



STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 213 S.D. 1
A BILL RELATING TO THE BUILDING CODE

PRESENTATION TO THE

SENATE WAYS AND MEANS COMMITTEE
BY

VERN T. MIYAGI
EXECUTIVE OFFICER – STATE OF HAWAII CIVIL DEFENSE

February 25, 2013

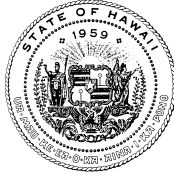
Chair Kim, Vice-Chair Kidani, Committee members:

I am Vern T. Miyagi, Executive Officer, State of Hawaii Civil Defense, State Department of Defense. I am providing written testimony in opposition to Senate Bill 213 S.D.1

Senate Bill 213 S.D.1, as written, is a proposition that could result in significant loss of life during disasters. It completely changes the makeup of the State Building Code Council by eliminating two state stakeholders (Department of Health and Department of Labor and Industrial Relations) and inserting five members from the construction industry. Three of the proposed construction industry members have never appeared before the Council previously to exhibit an active interest in the process.

We support updating Hawaii Revised Statutes (HRS) 107 part II, State Building Code and Design Standards as proposed in HB 763, which was authored and unanimously approved by the State Building Council, the Department of Accounting and General Services (DAGS) and submitted as part of the Governor's Administrative Package. This bill provides a preferred means of optimizing the State Building Code Council and emphasizes membership that reflects a comprehensive and direct knowledge of building design and code requirements. This is critical in the development and updating of appropriate building codes that will withstand our unique threats and hazards and thereby protect the citizens of Hawaii.

Thank you for the opportunity to provide written testimony that opposes this bill.



NEIL ABERCROMBIE
GOVERNOR

DWIGHT Y. TAKAMINE
DIRECTOR

AUDREY HIDANO
DEPUTY DIRECTOR

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

February 25, 2013

To: The Honorable David Y. Ige, Chair,
The Honorable Michelle N. Kidani, Vice Chair, and
Members of the Senate Committee on Ways

Date: Tuesday, February 26, 2013
Time: 10:05 a.m.
Place: Conference Room 224, State Capitol

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

RE: SB 213 SD1 RELATING TO THE STATE BUILDING CODE COUNCIL

I. OVERVIEW OF PROPOSED LEGISLATION

SB213 SD1 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. CURRENT LAW

Currently, the State Building Code Council has ten members, nine voting members (one county building official from each of the four counties, one member representing the state fire council, one member representing the Department of Health, one member representing the Department of Labor and Industrial Relations, one representative from the American Institute of Architects, Hawaii State Council, one representative from the Structural Engineers Association of Hawaii) and one nonvoting member representing the comptroller's office.

A quorum is six voting members.

A subcommittee consisting of the representatives from the county building departments proposes changes to the building codes and state amendments require unanimous agreement of the subcommittee.

The council is required to consult with building trade associations to gather information on practices relevant to building codes and standards.

III. COMMENTS ON THE SENATE BILL

The Department offers the following comments on the measure:

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 challenging, 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. 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.



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

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February 25, 2013

The Honorable David Ige, Chair
Committee on Ways and Means
The State Senate
State Capitol, Room 208
Honolulu, Hawaii 96813

Dear Chair Ige:

Subject: S.B. 213, S.D. 1 Relating to the State Building Code Council

I am Robert Westerman, Vice Chair of the State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD opposes S.B. 213, S.D. 1, which seeks to reconfigure the membership of the State Building Code Council (SBCC).

This bill proposes to allow five new building industry representatives as voting members, which we believe would not be a reasonably balanced representation of code regulators, design professionals and the building industry. This bill also seeks to allow a quorum of only seven of the proposed fifteen members required for decision making. To allow only four members to decide what building standards would be required for the entire state, instead of the two-thirds quorum presently required, could create a situation where public safety may be compromised for special interest groups.

The SFC supports House Bill (H.B.) 763, which was authored and approved by the SBCC, the Department of Accounting and General Services (DAGS), and submitted by the Governor. This bill seeks to address the issues that have hindered the timely adoption of the most up-to-date national building codes and standards for the state by streamlining the code adoption process, but still seeking to establish uniform and consistent state and county building standards. The SFC supports the addition of DAGS, which designs and maintains buildings and facilities for the state and the Department of Business, Economic Development and Tourism, who supports the design and construction of energy efficient buildings in the state.

