

NEIL ASERCROMBIE
GOVERNOR



Jan S. Gouveia
Acting Comptroller

Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

TESTIMONY
OF
JAN S. GOUVEIA, ACTING COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE
ON
WATER, LAND, & OCEAN RESOURCES
ON
January 30, 2012

H.B. 2434

RELATING TO STATE FUNDS

Chair Chang and members of the Committee, thank you for the opportunity to testify on H.B. 2434.

The Department of Accounting and General Services strongly supports H.B. 2434.

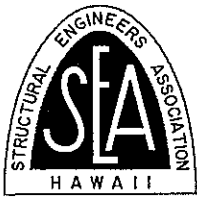
Since the creation of the State Building Code Council (the Council), the Council has not received funding although the Act 82, SLH 2007 (the Act) appropriated \$250,000 (from the Hurricane Relief Fund) in funding and the identification of two staff (Executive Director and Executive Assistant). Because the Council has not received funding, it cannot achieve its statutory objective of adopting model building codes within 18 months of publication of the latest versions. Under the Act, it is necessary to adopt administrative rules for amendments made to the model codes which have been compiled by nationally recognized organizations such as the International Code Council which incorporates input from the design professionals and the

building industry. Currently there is no staff or funding to coordinate the efforts to review the latest versions of the model building codes, provide travel for neighbor island building officials (Council members by statute), provide for training for county and state building official and members of the public affected by new building codes, and the preparation and oversight of adopting new/revised administrative rules. Additionally, there are no qualified staff to answer questions from the public on the current state building codes which have been adopted.

One proposed revision identifies the state building codes and adopts them as published and eliminates the 18 month adoption period by the Council. The counties are provided the opportunity to make their own revisions within the two periods currently provided for in the Act. Another proposed revision shortens the adoption period by almost half the time (18 months) and reduces bureaucracy by eliminating the State Building Code Council.

We would also like to suggest a revision on page 8, by deleting lines 3 and 4 and replace it with the following: "For any state building code as established under §107-25, starting on July 1, 2012 and thereafter:"

Thank you for the opportunity to testify on this bill.



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

January 30, 2012

TO: House of Representatives
Committee on Water, Land, & Ocean Resources FAX 586-8504
Representatives Jerry Chang, Chair and Sharon Har, Vice Chair

SUBJECT: **House Bill 2434 Relating to the State Building Code**
Hearing January 30, 2012 Conference Room 325

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.

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 must oppose House Bill 2434 and recommend that it be held in committee pending resolution of the following flaws:

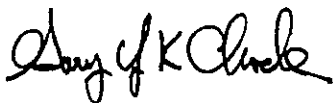
1. This bill would eliminate the State Building Code Council entirely and not provide the means for establishing consistent design and construction standards statewide that reflect Hawaii environmental conditions. Thus this bill opposes the legislative intent of Act 82 in which the legislature found that "The health and safety considerations related to the codes are of statewide interest, especially relating to emergency disaster preparedness. The purpose of this Act is to require the department of accounting and general services to establish and implement a state building code." The department of accounting and general services would no longer be involved in the state building code or any statewide construction standards.
2. This bill would eliminate the requirement for the counties to adopt the Hawaii State Building Code since they may take no action and "opt out". Therefore, no uniformity of design and construction statewide would result.
3. 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. It would instead apply energy standards developed for mainland conditions.
4. Because the Hawaii State Building Code applicable to state construction would not have any state amendments, the state would not have an appropriate building code at all. For example, housing built by the state would lack termite protection and it would conflict with existing Department of Health regulations and the State Fire Code.

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. Without the state amendments, the International Residential Code adopted under this bill is actually technically prohibited by the International Code Council since the IRC has a maximum windspeed limit that Hawaii exceeds.
7. Flood, tsunami, and fire standards would not be binding on state construction under this bill.
8. Since there would be no local input due process into the state building code, 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. If future national building codes have additional features inappropriate or economically undesirable to the state, there would be no means for addressing these problems because the national code would be adopted with no Hawaii revisions. For a example right now, this bill would effectively require the installation of fire sprinklers in all housing utilizing state funds as of July 2, 2012.

We support keeping State Statute HRS 107 part II, State Building Code and Design Standards as the statute now exist without further modification. It promotes public safety and construction efficiency by adopting modern building codes with local amendments for Hawaii. These amendments are necessary in order to keep the code relevant to Hawaii conditions. These are now resulting in code updates by the counties to create more uniform design and construction standards statewide.

