , Chair
House Committee on Public Safety & Military Affairs

FROM: Joseph Pontanilla, Council Vice- Chair

A handwritten signature in cursive script, appearing to read "Joseph Pontanilla".

DATE: Thursday February 16, 2012

SUBJECT: **OPPOSITION TO HB 2358, HD1 RELATING TO THE BUILDING CODE**

Thank you for the opportunity to testify in opposition of this measure. I provide this testimony as an individual member of the Maui County Council.

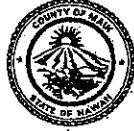
I **oppose HB 2358, HD1** for the reasons cited in testimony submitted by Maui County Council Chair Danny A. Mateo and urge you to oppose this measure.

12:02:15:kbn/JP: HB 2358 HD1

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Ellè Cochran
Donald G. Couch, Jr.
G. Riki Hokaina
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Mike White



Director of Council Services
Ken Fukuoka

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February 15, 2012

TO: Honorable Henry Aquino, Chair
House Committee on Public Safety & Military Affairs

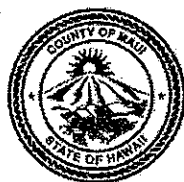
FROM: Robert Carroll
Council Member, East Maui

A handwritten signature in black ink that reads "Robert Carroll".

SUBJECT: **HEARING OF FEBRUARY 16, 2012; TESTIMONY IN OPPOSITION TO HB 2358, HD1, RELATING TO THE BUILDING CODE**

I OPPOSE HB 2358, HD1 for the reasons cited in testimony submitted by Maui County Council Chair Danny Mateo, and urge you to oppose this measure.

ALAN M. ARAKAWA
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
(808) 270-7561
FAX (808) 270-7919
EMAIL: fire.dept@mauicounty.gov

February 13, 2012

The Honorable Henry Aquino, Chair
Committee on Public Safety and Military Affairs
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: H.B. 2358 HD 1 Relating to the Building Code

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a member of the State Fire Council (SFC). The MFD and the SFC strongly oppose H.B. 2358, H.D. 1, for several reasons and offer the following comments for your consideration.

We oppose removing the State Fire Council (SFC) as a voting member of the State Building Code Council (SBCC). The SFC has been a voting member since the Council's formation in 2007 and provides the experience and knowledge on the National Fire Codes and Standards and their development over many decades. The State Fire Code is a vital element in the suite of codes that apply to the built environment throughout the State of Hawaii. SFC representative membership on the SBCC allows a seamless adoption transition from the State Building and Fire Codes to the County Building and Fire Codes. The building code adoption process allows for public hearings and comments at the state and county levels from all stakeholders.

The State and County Fire Codes address issues such as fire apparatus access roads, fire protection water supply, flammable liquids, gas tank storage, and fire alarm systems. These critical requirements directly relate to life safety and property protection and should be addressed by members of the fire service who have the subject matter expertise.

The Honorable Henry Aquino, Chair

Page 2

February 14, 2012

We do not oppose the considered selection of new SBCC members to represent builders and contractors. National building code committees that review and amend codes are comprised of representatives of building safety regulators, designers and private industry. These national building code committees balance life safety and health, cost/benefits, and the latest technological improvements. Importantly, the SBCC should continue to have the State and County regulatory agencies as voting members. These members have the requisite experience and knowledge to assess these issues to ensure public safety.

We oppose bill language that the SFC will only "propose" to the SBCC a State Fire Code. Since its formation in 1979 by the Hawaii State Legislature, the SFC was statutorily empowered to review and adopt the State Fire Code. Prior to 1979, the Hawaii State Fire Marshal, which was a funded state agency, was required to review and adopt a State Fire Code. The majority of the 50 states empower the State Fire Marshal to adopt the State Fire Code. The State Fire Code prescribes minimum requirements necessary to establish a reasonable level of fire, life safety, and property protection from the hazards created by fire, explosion, and dangerous conditions for occupants and fire fighters. Fire fighter safety may be jeopardized in fire fighting operations by a SBCC membership with limited fire protection background and expertise, who may amend or veto any provision in the "proposed" fire code. The fire service also has first-hand experience in administering and enforcing the Fire Code.

