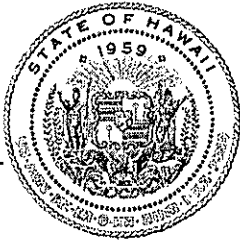


SB 2581

RELATING TO THE STATE BUILDING CODE

Modifies the composition, quorum, and duties of the Hawaii State Building Code Council and revises the state building code, including clarifying terminology, the code adoption process, and the staggering of code adoptions. Ensures laws governing building contractors do not conflict with chapter 107, HRS. Appropriates funds to department of accounting and general services for council's operating costs, including staff salaries.

PSM/EGH, WAM



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

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

Telephone: (808) 586-2355
Fax: (808) 586-2377

Statement of
RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism
before the
**SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS**
And
ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING

Monday, February 03, 2014
2:50 p.m.
State Capitol, Conference Room 016

in consideration of
SB 2581
RELATING TO THE STATE BUILDING CODE.

Chairs Espero and Dela Cruz, Vice Chairs Baker and Slom, and Members of the Committees.

The Department of Business, Economic Development, and Tourism 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.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



GARY L. GILL
ACTING DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

SENATE COMMITTEES ON
ECONOMIC DEVELOPMENT GOVERNMENT OPERATIONS AND HOUSING
AND
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS
S.B. 2581, RELATING TO THE STATE BUILDING CODE

Testimony of Gary L. Gill
Acting Director of Health

February 3, 2014
2:50 p.m.

1 **Department's Position:** The Department of Health (Department) strongly supports this measure.

2 **Fiscal Implications:** None.

3 **Purpose and Justification:** The Department supports the removal of the member representing
4 the Department of Health from the state building code council. The majority of the topics that are
5 discussed in the state building code council meetings do not require the Department's participation.

6 However, the Department is committed to supporting the state building code council and will
7 remain as advisors by participating in relevant subcommittees to prevent conflicts with our State
8 regulated programs.

9 Thank you for the opportunity to testify on this measure.

NEIL ABERCROMBIE
GOVERNOR



DEAN H. SEKI
COMPTROLLER
MARIA E. ZIELINSKI
DEPUTY COMPTROLLER

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

WRITTEN TESTIMONY
OF
DEAN H. SEKI, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEES
ON
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS
AND
ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING
ON
February 3, 2014

S.B. 2581

RELATING TO THE STATE BUILDING CODE

Chairs Espero, Dela Cruz, and members of the Committees, thank you for the opportunity to submit written testimony on S.B. 2581.

The Department of Accounting and General Services (DAGS) supports the intent of S.B. 2581, which, among other things, allows the State Building Code Council to stagger the adoption of model building codes and provides for clarifying language. DAGS supports this measure provided that its passage does not replace or adversely impact priorities indicated in our Executive Budget.

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

NEIL ABERCROMBIE
GOVERNOR



DWIGHT TAKAMINE
DIRECTOR

JADE BUTAY
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-8089
Email: dliir.director@hawaii.gov

January 30, 2014

The Honorable Donovan Dela Cruz, Chair
Committee on Economic Development, Government
Operations and Housing
The State Senate
State Capitol, Room 202
Honolulu, Hawaii 96813

The Honorable Will Espero, Chair
Committee on Public Safety, Intergovernmental
and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz and Espero:

Subject: S.B. 2581 Relating to the State Building Code

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD support S.B. 2581, which proposes to clarify terminology, the code adoption process, and the staggering of code adoptions; modify the composition, quorum, and duties of the Hawaii State Building Code Council (SBCC); ensure laws governing building contractors do not conflict with Chapter 107, Hawaii Revised Statutes (HRS); and provide funding for SBCC staff and operating expenses.

The SFC has been a voting member of the SBCC since its inception in 2007. The SBCC is administratively attached to the State Department of Accounting and General Services (DAGS), whose duties include establishing a comprehensive set of current national codes and standards for design and construction. Subsequent to its creation, each county adopted ordinances that required codes and standards for its jurisdiction.