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





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

MONDAY, JANUARY 30, 2012
9:15 a.m.
Conference Room 325

HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

TESTIMONY ON HB 2434
Relating to the State Building Code

Chair Chang, Vice Chair Har, and Members of the Committee:

I am Mae Nakahata, Co-Chair of the Government Affairs Committee 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 would like to express our concerns regarding HB 2434, which would among other things, abolish the State Building Code Council, provide for a transition from the current to the new proposed law, and require the counties to adopt building codes with their revisions or opt out of adoption.

As you may know, we are supporting 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. The majority of states across the country have such exemptions for farm structures. At present, rural farm structures in Hawaii are held to the same standards as homes and commercial buildings in densely populated urban areas.

HB 2434 establishes state building standards "applicable to all construction in the State of Hawaii" based on the latest edition of the state fire code, the Uniform Plumbing Code, the International Building Code, the International Residential Code, and the International Energy Code. A requirement that this code apply to all construction in Hawaii would preclude any permit relief passed in other legislation this session.

These codes may not make any sense for low-risk non-residential farm structures. We respectfully request that if HB 2434 is passed out of your committee, it be amended to contain wording that allows permit relief for agricultural structures under certain conditions.

Thank you very much for your strong support of agriculture and your thoughtful consideration of our concerns. Please contact Janet Ashman by calling our office at (808) 848-2074 if you have any questions.



January 28, 2012

Representative Jerry Chang, Chairman and Committee Members
House Committee on Water, Land & Ocean
Hawaii State Capitol, Room 435
415 So. Beretania St.
Honolulu, HI 96813

RE: HB 2358 and HB 2434

Dear Chairman Chang and WLO Committee Members:

The International Code Council (ICC) opposes HB 2358 and HB 2434

ICC is a membership association dedicated to building, plumbing, energy efficiency, fire prevention and sustainable construction, and develops the codes used to construct residential and commercial buildings, including homes and schools. ICC provides the highest quality codes, standards, products and services for all concerned with the safety and performance of the built environment. The ICC model codes are used in all 50 states and by the federal government. The State of Hawaii and its four counties have a long history of adopting ICC national model codes and the codes from our founding legacy organization, the International Conference of Building Officials.

It is our opinion HB 2358 and HB 2434 alter considerably, the composition of the membership of the State Building Code Council, its scope of authority to adopt codes, to coordinate state amendments and to frame the context for county code adoptions and this is premature without first reviewing and considering the benefits of the existing State Building Code Council's structure. Please review the Uniform Statewide Building Code Task Force's December 9, 2005 report to the Twenty-Third Hawaii State Legislature. The report provides excellent information and background how the current structure, membership and authority of the council was devised based upon findings within the report. The Task Force was comprised of 14 members representing the building construction industry, design professionals, the insurance industry, the realtor industry, State Fire Council, an expert in indigenous architecture and representatives from the four counties.

The State Building Code Council (SBCC) has been operating as a volunteer effort since their inception because operating funds have not been appropriated. Given this fact, the SBCC has successfully adopted administrative rules which adopt codes for a statewide application, and which some of the counties have already adopted. The SBCC meetings and adoption and review processes have been open, transparent and inclusive to participation from a broad set of interested individuals from all sectors of the industry and by individuals from all four counties within the state, as well as interested individuals from the mainland and foreign countries. The feature benefit has been a common accessible forum of open participation where people share information and opinions and learn of



the decision making and adoption of regulations that benefit the economy, fire safety, building and life-safety, health and the general welfare of the citizens of the state and counties.

The most troubling aspect with HB 2358 is it adopts a 1929 version of a code that design and construction professionals and inspectors are not familiar with. The bill supersedes the adoption of modern up-to-date codes and replaces them with an obsolete code. Using obsolete standards will result in more damage suffered in natural disasters and puts in question if building owners can acquire insurance policies for property, fire, casualty, flood and natural disasters. Adoption of current codes strengthens the first line of defense in pre-disaster hazard mitigation by constructing to modern codes.

Recognizing the SBCC has a relatively young history, and financial limitations, they have accomplished much of the legislative charge given to them with the passage of Act 82 as signed into law on May 21, 2007. The creation of the SBCC was done originally after much contemplation, study and policy consideration by the legislature which followed the receipt of stakeholder input and reports from the Uniform Statewide Building Code Task Force. Respectfully, the legislature may now want to use a similar approach, a Task Force, to aid any process of reconsideration of functions of the SBCC and the makeup of council membership or any adjustments that will aid the SBCC to be more successful. I have great faith the SBCC takes seriously the legislative directions they are charged to perform. From the perspective as an ICC Government Relations Manger who follows agency functions and code adoptions in seven western states, the Hawaii State Building Code Council is respectful and considerate of public input into their process and like their counter parts in other agencies they don't make everyone perfectly happy with their decisions. The Hawaii SBCC process by comparison to other states code councils, functions well. The SBCC has taken great steps to Hawaiian-ize the adoption of model codes and adapt them to meet the needs of the State and the greater community as a whole.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kraig Stevenson", is written over a horizontal line.

