

STRUCTURAL ENGINEERS ASSOCIATION OF HAWAII

P.O. Box 3348, Honolulu, Hawaii 96801

TO: House of Representatives
House Committee on Finance FAX 586-6001
Representatives Rep. Marcus R. Oshiro, Chair, Rep. Marilyn B. Lee, Vice Chair

SUBJECT: **House Bill 2358 HD2 Relating to the Building Code**
DATE: Wednesday, February 29, 2012
TIME: 2:30 PM
PLACE: Conference Room 308

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). 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.

Firstly, this bill is misleading in its description that it "Establishes the Hawaii State Building Code and Hawaii State Building Code Council". We already have a Hawaii State Building Code and State Building Code Council that is working effectively. 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. The present State Building Code process is 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

We oppose House Bill 2358 HD2 and recommend that it be deferred for the following thirteen reasons:

1. The HB2358 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 and their residents.
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, economic factors, and enforcement and administration.
3. The bill would eliminate representatives of the Department of Health and Department of Labor and Industrial Relations. These members represent the agencies that now have statutory responsibility to establish regulations on building ventilation and sanitation of public food establishments and buildings, and safety code standards for elevators and escalators. These comprise what is known as the Health Code and Elevator Code.
4. HB2358 would negate hurricane resistance in the Hawaii building codes. Insurance rates would surely increase for most homeowners when the insurance industry reacts to the new substandard code that is reduced from what has been used since 2007. The 2005 and 2007 State Legislature mandated the development of hurricane resistive criteria for construction, and so 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. To negate this would be negligent and would result in higher insurance rates as the insurance industry factors in the blatant abandoning of scientific criteria on hurricane risk.

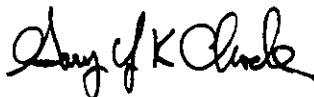
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5. This bill would undermine the State Fire Council and eliminate their authority to adopt a State Fire Code.
6. Under this bill, the State Energy Conservation Code would be repealed. Instead of becoming more energy efficient, no energy conserving features in building construction would be required. This is a backward step against energy conservation in Hawaii.
7. This bill would totally eliminate the electrical code, plumbing code, residential construction code, elevator code, and health code for ventilation and sanitation. That would certainly lead to hazardous conditions in buildings and homes and is against the interests of consumers who have relied on these standards.
8. This bill as currently drafted would invalidate the current building codes of the other three counties adopted by elected officials and impose a watered-down version of the International Building Code as a mandatory substandard building code and thus create tremendous liability of the counties and design professionals to future lawsuits.
9. Under this bill, state construction would be exempted from compliance with the State Building Code. It appears the authors of the bill saw the liability risk to the State if the watered-down and incomplete "code" is used by State agencies, but does make the counties and consumers the " guinea pigs" in a trial and error process of laypersons without technical training and expertise trying to fashion a new code divorced from current standards of practice.
10. HB 2358 would jeopardize post-disaster assistance to the State, because FEMA will not grant aid to any extent beyond the codes in place prior to the disaster. With a watered-down building code missing many key standards, existing buildings damaged by a disaster would not be eligible for aid to rebuild them to what they were built to per the current codes.
11. HB2358 would jeopardize current and future awards of FEMA grants and NOAA funding of scientific and engineering research in support of the State Building Code Council process.
12. 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 the State Civil Defense.
13. HB2358 was inadequately researched and did not begin to understand the organization and scope of codes and 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 International Building Code. They should be concerned with the residential code, but that is eliminated by HB2358 to create a lack of standards for home construction with all risk assumed by the consumer.

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 building code council better able to operate more efficiently within the department of accounting and general services.

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



FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 29, 2012 4:11 PM
To: FINTestimony
Cc: glennida@gmail.com
Subject: Testimony for HB2358 on 2/29/2012 2:30:00 PM

Testimony for FIN 2/29/2012 2:30:00 PM HB2358

Conference room: 308
Testifier position: Comments Only
Testifier will be present: No
Submitted by: Glenn Ida
Organization: Plumbers and Fitters, Local 675
E-mail: glennida@gmail.com
Submitted on: 2/29/2012

LATE TESTIMONY

Comments:

Aloha Chair Oshiro, Vice-Chair Lee and Committee Members, I am representing the members of Local 675. I propose the following amendments to HB2358, HD2.

1. Add a representative from the subcontractors as a voting member of the new State Building Codes Council.

2. Re-establish Section 107-25(2) which mandates the inclusion of the Uniform Plumbing Code and its appendices as published by the International Association of Plumbing and Mechanical Officials.

The UPC is the basis for the criteria of our apprenticeship program. The contractor Prometric utilizes the UPC in formulating the test questions for licensing with the State. Thank You for the opportunity offer my comments and amendments on HB2358, HD2.

Mahalo, Glenn Ida, 808-295-1280

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 29, 2012 4:01 PM
To: FINTestimony
Cc: info@hawaiibuildingtrades.org
Subject: Testimony for HB2358 on 2/29/2012 2:30:00 PM

LATE TESTIMONY

Testimony for FIN 2/29/2012 2:30:00 PM HB2358

Conference room: 308
Testifier position: Support
Testifier will be present: No
Submitted by: KIKA BUKOSKI
Organization: HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL
E-mail: info@hawaiibuildingtrades.org
Submitted on: 2/29/2012

Comments:

Mahalo for the opportunity to testify in support of HB2358 HD2 with comments. The membership of the Hawaii Building and Construction Trades Council (HBCTC) is comprised of trade unions from both the basic and sub crafts, of which conduct business with both the General and Sub Contractors.

We appreciate inclusion of the HBCTC on the Hawaii State Building Code Council, however, we hope you will consider additional inclusion of representation from all tiers/levels of contractors as well. We appreciate and support representation from the General Contractors Association, however we humbly request your further consideration of including the Subcontractors Association of Hawaii as well.

We sincerely appreciate your intent to provide a voice from all stakeholders and look forward to supporting this measure going forward. Mahalo for this opportunity to testify.

Kika G. Bukoski