The Honorable Donovan Dela Cruz, Chair
The Honorable Will Espero, Chair
Page 2
January 30, 2014

Consequently, each county had different editions of the building codes that created challenges for designers and builders.

The SBCC seeks to create a more comprehensive composition of voting members to benefit the integrity of the code adoption process. An executive director and assistant are needed to oversee and facilitate the work of the SBCC to effectuate and maintain the administrative rule-making process with provisions for public input. Funding would be administered through the DAGS to eliminate the impact to their staff and resources. A staggered code adoption process would allow the SBCC to thoroughly review the model codes prior to its adoption and allow flexibility should the SBCC determine that the model code differences between editions are nonsubstantive. Adding that the adopted provisions shall not conflict with Chapter 444, HRS will ensure that the focus will be strictly on codes and safety.

The SBCC supports adding building industry representatives to provide their expertise on industry practices and the practicality and cost effectiveness of the proposed codes. The addition of a representative from the Department of Business, Economic Development & Tourism would provide expertise on industry development, economic diversification, energy efficiency, and conservation. Eliminating a representative from the Department of Health (DOH) will keep the SBCC membership to a manageable level, although input from the DOH may still be requested.

The SFC and the HFD urge your committee's passage of S.B. 2581 to meet its statutory responsibilities in an effective and efficient manner.

Should you have questions, please contact SFC Administrator Socrates Bratakos at 723-7105 or sbratakos@honolulu.gov.

Sincerely,



MANUEL P. NEVES
Chair

MPN/LR:clc

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-8041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



GEORGE I. ATTA, FAICP
DIRECTOR

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

February 3, 2014

The Honorable Donovan Dela Cruz, Chair
and Members of the Committee on Economic
Development, Government Operations and Housing
The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz, Espero, and Members:

**Subject: Senate Bill No. 2581
Relating to the State Building Code**

The Department of Planning and Permitting (DPP) **supports** Senate Bill No. 2581, which modifies the composition, quorum, and duties of the Hawaii State Building Code Council, as well as other housekeeping language as appropriate. Most importantly, it appropriates funding to the Department of Accounting and General Services for the State Building Code Council to function in its mandated responsibilities.

The City strongly supports the State Building Code Council's mission to provide for the continued review and adoption of building codes to be used as the standard for building construction in the State of Hawaii, while preserving the home rule rights of the counties. This Council combines the resources of the State and four counties with members of the industry and the public to review and update the codes that regulate the building industry.

In 2009, the State Building Code Council adopted a series of State Building Codes, which provided uniformity in the application of codes throughout the State. Because of the lack of funding, there has been no update since this initial rule adoption. The appropriation contained in the Bill is needed for this effort to continue.

Thank you for this opportunity to communicate our strong support of Senate Bill No. 2581.

Very truly yours,

A handwritten signature in cursive script that reads "George I. Atta".

George I. Atta, FAICP
Director

GIA: cl
SB2581-th

ALAN M. ARAKAWA
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, MAUI, HAWAII 96732
(808) 270-7561
FAX (808) 270-7919
EMAIL: fire.dept@mauicounty.gov

January 30, 2014

The Honorable Donovan Dela Cruz, Chair
Committee on Economic Development, Government
Operations and Housing
The State Senate
State Capitol, Room 202
Honolulu, Hawaii 96813

The Honorable Will Espero, Chair
Committee on Public Safety, Intergovernmental
and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz and Espero:

Subject: S.B. 2581 Relating to the State Building Code

I am Jeffrey A. Murray, Member of the Hawaii State Fire Council (SFC) and Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD). The SFC and the MFD support S.B. 2581, which proposes to clarify terminology, the code adoption process, and the staggering of code adoptions; modify the composition, quorum, and duties of the Hawaii State Building Code Council (SBCC); ensure laws governing building contractors do not conflict with Chapter 107, Hawaii Revised Statutes (HRS); and provide funding for SBCC staff and operating expenses.