Kraig Stevenson, CBO
Senior Regional Manager
ICC Government Relations
2122 112th Ave. NE Suite C
Bellevue, WA 98004
888-422-7233 Ext 7603
kstevenson@iccsafe.org

attachment: Uniform Statewide Building Code Task Force Report 12/9/2005



Sierra Club Hawai'i Chapter

PO Box 2577, Honolulu, HI 96803
808.538.6616 hawaii.chapter@sierraclub.org

LATE TESTIMONY

HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

January 30, 2012, 9:15 A.M.
(Testimony is 1 page long)

TESTIMONY IN OPPOSITION TO HB 2434

Aloha Chair Chang and Committee Members -

The Sierra Club, Hawai'i Chapter, with 9,000 dues-paying members and supporters, opposes HB 2434. This bill proposes to abolish the State Building Code Council and allows counties to opt out of any statewide building code.

Buildings are the largest consumer of electricity. Poorly-built building stock can remain in the market for decades, which underscores the need to move towards far more stringent building code standards -- like 30% better than the International Energy Conservation Code -- in order to ensure the construction of high performance buildings in Hawai'i. ***Such buildings would result in much lower energy bills over the life of the home or building and be of a direct benefit to the State of Hawai'i.***

Abolishing the State Building Code Council might eliminate a lot of progress that has been achieved over the past few years. Counties -- without the benefit of the experience and vision of a statewide system -- could opt out of aggressive standards, which would directly undermine efforts to wean Hawai'i off of its dependence on foreign oil.

We urge this committee to hold this measure. Mahalo for the opportunity to submit testimony.



THE SENATE
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Representative Jerry Chang, Chair
Representative Sharon Har, Vice Chair

DATE: Monday, January 30, 2012
TIME: 9:15 a.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

RE: Testimony regarding HB 2434 RELATING TO THE BUILDING CODE

Dear Chair Chang, Vice Chair Har, and Committee Members:

The Hawaii Aquaculture and Aquaponics Association (HAAA), representing Hawaii's aquaculture and aquaponics industry statewide would like to provide comments on HB 2434 which adopts among other things the International Building Code. Agricultural states across the country have found the IBC's definition of agricultural structures far too restrictive and in many cases have amended local codes based on the IBC to exclude agricultural buildings from the IBC codes.

The HAAA is currently supporting bills that would reduce the cost and construction time of low-risk farm structures by exempting such structures from county building permit requirements. We respectfully request that if this bill goes forward, that an agricultural building exemption be added to the wording of this bill for construction of agricultural and aquacultural buildings and structures on lands outside of the urban zone, so as to be supportive of farming and ranching activities in the State.

Thank you for the opportunity to comment.

Respectfully submitted,

Ronald P. Weidenbach
HAAA President

BIA-HAWAII **LATE TESTIMONY**

BUILDING INDUSTRY ASSOCIATION

"Building Better Communities"

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Mark Kennedy

HASEKO Construction Kamakana, LLC

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Mega Construction

Scotty Anderson

Pacific Rim Partners

Sunny Walsh

Hunt Building Company, Ltd.

W. Bruce Barrett

Castle & Cooke Homes Hawaii, Inc.

Testimony to the House Committee on Water, Land, & Ocean Resources

Monday, January 30, 2012

9:15 a.m.

State Capitol, Room 325

RE: H.B. 2434, Relating to the State Building Code

Good morning Chair Chang, Vice Chair Har, and members of the committee:

I am Karen Nakamura, Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, BIA-Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA-Hawaii is opposed to HB 2434, which proposes to abolish the State Building Code Council, provides for a transition from the current to the new proposed law, and requires counties to adopt building codes with their revisions or opt out of adoption.

BIA-Hawaii supports the continuation of the State Building Code Council (SBCC). The State Building Code prescribes standards for all State construction, and enables Hawaii to obtain matching federal funds for construction projects.

The SBCC needs time to work since it is a relatively new entity. Since its formation, the SBCC has completed a lot of work, with what little they have, to get to where they are now. To abolish the SBCC at this point would squander all the resources and expertise that have been contributed thus far.

The key to reasonable building codes is the composition of the SBCC. BIA-Hawaii supports the reconfigured SBCC as outlined in H.B. 2358, which ensures that all stakeholders, including contractors, are represented as written in act HRS § 107-24(d): "The council shall consult with general building contractor associations and building trade associations to gather information and recommendations on construction practices and training relevant to building codes and standards." (emphasis added).