Currently, Section 107-28, HRS allows each County to amend the State Building Code (SBC) as it applies to their jurisdiction without the State Building Code Council's (SBCC) approval. These amendments pertain to the administration and permitting of local codes and conditions, and we believe this should continue. If a County creates an amendment that makes the SBC less restrictive, then final approval should originate from the SBCC. Recent responses to our inquiry on this issue were that most states only allow stricter code amendments by a County or local jurisdiction, unless approval is granted by the State building authority to allow less stringent requirements. The proposed bill does not reflect this concept.


We oppose exempting the state from its own SBC requirements. We question the merits of state construction requirements pertaining to building and occupant safety and health when the state would not have to meet those requirements. State projects should meet minimum Building Code standards as required of the Counties and private developers.

The MFD and the SFC urge your committee's deferral on the passage of H.B. 2358, H.D. 1.

The Honorable Henry Aquino, Chair
Page 3
February 14, 2012

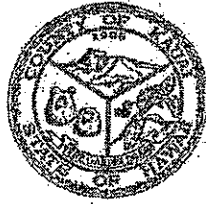
Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

Sincerely,



JEFFREY A. MURRAY
Fire Chief

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Gary K. Heu
Managing Director

John T. Blalock
Deputy Fire Chief

KAUA'I FIRE DEPARTMENT
County of Kaua'i, State of Hawai'i
3083 Akahi Street, Suite 101, Lihu'e, Hawai'i 96766
TEL (808) 241-4980 FAX (808) 241-6508

February 14, 2012

The Honorable Henry Aquino, Chair
Committee on Public Safety and Military Affairs
House of Representatives
State Capitol, Room 419
Honolulu, Hawaii 96813

Dear Chair Aquino:

Subject: H.B. 2358 HD 1 Relating to the Building Code

I am Robert F. Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council. The KFD and the SFC strongly oppose H.B. 2358, H.D. 1, for several reasons and offer the following comments for your consideration.

We oppose removing the State Fire Council (SFC) as a voting member of the State Building Code Council (SBCC). The SFC has been a voting member since the Council's formation in 2007 and provides the experience and knowledge on the national fire codes and standards and their development over many decades. The state fire code is a vital element in the suite of codes that apply to the built environment throughout the state of Hawaii. SFC representative membership on the SBCC allows a seamless adoption transition from the state building and fire codes to the county building and fire codes. The building code adoption process allows for public hearings and comments at the state and county levels from all stakeholders.

The state and county fire codes address issues such as fire apparatus access roads, fire protection water supply, flammable liquids, gas tank storage, and fire alarm systems. These critical requirements directly relate to life safety and property protection and should be addressed by members of the fire service who have the subject matter expertise.

We do not oppose the considered selection of new SBCC members to represent builders and contractors. National building code committees that review and amend codes are comprised of representatives of building safety regulators, designers and

The Honorable Henry Aquino, Chair
Page 2
February 14, 2012

private industry. These national building code committees balance life safety and health, cost/benefits, and the latest technological improvements. Importantly, the SBCC should continue to have the state and county regulatory agencies as voting members. These members have the requisite experience and knowledge to assess these issues to ensure public safety.

We oppose bill language that the SFC will only "propose" to the SBCC a state fire code. Since its formation in 1979 by the Hawaii State Legislature, the SFC was statutorily empowered to review and adopt the state fire code. Prior to 1979, the Hawaii State Fire Marshal, which was a funded state agency, was required to review and adopt a state fire code. The majority of the 50 states empower the state fire marshal to adopt the state fire code. The state fire code prescribes minimum requirements necessary to establish a reasonable level of fire, life safety, and property protection from the hazards created by fire, explosion, and dangerous conditions for occupants and fire fighters. Fire fighter safety may be jeopardized in fire fighting operations by a SBCC membership with limited fire protection background and expertise, who may amend or veto any provision in the "proposed" fire code. The fire service also has first-hand experience in administering and enforcing the fire code.