The SFC has been a voting member of the SBCC since its inception in 2007. The SBCC is administratively attached to the State Department of Accounting and General Services (DAGS), whose duties include establishing a comprehensive set of current national codes and standards for design and construction. Previous to its creation, each county adopted ordinances that required codes and standards for its jurisdiction.

Honorable Donovan Dela Cruz, Chair
Honorable Will Espero, Chair
Page 2
January 30, 2014

Consequently, each county had different editions of the building codes that created challenges for designers and builders.


The SBCC seeks to create a more comprehensive composition of voting members to benefit the integrity of the code adoption process. An executive director and assistant are needed to oversee and facilitate the work of the SBCC to effectuate and maintain the administrative rule-making process with provisions for public input. Funding would be administered through the DAGS to eliminate the impact to their staff and resources. A staggered code adoption process would allow the SBCC to thoroughly review the model codes prior to its adoption and allow flexibility should the SBCC determine that the model code differences between editions are non-substantive. Adding that the adopted provisions shall not conflict with Chapter 444, HRS, ensures the focus to be strictly on codes and safety.

The SBCC supports adding building industry representatives to provide their expertise on industry practices and the practicality and cost effectiveness of the proposed codes. The addition of a representative from the Department of Business, economic Development & Tourism would provide expertise on industry development, economic diversification, energy efficiency, and conservation. Eliminating a representative from the Department of Health (DOH) will keep the SBCC membership to a manageable level, although input from the DOH may still be requested.

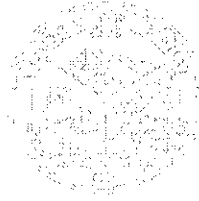
The SFC and the MFD urge your committee's passage of S.B. 2581 to meet its statutory responsibilities in an effective and efficient manner.

Should you have questions, please contact SFC Administrator Socrates Bratakos at 723-7105 or sbratakos@honolulu.gov.

Sincerely,


JEFFREY A. MURRAY
Fire Chief

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Nadine K. Nakamura
Managing Director

John T. Blalock
Deputy Fire Chief

KAUA'I FIRE DEPARTMENT

County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite 315, Līhu'e, Hawai'i 96766
TEL (808) 241-4980 FAX (808) 241-6508

January 31, 2014

The Honorable Donovan Dela Cruz, Chair
Committee on Economic Development, Government
Operations and Housing
The State Senate
State Capitol, Room 202
Honolulu, Hawaii 96813

The Honorable Will Espero, Chair
Committee on Public Safety, Intergovernmental
and Military Affairs
The State Senate
State Capitol, Room 231
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz and Espero:

Subject: S.B. 2581 Relating to the State Building Code

I am Robert F. Westerman, Vice Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD support S.B. 2581, which proposes to clarify terminology, the code adoption process, and the staggering of code adoptions; modify the composition, quorum, and duties of the Hawaii State Building Code Council (SBCC); ensure laws governing building contractors do not conflict with Chapter 107, Hawaii Revised Statutes (HRS); and provide funding for SBCC staff and operating expenses.

The SFC has been a voting member of the SBCC since its inception in 2007. The SBCC is administratively attached to the State Department of Accounting and General Services (DAGS), whose duties include establishing a comprehensive set of current national codes and standards for design and construction. Previous to its creation, each county adopted ordinances that required codes and standards for its jurisdiction.

Consequently, each county had different editions of the building codes that created challenges for designers and builders.

The SBCC seeks to create a more comprehensive composition of voting members to benefit the integrity of the code adoption process. An executive director and assistant are needed to oversee and facilitate the work of the SBCC to effectuate and maintain the administrative rule-making process with provisions for public input. Funding would be administered through the DAGS to eliminate the impact to their staff and resources. A staggered code adoption process would allow the SBCC to thoroughly review the model codes prior to its adoption and allow flexibility should the SBCC

The Honorable Donovan Dela Cruz, Chair
The Honorable Will Espero, Chair
Page 2
January 31, 2014

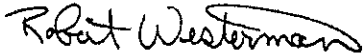
determine that the model code differences between editions are nonsubstantive. Adding that the adopted provisions shall not conflict with Chapter 444, HRS, ensures the focus to be strictly on codes and safety.

