

NEIL ABERCROMBIE
GOVERNOR



DEAN H. SEKI
COMPTROLLER
MARIA E. ZIELINSKI
DEPUTY COMPTROLLER

STATE OF HAWAI'I
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

P.O. BOX 119, HONOLULU, HAWAI'I 96810-0119

WRITTEN TESTIMONY
OF
DEAN H. SEKI, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
HOUSE COMMITTEE
ON
FINANCE
ON
February 25, 2014
H.B. 1633, H.D. 1

RELATING TO THE STATE BUILDING CODE

Chair Luke and members of the Committee, thank you for the opportunity to submit written testimony on H.B. 1633, H.D. 1.

The Department of Accounting and General Services (DAGS) supports the intent of H.B. 1633, H.D. 1, which, in part, allows the State Building Code Council to stagger the adoption of model building codes and provides clarifying language. DAGS supports this bill provided that its passage does not replace or adversely impact priorities indicated in our Executive Budget.

Thank you for the opportunity to provide written testimony on this matter.



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
<http://labor.hawaii.gov>

February 25, 2014

To: To: The Honorable Sylvia Luke, Chair,
The Honorable Scott Y. Nishimoto, Vice Chair,
The Honorable Aaron Ling Johanson, Vice Chair, and
Members of the House Committee on Finance

Date: Tuesday, February 25, 2014
Time: 1:00 p.m.
Place: Conference Room 325, State Capitol

From: Dwight Takamine, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 1633 HD1 Relating to the State Building Code

COMMENTS ON THE PROPOSED LEGISLATION

HB2581 HD1 proposes to reconfigure the membership of the State Building Code Council (SBCC), modifies the Hawaii State Building Codes, and requires the adoption of codes within six years among other provisions. A representative (Thaddeus Tomei) from the Elevator Section of the DLIR's Hawaii Occupational Safety & Health Division (HIOSH) sits on the SBCC.

The department supports the intent of the measure and believes the fiscal impact upon the department would be minimal if the measure were enacted.

The DLIR supports the housekeeping amendment to 107-22(3), which changes the DLIR representative to one with significant experience in elevator safety and eliminates "or fire safety". This is consistent with the department's expertise, especially as the State Fire Council also has a member serving on the Council, which is administratively attached to the DLIR. The DLIR defers to other entities on the other specific, substantive portions of the proposal.

The department is in the process of updating the Elevator Standards and has actively participated in the deliberations of the Council. The DLIR strongly supports the Council's efforts to serve as a clearinghouse to help affected parties navigate the various state and county codes and agencies.

The construction and related industries are often left in the dark to try to make sense of how the various codes relate to each other. The Council serves an important role in trying to improve the compatibility and interrelationship of the codes by serving as a forum where there can be a meeting of the minds.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON FINANCE

Tuesday, February 25, 2014

1:00 p.m.

State Capitol, Conference Room 308
in consideration of

HB 1633, HD1
RELATING TO THE STATE BUILDING CODE.

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) offers comments on this bill, which modifies the composition of the Hawaii building code council and funds an executive director's position. We support the intent of this bill, but caution that its passage does not replace or adversely impact priorities indicated in our Executive Budget.

To be more effective, an executive director with appropriate technical credentials in the administrative rule process must oversee and facilitate the work of the Council. Proposed new members of the council include construction industry specialists with expertise on industry practices and the practicality and cost effectiveness of proposed codes.

An expected outcome of the bill's passage would be expedited adoption of the 2012 International Energy Conservation Code. The code provisions should measurably reduce energy use in homes and buildings and move Hawaii closer to its goal of energy independence.

Thank you for the opportunity to provide this testimony.

finance8-Danyl

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 23, 2014 10:57 PM
To: FINTestimony
Cc: lardizabal@local368.org
Subject: Submitted testimony for HB1633 on Feb 25, 2014 13:00PM

HB1633

Submitted on: 2/23/2014

Testimony for FIN on Feb 25, 2014 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Al Lardizabal	Laborers Union Local 368	Support	No

Comments: Dear Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson and members of the committee: The Hawaii Laborers' Union strongly supports HB1633 HD1 which provides in part, a change of membership to the State Building Code Council to include the construction industry. This is an important change in our estimation. Since its inception by the Legislature in 2007 the SBCC has been administered by volunteers from the four counties namely the Public Works Chiefs. They all have permanent jobs to perform. The SBCC requires funding, staff and proper resources to perform its mission. Therefore, we humbly request that the original funding request of \$250,000 be reinserted with an effective bill date of July 1, 2014. Thank you for the opportunity to submit this testimony. Al Lardizabal Hawaii Laborers' Union