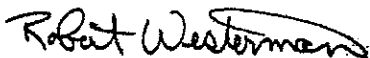
Currently, Section 107-28, HRS allows each county to amend the state building code (SBC) as it applies to their jurisdiction without the State Building Code Council's (SBCC) approval. These amendments pertain to the administration and permitting of local codes and conditions, and we believe this should continue. If a county creates an amendment that makes the SBC less restrictive, then final approval should originate from the SBCC. Recent responses to our inquiry on this issue were that most states only allow stricter code amendments by a county or local jurisdiction, unless approval is granted by the state building authority to allow less stringent requirements. The proposed bill does not reflect this concept.

We oppose exempting the state from its own SBC requirements. We question the merits of state construction requirements pertaining to building and occupant safety and health when the state would not have to meet those requirements. State projects should meet minimum building code standards as required of the counties and private developers.

The KFD and the SFC urge your committee's deferral on the passage of H.B. 2358, H.D. 1.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,



Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld

PBMtestimony

From:
Sent: Wednesday, February 15, 2012 11:36 AM
To: PBMtestimony
Subject: FW: House Bill 2358 HD1 Relating to the Building Code

-----Original Message-----

From: Ralph Nagamine [mailto:Ralph.Nagamine@co.maui.hi.us]
Sent: Wednesday, February 15, 2012 11:06 AM
To: Rep. Henry J.C. Aquino; Rep. Ty Cullen
Cc: Rep. Mele Carroll; Rep. George Fontaine; Rep. Gilbert Keith-Agaran; Rep. Angus McKelvey; Rep. Joseph Souki; Rep. Kyle Yamashita; Sen. Roz Baker; Sen. J. Kalani English; Sen. Shan Tsutsui
Subject: House Bill 2358 HD1 Relating to the Building Code

TO:
House of Representatives
House Committee on Public Safety & Military Affairs Representatives Henry J.C. Aquino, Chair and Ty Cullen, Vice Chair

SUBJECT:
House Bill 2358 HD1 Relating to the Building Code

Pursuant to the Maui County Charter, the Department of Public Works protects and enhances the quality of the public's health, safety, property, and environment by developing and operating the county's road, drainage, and bridge systems and by administering its building codes.

I am the administrator for the department's Development Services Administration (DSA), which oversees activities related to development; from the subdivision of land to the inspection of buildings for code compliance. I also serve as Maui County's representative on the State Building Code Council. This email testimony is being submitted in opposition to House Bill 2358 HD1.

House Bill 2358 HD1 should be rejected for the following reasons:

1. The proposed bill will take away "home rule" over Maui county's building codes. Under the proposed bill, the county must petition the State Building Code Council to amend its code(s).
2. The proposed bill establishes a new Natural Disaster Preparedness Commission, which will add more bureaucracy to an already cumbersome code adoption process.
3. The proposed bill expands the State Building Code Council from 9 members to 13 members by adding more (non-technical) representation and removes county voting on the State Building Code Council. I.e., Maui County will have voice, but no vote.
4. The proposed bill nullifies building, electrical and plumbing codes adopted by Maui County and requires Maui County to use the 2012 International Building Code (IBC) as amended by the State Building Code Council. Without adopting its companion International Residential Code (IRC), houses must be built using the IBC, like commercial buildings.

In addition, the proposed bill does not replace the 2006 Uniform Plumbing Code and the 2008 National Electrical Code which were adopted by Maui County, thus leaving a void in regulations for plumbing and electrical installations.

I respectfully request that the Committee reject House Bill 2358 HD1 Relating to the Building Code.

Respectfully submitted,
Ralph M. Nagamine, L.S., P.E.
Development Services Administrator
Department of Public Works
County of Maui
(808)270-7379

- - - - - County of Maui.
IT Security measures will reject attachments larger than 11 MB, and will block or quarantine high-risk file types in attachments.