The SBCC supports adding building industry representatives to provide their expertise on industry practices and the practicality and cost effectiveness of the proposed codes. The addition of a representative from the Department of Business, economic Development & Tourism would provide expertise on industry development, economic diversification, energy efficiency, and conservation. Eliminating a representative from the Department of Health (DOH) will keep the SBCC membership to a manageable level, although input from the DOH may still be requested.

The SFC and the KFD urge your committee's support on the passage of S.B. 2581, to meet its statutory responsibilities in an effective and efficient manner.

Please call me at (808) 241-4980 should you have any questions regarding this matter.

Sincerely,



Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld

BIA-HAWAII

BUILDING INDUSTRY ASSOCIATION

THE VOICE OF THE CONSTRUCTION INDUSTRY

2014 Officers

President

Brian K. Adachi
BKA Builders, Inc.

President-Elect

Richard Hobson, Jr.
Gentry Homes, Ltd.

Vice President

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First Hawaiian Bank

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Hawaiian Dredging Construction Co., Inc.

Special Appointee-BUILDER

Mark Kennedy
HASEKO Construction Management
Group, Inc.

Special Appointee-Associate

Dean Uchida
SSFM International, Inc.

Immediate Past President

Greg Thielens
Complete Construction Services Corp.

Chief Executive Officer

Karen T. Nakamura
BIA-Hawaii

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Chris Cheung

CC Engineering & Construction, Inc.

Clifton Crawford

C&J Contracting, Inc.

Eric Bass

D.R. Horton, Schuler Division

Gary T. Okimoto

Honolulu Wood Treating

Lili Shintani

Alan Shintani, Inc.

Mark Hertel

Inter-Island Solar Supply, Oahu-Maui-
Hawaii-Kauai

Marshall Hickox

Homeworks Construction, Inc.

Michael Watanabe

JW, Inc.

Ryan Engle

Bays Lung Rose & Holma

Stephen Hanson

simplicityHR by ALTRES

Testimony to the Senate Committees on Public Safety, Intergovernmental & Military Affairs and Economic Development, Government, and Housing

Monday, February 3, 2014

2:50 P.M.

State Capitol - Room 016

SUBJECT: S.B. 2581, RELATING TO THE STATE BUILDING CODE

Dear Chairs Espero and Dela Cruz, Vice-Chairs Baker and Slom, and members of the Committees:

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 S.B. 2581. S.B. 2581 is the version that has been worked on and agreed to by all current voting members of the State Building Code Council ("SBCC").

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.

S.B. 2581 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 25 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. We believe a cost-benefit analysis should have a place in new codes being adopted.

BIA-Hawaii strongly supports S.B. 2581 and urges your favorable approval.

We appreciate the opportunity to share with you our views.

The Honorable Donovan Dela Cruz, Chair
and Members of the Committee on Economic
Development, Government Operations and Housing
The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz, Espero, and Committee Members:

**Subject: Senate Bill No. 2581
Relating to the State Building Code**

The State Building Code Council (SBCC) strongly **supports** Senate Bill No. 2581, which modifies the composition, quorum, and duties of the SBCC, as well as other housekeeping language as appropriate. Most importantly, it appropriates funding to the Department of Accounting and General Services for this council to perform its mandated responsibilities.

This council over the years has performed its mandated duties of reviewing nationally recognized codes to regulate the building construction industry. In 2009, this council recommended a series of State Building Codes, and through the administrative rule process, these codes became the Hawaii State Building Code. For the first time in many years, the State of Hawaii was under one suite of building codes providing uniformity in the building industry.

In 2012 the SBCC recommended an updated series of codes to be the new Hawaii State Building Codes. However, due to the lack of funding, there have been no revised administrative rules to complete this process.

