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ECONOMIC DEVELOPMENT & TOURISM**

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Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON WATER AND LAND
Monday, February 11, 2013
8:30 a.m.
State Capitol, Conference Room 325

in consideration of
HB 763
RELATING TO THE STATE BUILDING CODE.

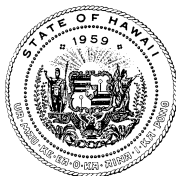
Chair Evans, Vice Chair Lowen, and Members of the Committee.

DBEDT supports HB 763, Relating to the State Building Code. This Administration bill is the result of extensive discussion by Hawaii Building Code Council (Council) members on how best to amend HRS 107, Part II, which created the Council. HB 763 includes the Council's recommendations to increase building efficiency in Hawaii through the following additions to HRS 107:

1. Adopting, amending, and updating building codes at a frequency of no later than every 6 years.
2. Adding the International Residential Code, the International Energy Conservation Code, and the National Electrical Code.
3. Allowing state buildings to be exempted from any county code amendments that are inconsistent with the Hawaii state building code.
4. Allowing counties to amend and adopt the state model building codes without state approval; no action by counties within 2 years, means the state codes and standards become applicable until the county adopts the updated amendments to the code.

Thank you for the opportunity to offer these comments.

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STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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February 11, 2013

To: The Honorable Cindy Evans, Chair, The Honorable Nicole E. Lowen, Vice Chair,
and
Members of the House Committee on Water & Land

Date: Monday, February 11, 2013
Time: 8:30 a.m.
Place: Conference Room 325, State Capitol

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

RE: HB 763 RELATING TO THE STATE BUILDING CODE

I. OVERVIEW OF PROPOSED LEGISLATION

Section 1 of HB 763 reconfigures the membership of the State Building Code Council by eliminating the member from the DLIR. DLIR would prefer to remain a part of the Council, especially as Act 103 (SLH, 2012) has given the ability for the Elevator Section to participate more frequently in the meetings. Further, DLIR requests that the proposal be amended to allow the member representing the department with significant experience in elevator safety be allowed to designate a designee without voting privileges.

II. COMMENTS ON THE HOUSE BILL

Because DLIR administers both Boiler and Elevator law, removing it from the State Building Code Council would be counterproductive. While fiscal restraints during the past few years have made DLIR's attendance of meetings sporadic, with the passage of Act 103 (SLH, 2012), which provided for ten additional, special funded positions, the department believes it has sufficient staff resources to actively participate in council meetings for the foreseeable future. Moreover, the proposal retains state code provisions pertaining to elevator standards of which the DLIR is the sole source of expertise in the executive branch.

In summary, DLIR prefers to have the Elevator Section remain a part of the Council and requests an amendment giving that member the ability to designate a designee without voting privileges.

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

"Building Better Communities"

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Testimony to the House Committee on Water and Land

Monday, February 11, 2013

8:30 a.m.

State Capitol - Conference Room 325

RE: H.B. 763, RELATING TO THE STATE BUILDING CODE

Dear Chair Evans, Vice-Chair Lowen, and members of the committee:

My name is Gladys Marrone, Government Relations Director for the Building Industry Association of Hawaii (BIA-Hawaii), 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, affiliated with the National Association of Home Builders.

BIA-Hawaii respectfully **opposes** H.B. 763, which modifies the composition of the Hawaii State Building Code Council (SBCC) and revises the State Building Code, unless the composition of the SBCC is expanded to include representatives from the construction industry.

The current composition of the State Building Code Council (SBCC) includes four county building officials, representatives from the State Fire Council, Department of Health, Department of Labor and Industrial Relations, American Institute of Architects, and from the Structural Engineers Association of Hawaii.

Some have argued that expanding the SBCC would somehow result in significant loss of life during disasters. This could not be further from the truth. A more inclusive membership with representatives from the construction industry is not a new idea. According to the International Code Council, at least 25 state building code councils include representation from the construction industry. The State of Washington's SBCC consists of fifteen members, four of whom represent the construction industry and trades. As voting members, the construction industry would be able to provide valuable input to the SBCC regarding the impacts of code changes on construction practice, costs, and whether materials to meet the new requirements are even available in our State. While Chapter 107 requires the SBCC to consult with the construction industry, we do not have a vote. We are making a reasonable proposal that the construction industry have a voice on the SBCC.

An expanded membership on the SBCC is even more significant since H.B. 763, if passed, will make the rule-making process, as prescribed in Chapter 91, an option for the SBCC. Rule-making allows the public an opportunity to review and provide input on proposed code changes that will have a significant impact. Decision-making on the SBCC, therefore, will be limited to a very small group of people whose decisions impact an entire State.

Based on the foregoing reasons, BIA-Hawaii **opposes** H.B. 763.

Proposed Amendment:

The following proposed amendment is taken from S.B. 213. It was heard in committee and the Chair has proposed additional members, up to 15, in an SD1. Decision-making, however, is deferred to February 12, 2013.

"~~[[§107-22]]~~ **State building code council.** (a) There is established a state building code council. The council shall be placed within the department of accounting and general services for administrative purposes only. The council shall consist of ~~[nine]~~ eleven voting members and one nonvoting member, who shall be the comptroller or the comptroller's designee. The council members shall serve four-year terms as defined in paragraphs (1) to (6). The voting members shall include:

- (1) One county building official from each of the four counties appointed by the mayor;
- (2) One member representing the state fire council;
- ~~[(3) One member representing the department of health who has significant experience in building mechanical and sewage disposal systems;~~
- ~~(4) One member representing the department of labor and industrial relations who has significant experience in elevator or fire safety;~~
- (3) One member representing the Building Industry Association of Hawaii;
- (4) One member representing the General Contractors' Association of Hawaii;
- (5) One member representing the Structural Engineers Association of Hawaii; ~~[and]~~
- (6) One member representing the American Institute of Architects, Hawaii State Council[-];
- (7) One member representing the Hawaii Construction Alliance; and
- (8) One member representing the Subcontractors' Association of Hawaii;

Thank you for the opportunity to express to you our views.