BIA-Hawaii supports a time frame of at least three years for the counties to adopt amendments to the State building code. If counties are unable to meet this deadline, they will be forced to automatically adopt the international building codes, which are likely more stringent.

For the foregoing reasons, BIA-Hawaii is opposed to H.B. 2434.

Thank you for the opportunity to testify.

Karen I. Nakamura

EVP/CEO
BIA-Hawaii



Testimony to the House Committee on Water, Land, & Ocean Resources
Monday, January 30, 2012
9:15 a.m.
State Capitol, Room 325

RE: H.B. 2434, Relating to the State Building Code

Chair Chang, Vice Chair Har, and Members of the Committee:

Hawaii Steel Alliance, Inc.

P. O. Box 2880

Aiea, HI 96701

(808) 728-7142

(808) 356-0396 fax

www.hawaiisteel.com

info@hawaiisteel.com


I am Tim Waite, President of the Hawaii Steel Alliance (HSA), a 501(c) (6) nonprofit organization established in May 1997 to encourage and promote the widespread, practical and economic use of cold-formed steel framing for residential and light commercial construction in the Pacific Rim. Our membership comprises the majority of the builders, engineers, suppliers, and framing contractors responsible for over 70 percent of residential construction in Hawaii.

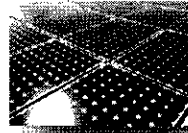
The Hawaii Steel Alliance is opposed to HB 2434, which proposes to abolish the State Building Code Council. The HSA supports the continuation of the SBCC. The HSA has been allowed to actively participate in SBCC Task Group meetings, specifically the Task Group on the IECC. Because of the input we were allowed to give, we were able to work out a series of amendments that will keep residential steel framed housing cost competitive in Hawaii.

While not perfect, and not sufficiently funded, the SBCC has completed a lot of work and has added many amendments to the I-Codes as directed in Act HRS 107-24(d). This is a testament to the dedication of the State and County members that comprise this committee. However, the Council could be more balanced if there were more contractor representation on the Council as originally written in the Act.

Notwithstanding, the Hawaii Steel Alliance is opposed to HB2434.

Best Regards,


Tim Waite
President



HOUSE COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

January 30, 2012, 9:15 A.M.

Room 325

(Testimony is 2 pages long)

TESTIMONY IN SUPPORT OF HB 2434, SUGGESTED AMENDMENT

Chair Chang and members of the Committee:

The Blue Planet Foundation supports HB 2434, a measure which, among other changes, requires the adoption of the International Energy Conservation Code (IECC) in the State Energy Code and subsequent adoption by the counties. We recommend a minor amendment to ensure that the energy- and cost-saving amendments to this important energy efficiency code are adopted by the state and counties in a timely manner.

Blue Planet strongly supports efforts to radically increase the efficiency of new and existing buildings in Hawai'i, as buildings are the largest consumer of electricity and the building stock turns over very slowly. A clear, enforceable building code would yield the construction of high performance buildings in Hawai'i—performance that would result in much lower energy bills over the life of the home or building.

Energy efficiency—efficient lights, appliances, electronics, behavior changes, and the like—is the largest, cheapest, safest, and fastest energy option that Hawai'i can implement.

Consider:

- Energy efficiency is the fastest-growing U.S. “energy source” (growth of ~2.5 to 3.5% annually)
- National energy efficiency programs save energy at an average cost of about 3 cents/kWh -- about 1/10 the average electricity cost in Hawaii
- Leading states are saving over 1% additional of total electricity sales annually
- Energy efficiency provides major local economic benefits: energy efficiency is 100% obtained from investment in local homes and businesses
- It is also the least visible, least understood, and most neglected

Efficiency investments pay back to Hawaii's residents and economy in numerous ways. First, the investment in efficiency pays back in savings during the home or building's occupancy and

use. Second, building more high performance buildings is typically more labor and material intensive than structures that are inefficient, resulting in more job creation—the tradeoff being money is directed toward local jobs and contractors instead of going overseas to purchase fossil fuel. Finally, building high performance buildings is the only way for Hawai'i to achieve its clean energy future. We simply cannot meet our growing energy demands in the short term without radically improving the efficiency of our buildings.

House Bill 2434 is a small step in this direction by requiring the statewide adoption of the International Energy Conservation Code. Blue Planet recommends that this measure be adopted by clarifying that the latest edition of the International Energy Conservation Code be adopted “within six months of its adoption by the International Code Council.” This addition would help ensure that the latest energy- and cost-saving measures are included in Hawaii's code.

Thank you for the opportunity to testify.