This year the SBCC is working again to recommend another updated series of State Building Codes, but without any funding, these recommendations will again stall without an administrative rule update.

The appropriation contained in the Bill is needed for this body to perform its duties.

Thank you for this opportunity to communicate our strong support of Senate Bill No. 2581.

Very truly yours;

Timothy Hiu, Chair
State Building Code Council

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 31, 2014 9:34 PM
To: PSMTestimony
Cc: info@hawaiibuildingtrades.org
Subject: Submitted testimony for SB2581 on Feb 3, 2014 14:50PM
Attachments: SB2581.Comments.01.31.14.pdf

SB2581

Submitted on: 1/31/2014

Testimony for PSM/EGH on Feb 3, 2014 14:50PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
KIKA BUKOSKI	HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL- CIO	Comments Only	Yes

Comments: COMMENTS ATTACHED

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Comments
Hawaii Building and Construction Trades Council, AFL-CIO
Monday, February 3, 2014
Senate Bill 2581 Relating to the State Building Code

The main purpose of building codes are to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures.

Page 2, Lines 4-6, Definitions;

The proposed definition of "Hawaii State Building Codes" along with other proposed language found in section 107-24 authorizes the SBCC to pick and choose which codes and standards they would like to include in the proposed Hawaii State Building Codes and which they would not, as opposed to the current inclusion of the 'latest edition of various codes as adopted' in its entirety. This may lead to sub-standard codes and cause a reduction to overall public health, safety and general welfare.

Page 3, Council complexion;

Proposed amendments remove the representative from the Department of Health and replaces it with a representative from the state Energy Office (DEBDT) and adds additional representatives from the Building Industry Association, the General Contractors Association and the Subcontractor's Association.

These proposed changes to the complexion of the Council could potentially and effectively change the direction of the Council from one that is focused more towards public health and safety, to one that is more focused towards economic impact and benefit at the expense of public health, safety and general welfare. Current members of the Council by nature of their regulatory function and/or trade expertise is highly trained in the technical aspects of construction design and codes.

It would be very difficult to measure what 'significant experience with building codes' might mean and who would actually qualify under these terms.

Building codes are generally intended to be applied by Engineers, Architects, Constructors and Regulators. The current composition includes member representatives from these areas. Proposed amendments will alter the complexion and could arguably shift the overall focus and directed priorities of the SBCC.

Further, the inclusion of representatives from the construction industry associations who serve as political advocates for their respective members, could potentially place increased emphasis on politics and economics over public health, safety and general welfare.

Page 5; Line(s) 16 to 22, staggering adoption

The proposed changes seek to allow for staggering of adopting new codes and standards and further allows for up to six years to do. In effect, this could allow for up to twelve years before any new codes and standards are considered and/or adopted.

Such extended periods of time before review, update or adoption of new codes could limit the ability to take advantage of new technological advances, efficiencies, improvements to health and safety and cost savings that might be realized by the replacement of existing codes that have been outmoded by technology and building practices.

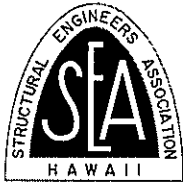
Page 7; Line(s) 7,8 and 14;

The insertion of the language “be based upon” in line 7, and the deletion of the language “latest edition of the” on lines 8 and 14...essentially eliminates the adoption of the respective published codes (state fire code, Uniform Plumbing Code, International Building Code) in its entirety and as published and allows the SBCC to pick and choose which codes and standards they would like to adopt and make part of the newly proposed “Hawaii State Building Codes”. As proposed, recognized codes will no longer be a ‘comprehensive’ collection of nationally published codes and standards.

Page 9; Line 3, reference to HRS 444;

Inserting language referencing HRS 444 will make the Building Codes subordinate to laws that govern contractor licensing. This will effectively eliminate the ability for the Council to adopt new codes for the objective benefit of public health, safety and general welfare and adversely subject what codes are adopted based upon what contractors are currently licensed to perform.