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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

February 24, 2014

TO: The House of Representatives
COMMITTEE ON FINANCE
Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair

SUBJECT: **House Bill 1633 H.D. 1 Relating to the State Building Code**
Hearing Tuesday, February 25, 2014 1:00 pm
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), and we have over 200 active members in Hawaii. SEAOH has several decades of experience in assisting Hawaii with the development of the technical portions of the building codes. The primary purpose of a building code is to establish design standards for buildings in order to protect public safety.

In 2007, HRS 107 Part II, State Building Code and Design Standards, established a process that requires the maintenance of a periodically updated Hawaii State Building Code for State government projects. It is also used as the starting basis for the local county codes, so that unnecessary divergences between the building code adopted by the counties are avoided. The existing law also permits the counties to make modifications to design requirements in the local county building code without approval of the State Council. The present State Building Code Council takes on the role of a panel of knowledgeable experts and state agencies that have responsibility for the affected regulations under current state law. The 2007 State Legislature found that "The health and safety considerations related to the codes are of statewide interest, especially relating to emergency disaster preparedness."

However, since July 2012, the current process has become stalled without the capability to implement its administrative process requirements, such that presently there are no ongoing administrative activities to modernize building codes, due to the fact that the Council has not been funded since 2008. The State Building Code and its Design Standards are becoming severely out-of-date with the state-of-practice of the national standards used elsewhere in the country by architects, engineers, trade unions, and building officials, as well as the federal government.

We support this bill, HB 1633 H.D.1. It expands the State Building Code Council to include new stakeholders, provides a mechanism for the Council to periodically adopt the editions of national codes most valuable to the state rather than every edition, clarifies the codes under the jurisdiction of the Council, and finally provides an appropriation to fund the administrative rule process required under state law HRS Chapter 91. Therefore, we expect that the passage of HB 1633 H.D.1 will enable the state and counties to adopt current standards for public safety. In conclusion, this bill would make a significant improvement for maintaining public safety and it would bring renewed effectiveness to the process of incorporating Hawaii-specific concerns into our building codes and design standards.

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



HAWAII LABORERS-EMPLOYERS COOPERATION AND EDUCATION TRUST

1617 Palama Street • Honolulu, HI 96817 • Phone: 808-845-3238 • Fax: 808-845-8300 • URL: hilecet.org

TESTIMONY OF HAWAII LECET PETER H. M. LEE

HOUSE OF REPRESENTATIVES
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair

NOTICE OF HEARING

DATE: Tuesday, February 25, 2014
TIME: 1:00 P.M.
PLACE: Conference Room 308
State Capitol
415 South Beretania Street

TESTIMONY ON HOUSE BILL NO. 1633, HD1 - RELATING TO THE STATE BUILDING CODE.

TO THE HONORABLE SYLVIA LUKE, CHAIR; SCOTT NISHIMOTO AND AARON JOHANSON, VICE CHAIRS; AND MEMBERS OF THE FINANCE COMMITTEE:

My name is Peter H. M. Lee, and I am the Construction Compliance Officer of Hawaii Laborer-Employers Cooperation and Education Trust (LECET). Hawaii LECET is a labor-management partnership between the Hawaii Laborers Union, Local 368, and its unionized contractors.

Mahalo for the opportunity to testify in **SUPPORT** of House Bill No. 1633, HD1, which modifies the composition of the Hawaii state building code council and requires the council to report annually to the governor on its activities. It also allows for the staggering of the code adoption time frame; defines and clarifies terminology; and requires that the Hawaii state building codes do not conflict with the laws governing building contractors. Lastly, it appropriates funds for FY 2014-2015 for the operations of the council.

The State Building Code Council (SBCC) was created in 2007 to review and adopt comprehensive suites of national building codes and standards for the State of Hawaii. This unfunded group has been meeting monthly but its effectiveness has been hampered without a dedicated staff to create of Admin Rules. In addition, the current makeup of the council does not include any stakeholders from the construction industry...this measure will fix this oversight.

Mahalo for the opportunity to testify in **SUPPORT** of House Bill No. 1633, HD1.

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

THE VOICE OF THE CONSTRUCTION INDUSTRY

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simplicityHR by ALTRES

Testimony to the House Committee on Finance

Tuesday, February 25, 2014

1:00 P.M.

