



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

February 23, 2013

TO: The Senate
Committee on Ways and Means FAX 586-6659
Senator David Ige, Chair; Senator Michelle N. Kidani, Vice Chair

SUBJECT: **Senate Bill 213 SD1 Relating to the State Building Code**
Hearing February 26, 2013 10:05 am Conference Room 211

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. Building codes do not govern the means and methods of construction.

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 primary function of the State Building Code Council is to set design standards for state projects. However, the current process has become unwieldy due to the bureaucratic and administrative process requirements, such that presently there are no ongoing administrative activities. Current estimates of the annual cost of the Council to operate under the present statute amount to at least \$200,000/year, according to DAGS. The Governor now seeks to repair and reform the process to make it an administratively sustainable process through House Bill HB763.

We must oppose Senate Bill 213 SD1 as inappropriately focused on business interests, and we recommend that SB213 be held in committee in favor of HB763:

1. The present State Building Code Council takes on the role of a panel of knowledgeable design experts and state agencies that have responsibility for the affected regulations governing the design of buildings and other structures. SB213 would insert five new business interests from the construction industry; however, we note that three of these organizations have never appeared once before the Council to take any prior active interest in the process. SB213 goes way beyond a reasonably balanced approach because there are now only two representatives of the design professions that are the actual users of the codes and standards that govern their practice for the design of buildings and other structures.
2. We also note that two of these organizations, BIA and GCA, were the primary supporters of HB2358 introduced during the 2012 session that would have exempted all State agencies from compliance with the State Building Code, and would have adopted the 1929 Honolulu Building Code in lieu of the model building codes used in the rest of the USA. Thus, we believe these organizations have had a serious conflict of interest in agenda seeking to de-construct the present codes to go back eight decades rather than go forward with the lessons learned in building safety from past disasters and lives lost. The State Building Code Council was not established for the purpose of creating exemptions from public safety regulations or abolishing modern design standards. Therefore, we would recommend that all the business organizations presently mentioned as potential new council members be first directed through a Senate Resolution to attend Council meetings

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for the next year and first participate in the current process and for the department of accounting and general services to report to this legislature on that participation, before any are determined to be added. We caution against inflating the State Building Code Council with business and lobbying interests.

3. SB213 SD1 would establish a very peculiar and questionable quorum rule having only seven of 15 members required for decision making; it is unacceptable for the process to allow a minority of the council to conduct meetings of this significance. Then, only four members could decide what design standards would apply to the whole state. This would create public impression that the Council was changed to make special interests have more control. Presently, a 2/3 quorum or the membership is necessary. Is there any State Commission that is allowed to make decisions on state regulations with such a small minority in attendance?
4. This committee should take under consideration whether the changes prescribed under SB213 will be an efficient and a cost-effective expenditure that results in a sustainable process. SB213 actually would create a more expensive and less efficient process by doubling the membership in a process that is currently not sustainable supporting even the current membership and is not functioning in a timely manner.
5. A bill with a one-time appropriation subject to release by the Administration for an inefficient process that is not supported by the Administration would appear to be futile wasted effort, because it does not address the fundamental issues that have currently stalled operation of the State Building Code Council. Currently, the State Building Code Council is not able to perform its responsibilities under HRS 107 Part II. What is needed is a long-term administrative and funding mechanism. SB 213 accomplishes neither of these necessary tasks; it only guarantees that other bills will have to be introduced in future years to restore the Council to a workable process.
6. Therefore, we support modernizing Hawaii Revised Statutes HRS 107 Part II, State Building Code and Design Standards as proposed in HB763, which was unanimously authored and approved by the Council, the Department of Accounting and General Services, and submitted by the Governor. This bill would reform the current administrative process to make it sustainable for the foreseeable future. Therefore, we ask this committee to hold SB213 and await consideration of HB763 on crossover.

Gary Chock, S.E.
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SEAOH Legislative Committee