The licensing laws and requirements found in HRS 444 should conform to current codes as they are adopted with the intent and purpose to protect public health, safety and general welfare, not the other way around.



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

February 1, 2014

TO: The Senate
COMMITTEE ON ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING
(Senator Donovan M. Dela Cruz, Chair and Senator Sam Slom, Vice Chair) and
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS
(Senator Will Espero, Chair and Senator Rosalyn H. Baker, Vice Chair).

SUBJECT: **Senate Bill 2581 Relating to the State Building Code**
Joint Hearing February 3, 2014 Conference Room 16 2:50 pm

Honorable Members of the Committees:

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 the current version of this bill, SB 2581. 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 SB 2581 will enable the state and counties to utilize 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

LABORERS' INTERNATIONAL UNION OF NORTH AMERICA LOCAL 368



PETER A. GANABAN
*Business Manager/
Secretary-Treasurer*

ALFONSO OLIVER
President

JOBY NORTH II
Vice President

TONI FIGUEROA
Recording Secretary

THOMAS CATHCART
Executive Board

JAMES DRUMGOLD JR.
Executive Board

LEIMOMI JOHNSON
Executive Board

MARK MAGUSARA
Auditor

MARK TRAVALINO
Auditor

JOSEPH YAW
Auditor

NELSON S. TERRADO
Sergeant-At-Arms

January 31, 2014

Honorable Willie Espero Co-Chair; Honorable Donovan Dela Cruz Co-Chair
and Members of the Joint Committee on Public Safety and Economic Development,
Government Operations and Housing

Re: SB2581 Relating to the State Building Code Council

Dear Senator Espero and Members:

Thank you for the opportunity to present our testimony on SB2581 for the State Building Code Council (SBCC). At the outset, we encourage the Committee to pass the bill with funding to provide a fully operational Council. The Council members have been operating on a volunteer basis each with full time jobs of their own. The Chairman, Mr. Tim Hiu from the City Department of Planning and Permitting (DPP) has made tremendous sacrifice in maintaining the operations of the SBCC. We, who are in the construction industry are grateful for Mr. Hiu's hard work. There is no dedicated staff or resources to conduct important affairs critical to the construction industry.

That being said, we want to share our concerns about the law and a specific part of SB2581. In section 107-25, (2) there is language pertaining to the Uniform Plumbing Code that includes the term "including the appendices". It should be noted that the (1) State Fire Code, (3) International Building Code, the International Residential Code, and the National Electrical Code do not have appendices. Only the UPC has a reference to an appendices.

What is wrong with the term "appendices" especially when it has been in the law since 2007? This is an excellent question. New pair of eyes has scrutinized the law and want to raise the issue. Please note that the term "appendices" is not statutorily defined. The Legislature may not know what it is passing. It is an open ended opportunity to attach any supplement. No one knows what "appendices" mean in terms of the codes that the construction industry will be subjected to. Further, the fact that it has been in the law since 2007 does not mean that no amendments can be made. State laws are being continuously amended. The deletion of the

term and its "appendices" will not alter the meaning and intent of the law. It is the SBCC that will receive and adopt all state codes by administrative rules or by legislation.

The concern of the Hawaii Laborers' Union is the potential monopoly of the growing Non - Potable Water Systems. The Hawaii Laborers' Union has performed pipe-laying and pipe connections for many decades for waste water, potable water, drainage and irrigation without any public safety issue. If the Non-Potable Water Systems are dominated by one trade, we stand to lose job opportunities and face a reduction in force because pipe-laying is a major market share for the Hawaii laborers; Union. If the term "appendices" is left in, there is an opportunity for an "errata" to be made to the UPC. We prefer that the SBCC have options to the green construction codes. There is another green construction code called the International Green Construction Code, for example.

We will support the bill regardless of our opposition to the term "appendices" if the bill is jeopardized by our request. This is not our intention. A fully functioning SBCC is critical for the construction industry. We respectfully request that the attendant Committee Report for SB2581 include a summary of the issues described above, at the least.