The SFC has been a voting member of the SBCC since its inception in 2007. The appropriation to allow DAGS to hire staff to support the work of the SBCC was never released, and consequently the DAGS were forced to curtail its administrative support to the SBCC in 2012. This bill creates a more expensive and less efficient process that is still subject to release by the administration. The SBCC has functioned primarily on county officials and private industry design professional's unselfish devotion to public safety and uniform statewide, national building standards. What is needed for the support of the SBCC is a sustainable, long-term funding mechanism.

The Honorable David Ige, Chair
Page 2
February 25, 2013

The SFC and the KFD urge your committee's deferral of S.B. 213.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

Sincerely,


for ROBERT WESTERMAN
Vice Chair

RW/LR:cc

William P. Kenoi
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

County of Hawai'i
HAWAII FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928



February 25, 2013

The Honorable David Ige, Chair
Committee on Ways and Means
The State Senate
State Capitol, Room 208
Honolulu, Hawaii 96813

Dear Chair Ige:

Subject: S.B. 213, S.D. 1 Relating to the State Building Code Council

I am Darren J. Rosario, Member of the State Fire Council (SFC) and Fire Chief of the Hawai'i Fire Department (HFD). The SFC and the HFD opposes S.B. 213, S.D. 1, which seeks to reconfigure the membership of the State Building Code Council (SBCC).

This bill proposes to allow five new building industry representatives as voting members, which we believe would not be a reasonably balanced representation of code regulators, design professionals and the building industry. This bill also seeks to allow a quorum of only seven of the proposed fifteen members required for decision making. To allow only four members to decide what building standards would be required for the entire state, instead of the two-thirds quorum presently required, could create a situation where public safety may be compromised for special interest groups.

The SFC supports House Bill (H.B.) 763, which was authored and approved by the SBCC, the Department of Accounting and General Services (DAGS), and submitted by the Governor. This bill seeks to address the issues that have hindered the timely adoption of the most up-to-date national building codes and standards for the state by streamlining the code adoption process, but still seeking to establish uniform and consistent state and county building standards. The SFC supports the addition of DAGS, which designs and maintains buildings and facilities for the state and the Department of Business, Economic Development and Tourism, who supports the design and construction of energy efficient buildings in the state.

The SFC has been a voting member of the SBCC since its inception in 2007. The appropriation to allow DAGS to hire staff to support the work of the SBCC was never released, and consequently the DAGS were forced to curtail its administrative support to the SBCC in 2012. This bill creates a more expensive and less efficient process that is still subject to release by the administration. The SBCC has functioned primarily on county officials and private industry design professional's unselfish devotion to public safety and uniform statewide, national building standards. What is needed for the support of the SBCC is a sustainable, long-term funding mechanism.



The Honorable David Ige, Chair
Page 2
February 25, 2013

The SFC and the HFD urge your committee's deferral of S.B. 213.

Should you have any questions, please contact SFC Administrator Socrates Bratakos at 723-7151 or sbratakos@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Rosario', written in a cursive style.

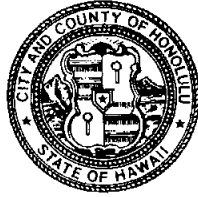
DARREN J. ROSARIO
Fire Chief
SFC Member

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
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KIRK CALDWELL
MAYOR



GEORGE I. ATTA
FAICP, LEED AP, CEI
DIRECTOR DESIGNATE

JIRO A. SUMADA
DEPUTY DIRECTOR

February 26, 2013

The Honorable David Y. Ige, Chair
and Members of the Committee on Ways and Means
State Senate
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Ige and Members:

Subject: Senate Bill No. 213, SD 1
Relating to State Building Code Council

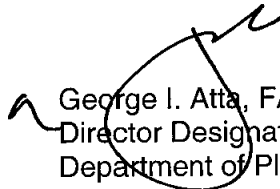
The Department of Planning and Permitting, **opposes** Senate Bill No. 213, SD 1. This bill amends HRS 107-22, by reconfiguring the membership of the State Building Code Council by eliminating members from the Department of Health and the Department of Labor and Industrial Relations. It would expand the membership by 15 voting and one non-voting members and changes the requirement for a quorum from six to seven, which is less than a majority of its members.