State Capitol - Room 309

SUBJECT: H.B. 1633 H.D. 1, RELATING TO THE STATE BUILDING CODE

Dear Chair Luke, Vice-Chairs Nishimoto and Johanson, and members of the Committee:

My name is Gladys Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii). BIA-Hawaii is the voice of the construction industry. We promote our members through advocacy and education, and provide community outreach programs to enhance the quality of life for the people of Hawaii. BIA-Hawaii is a not-for-profit, professional trade organization chartered in 1955, and affiliated with the National Association of Home Builders.

BIA-Hawaii strongly supports H.B. 1633 H.D. 1., which modifies the composition of the State Building Code Council and adds annual reporting requirements; allows for the staggering of code adoptions and amends code requirements; appropriates funds.

Since its creation in 2007, the SBCC has been operating with no funding. \$250,000 was originally appropriated but was never released. The role of the SBCC is significant to the public health and safety of Hawaii's residents, as well as to provide a forum for all stakeholders to review national codes and discuss and approve those provisions that benefit, and are appropriate for, Hawaii. Funding is critical for the continuance of the SBCC.

H.B. 1633, H.D. 1 also reconfigures the composition of the voting members of the SBCC by adding representatives from the construction industry. According to the International Code Council, at least 45 state building code councils nationwide include representation from the construction industry. The construction industry would offer real guidance on what practically works and what does not, as well as input on the cost of code changes, which can have a tremendous impact on the cost of construction. BIA-Hawaii would never compromise the protection of the public's health and safety in code adoption, but we also believe a cost-benefit analysis should have a place in new codes being adopted.

BIA-Hawaii **strongly supports** H.B. 1633 H.D. 1 and urges your favorable consideration.

We appreciate the opportunity to share with you our views.

AMERICAN INSTITUTE OF ARCHITECTS

FIN
1:00 pm

February 25, 2014

Honorable Sylvia Luke, Chair
House Finance Committee

Re: **House Bill 1633 HD1**
Relating to the State Building Code

Dear Chair McKelvey and Members of the Committee,

My name is Daniel Chun, President of the American Institute of Architects (AIA) Hawaii State Council, speaking in **STRONG SUPPORT** of HB 1633 HD1.

Volunteers cannot fulfill all the legislative mandate of the State Building Code Council

AIA was one of the original supporters of the State Building Code Council (SBCC). Architects continue to offer significant volunteer efforts to update Hawaii's building codes. Other design professional societies and construction industry trade groups also volunteer needed time and expertise. The four counties volunteer the services of their building chiefs. However, the SBCC cannot fulfill its legislative mandate without staffing services to coordinate volunteer efforts and manage the Hawaii administrative rule making process.

Adopting update state building codes CANNOT be done without an appropriate level of funding

The bill makes needed revisions to the current process based on several years of actual operations that AIA has actively participated in. However, we restate that the express requirement to update codes not exceeding every three years cannot be done without an appropriate level of funding.

Thank you for this opportunity to **STRONGLY SUPPORT** House Bill 1633 HD1.

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GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded via Capitol Website

February 25, 2014

TO: HONORABLE SYLVIA LUKE, CHAIR, HONORABLE SCOTT NISHIMOTO AND AARON JOHANSON, VICE CHAIRS AND HOUSE COMMITTEE ON FINANCE

SUBJECT: **SUPPORT OF H.B. 1633, HD1 RELATING TO THE STATE BUILDING CODE.** Modifies the composition of the State Building Code Council and adds annual reporting requirements. Allows for the staggering of code adoptions and amends code requirements. Appropriates funds. Effective July 1, 2014. (HB1633 HD1)

HEARING

DATE: Monday, February 10, 2014
TIME: 1:00 p.m.
PLACE: Capitol Room 308

Dear Chair Luke, Vice Chairs Nishimoto, Johanson and Members of the Committee,

The General Contractors Association of Hawaii (GCA) is an organization comprised of approximately six hundred (600) general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. The GCA's mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

GCA is in **support** of H.B. 1633, HD1, Relating to the State Building Code, which proposes, among other things, to modify the composition, quorum and duties of the Code Council, clarifies the code adoption process and ensures there are no conflicts with Chapter 444, HRS. Particularly, the measure proposes to amend the membership of the Hawaii State Building Code Council (SBCC) to increase the representation of members of the construction industry and also proposes an appropriation to assist with the administration of the SBCC.