We appreciate the Committee's consideration in passing the bill. Thank you very much.

Sincerely

A handwritten signature in black ink, appearing to read 'Peter Ganaban', with a long horizontal line extending to the right.

Peter Ganaban
Business Manager, Secretary/Treasurer
Hawaii Laborers' Union



January 31, 2014

The Honorable Will Espero
Chair
Committee on Public Safety, Intergovernmental and Military Affairs
Hawaii State Senate
Hawaii State Capitol, Room 231
Re: SB 2581

Dear Senator Espero:

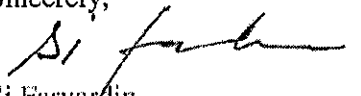
The Insurance Institute for Business & Home Safety (IBHS) is a nonprofit organization, wholly supported by property insurers and reinsurers. IBHS' mission is to conduct objective, scientific research to identify and promote effective actions that strengthen homes, businesses, and communities against natural disasters and other causes of loss.

Among IBHS' highest priorities is the adoption and enforcement of strong, up-to-date statewide building codes. We believe it is imperative for policymakers to regularly adopt the most recent edition of model codes regulating the safe construction of buildings.

To that end, we express our support for SB 2581, which helps streamline code adoption by providing the necessary organization and funding to the Hawaii State Building Code Council. IBHS strongly supports the mission of the Council and believes that its work will reduce the loss of life and property in the state. The new composition of the Council, proposed in SB 2581, which would add building industry and trade representatives, provides a significant opportunity to facilitate and direct the adoption of the most current life safety codes for the entire state.

Enacting SB 2581 would provide critical protection for Hawaii's residents, first responders and firefighters, and we respectfully urge its adoption. Thank you for your consideration.

Sincerely,


Si Farvardin
Manager of Codes and Standards
Insurance Institute for Business & Home Safety

cc: Members of the Committee on Public Safety, Intergovernmental and Military Affairs



February 1, 2014

Senator Will Espero, Chairman and Committee Members
Senate Committee on Public Safety, Intergovernmental and Military Affairs
Senator Donovan Dela Cruz Chairman and Committee Members
Senate Committee on Economic Development, Government Operations and Housing

RE: ICC Supports Passage of SB 2581

Dear Chairmen 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 by state and local governments including the State of Hawaii and its Counties.

The Hawaii State Building Code Council (SBCC) was conceived by the Legislature in 2007 as a mechanism for the State and Hawaii's Counties to maintain a consistent set of up-to-date regulations for building, fire, life-safety, energy-efficiency and sustainable practices as uniform construction code requirements applicable statewide.

The many stakeholders from the design professions, the construction trades, the state and its regulatory agencies and local government officials participate in the SBCC process, and have come to rely on it as a forum to discuss construction and code related applications and to adopt codes which have produced great benefits for the state.

We urge passage of SB 2581 because an adequately funded SBCC will allow the good work of the SBCC and the participating stakeholders to continue and benefit of the State, its counties and citizens.

Thank you for your consideration of these comments.

Sincerely,

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

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

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 01, 2014 11:19 PM
To: PSMTestimony
Cc: nkkinneycapitol@gmail.com
Subject: Submitted testimony for SB2581 on Feb 3, 2014 14:50PM
Attachments: Testimony in SUPPORT of SB 2581.docx

SB2581

Submitted on: 2/1/2014

Testimony for PSM/EGH on Feb 3, 2014 14:50PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Nathaniel	Local Jobs for Local People	Support	No

Comments:

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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LOCAL JOBS FOR LOCAL PEOPLE HAWAII

Testimony in SUPPORT of SB 2581

Relating to the State Building Code

Local Jobs for Local People supports the addition of building industry and trade representatives to the state building code council membership and the appropriating funds to DAGS for the council's operating costs.

The State Building Code Council is an important part of the construction industry that employs many of Hawaii's local people.