The State Building Code Council's task is to establish the uniform technical standards for the State of Hawaii building construction. The size and quorum of the proposed council would be a deterrent to the accomplishment of establishing a uniform building construction standard. We recommend a more comprehensive approach to address the State Building Code Council and support the provisions of House Bill No. 763, HD 1, which streamlines the process associated with The State Building Code Council by: 1) Implementing procedures for adoption and dissemination of uniform amendments made to the Hawaii State Building code by at least three counties; and 2) Amending the membership to consist of eleven voting members.

The Honorable David Y. Ige, Chair
and Members of the Committee on Ways and Means
State Senate
Re: Senate Bill No. 213, SD 1
February 26, 2013
Page 2 of 2

Please hold Senate Bill No. 213, SD 1. Thank you for this opportunity to testify.

Very truly yours,



George I. Atta, FAICP, LEED AP, CEI
Director Designate
Department of Planning and Permitting

GIA:jmf
sb213sd1-State Building Code Council-t



AMERICAN INSTITUTE OF ARCHITECTS

WAM
10:05 am

February 26, 2013

Honorable David Ige, Chair
Senate Committee on Ways & Means

Re: **Senate Bill 213 SD1**
Relating to the State Building Code

Dear Chair Ige and Members of the Committee,

My name is Daniel Chun, Government Affairs Chair of the American Institute of Architects (AIA) Hawaii State Council. AIA **SUPPORTS THE INTENT** of SB 213 that seeks to add some construction industry voting membership to the State Building code Council SBCC. AIA offers the following points for your consideration as this bill moves forward:

Keep parity in the design and construction industry

Currently the AIA and the SEA OH Structural Engineers Association of Hawaii hold voting membership by statute. While the AIA understands that many states have voting membership by construction organizations, we will be concerned if design professional societies are under-represented with respect to the construction half of our industry. We already hear alarm raised in some allied professions and code adoption organizations about the very large increase in voting members in SD1 draft.

Use selection criteria if adding voting members

AIA recommends that you use selection criteria to decide which construction organizations are to be voting members: [*We use italics to show how AIA meets the selection criteria*]

1. Represents a nationally organized construction organization that has a holistic view of buildings or a major sector of building construction such as Hawaii's homebuilders. [*AIA founded 1857 and currently has some 80,00 architect members in US. Member of the Union of International Architects*]
2. Representative of a broad number of persons active in Hawaii's industry [*AIA has some 600 professional members in Hawaii with local chapters in Honolulu and Maui*]
3. Actively interest in the mission of the State Building Code Council evidenced by maintaining an in-house active codes committee, attendance

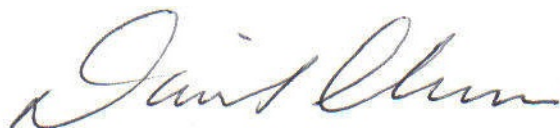
at monthly SBCC meetings or applying for variances from the SBCC. [AIA has chapter code committees in both Honolulu and Maui counties. AIA code committees have historically worked with their county building officials to consider amendments at each building code update cycle]

The construction industry is a cooperative industry because otherwise no buildings will be completed. If you add and revise the voting members, we ask that the divisiveness that surfaces in some Senate bills not be a built-in at the State Building Code Council.

AIA STRONGLY SUPPORTS the appropriation in SD1

The appropriation currently an unspecified amount, is sorely needed to fund the operations of the State Building Code Council. The State Department of Accounting & General Services has cooperatively assisted with what resources it might spare. NGO interests, such as the American Institute of Architects and the Hawaii Association of County Building Officials, continue to provide critical technical and moral support. The entire state has benefited from the technical and professional expertise provided by Hawaii's four county building officials. But it is impossible for volunteers to manage and complete the Hawaii Administrative Rules process to amend the regularly published national model codes.

Thank you for the opportunity to SUPPORT THE INTENT of SB 213 and **STRONGLY SUPPORT** the SD1 appropriation..

A handwritten signature in cursive script, appearing to read "David Chen".

25 February 2013

Senate Ways and Means Committee

Honorable Senators David Y. Ige, Chair, Michelle N. Kidani, Vice-Chair, and Members Suzanne Chun Oakland, Donovan M. Dela Cruz, J. Kalani English, Will Espero, Gilbert Kahele, Gilbert S. C. Keith-Agaran, Ronald D. Kouchi, Russell E. Ruderman, Laura H. Thielan, Jill N. Tokuda, Sam Slom

SUBJECT: Testimony in Opposition to SB 213 RE: State Building Code Council

Dear Chairman Ige and Members of the Committee on Ways and Means:

I am an architect and have practiced in Hawaii since 1970. I am a member of the State Building Code Council, representing the Honolulu AIA. This testimony, however, is my personal opinion and does not represent the position of the Honolulu AIA.