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street • Honolulu, Hawaii 96819
Phone: (808) 848-2074 • Neighbor-Islands: (800) 482-1272
Fax: (808) 848-1921 • Email: info@hfbf.org
www.hfbf.org

FEBRUARY 16, 2012

HEARING BEFORE THE
HOUSE COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

TESTIMONY ON HB 2358, HD1
RELATING TO THE BUILDING CODE

Room 309
9:00 PM

Chair Aquino, Vice Chair Cullen, and Members of the Committees:

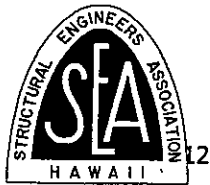
I am Brian Miyamoto, Chief Operating Officer and Government Affairs Liaison for the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,800 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

HFBF supports the intent of HB 2358, HD1 which proposes to provide a uniform state building code that would be less burdensome than current county codes. However, we would like to express a **concern** with one aspect of HB 2358, HD1. The bill contains the sentence: "All state and county building codes, ordinances, and regulations in existence on October 1, 2012, shall be superseded by the Hawaii state building code set forth in subsection (a)." Therefore, HB 2358, HD1, if passed, could negate any permit relief passed in other legislation by this Legislature.

HFBF is supporting other bills introduced this session that would reduce the cost and construction time of low-risk, non-residential farm structures by exempting these structures from county building permit requirements. This exemption is necessary to allow farmers to build, at reasonable cost, structures to protect their crops and equipment from thieves, vandals, and the weather. A majority of U.S. states have such exemptions for farm structures. At present, farm structures in Hawaii are held to the same standards as homes and commercial buildings in urban areas.

In previous testimony on HB 2358, HFBF also expressed the concern that the proposed state building code council did not have a representative from agriculture. We thank the Committee on Water, Land, and Ocean Resources for recognizing that farmers and ranchers are impacted by state and county building codes, and for amending HB 2358 to include a representative from HFBF on the proposed council. However, the amendments to HB 2358 did not remove the possibility that this legislation would supersede agricultural permit exemptions contained in other legislation this session. Therefore, we respectfully request that, if HB 2358 HD1 is passed out of your committee, its wording be amended to allow the continuation of these potential agricultural permit exemptions.

I can be reached at (808) 848-2074 if you have any questions. Thank you for the opportunity to testify.



STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII
P.O. Box 3348, Honolulu, Hawaii 96801

TO: House of Representatives
House Committee on Public Safety & Military Affairs FAX 586-8504
Representatives Henry J.C. Aquino, Chair and Ty Cullen, Vice Chair

SUBJECT: **House Bill 2358 HD1 Relating to the Building Code**
DATE: Thursday, February 16, 2012
TIME: 9:00 AM
PLACE: Conference Room 309

Honorable Members of the Committee:

The Structural Engineers Association of Hawaii (SEAOH) is the local chapter of the National Council of Structural Engineering Associations (NCSEA), and we have over 200 active members in Hawaii. SEAOH has a historic role spanning several decades in assisting Hawaii with the development of the technical portions of the building codes, especially as it relates to hurricane and seismic resistance of buildings.

In 2007, HRS 107 Part II, State Building Code and Design Standards, established a process that incorporates consideration of the environmental and natural hazards of Hawaii. Local state amendments to the building code have been developed within the Hawaii State Building Code Council as prescribed by State Law HRS 107 Part II. As a result, verified Hawaii maps of flood, earthquake, hurricane wind effects incorporating Hawaii topography, and local rainfall intensity, are all incorporated in the Hawaii State Building Code suite of design and standards.

The existing law permits the counties to make modifications to design and construction requirements in the local county building code. However, by requiring the Hawaii State Building Code to be the basis for the local code, and given that all four county building officials must unanimously agree to any provisions in the Hawaii State Building Code, unnecessary divergences between the building code adopted by the counties are avoided.

We oppose House Bill 2358 HD1 and recommend that it be held for the following ten reasons:

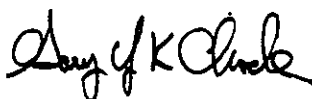
1. The revision to HRS Chapter 46 making the existing authority of the counties to adopt local code provisions subject to an appointed building code council veto would be a significant violation of due process of elected county officials and local citizens. This bill would attempt to strip away power vested to the elected representatives of the counties.
2. This bill would eliminate the county building officials as voting members of the State Building Code Council. The county building officials are essential members of the State Building Council with decades of knowledge on all ramifications of building codes relating to public safety, verification of construction materials, and economic factors, as well as being a focal point of community input on enforcement and administration. We do not anticipate that the counties would cooperate with a non-voting status and based on our experience thus far, it is unlikely that the council would be functional without their full participation since they do the majority of the work of the council.
3. The bill would eliminate representatives of the State Fire Council that acts under state statute and the Department of Health and Department of Labor and Industrial Relations. These members represent the agencies that now have statutory responsibility to establish the fire code and regulations on building ventilation, and facilities for sanitation of public food establishments and buildings, and safety code standards for elevators and escalators. Thus, the council would be stripped of essential stakeholder representation.
4. Under this bill, the State Energy Conservation Code would be repealed. Instead of becoming more energy efficient, no energy conserving features in building construction would be required. This is a backward step.

STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII
P.O. Box 3348, Honolulu, Hawaii 96801

5. The 2005 and 2007 State Legislature mandated the development of hurricane resistive criteria for construction statewide, and the State Building Code Council has produced Hawaii-specific hurricane wind maps that have been recognized nationally and was awarded the Outstanding Civil Engineering Achievement of 2010 by the American Society of Civil Engineers Hawaii Chapter. This bill would negate hurricane resistance in the Hawaii building codes and furthermore, impact the safety of hurricane shelters that use this criteria.
6. Under this bill, state construction would be exempted from compliance with the State Building Code. As such, this would create confusion and lack of uniformity of design standards. Local county residents would become more resistant to building codes since they would cite the inconsistency of the State ignoring standards it deems fit to impose on the counties.
7. This bill as currently drafted would invalidate the current building codes of the other three counties adopted by elected officials and impose a stripped down version of the International Building Code as a mandatory substandard building code and thus create great liability of the state and counties to future civil lawsuits. There would be no electrical code, no plumbing code, no residential code, no elevator code, and no health code for ventilation and sanitation. That would certainly lead to hazardous conditions in buildings.
8. This bill would jeopardize currently awarded FEMA grants and NOAA funding of scientific and engineering research in support of the State Building Code Council process that has incorporated such work with national recognition.
9. The natural disaster preparedness commission and a building code council of members all appointed solely by the Governor creates two administrative decision-making bureaucracies that would be duplicative and inefficient. Scientific evaluations of natural hazards are already contained in the FEMA-mandated Pre-Disaster Hazard Mitigation Plans adopted by each county and State Civil Defense, and approved by the Mayors and Governor. Therefore, the appointed advisory panel results in unnecessary expenditure of state funds to create an even more complicated process that is redundant to work already performed.
10. The bill is inadequately researched and does not understand the organization and scope of codes and standards that comprise the technical standards of building design and construction. The bill would strike all codes except for the International Building Code. For example, the International Building Code does not have jurisdiction over single-family residences; yet somehow, the Building Industry Association of Hawaii whose membership is primarily homebuilders, the Hawaii Housing Finance and Development Corporation and Hawaii Association of Realtors, are placed on the State Building Code Council even though they are not even stakeholders in the IBC.

SEAOH supports keeping State Statute HRS 107 part II, State Building Code and Design Standards as the statute now exist without further modification except to fund it adequately. In the next session, we would like to work on legislation to enable the existing council to operate more efficiently with the department of accounting and general services. Its present membership and collaborating industry organizations promote public safety and construction efficiency by adopting a comprehensive suite of modern building codes with local amendments for Hawaii. These are now resulting in code adoptions by the counties to create more uniform design and construction standards statewide, while respecting the due process rights of the residents of each county.

Gary Chock, S.E.
Ian Robertson, Ph.D., S.E.
SEAOH Legislative Committee



PBMtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 15, 2012 9:20 AM
To: PBMtestimony
Cc: dsengupta@consultingstructuralhawaii.com
Subject: Testimony for HB2358 on 2/16/2012 9:00:00 AM

Testimony for PBM 2/16/2012 9:00:00 AM HB2358

Conference room: 309
Testifier position: Oppose
Testifier will be present: No
Submitted by: Dipankar Sengupta
Organization: Individual
E-mail: dsengupta@consultingstructuralhawaii.com
Submitted on: 2/15/2012

Comments:

I agree with SEAOH testimony opposing the bill