Local Jobs for Local People respectfully asks that the Committee to fund the Council and allow the addition of members from the BIA and the Subcontractors Association of Hawaii.



Testimony of Cindy McMillan
The Pacific Resource Partnership

COMMITTEE ON ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND
HOUSING

Senator Donovan M. Dela Cruz, Chair
Senator Sam Slom, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Rosalyn H. Baker, Vice Chair

SB 2581 – RELATING TO THE STATE BUILDING CODE

Monday, February 3, 2014

2:50 P.M.

State Capitol – Room 016

Aloha Chairs Espero and Dela Cruz, Vice Chairs Baker and Slom, and Members of the
Committees:

The Pacific Resource Partnership (PRP) is a labor-management consortium representing over 240
signatory contractors and the Hawaii Regional Council of Carpenters.

PRP **strongly supports** SB 2581 – Relating to the State Building Code, a bill that codifies the
composition, quorum, and duties of the Hawaii State Building Code Council (SBCC) and revises the
state building code, including clarifying terminology, the code adoption process, and the staggering of
code adoptions; ensures laws governing building contractors do not conflict with chapter 107, HRS; and
appropriates funds to department of accounting and general services for council's operating costs,
including staff salaries.

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. 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.

February 3, 2014
Support for SB 2581 – Relating to the State Building Code
Page 2

Adding representatives from the construction industry would be consistent with the practices of many other states. According to the International Code Council, at least 25 state building code councils include representation from the construction industry.

This bill also provides much-needed funding for the SBCC. 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.

For these reasons, we **strongly support** SB 2581. Thank you for the opportunity to share our comments on this important issue with you.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 02, 2014 4:31 PM
To: PSMTestimony
Cc: shannon@gcahawaii.org
Subject: Submitted testimony for SB2581 on Feb 3, 2014 14:50PM
Attachments: SB 2581 SBCC (EGH-PSM) 2 3 14 Final.pdf

SB2581

Submitted on: 2/2/2014

Testimony for PSM/EGH on Feb 3, 2014 14:50PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Alivado	General Contractors Association of Hawaii	Support	Yes

Comments:

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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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.

Uploaded via Capitol Website

February 3, 2014

TO: HONORABLE DONOVAN DELA CRUZ, CHAIR, HONORABLE SAM SLOM, VICE CHAIR AND COMMITTEE ON ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING

HONORABLE WILLIAM ESPERO, CHAIR, HONORABLE ROSALYN BAKER, VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

SUBJECT: SUPPORT OF S.B. 2581, RELATING TO THE STATE BUILDING CODE. Modifies the composition, quorum, and duties of the Hawaii State Building Code Council and revises the state building code, including clarifying terminology, the code adoption process, and the staggering of code adoptions. Ensures laws governing building contractors do not conflict with chapter 107, HRS. Appropriates funds to department of accounting and general services for council's operating costs, including staff salaries.

HEARING

DATE: Monday, February 3, 2014
TIME: 2:50 p.m.
PLACE: Capitol Room 16

Dear Chairs Dela Cruz and Espero, Vice Chairs Slom and Baker and Members of the Committees,

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 S.B. 2581, 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 a viable appropriation be highly considered in this measure.

Thank you for this opportunity to support this measure.

From: Michael Watanabe-J W Inc <michael@JWIncHawaii.com>
Sent: Monday, February 03, 2014 6:36 AM
To: PSMTestimony
Subject: Strongly Support S.B. 2581 Relating to the State Building Code

Dear Legislators

I strongly support S.B. 2581 Relating to the State Building Code

The current system of using four County volunteers to oversee the state's building codes is not sustainable

The health and safety of all of the people in the state require a consistent, deliberate and focused building council to provide common sense building codes that are reflective our Hawaii's unique climate.

Only a state funded council composed of construction industry representatives and key county officials could provide consistent State Building Codes.

Thanks,

Michael Watanabe
Cellular: (808) 224-3580
Office: (808) 841-5888
Fax: (808) 842-5941