I urge you to reject SB 213 and, instead, support the modifications proposed in HB 763. SB 213 would reconfigure the membership of the state building code council add six contractor organizations.

The building code is a technical document which regulates design. Building codes have evolved from real-world experience and deal with life-safety in buildings. They do so by looking at how buildings are used, at the fire safety of the construction, at how the occupants get out of the building in case of an emergency, at the type and size of the loads (earthquakes, hurricanes, fires) which are likely to impact the building and at the strength of materials used in construction. Design, of course, becomes construction, but the construction is the result of design, not the driver of it.

While contractors are a major part of the construction industry and their work depends on the requirements of the building code, their work does not require them to use the building code in the same way as the design professionals. If you listen to testimony in trials and arbitrations, contractors always say "we execute the design, not create it. We do what the architects and engineers tell us to do."

The building code must remain a technical document with the singular focus on life-safety. It must not become a political or cost driven document. A 15 member Council would be too big to be able to come to agreement on the highly technical issues involved. Council meetings are open to the public and participation of organizations or individuals with an interest and knowledge of any particular subject is encouraged and even solicited. The Council now has technical subcommittees to look into specific issues. BIA regularly attends and participates in Council meetings and has done so since the beginning. The plumbers do too, as do several other interest groups. Nearly all Council evaluations of proposed modifications to the building code require evaluation of cost vs contribution to life-safety. Without question, contractor input is useful and important.

HB 763 is a much more comprehensive approach to modifying the State Building Council. I recommend that your committee focus on HB 763 and reject SB 213.

Sincerely,

ARCHITECTURAL DIAGNOSTICS, LTD.


Jim Reinhardt
Its President

2013 Officers

President

Greg Thielen
Complete Construction Services Corp.

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Brian Adachi
BKA Builders, Inc.

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Hunt Building Company, Ltd.

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Dean I. Asahina
Universal Construction, Inc.

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Karen T. Nakamura
BIA-Hawaii

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David S. Chang

Chang Holding Company

Dean Uchida

SSFM International, Inc.

Evan Fujimoto

Graham Builders, Inc.

Gary T. Okimoto

Honolulu Wood Treating

Mark Kennedy

HASEKO Construction Kamakana, LLC

Marshall Hickox

Homeworks Construction, Inc.

Michael Watanabe

JW, Inc.

Ryan Engle

Bays Lung Rose & Holma

Scotty Anderson

Pacific Rim Partners

W. Bruce Barrett

Castle & Cooke Homes Hawaii, Inc.

Testimony to the Senate Committee on Ways and Means

Tuesday, February 26, 2013

10:05 a.m.

State Capitol - Conference Room 211

RE: S.B. 213 S.D.1, RELATING TO THE STATE BUILDING CODE COUNCIL

Chair Ige, Vice-Chair Kidani, 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 **supports** S.B. 213, S.D. 1, which reconfigures the membership of the State Building Code Council and makes an appropriation.

The S.D. 1 includes representatives from the construction industry. This proposal would reflect what at least 25 states have already done. 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, and we are very active participants, we do not have a vote. Funding for the SBCC would ensure the Council conducts its business in a timely, efficient, and effective manner.

We are very supportive of having our voices heard on the SBCC.

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

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

LATE

Uploaded via Capitol Website

February 26, 2013

TO: HONORABLE SENATOR DAVID IGE, CHAIR, HONORABLE MICHELLE KIDANI, VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON WAYS AND MEANS

SUBJECT: **SUPPORT OF S.B. 213, SD1 RELATING TO THE STATE BUILDING CODE.** Reconfigures the membership of the state building code council by eliminating members from the department of health and department of labor and industrial relations, and adding members from the Building Industry Association; General Contractors Association; Hawaii Construction Alliance; Subcontractors' Association of Hawaii; department of business, economic development, and tourism; department of accounting and general services; Hawaii Building and Construction Trades Council; and American Council of Engineering Companies. Changes the requirements for a quorum from six to seven. Eliminates the council's obligation to consult with private sector representatives regarding construction practices and training. Makes an appropriation. (SD1)

HEARING

DATE: Tuesday, February 26, 2013
TIME: 10:05 a.m.
PLACE: Capitol Room 211

Dear Chair Ige, Vice Chair Kidani and Members of the Committee,

The General Contractors Association (GCA) is an organization comprised of over 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 S.B. 213, SD1 Relating to the State Building Code. S.B. 213, SD1 proposes to amend the membership of the Hawaii State Building Code Council to increase the representation of members of the construction industry.