In 2007, the Senate Ways and Means committee recognized the importance of the formation of the State Building Code Council when it said,

[t]he adoption of a uniform set of statewide building codes applicable to one and two family dwellings, all other residential uses, commercial and industrial buildings, and state buildings would make it possible for building owners, designers, contractors, and code enforcers within the State to apply a consistent standard. The health and safety considerations related to the codes are of statewide interest, especially relating to

emergency disaster preparedness. Hawaii State Legislature. S. Comm. Rpt. 784, March 2, 2007.

Last session the Senate Committees on Public Safety, Intergovernmental and Military Affairs and Ways and Means recognized the importance of the construction industry's involvement in the State Building Code Council in the Standing Committee Report of H.B. 763, H.D. 1, S.D. 1 (2013) when it said,

[y]our committees find that representatives from the construction industry should be included on the Council because they will provide valuable input regarding the impacts of code changes on construction projects, costs, and whether materials to meet the new requirements are available in Hawaii. Hawaii State Legislature. S. Comm. Rpt. 1311, April 5, 2013.

The GCA believes that by involving the building industry technical experts on the SBCC, it will expedite the implementation of the codes once they are approved because the people who actually have to construct with the new codes would have been involved in the entire adoption process and are able to bring up any constructability issues from the start. Thus, by adding the builders onto the council, these constructability issues can be addressed while the codes are still being discussed. GCA members have been actively participating on the State Building Code Council and recognize its importance in bringing private industry and government entities together to discuss uniform building codes and regulations, especially if any conflicts may arise.

GCA remains willing to participate on the Hawaii State Building Code Council and requests that an appropriation be allowed in this measure.

Thank you for this opportunity to support this measure.



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Finance
Tuesday, February 25, 2014 at 1:00 P.M.
Conference Room 309, State Capitol**

LATE

RE: HOUSE BILL 1633, HD1 RELATING TO THE STATE BUILDING CODE

Chair Luke, Vice Chair Nishimoto and Johanson, and Members of the Committee:

The Chamber of Commerce of Hawaii ("The Chamber") **supports** HB 1633, HD1 which modifies the composition of the State Building Code Council and adds annual reporting requirements, allows for the staggering of code adoptions and amends code requirements, and appropriates funds.

The Chamber is the largest business organization in Hawaii, representing over 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

We strongly support the addition of construction industry representatives to the State Building Code Council. The role of the State Building Code Council is crucial to the public health and safety of residents in Hawaii. The SBCC provides a forum for all stakeholders to review national codes and discuss provisions that benefit Hawaii. The addition of industry specialists to the Council would provide expertise guidance regarding cost-benefit analyses pertinent to any code changes.

Thank you for the opportunity to testify.



AMERICAN COUNCIL OF ENGINEERING COMPANIES
of Hawaii



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February 25, 2014

House Committee on Finance

Honorable Representatives Sylvia Luke, Chair; Scott Y. Nishimoto and Aaron Ling Johanson, Vice Chairs; and Members of the House Committee on Finance

**Subject: TESTIMONY IN SUPPORT of HB 1633 HD1,
Relating to the State Building Code**

Hearing: Tuesday, February 25, 1:00 p.m., Conference Room 308

Dear Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the Committee:

The American Council of Engineering Companies of Hawaii (ACECH) represents about 70 member firms with over 1,300 employees throughout Hawaii. ACECH's member firms are comprised of engineers who are at the forefront of their particular disciplines, and who have specialized experience in the geography, resources, and design requirements of Hawaii and the Pacific region. Projects designed by design professionals directly affect the quality of the water we drink and the food we eat; the safety of our buildings, highways, bridges, and infrastructure; and the quality of the environment in which we work and play.

A strong state-wide building code is essential to protect the health and safety of Hawaii's citizens. ACECH is in strong support of the State Building Code Council. The design professional industry has provided countless volunteer hours in helping the establishment of the State Council, and continues to provide countless hours in its implementation.

However, without appropriate funding for staff support, the legislative mandate of the State Building Code Council cannot be fulfilled. Volunteers simply cannot fulfill all the needs, without paid staff support.

We appreciate the opportunity to testify on this matter, and respectfully request that you pass this bill to provide funding for administrative support to the State Building Code Council.

Respectfully submitted,
AMERICAN COUNCIL OF ENGINEERING COMPANIES OF HAWAII

Janice C. Marsters
Legislative Committee Co-Chair