GCA is willing to participate in the Hawaii State Building Code Council, alongside the technical experts in the building industry to ensure a balance of public health and safety with construction industry practices. The GCA believes that this bill proposes to offer a necessary balance to the membership of the State Building Code Council.

The GCA therefore, requests that this Committee pass out S.B. 213, SD1 and is willing to participate in the Hawaii State Building Code Council.

Thank you for this opportunity to present our views on this measure.



February 25, 2013

The Honorable David Ige, Chairman
Senate Committee on Ways and Means
State Capitol, Room 208
Honolulu, Hawaii 96813

RE: Testimony on SB213 SD1 - Relating to State Building Code Council - Representation

Dear Chairman Ige and Committee Members:

The International Code Council is a 50,000 member, non-profit public benefit corporation dedicated to helping the building safety community and construction industry provide safe, sustainable, energy-efficient and affordable construction through the development of codes and standards used in the design, build and compliance process.

The International Code Council (ICC) recommends **SB213 SD1 be held in committee, and prefers HB763 HD1**. Our primary concern with SB213 SD1 is it expands the membership of the State Building Code Council (SBCC) by an additional two thirds, which in our opinion, becomes too large of a body to effectively conduct their work. We have observed, in working with other states across our nation, and their building code adoption boards and councils, that the most productive size boards and councils are those with a membership ranging from nine to eleven members. We urge caution not to grow the size of the State Building Code Council with new members that have not been participating in or attending the SBCC meetings or their investigative committees.

HB763 HD1 is more measured in an approach to adding members to the SBCC and proposes eleven voting members which includes representation from the construction industry. It is important to recognize the intent of the Building Code Act is to adopt and maintain a current and contemporary collection of codes, design and construction standards to best serve the State of Hawaii's state construction, as well as to meet the needs of the counties. The counties ability to adopt and modify codes, also remains unchanged. It is important to recognize the role of the design professionals that serve on the SBCC and their efforts to create technical requirements that best serve the state. Refrain from action that will cause an imbalance of SBCC membership or that will depart from the goals of the Building Code Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Kraig Stevenson".

Kraig Stevenson, ICC Government Relations
kstevenson@iccsafe.org
562-201-9209



MASONS UNION
Local #1 of Hawaii, IUBAC • Local #630, OP & CMIA, AFL-CIO
2251 North School Street • Honolulu, Hawaii 96819
Ph: (808) 841-0491 • Fax: (808) 847-4782



HONORABLE SENATOR WILL ESPERO, CHAIR,
ROSALYN BAKER, VICE CHAIR
AND MEMBERS OF THE SENATE COMMITTEE ON
PUBLIC SAFETY, INTER-GOVERNMENTAL AND MILITARY AFFAIRS

SUBJECT: SUPPORT OF S.B. 213, HD3 RELATING TO THE STATE BUILDING CODE.
Reconfigures the membership of the state building code council by eliminating members from the department of health and department of labor and industrial relations, and adding members from the Building Industry Association, General Contractors' Association, Hawaii Construction Alliance (Carpenters, Masons, Operators and Labors Unions) and Subcontractors' Association of Hawaii. Changes the requirements for a quorum from six to seven. Eliminates the council's obligation to consult with private sector representatives regarding construction practices and training.

Dear Chair Espero, Vice Chair Baker and Members of the Committee:

The Masons' Union Local 1 & 630 representing the majority of the 1800 members from the following trades, Bricklayers, Ceramic Tile Setters, Marble Setters, Pointer Chalkers, Stone Masons, Plasterers, Cement Masons.

The MASONS UNION SUPPORT SB 213, Relating to the State Building Code. S.B. 213 proposes to amend the membership of the Hawaii State Building Code Council to increase the representation of members of the construction industry.
The Masons Union is willing to participate in the Hawaii State Building Code Council, alongside the technical experts in the building industry to ensure a balance of public health and safety with construction industry practices.

The Masons Union believes that this bill proposes to offer a necessary balance to the membership of the State Building Code Council.

The Masons Union therefore, requests that this Committee pass out S.B. 213 and is willing to participate in the Hawaii State Building Code Council.

Thank you for this opportunity to present our views on this measure.